

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:31 P.M.

Mr. Morrill asked Council, on behalf of Veteran's Day, to stand with him in a salute to the flag in remembrance of all the men and women who serve our Country everyday in order to protect the freedoms that are often taken for granted.

All present stood for Salute to Flag.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the New Coaster at least 48 hours prior to the meeting."

ROLL CALL

PRESENT: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor
W. Bryan Dempsey, Administrator
Brian M. Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer

APPROVAL OF MINUTES

Dr. Mayer offered a motion to approve the minutes of October 6, 2009, seconded by Mr. Larkin.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered a motion to approve the minutes of October 20, 2009, seconded by Dr. Mayer.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

FMERPA

Mayor Skudera advised that FMERPA is still waiting on the implementation of an authority resolution to be passed by the Senate.

Fire Districts

Mayor Skudera advised that he would be meeting with the fire districts this week to go over the budget numbers.

Engineer's Report – Mr. Marks

Intersection of Asbury Avenue with Fox Chase Drive & Cannonball Drive

The Monmouth County Engineer's office is advancing the design of a traffic signal installation at the intersections of Asbury Avenue with Fox Chase Drive and Cannonball Drive. T&M Associates were hired to do that work. The survey has been completed and they are in the conceptual preliminary design phase.

Road Program

They are continuing to evaluate the streets. The grant application for Heritage Boulevard was approved in the amount of \$200,000 and is being worked into the road program.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

Energy Audit

They have the request for proposal to conduct a borough-wide energy audit, which is in the process of being prepared. Within the next week or so site visits will be conducted. The proposal will be ready shortly thereafter. The buildings currently being looked at are: borough hall, the library, the public works building, EMS South as well as the sanitary sewer pump stations, street lights, sports field lighting and parking lot lighting.

Chief Financial Officer's Report

Budget

The budget process has started. The departments have handed in their budgets and they are currently being analyzed. The budget hearings have been set for November 23rd, 25th and 30th. The preliminary schedule has also been prepared and will be ready for Thursday.

Administrator's Report

Mr. Dempsey advised that he had no report at this time.

Director of Law's Report – Mr. Nelson

Agenda Items

Mr. Nelson briefly overviewed the agenda items.

Council's Report

Ms. Fama:

The NOPE rally was held on the 27th of October and was well attended.

The Library Committee has created a "mitten tree" which is a donation event collecting new or hand made mittens, gloves, scarves and hats.

Mr. Larkin:

Assemblywoman Casagrande met with a group of students at Monmouth Regional a couple of weeks ago. When the floor was opened for questions, the first two questions were about Earle and Fort Monmouth.

Last Tuesday Mr. Dempsey and he met with the Superintendent, Business Administrator and the President of the Board of Education in Tinton Falls to discuss with them their student population.

Mr. Larkin also thanked Beth Hessek for her help in the evacuation drill and also updated Council on the Board of Education meetings.

Dr. Mayer:

Dr. Mayer brought Council up-to-date on the Environmental Commission and Technical Advisory Committee meetings and advised that the Open Space Committee met last night and there will be a walk scheduled for November 21st, 9:00 A.M. at the Crawford House for the new trail created by Eagle Scout Victor Davidson behind The Falls.

The Open Space Committee would like to put together a trail maintenance program and once they have done so, they would share the program with Public Works.

Mr. Baldwin:

Mr. Baldwin brought Council up-to-date on the Planning Board meetings, advised that the Director and residents of Seabrook Village are still interested in the borough holding a public meeting at Seabrook Village, and questioned if Council was still entertaining to do so.

Council President's Report – Mr. Morrill

Tree Lighting Ceremony

The tree lighting ceremony will be at Village Green on December 6th at 5:30 P.M.

Girls' Basketball

Recreation is still looking for 6th, 7th and 8th graders who are interested in signing up for the Girls' Basketball.

Executive Sessions

Mr. Morrill advised that he received a phone call from a member of the School Board asking questions on an item that was discussed in Executive Session. Mr. Morrill added that the member knew the facts of who voted what way, and what the discussion consisted of.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

Mr. Nelson stated that he would address this item in Executive Session.

R-09-394 Capital Budget Amendment

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Ms. Fama.

