

**REGULAR/WORKSHOP MEETING
OCTOBER 20, 2009
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:32 P.M.

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."

All present stood for Salute to Flag.

ROLL CALL

PRESENT: Mr. Baldwin, Ms. Fama, Mr. Larkin (arrived at 8:09 P.M.), Dr. Mayer, Mr. Morrill

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor (arrived at 7:38 P.M.)
W. Bryan Dempsey, Administrator
Brian M. Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer
John Bucciero, Director of Public Works

APPROVAL OF MINUTES

Mr. Baldwin offered a motion to approve the minutes of August 18, 2009, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Larkin

ABSTAIN: None

Dr. Mayer offered a motion to approve the minutes of September 15, 2009, seconded by Mr. Baldwin.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Larkin

ABSTAIN: None

Mrs. Mount-Taylor apologized to Council for the minutes being out of order and explained that the computer in the Borough Clerk's office is still not working correctly.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Administrator's Report – Mr. Dempsey

COAH

Mr. Dempsey requested the agenda be amended to include an Ordinance for a COAH unit that the borough will be purchasing as a result of a court settlement.

Borough Newsletter

The newsletter will be mailed out Friday.

Disability Insurance

Mr. Dempsey advised that Mr. Pfeffer, Donna Huy, Personnel Administrator, and he met with the disability carriers. Mr. Dempsey stated he received proposals and has a recommendation for Council, which he will further discuss in the Workshop portion of the meeting.

Association Humane Society

The Humane Society has submitted a proposal for the contract year 2010; currently there is no increase in the proposal provided.

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COAH Mediation Plan

The Affordable Housing plan mediation is scheduled for Thursday in Trenton and Mr. Dempsey advised he will be attending along with the mediation team that has been designated by the borough.

Anemometer Study

The anemometer is being installed by Rowan University on Friday, weather permitting.

Heritage Boulevard

The borough received \$200,000 for the Transportation Trust Fund Grant for Heritage Boulevard, which will be either included in the road program or alone.

Chief Financial Officer's Report

Mr. Pfeffer advised that he had no report for this evening.

Engineer's Report – Mr. Marks

Mr. Marks advised that he received the Asphalt paving core report for some individual streets within the road program this morning. As of this time, he has not had the chance to review same in any great detail but advised he will do so.

Director of Law's Report – Mr. Nelson

Mr. Nelson briefly overviewed the agenda items.

Mayor's Report

Newsletter

The borough newsletter has been completed and will be mailed out this week. Mayor Skudera thanked the staff and acknowledged Darriel Anderson, Purchasing Agent, for completing the newsletter.

FMERPA

There is a FMERPA meeting being held on Thursday regarding the zoning overlays for Tinton Falls.

Mayor Skudera advised that he has not been feeling well and will be leaving the meeting after the reports and Single Stream/Capital Improvements discussion. (*Mayor Skudera left meeting at 8:15 P.M.*)

Borough Clerk's Report – Mrs. Mount Taylor

Mrs. Mount-Taylor advised that she had no report for this evening.

Council's Report

Ms. Fama thanked Mr. Pfeffer for the budget calendar and informed everyone that N.O.P.E is having a rally on the 27th at Colts Neck High School beginning at 7:30 P.M.

Dr. Mayer updated Council on the Technical Advisory Committee and Environmental Commission meetings.

Mr. Baldwin updated Council on the Planning Board meetings and advised that lately there have been zero applicants.

Council President's Report – Mr. Morrill

Mr. Morrill thanked Mr. Marks as well as T&M Associates for preparing the Liberty Park II light system grant.

Recreation

Tinton Falls Recreation Department is starting there basketball registration for boys (3rd – 8th grade) and girls (4th grade – 8th grade); it will end November 4th.

Annual Halloween Party

On October 30th, Wayside Fire House on Asbury Avenue will be holding there annual Halloween party from 6:00 P.M. – 8:30 P.M.

Open Space

A proposal was received from T&M on the creation of a Recreation Master Plan.