R-09-394 RESOLUTION – CAPITAL BUDGET AMENDMENT

WHEREAS, the local Capital Budget for the year 2009 was adopted on the 4th day of August, 2009; and

WHEREAS, it is desired to amend said Adopted Capital Budget Section.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth that the following amendment(s) (said amendments hereby attached and made part of this Resolution) to the adopted capital budget section of the 2009 Budget be made.

BE IT FURTHER RESOLVED, that two (2) certified copies of this Resolution be filed forthwith in the Office of the Director of Local Government Services.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Authorizing Chief Financial Officer to pay bills for 11/24/2009

Dr. Mayer offered a motion authorizing the borough's Chief Financial Officer to pay the bills for November 24, 2009, seconded by Mr. Baldwin.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

PETITIONS - None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 09-1285 entitled: AN ORDINANCE AMENDING 2-2.15 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS

Mr. Baldwin offered a motion to introduce Ordinance No. 09-1285, seconded by Dr. Mayer.

ROLL CALL

AYES: Mr. Baldwin, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: Ms. Fama

ABSENT: None

ABSTAIN: None

Public Hearing for Ordinance No. 09-1285 to be set at the convenience of the Borough Clerk

Ordinance No. 09-1285 in Full/Ordinance Book No. 4

Borough Clerk read Ordinance No. 09-1286 entitled: BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,095,000 FOR VARIOUS ITEMS OF EQUIPMENT FOR AND BY THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,040,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

Dr. Mayer offered a motion to introduce Ordinance No. 09-1286, seconded by Mr. Larkin.

Mrs. Mount-Taylor stated for the record that a supplementary debt statement has been filed in the Clerk's office.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing for Ordinance No. 09-1286 to be set at the convenience of the Borough Clerk

Ordinance No. 09-1286 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 09-1282 entitled: AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY OWNED BY THE BOROUGH OF TINTON FALLS NO LONGER NEEDED FOR ANY PUBLIC PURPOSE DESIGNATED AS TAX BLOCK 66, LOT 4.01 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 09-1282, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING OPEN

Charles Lomangino, 3 Helena Street, questioned the street address for the above referenced property. Mr. Baldwin replied that the property is located at 771 Tinton Avenue.

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing on Ordinance No. 09-1282, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 09-1282, seconded by Dr. Mayer.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Borough Clerk read Ordinance No. 09-1283 entitled: AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY OWNED BY THE BOROUGH OF TINTON FALLS NO LONGER NEEDED FOR ANY PUBLIC PURPOSE DESIGNATED AS TAX BLOCK 69, LOT 4.01 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 09-1283, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING OPEN

Leo Christofili, 328 Riveredge Road, questioned if the sale of property is by auction; Mr. Morrill replied yes.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing on Ordinance No. 09-1283, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 09-1283, seconded by Mr. Larkin.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Borough Clerk read Ordinance No. 09-1284 entitled: AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AFFORDABLE HOUSING UNIT LOCATED AT 12 HARRIER COURT, TINTON FALLS, NEW JERSEY BY THE BOROUGH FOR RESALE TO A QUALIFIED LOW OR MODERATE INCOME HOUSEHOLD

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 09-1284, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING OPEN

Denise Catalano, 11 Alpine Trail, asked why the borough is getting into “the real estate business”.

Mr. Dempsey advised that this Ordinance is to preserve a unit, which already exists as a COAH unit. If the Borough did not purchase it, it would go back as an unrestricted unit and would not be able to be used towards the borough’s COAH credits.

Mr. Nelson added that with the older COAH units, the deed restrictions did not provide for provisions protecting them from foreclosure however, they do now. This is a problem in many municipalities throughout the State. If the borough does not purchase the unit using affordable housing trust funds, the borough will loose the credit.

There being no further comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 09-1284, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 09-1284, seconded by Dr. Mayer.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

PUBLIC DISCUSSION

Dr. Mayer offered a motion to open the Public discussion, seconded by Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Denise Catalano, 11 Alpine Trail, came before Council to discuss the vote turnout on the Open Space Referendum.