Single Stream & Capital Improvements Discussion – John Bucciero, Director of Public Works

Mr. Bucciero proposed that the borough, commencing March 1, 2010, begin with single-stream recycling. Currently the Department of Public Works picks up recycling in containers consisting

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of metal & aluminum and glass & plastic bottles. The proposal would be for all recycling, also including newspaper, mixed office-type paper, cardboard and chipboard being combined into one container. The dates and times would remain the same as well as the current vehicles used to pick up recyclables now and would save on manpower.

Ms. Fama questioned the cost proposal of \$700,000 for capital improvements and suggested Council take a look at this proposal in terms of how long it will take re-coop this investment.

Mr. Bucciero replied that the capital improvements proposal has nothing to do with single-stream as they are two separate items. The same vehicles are needed whether the borough has single-stream or not. Currently Public Works is short manpower and using temporary laborers; there are many responsibilities that they are suppose to do that are currently being neglected due to the shortage of manpower. This will allow Public Works to use the people who are currently on the rear loading trucks to do those responsibilities, one of the main ones being stormwater management.

Mr. Bucciero overviewed the requested capital improvement items and explained the reasons for requesting them.

Mr. Dempsey added that since Council is currently discussing capital improvements, the Police Department has requested five vehicles. Currently they have five four-wheel drive vehicles with over 100,000 miles on them and need to be replaced. Those vehicles would be recycled into other departments in the borough. Mr. Dempsey advised that the cost of this capital improvement would be approximately \$150,000.

At this time, for the purpose of the record, Mr. Morrill advised that Mr. Larkin arrived.

PETITIONS

Mrs. Mount-Taylor advised that she received one petition:

PETITION FOR REPAIR & RECONSTRUCTION OF RIVEREDGE RD “We, the undersigned voters of Tinton Falls, petition the borough to repair and reconstruct the road known as Riveredge Road in the borough of Tinton Falls, New Jersey.”

Mrs. Mount-Taylor informed Council that there are 92 signatures. Of the 92 signatures, nine are not listed homeowners and ten are not registered voters.

Mrs. Mount-Taylor advised that it would be appropriate for Council to accept the petition, discuss the petition and discuss a direction in which Council wishes to pursue this item.

Mr. Baldwin offered a motion to accept the above listed petition, seconded by Dr. Mayer.

ROLL CALL

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

Council agreed to forward the petition to the Borough Engineer to review, take a re-look at the road and make a recommendation.

ORDINANCES FOR INTRODUCTION

Mr. Baldwin offered a motion to amend the agenda to include Ordinance No. 09-1284, seconded by Dr. Mayer.

ROLL CALL (on amendment)

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

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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

Dr. Mayer offered a motion to introduce Ordinance No. 09-1282, seconded by Ms. Fama.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing for Ordinance No. 09-1282 to be set at the convenience of the Borough Clerk

Ordinance No. 09-1282 in Full/Ordinance Book No. 4

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

Ms. Fama offered a motion to introduce Ordinance No. 09-1283, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing for Ordinance No. 09-1283 to be set at the convenience of the Borough Clerk

Ordinance No. 09-1283 in Full/Ordinance Book No. 4

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 introduce 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

Public Hearing for Ordinance No. 09-1284 to be set at the convenience of the Borough Clerk

Ordinance No. 09-1284 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 09-1277 entitled: AN ORDINANCE AMENDING THE BOROUGH OF TINTON FALLS ADMINISTRATIVE CODE CHAPTER 15 – STREETS, SIDEWALKS AND SANITATION AND THE BOROUGH OF TINTON FALLS LAND USE ORDINANCE CHAPTER 40-68 – STORMWATER MANAGEMENT REQUIREMENTS

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 09-1277, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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PUBLIC HEARING OPEN

Jeffrey King, 44 Plum Street, commented that he was in full support of the Ordinance and felt that it was overdue.

Coulter Richardson, 45 Sam Drive, stated for the purpose of understandability, in Section III, Prohibited Conduct, it would be his suggestion to separate the first paragraph in which it has various parenthetical remarks and instead but an exclusion section.