Stacey Slowinski, 755 Tinton Avenue, on behalf of the Historic Commission, thanked Council for passing Ordinance No. 09-1282 & 09-1283.

Ms. Slowinski invited Council to come and see the new trail and stated that on the 22nd there will be archeology students from Monmouth University doing a field study at the Crawford House.

Charles Lomangino, 3 Helena Street, requested an update on the Essex Road realignment. Mr. Marks replied that Essex Road is a County run project. At this point the County has not updated T&M Associates with new plans, etc. Mr. Marks advised that he would contact the County again to receive a follow-up for the next meeting.

Mr. Lomangino advised Administration and Council that on Annapolis Street, there is a section where the road is caving in.

Lastly, Mr. Lomangino commented on Ordinance No. 09-1286 and requested Mr. Bucciero, Director of Public Works, attend all the Council meetings as part of his "job functions".

Joe Fama, 36 Gallant Fox Road, asked Council to request the administration have all department heads attend the Council meetings.

Mr. Fama commented on the Open Space Referendum and Ordinance No. 09-1286.

Cindy Anderson, 33 Fairfield Drive, informed Council that Troop 124 is holding a Christmas Wreath fundraiser for anyone who is interested.

Leo Christofili, 328 Riveredge Road, discussed an article from The Hub regarding Tinton Falls' Open Space Referendum question that was placed on the ballot.

Mr. Christofili inquired about Ranney School's agreement, which exempts them from paying taxes. Mr. Pfeffer replied that the Ranney School has a pilot agreement with the borough for the past twenty years. The pilot agreement is payment in lieu of taxes equaling approximately \$33,000.00.

Denise Catalano, 11 Alpine Trail, asked why the budget meetings are being held during the day and not in the evening when a majority of the public would be able to attend. Mr. Morrill replied that they are budget hearings, not meetings where the department heads are giving their proposed budgets.

Mrs. Mount-Taylor and Mr. Dempsey further advised Ms. Catalano that the purpose of the meetings are for the proposal of the budgets and although the public is permitted to attend, they are not permitted to comment on the budget(s) at said hearings. Mrs. Mount-Taylor also reviewed the budget process (the process of the Mayor's budget to Council's budget) under the Faulkner Act.

Leo Lomangino, 93 Colonial Drive, requested an accounting of the Department of Public Works Department sanitation collection project. Mr. Pfeffer advised that the Director of Public Works submitted that approximately a month ago.

Mr. Lomangino inquired about landfill negotiations, environmental impact study at Fort Monmouth and the energy audit stimulus package.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

Gerald Turning, Chief of Tinton Falls Police Department, advised Council that on the 14th of November, 8:00 A.M. – 4:00 P.M., Tinton Falls Police Department in conjunction with the Department of DEA, the Monmouth County Prosecutor’s Office and the State Attorney General’s Office will be collecting, here at headquarters, prescription drugs that can be removed from the medicine cabinet. Chief Turning explained that prescription drugs have become a plaque on society and they are working together to get as much off the street, that are no longer being used, as they possibly can.

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing, seconded by Ms. Fama.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS

Mr. Nelson requested an amendment be made to change the date of June 1, 2009 to January 1, 2010 throughout the body of the Resolution.

Dr. Mayer offered a motion to amend R-09-235 to change the date from June 1, 2009 to January 1, 2010, seconded by Mr. Baldwin.

ROLL CALL (on amendment)

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Baldwin offered the following Resolution as amended and moved its adoption, seconded by Dr. Mayer.

**R-09-235 RESOLUTION - AUTHORIZING PARTICIPATION IN THE EMPLOYEE
BENEFIT PROGRAM OF HARTFORD INSURANCE**

WHEREAS, the Borough of Tinton Falls has secured a proposal for a change in employee benefits concerning its statutory disability policy from The Hartford, dated January 1, 2010; and,

WHEREAS, the Borough Administrator, after a survey of quotes from other carriers of insurance services, has recommended the participation of the Borough in The Hartford’s Statutory Disability Program, pursuant to a quote dated, January 1, 2010; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls finds it in the best interest of the Borough of Tinton Falls to accept the proposal of The Hartford, dated January 1, 2010, and enter into appropriate contractual arrangements to participate in the Statutory Employee Disability program provided therein; and,

WHEREAS, said Contract is authorized under the Public Contracts Law of the State of New Jersey,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls hereby authorizes the Mayor, Borough Administrator, Chief Financial Officer, and other appropriate Municipal Officials to execute any and all contracts necessary for the adoption of The Hartford’s Statutory Disability Program in accordance with the proposal noted above.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

**R-09-395 RESOLUTION – AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that transfers between 2009 Budget Appropriations be made as follows:

<u>MUNICIPAL BUDGET</u>	<u>FROM</u>	<u>TO</u>
Borough Clerk:		
Other Expenses	\$ 1,000	
Building & Grounds:		
Salaries & Wages	16,000	
Recreation:		
Other Expenses	7,500	
Borough Clerk:		
Salaries & Wages		\$ 1,000
Sanitation:		
Salaries & Wages		16,000
Recreation:		
Salaries & Wages		7,500
	-----	-----
	\$ 24,500	\$ 24,500
	=====	=====

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

R-09-396 RESOLUTION IN SUPPORT OF 2010 CENSUS

WHEREAS, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population; and

WHEREAS, more than \$435 billion per year in federal and state funding is allocated to states and communities based, in part, on census data; and

WHEREAS, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts; and

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment; and

WHEREAS, the information collected by the census is confidential and protected by law:

NOW, THEREFORE, BE IT RESOLVED that the Borough of Tinton Falls is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 census and disseminate 2010 census information to encourage those in our community to participate
2. Encourage people in our community to place an emphasis on the 2010 census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 census; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Geraldine Clark, Partnership Coordinator of the U.S. Census Bureau and the New Jersey League of Municipalities.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Larkin.

**R-09-397 RESOLUTION - ESTABLISHING THAT EXECUTIVE SESSIONS BE HELD
PRIOR TO THE BEGINNING OF REGULAR MEETINGS OF THE BOROUGH
COUNCIL OF THE BOROUGH OF TINTON FALLS**

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

WHEREAS, section 2-2.9 of the Revised General Ordinances of the Borough of Tinton Falls provides that the order of business of the Borough Council at each regular meeting shall be established by Resolution; and

WHEREAS, N.J.S.A. 10:4-18 requires the publication of all public meeting dates and times of the Borough Council by the Borough Clerk to be adopted by Resolution and published in the Borough's official newspaper of record; and

WHEREAS, the Borough Council desires to amend the order of business previously established by now-expired Resolution No. R-07-428 for its meetings, leaving the remainder of the agenda format intact subject to the conditions of the Open Public Meetings Act ("OPMA"); and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following policy for the order of business is hereby established as follows:

EXECUTIVE SESSIONS

As needed, all executive sessions of the Borough Council shall be held at 6:30 p.m. as noticed by 5:00 p.m. the Friday before the meeting week and convene with the public reading of a Resolution onto the record prior to the Borough Council's vote to enter into executive session pursuant to the OPMA. When an executive session is held, the executive session Resolution shall be re-read onto the record at the beginning of the public portion of any applicable workshop, regular or special meeting so the public will know what issues were addressed during the executive session without having to be present for the earlier public reading of the Resolution. When necessary, executive sessions may be continued upon the adjournment of the public portion of any meeting with the reading of the Resolution for entry into executive session reciting the issues to be continued for executive session deliberations.

MEETINGS OF THE BOROUGH COUNCIL

To continue to be held pursuant to the terms of Resolution No. R-07-428, except as amended by this Resolution in relation to the holding of executive sessions.

PUBLICATION OF MEETING DATES

All new meeting dates and times shall be approved by Resolution by the Borough Council and published in the Borough's official newspaper and on the Borough's website by the Borough Clerk pursuant to N.J.S.A. 10:4-18.

EFFECTIVE DATE

The provisions of this Resolution shall become effective on January 1, 2010.