Mr. Nelson replied that although Council can change the language of the Ordinance, he would like to note that this is a form of Ordinance that is provided to the borough by the DEP. Mr. Nelson advised that it is his recommendation that if the DEP provided the form and it relates to compliance with their regulations, to use their form as a "safe-harbor".

There being no further comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 09-1277, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Nelson advised that before Council adopts Ordinance No. 09-1277, there is one technical amendment to the Ordinance (changes made in bold):

SECTION VI - PENALTIES

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to **penalties provided under Chapter 1-5 et seq. of the Borough Code.**

Dr. Mayer offered a motion to amend Ordinance No. 09-1277 to include the above listed amendment, 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

Dr. Mayer offered a motion to adopt Ordinance No. 09-1277 as amended, seconded by Ms. Fama.

ROLL CALL (on adoption)

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

Borough Clerk read Ordinance No. 09-1279 entitled: AN ORDINANCE ACCEPTING THE DEDICATION OF PREMIUM OUTLETS BOULEVARD 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. 09-1279, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 09-1279, seconded by Dr. Mayer.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Morrill offered a motion to adopt Ordinance No. 09-1279, 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. 09-1280 entitled: AN ORDINANCE ACCEPTING THE DEDICATION OF SANITARY SEWER LINE EASEMENTS AND RELATED IMPROVEMENTS ON BLOCK 135, LOTS 1.01, 4 AND 6.01 AND BLOCK 150B, LOTS 12 AND 13 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. 09-1280, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 09-1280, 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. 09-1280, 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. 09-1281 entitled: AN ORDINANCE AMENDING 7-6.2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS FOR THE PLACEMENT OF A STOP SIGN AT THE INTERSECTION OF CHERRY STREET AND CLOVER STREET

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 09-1281, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Morrill offered a motion to close the Public Hearing on Ordinance No. 09-1281, seconded by Dr. Mayer.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Ms. Fama offered a motion to adopt Ordinance No. 09-1281, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC DISCUSSION

Dr. Mayer offered a motion to open the Public Discussion, seconded by Mr. Baldwin.

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Gerald Turning, Chief, Tinton Falls Police Department, thanked Council for passing Ordinance No. 09-1281 regarding the stop sign at the intersection of Cherry Street and Clover Street and stated it will serve a function of safety for persons crossing that road and it will slow down cars.

Chief Turning also advised Council of their 28th annual municipal auction on November 7th and informed the public and Council that the auction is online.

Gary Schecher, 7 Duke Court, questioned the study process for Open Space that Council President Morrill spoke about under his report. Mr. Morrill advised that it is not a study, the committee is trying to create a Recreation Master Plan similar to what was done with the Open Space Master Plan.

Bill Holobowski, 56 Neville Street, thanked Administration and Council on behalf of N.O.P.E. for publicizing on the borough's website, the rally they are hosting next Tuesday. Mr. Holobowski encouraged everyone to attend the rally in support of N.O.P.E. trying to prevent civilian housing at weapon station Earle.

Denise Catalano, 11 Alpine Trail, questioned, with regard to civilian housing at Earle, what Council is doing to prepare the borough for filing lawsuits or baring the costs of educating Colts Neck's students. Mr. Larkin replied at this point, the school is pursuing litigation through their attorney. Mr. Nelson replied that the borough itself it not specifically involved in the litigation, however, we, the borough, have been coordinating our efforts with the school district and with Colts Neck.

Tim Anderson, 33 Fairfield Drive, commented on the Open Space Committee's projects and advised he would like to see these projects continue.

Leo Christofili, 328 Riveredge Road, made several comments regarding the budget however, a majority of Mr. Christofili's comments were inaudible. Mr. Morrill suggested Mr. Christofili schedule a time with Mr. Pfeffer to answer any questions he had regarding the budget.

Barbara Carroll, 225 Riveredge Road, thanked Council for considering Riveredge Road.

Jeffrey King, 44 Plum Street, stated that the neighborhood off Hance Avenue, previously known as Greenbriar (Sterling) Falls, has quite a bit of landscaping that has been deceased for more than a year and asked Council to keep that issue in mind.