ROLL CALL

AYES: Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: Mr. Baldwin

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-398 RESOLUTION - AUTHORIZING NJDOT FINAL CHANGE ORDER #1
INCREASING CONTRACT #09-4 IN THE AMOUNT OF \$3,701.76 - SIDEWALK
IMPROVEMENTS TO SYCAMORE AVENUE**

WHEREAS, Contract #09-4 for Sidewalk Improvements to Sycamore Avenue was awarded to A & A Curbing, Inc. 15 Terry Avenue, P.O. Box 447, South River, NJ 08882 by Resolution R-09-205 in the amount of \$104,281.25 at a meeting held on June 16, 2009; and

WHEREAS, Final Change Order #1 from the New Jersey Department of Transportation and Engineer's Certificate #1 (both annexed hereto and made a part hereof) increases the contract in the amount of \$3,701.76 for a total contract in the amount of \$107,983.01.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that NJDOT Final Change Order #1 increasing Contract #09-4, in the amount of \$3,701.76, for a total contract in the amount of \$107,983.01, is hereby authorized for the above contract awarded to A & A Curbing.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

R-09-399 RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment no longer needed for public use to one location for an online public auction commencing on Saturday, November 7, 2009 at 9:00 AM EST and closing on Wednesday, November 11, 2009 beginning at 7:00 PM EST with preview on Saturday, November 7, from 8:00 AM to 3:00 PM and November 9, 10 and 11 from 3:00 PM to 7:00 PM; and

WHEREAS, the Borough of Tinton Falls intends to utilize the online auction services of Auction Liquidation Services (govauctionlistservices.com), P.O. Box 1216, Eatontown, NJ 07724, an approved vendor by the State of New Jersey (Finance Notice 2008-21) at a commission rate of 5.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of a sale of said personal property via adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold;

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Tinton Falls that the Borough be authorized to dispose of the following impound and surplus vehicles and other miscellaneous items through the process of a public online public auction commencing Saturday, November 7, 2009 at 9:00 AM EST and closing on Wednesday, November 11, 2009 beginning at 7:00 PM EST.

POLICE IMPOUND VEHICLES

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>VIN#</u>
1997	LEXUS	ES3	JT8BF22G5V0064683
1993	SATURN	SL2	1G8ZK557XPZ182147
1996	NISSAN	200	1N4AB42D4SC500580
2004	CHEVROLET	CAVALIER	1G1JF52F347288684
1995	BUICK	CENTURY	1G4AG55MXS6497529
1992	FORD	EXPLORER	1FMCU24X0NUC22098
1995	TOYOTA	CAMRY	JT2SK12E4S0309306
2003	HYUNDAI	ELANTRA	KMHDN45D63U615327
1996	SATURN	SL2	1G8ZK5274TZ183812
1993	MERCURY	TRACER	3MAPM15JXPR656341
1999	CHEVROLET	LUMINA	2G1WL52MXX9218423
1995	CADILLAC	DEVILLE	1G6KD52B4SU276995
1998	KIA	SOPHIA	KNAFB1215W5746467
1979	PLYMOUTH		HL41D9F108751
1998	OLDSMOBILE	CUTLASS	1G3NG52M7W6337494
1995	HONDA	ACCORD	1HGCD5642SA075032
1996	DODGE	CARAVAN	1B4GP54L4TB243067
1995	MERCURY	COUGAR	1MELM6243SH612233

BOROUGH PROPERTY

2004	FORD	CROWN VICTORIA	2FAFP71W04X163598
1996	GMC	YUKON	1GKEK13R5TJ737021

plus any miscellaneous Borough office equipment, vehicles or any other items received prior to November 7, 2009.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-400 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-16
PARENTS’ ASSOCIATION RANNEY SCHOOL – ON PREMISES RAFFLE**

WHEREAS, The Parents’ Association Ranney School has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-16; and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received; and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk’s Office.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 09-16 be and the same is hereby approved as follows:

NAME: PARENTS’ ASSOCIATION RANNEY SCHOOL
IDENTIFICATION NO.: 343-5-28707
LOCATION: 235 HOPE ROAD, TINTON FALLS, NJ 07724
DATE: DECEMBER 3, 2009 TO BE DRAWN AT 7:00 PM

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Mr. Larkin.

**R-09-401 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-17
PTA TINTON FALLS SCHOOL – ON PREMISES RAFFLE**

WHEREAS, The PTA Tinton Falls School has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-17; and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received; and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk’s Office.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 09-17 be and the same is hereby approved as follows:

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

NAME: PTA TINTON FALLS SCHOOL
IDENTIFICATION NO.: 343-5-26489
LOCATION: 961 SYCAMORE AVENUE, TINTON FALLS, NJ 07724
DATE: DECEMBER 3, 2009 TO BE DRAWN AT 9:30 PM

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: Mr. Larkin, Dr. Mayer

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-09-402 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-18
PTA TINTON FALLS SCHOOL – ON PREMISES 50-50**

WHEREAS, The PTA Tinton Falls School has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-18; and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received; and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 09-18 be and the same is hereby approved as follows:

NAME: PTA TINTON FALLS SCHOOL
IDENTIFICATION NO.: 343-5-26489
LOCATION: 961 SYCAMORE AVENUE, TINTON FALLS, NJ 07724
DATE: DECEMBER 3, 2009 TO BE DRAWN AT 9:30 PM

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: Mr. Larkin, Dr. Mayer

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Dr. Mayer.

**R-09-403 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES
FOX CHASE IV PHASE I – BLOCK 129.14, LOT 30**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Fox Chase IV Phase I, Block 129.14, Lot 30, and

WHEREAS, BY LETTER DATED October 28, 2009, 2009 (said copy herby attached and made part of this resolution), Engineer, (Birdsall Engineering, Inc.) has supplied the developer with a punch list outlining items which need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in Birdsall Engineering, Inc.'s letter of October 28, 2009, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-09-404 RESOLUTION - REDUCING PERFORMANCE GUARANTEES – HOPE ROAD
PROFESSIONAL PLAZA**

WHEREAS, the developer for Hope Road Professional Plaza has requested the reduction of Performance Guarantees, and

WHEREAS, by letter dated October 27, 2009 (said letter hereby attached and made part of this resolution) the Borough Engineer recommends that the Performance Guarantee be reduced based on the amount of work completed, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Hope Road Professional Plaza, be reduced in accordance with said letter from the Borough Engineer.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Mrs. Mount-Taylor advised that unless Council has something to offer there are no exceptions.

Mr. Baldwin offered the following Resolution and moved its adoption, seconded by Ms. Fama.

R-09-405 RESOLUTION – APPROVAL OF BILLS – NOVEMBER 10, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending November 10, 2009; and

WHEREAS, the Borough Council has reviewed said claims,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Treasurer for approval and payment.

SUMMARY

GENERAL	\$ 4,486,281.15
TRUSTS	61,778.20
CAPITAL	105,823.35
DEVELOPER ESCROW	17,120.00
DOG TRUST	4.80
GRANT FUND	3,960.34
SEWER UTILITY	207,341.57
ADDITIONS	<u>1,270,643.96</u>
	\$ 6,152,953.37

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

CONSENT AGENDA

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

**R-09-406 RESOLUTION – REFUNDING ESCROW FEES - GILBERT ROAD NORTH
LLC/ THE DONATO GROUP - \$2,063.55 55**

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use Applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

WHEREAS, the Planning Board Secretary, Erin Swartz, has certified the following listed applicant's account is deemed closed and no additional funds for consultants will be required, and

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified said funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

55 Gilbert Road North LLC	1350-9115	\$ 886.05 (plus any accrued interest)
	1350-9057	\$1,177.50 (plus any accrued interest)

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: None

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

R-09-407 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, 2009 2nd quarter Sewers on the following property has been paid by the Homeowner and the previous Homeowner creating an overpayment.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
John Ferone 36 Harvey Avenue Lincroft, NJ 07738	26	107	\$70.00

Prop. Loc: 33 Citation Court

and,

WHEREAS, said error has resulted in an overpayment of the 2009 2nd quarter sewers in the amount of \$70.00, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$70.00 is hereby approved for the aforementioned property.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

R-09-408 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2006 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Joseph & Tara Tote 10 Phipps Place Tinton Falls, NJ 07724	105	22.02	\$592.06

Re: 6 Phipps Place

and,

WHEREAS, said error has resulted in a overpayment of 2006 3rd quarter taxes paid in the amount of \$592.06 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$592.06 be and hereby is approved for the aforementioned property.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