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Mr. King inquired on eliminating a Public Works employee by replacing the attendant at the borough recycling facility with the technology of a camera. Mr. Morrill advised that he would forward the suggestion to Mr. Bucciero.

Martha Matthews, 219 Riveredge Road, complained about the speed of the public works recycling trucks.

Guy Matthews, 153 Riveredge Road, requested Council take the poor condition of Riveredge Road into consideration and make it a priority.

Leo Lomangino, 93 Colonial Drive, commented on the energy audits in New Jersey and questioned if Tinton Falls received any of the stimulus money offered for same. Mr. Dempsey replied that he has heard nothing regarding this issue, was not aware of it, and advised he would look into it.

Gary Schecher, 7 Duke Court, commented on the sidewalks on Sycamore Avenue and stated that he feels it is a great improvement to the town.

Leo Christofili, 328 Riveredge Road, commented on Ms. Matthews statement.

There being no further comments from the public, Mr. Baldwin offered a motion to close the Public Discussion, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Dr. Mayer requested the status of the energy audit.

Mr. Marks advised that the proposal for the services by T&M Associates was submitted to Mr. Dempsey and briefly overviewed the process of the energy audit.

RESOLUTIONS

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

Mr. Dempsey requested Resolution R-09-235 be carried to a later date and advised he will further discuss this item during Workshop.

Dr. Mayer offered a motion to carry Resolution R-09-235 to November 10, 2009, seconded by Ms. Fama.

ROLL CALL (to carry to 11/10/2009)

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-340A RESOLUTION – AUTHORIZING THE FILING OF AN APPLICATION
WITH THE MONMOUTH COUNTY OPEN SPACE TRUST FUND - LIBERTY
PARK II PHASE III IMPROVEMENTS, 1420 WEST PARK AVENUE,
BLOCK 123, LOTS 1, 13, 15, 16 AND 17**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant Funds in connection with

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municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Tinton Falls desires to obtain County Open Space Trust Funds in the amount of \$500,000.00 to fund Liberty Park II Phase III Improvements, 1420 West Park Avenue, Block 123 Lots 1, 13, 15, 16 and 17; and

WHEREAS, the total cost of the project including all matching funds is approximately \$500,000; and

WHEREAS, the Borough of Tinton Falls is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL OF TINTON FALLS THAT:

1. W. Bryan Dempsey, Borough Administrator, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and

2. The Borough of Tinton Falls is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. W. Bryan Dempsey, Borough Administrator, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

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-09-377 RESOLUTION - AWARD OF CONTRACT #09-3 REBID - HEIL
REPLACEMENT PARTS OR EQUIVALENT**

WHEREAS, bids were received the first time on June 4, 2009 for the above contract, and sole bid was rejected by Resolution R-09-271 adopted on July 21, 2009 authorizing a rebid; and

WHEREAS, rebid was advertised on September 25, 2009 and one bid was received on Thursday, October 8, 2009, for Contract #05-3; and

WHEREAS, THC Enterprises, Inc., t/a Mid-Atlantic Waste Systems, 3011 W. Second Street, Chester, Pa. 19013, submitted the sole responsible bid of 8% discount off all Heil Replacement Parts and manufacturer's OEM parts from the list price and no additional charge for shipping for all stock items and additional 10% shipping charge if item is not stocked; and

WHEREAS, this is an open-end contract based on a unit price, as needed basis for two (2) years from date of award; and

WHEREAS, pursuant to NJAC 5:30-14.5©4, multi-year contracts entered into for periods in excess of 12 months shall be certified and charged to respective budgets in accordance with the times at which the respective parts are ordered. Accordingly, availability of funds are contingent upon the necessary funds being appropriated by the governing body in the 2009, 2010 and 2011 Municipal Budgets, and availability of funds will be certified by the Chief Financial Officer on each purchase order/voucher for each item; and

WHEREAS, the Purchasing Agent has found the bid to be in order and John Bucciero, Director of Public Works, recommends the award,

NOW, THEREFORE BE IT RESOLVED, that THC Enterprises, Inc. t/a Mid-Atlantic Waste Systems, 3011 W. Second Street, Chester, Pa., 19013 be awarded a contract for two years from date of award at a discount of 8% off list price for all Heil Replacement Parts and manufacturer's OEM parts, and no additional charge for shipping for all stock items and additional 10% shipping charge of non-stock items;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

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-09-378 RESOLUTION - AWARD OF CONTRACT #09-5 -FRONT LOADING REFUSE
CONTAINERS OF VARIOUS SIZES & TYPES**

WHEREAS, three (3) bids were received on Thursday, October 8, 2009 for Contract #09-5, Front Loading Refuse Containers of Various Sizes & Types; and

WHEREAS, Mid-Atlantic Waste Systems, 3011 W. Second Street, Chester, Pa. 19013 submitted the lowest responsible bid in the amount of \$43,530.28 for 67 front loading refuse containers manufactured by Valley Can, ranging in size from 2 yard to 10 yard; and

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WHEREAS, the Purchasing Agent has found the bid to be in order and John Bucciero, Director of Public Works recommends award to lowest responsible bidder, Mid-Atlantic Waste Systems;

NOW, THEREFORE BE IT RESOLVED that Mid-Atlantic Waste Systems, 3011 W. Second Street, Chester, Pa. 19013 be awarded a contract in the amount of \$43,530.28 for 67 refuse containers as described in the specifications.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-379 RESOLUTION – RELEASING TINTON FALLS CAMPUS, LLC (SEABROOK)
SITE IMPROVEMENT PERFORMANCE GUARANTEES RELATING TO
PHASES II AND III NOT CURRENTLY BEING DEVELOPED**

WHEREAS, by letter dated July 9, 2009, attached hereto as part of this Resolution, counsel for Erikson Retirement Communities affiliate entity, Tinton Falls Campus, LLC, the developers of Seabrook Village, have requested the return of certain performance bonds and inspection fees for phases of their site that are not currently being developed due to the state of the economy; and

WHEREAS, no purpose is served by retaining these performance guarantees and inspection fees for development that is not currently taking place and will not be in the near future; and

WHEREAS, such development cannot take place without the signing and filing of plats and the issuance of building permits by the Borough; and

WHEREAS, upon seeking to commence development of Phases II and III, the developer will be required to seek new cost estimates for performance guarantees and inspection fees required from the Borough Engineer; and

WHEREAS, the release of these guarantees and fees shall not result in the extension of any approvals previously granted or a waiver of any terms required to be fulfilled pursuant to any Developer's Agreements; and

WHEREAS, by letter dated October 9, 2009, attached hereto as part of this Resolution, Birdsall Engineering has investigated the site conditions relating to the performance guarantees and take no exception with their release provided that the areas of the site in connection with these phases remain secured from the public via the fences and gates currently configured at the site.

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 subject to the payment of any and all outstanding engineering and inspection fees relating to any phase of Seabrook Village, and provided that the conditions stated in the Engineer's letter of October 9, 2009 are maintained, the following guarantees and related fees be released to the developer:

1. Fidelity and Deposit Company of Maryland – Site Improvement Performance Bond in the amount of \$5,226,737.92, dated October 25, 2007 (Bond No. LPM7595658) and engineering inspection fees in relation to this bond.
2. RLI Insurance Company – Site Improvement Performance Bond in the amount of \$547,300.00, dated February 4, 2008 (Bond No. CMS236155) for which no related inspection fees have been collected by the Borough.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Baldwin

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

**R-09-380 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR
WASHINGTON HOMES INC – THRASHER COURT, BLOCK 145, LOT 1.02**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Washington Homes Inc. – Thrasher Court, Block 145, Lot 1.02, and

WHEREAS, by letter dated October 13, 2009 (said letter attached and hereby made part of this Resolution), the Engineer (T&M Associates) has certified that all bonded site work is in good condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees for Washington Homes Inc. – Thrasher Court, be released upon the payment of all outstanding inspection fees.

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ROLL CALL

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

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

**R-09-381 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES –
INVESTORS HOLDING, LLC - BLOCK 1.01, LOT 5**

WHEREAS, the developer has requested the release of Performance Guarantees for Investors Holding, LLC, Block 1.01, Lot 5, and

WHEREAS, BY LETTER DATED September 28, 2009 (said letter hereby attached and made part of this Resolution) the Borough Engineer, Birdsall Engineering Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance 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 the Engineer's, Birdsall Engineering, Inc. letter of September 28, 2009, that the developer's request for a release of the Performance 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 Dr. Mayer.

**R-09-382 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES –
THE ATRIUM BLOCK 18.01, LOT 7.01**

WHEREAS, the developer has requested the release of Performance Guarantees for The Atrium, Block 18.01, Lot 7.01, and

WHEREAS, BY LETTER DATED September 28, 2009 (said letter hereby attached and made part of this Resolution) the Borough Engineer, Birdsall Engineering Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance 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 the Engineer's, Birdsall Engineering, Inc. letter of September 28, 2009, that the developer's request for a release of the Performance 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

Dr. Mayer offered the following Resolution and moved its adoption, seconded by Ms. Fama.

**R-09-383 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES –
TINTON FALLS SERVICE CONTRACTORS CENTER - BLOCK 145, LOT 13.01**

WHEREAS, the developer has requested the release of Performance Guarantees for Tinton Falls Service Contractors Center - Block 145, Lot 13.01, and

WHEREAS, BY LETTER DATED October 5, 2009 (said letter hereby attached and made part of this Resolution) the Borough Engineer, Birdsall Engineering Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance guarantees, but recommends the reduction of said 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 the Engineer's, Birdsall Engineering, Inc. letter of October 5, 2009, that the developer's request for a release of the Performance 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. Larkin offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

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R-09-384 RESOLUTION - REDUCING PERFORMANCE GUARANTEES – TINTON FALLS SERVICE CONTRACTORS CENTER, BLOCK 145, LOT 13.01

WHEREAS, the developer for Tinton Falls Service Contractors Center has requested the release of Performance Guarantees, and

WHEREAS, by letter dated October 5, 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 Tinton Falls Service Contractors Center, be reduced in accordance with said letter from the Borough Engineer.

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 Ms. Fama.

R-09-385 RESOLUTION - URGING ELIMINATION OF STATE-IMPOSED UNFUNDED MANDATES

WHEREAS, in 1995, New Jersey voters approved an amendment to the State Constitution that was supposed to curb lawmakers' penchant for mandating new programs for state and local governments without giving them the necessary funding; and

WHEREAS, in order to implement the law, the legislature established the Council on Local Mandates, whose job is to review complaints from the local government entities and then make a determination on whether new statutory or regulatory impositions by the State constituted "unfunded" mandates; and

WHEREAS, under the law, if a statute or regulation is deemed by the Council to be an "unfunded" mandate, it ceases to be mandatory and expires; and

WHEREAS, 12 years later, the Council has made only eight decisions and in only two of those did the Council rule in favor of local governments. In one of those cases, the decision was pointless because the Council has no power to force the State to comply and local governments have no right to seek redress in the courts; and

WHEREAS, clearly, this is not the reform that people thought they were voting for in 1995. Proof is that property taxes in New Jersey, which the people were seeking to control with the amendment, have nearly doubled since then; and

WHEREAS, the New Jersey Association of Counties (NJAC) has proposed that local and county officials join forces to push for a complete overhaul of the Council on Local Mandates, which in its view clearly has not satisfied the voters, desire for reform; and

WHEREAS, NJAC has also proposed the following:

- 1) Change the composition of the Council on Local Mandates because under the law, Members of the Council are appointed by the Governor, the Legislature and the Chief Justice of the State Supreme Court, the makers of mandates.
- 2) A review of the obvious flaw that state appointees, such as judges and prosecutors, can force county governments to hire Court personnel and expand facilities, all without approval from voters or their elected representatives.
- 3) A review of the provision that states while State officials can appeal to the Courts, County and local officials don't have that option. Under the law, decisions made by the Council on Local Mandates are not eligible for judicial review. Furthermore, when the Council makes a decision in favor of a local government, the State is free to ignore it without consequence.
- 4) A complete review of the section "unfunded mandates" Law delineating the exemptions. This should included a top to bottom review of all State mandates that would require the State to repeal the outdated ones and pay for the rest; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, urges the elimination of State-imposed unfunded mandates.

BE IT FURTHER RESOLVED that the Borough of Tinton Falls strongly supports the New Jersey Association of Counties and all of its proposals to deal with the problems caused by unfunded mandates.

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to Governor Jon Corzine, the Legislative Delegation representing Monmouth County, the Boards of Chosen Freeholders of each county in New Jersey and the Mayors and governing bodies of every municipality in Monmouth County.

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.

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

R-09-386 RESOLUTION – APPROVAL OF BILLS – OCTOBER 20, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 20, 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	\$ 138,181.53
TRUSTS	24,835.25
DEVELOPER ESCROW	4,502.50
DOG TRUST	31.20
GRANT FUND	778.00
SEWER UTILITY	25,940.02
ADDITIONS	<u>1,025,438.36</u>
	\$1,219,706.86

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-09-387 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of September 2009 fees totaling \$65.00 were paid by a resident of Tinton Falls for their child's participation in our Scholastic Fitness Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of September 2009;

WHEREAS, during the month of September 2009, the Recreation Superintendent informed the resident that there was a lack of participation and the program has been cancelled by the Recreation Department and a full refund for two children in the amount of \$65.00 should be issued.

Chris Ann Lemkan	\$65.00
Total	\$65.00

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$130.00 be issued.

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-09-388 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of September 2009 fees totaling \$130.00 were paid by a resident of Tinton Falls for their child's participation in our Scholastic Fitness Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of September 2009;

WHEREAS, during the month of September 2009, the Recreation Superintendent informed the resident that there was a lack of participation and the program has been cancelled by the Recreation Department and a full refund for two children in the amount of \$130.00 should be issued.

Shirley Varcadipane	\$130.00
Total	\$130.00

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$130.00 be issued.

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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-09-389 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 Mortgage Company and by the Homeowner;

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
James Gates 12 Hunt Court Tinton Falls, NJ 07753	129.11	44	\$1,019.41

and,

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes in the amount of \$1,019.41, 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 \$1,019.14 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-09-390 RESOLUTION – CANCELING & REFUNDING TAXES AS A RESULT OF
COUNTY BOARD APPEALS**

WHEREAS, an overbilling and an overpayment of 2009 taxes has been made as a result of a reduction in the assessed value due to County Board Appeals for the year 2009 on properties known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)			

and,

WHEREAS, said adjustment resulted in an overbilling and an overpayment of the 2009 taxes in the amount of \$16,022.56 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$8,535.50 be canceled for the year 2009 and that a refund in the amount of \$7,487.06 is hereby approved for the properties listed on the attached list.

ROLL CALL

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

Resolution in Full on file in the Borough Clerk's Office

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

**R-09-391 RESOLUTION – CANCELING TAXES AS A RESULT OF COUNTY BOARD
APPEALS**

WHEREAS, an adjustment of 2009 taxes has been made as a result of a reduction in the assessed value due to a County Board Appeal for the year 2009 on the properties known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)			

and,

WHEREAS, said adjustment has resulted in a cancellation of 2009 taxes in the amount of \$6,864.35 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$6,864.35 is hereby approved as a result of the cancellation of the taxes for the properties on the attached list.

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ROLL CALL

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

Resolution in Full on file in the Borough Clerk's Office

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

R-09-392 RESOLUTION – CANCELING TAXES AS A RESULT OF COUNTY BOARD STIP

WHEREAS, an adjustment of 2009 taxes has been made as a result of a reduction in the assessed value due to a County Board Stip for the year 2009 on the properties known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
(HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION)			

and,

WHEREAS, said adjustment has resulted in a cancellation of 2009 taxes in the amount of \$8,095.45 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$8,095.45 is hereby approved as a result of the cancellation of the taxes for the properties on the attached list.

ROLL CALL

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

Resolution in Full on file in the Borough Clerk's Office

EXECUTIVE SESSION

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

R-09-393 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. Potential Open Space –Acquisition 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 adjourn to Executive Session, seconded by Mr. Baldwin.

ROLL CALL

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

TIME: 9:24 P.M.

RECONVENED: 10:19 P.M.

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Mr. Larkin offered a motion to move to Workshop, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:19 P.M.

WORKSHOP MEETING

Unfinished Business

Draft Resolution – Order of Business

Mr. Nelson presented his draft Ordinance to Council and explained his opinion on the benefits of having Executive Session at the beginning of the meetings as well as holding two meetings per month, one Regular Meeting and one Workshop Meeting.

Council had a lengthy discussion regarding those proposed changes and all agreed upon moving Executive Session to the beginning of the meeting at 6:30 P.M.

Council President Morrill, Mr. Baldwin and Dr. Mayer expressed their opposition of having two meetings per month, one regular meeting and one workshop.

Mr. Larkin and Ms. Fama expressed their concerns on voting on items without having discussion first and therefore agreed that they were in agreement with the change of the meetings, having a Workshop meeting to discuss those items before voting on them.

Council also discussed amending the Ordinance to reflect a public discussion time of five minutes rather than ten minutes with the discretion of the Council President.

Mr. Baldwin, Dr. Mayer and Mr. Morrill agreed that this would give the public more than enough time to speak on their concerns and would cut down the lengthiness of the current meetings.

Mr. Larkin and Ms. Fama advised that they were opposed to limiting the public's time.

Mr. Nelson suggested the idea of a majority of the Resolutions being placed under the Consent Agenda. Mrs. Mount-Taylor replied that with her experience, she feels it is better "housekeeping" to list the Resolutions individually.

Mrs. Mount-Taylor suggested Council conduct the meetings with regards to Robert's Rules and stated she feels this would make better, quicker, and more productive meetings.

Council President Morrill advised Mr. Nelson to move forward with the Executive Sessions taking place before the meeting, beginning at 6:30 P.M. and amending the current Ordinance to reflect a Public Discussion time of five minutes rather than ten minutes to begin January 1, 2010.

New Business

Interlocal Service Agreement with the City of Long Branch – Off-Site Storage Facility as part of a Disaster Recovery Plan

Mr. Pfeffer briefly updated Council on the proposed agreement with the City of Long Branch. As part of a Disaster Recovery Plan, Long Branch has to store an item, which currently would be a tape, off-site. The Borough would not be held responsible for such item.

Council agreed upon the agreement with the following items added:

A lock storage box be provided for such item

A space constraint be placed in the Agreement

Hartford Disability Insurance

Mr. Dempsey updated Council on the proposals received from James Nelligan Associates (Hartford) and Procomp Benefit Resources (National Benefit Life) and advised that after meeting with both companies, he feels Hartford would be a better choice, they offered a better proposal, offer better services and seem to be a better fit.

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Mr. Dempsey advised that this is a benefit covered 100% by the borough and although it is not a union issue, he will have Nelligan Associates come in with a representative from Hartford Insurance to meet with the unions to explain the policy and how it works.

Open Space Flyer

Mr. Dempsey informed Council that the Open Space Committee requested to put a flyer out in regards to the upcoming referendum/ballot question and expressed his concerns with doing so.

Council had a lengthy discussion regarding this issue. Mr. Nelson advised that due to Open Space being a public question on the ballot, he recommends Open Space not send out a flyer or post same on the borough's website.

Mr. Morrill and Dr. Mayer further discussed why they felt the Open Space Committee should have the right, if not to mail out the flyer, to post it on their portion of the borough website.

Mr. Nelson further stated that, as the borough attorney, he objects to putting anything on the website where there can be a potential liability on the borough's part. Mr. Nelson stated someone could file an elect complaint stating that this is seen as an electioneering communication.

Mrs. Mount-Taylor advised that, as the election official, she was in agreement with Mr. Nelson and any action moving forward with this item would be a matter which would need to be forwarded to the Attorney General for a written opinion.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 11:20 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: NOVEMBER 10, 2009