R-09-409 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and the 2008 Homestead Rebate.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
David & Mary A. Paraskevas 1052 Wayside Road Tinton Falls, NJ 07712	117	38	\$1,233.72

and,

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes in the amount of \$1,233.72, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,233.72 is hereby approved for the aforementioned property.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

R-09-410 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and the 2008 Homestead Rebate.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Mercedes Alba Bellino 27 Willow Road Tinton Falls, NJ 07724	47.04	58	\$1,434.99

and,

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes in the amount of \$1,434.99, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,434.99 is hereby approved for the aforementioned property.

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

EXECUTIVE SESSION

Mr. Larkin offered the following Resolution and moved its adoption, seconded by Ms. Fama.

R-09-411 RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Director of Law that the Borough Council go into executive session at this time to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Council shall go into executive session to discuss the following items:

- 1) Potential Property Acquisitions or Sales – N.J.S.A. 10:4-12(b)(5)
 - a. Block 120, Lots 37.02 & 37.03
- 2) Personnel Matters – N.J.S.A. 10:4-12(b)(8)
None
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
None
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
None

ROLL CALL

AYES: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered a motion to amend the agenda to move into Workshop before Executive Session, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:05 P.M.

WORKSHOP MEETING

Unfinished Business

Open Space Referendum Results

Mrs. Mount-Taylor stated that the unofficial results for the borough's Open Space Referendum question, according to the Monmouth County website, were as follows:

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

Yes: 2,977/59.86%
No: 1,996/40.14%

Mr. Nelson stated that once the result is certified, it will require the preparation of an Ordinance to effectuate the decrease in the rate voted upon by the voters of Tinton Falls. That Ordinance, upon adoption, would then become effective.

Mr. Pfeffer advised that after adoption the Ordinance would then be forwarded to the Monmouth County Tax Administrator who will adjust the rate on the County tax certification for Tinton Falls. The February and May bills would go out as preliminary bills based on the old rate. Everything would then be adjusted in the August and November billings.

Acquisition of DeLisa Property

Dr. Mayer requested an update on the DeLisa property. Mr. Dempsey advised that they were out last week doing the tank removal and ground penetrating radar. Mr. Dempsey advised it is moving forward and he would get a current update on same.

Somers Property

Dr. Mayer requested an update on the Somers Property. Mr. Pfeffer advised that the borough has acquired the Somers Property and it has been subdivided. Administration is awaiting an Ordinance from Council to auction the piece of property that is not a part of open space.

Council agreed that they would like to see said Ordinance created so the borough could move forward with this piece of property. Mr. Nelson stated that once he has all the adequate information he would prepare the required Ordinance.

Traffic Signal at Intersection of Hance & Sycamore

Dr. Mayer requested an update on the traffic signal at the intersection of Hance & Sycamore. Mr. Dempsey advised that he is still awaiting a response from the County.

Essex Road

Mr. Baldwin requested an update on the sidewalks on Essex Road. Mr. Marks replied that during the latest conversation he has with the design engineers he was informed that they were going to incorporate a pedestrian route over the culvert.

New Business

Association Meeting

Ms. Fama spoke about putting together a meeting for the associations and asked the Mayor if that could be done before the end of the current year. Mayor Skudera replied that he would first like to send out surveys to the associations to receive feedback on their concerns before the meeting occurs.

Citizen Concerns

Dr. Mayer stated that he passed on several citizen concerns regarding Edison and Hope Road. Mr. Dempsey replied that those concerns have been resolved; the Public Works Department has taken the trees down.

Solar & Wind Ordinance

Dr. Mayer stated he would like to see Council move forward getting something going within the borough regarding the Solar & Wind Ordinance similar to Galloway Township. Mr. Nelson requested Dr. Mayer forward him Galloway Township's Ordinance.

Dr. Mayer offered a motion to adjourn to Executive Session, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

TIME: 9:16 P.M.

**REGULAR/WORKSHOP MEETING
NOVEMBER 10, 2009
BOROUGH COUNCIL**

ADJOURNMENT

Dr. Mayer offered a motion to adjourn the meeting, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:02 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: