

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

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

Mrs. Mount-Taylor advised that Mr. Baldwin would not be attending the meeting tonight as he had open-heart surgery last week.

ROLL CALL

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

ABSENT: Mr. Baldwin

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 – None

Mrs. Mount-Taylor advised that the Clerk's office is having a problem with the computer system; it reads certain meeting cd's and not others. The ones that can be transcribed are being completed. As for the others, we are awaiting the IT person to come and fix the problem.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Volunteer Day & Community Day

Mayor Skudera advised that the Borough's Volunteer Day and Community day were both a great success and thanked all the vendors and volunteers.

Website

There are new updates on the website and the Borough has been receiving a lot more feedback from the users.

FMERPA

Mayor Skudera updated Council on the FMERPA meetings he attended.

Newsletter

The newsletter will be going out soon; it is just awaiting the last page from Council.

Engineer's Report – Mr. Marks

Energy Audit

A proposal was requested and it will be sent to the Administrator by the end of the current week. One of the hanging issues was which building and which facilities they would be auditing.

Rowan Wind Study

Mr. Marks advised that he had a conversation with Rowan University's professor who is administering that project through Rowan University and has indicated that since the students are back in school, they are trying to coordinate a date to come to the Borough to install the anemometer.

Recreation and Open Space Master Plan

Mr. Marks stated that he will be sending the proposal for the recreation and open space master plan. A draft will be ready for review to make sure the scope of services is in line with what was originally discussed.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

Monmouth County Open Space Grant

The plan revisions were made in accordance with the Public Hearing that was held. The grant application was submitted on September 23rd and we should hear back by the end of the year as to whether or not the application was successful.

2009 Road Program

Quotes were solicited from a few contractors to obtain pavement cores. Those quotes have been received and Mr. Marks advised that he was given the authorization to go ahead and obtain that information. Once the core reports are received back, the proposal will be provided accordingly.

Chief Financial Officer's Report – Mr. Pfeffer

2010 Budget

Mr. Pfeffer informed Council that he is moving along with the preparation of the 2010 budget. Several departments have started to send in their budgets to him. Mr. Pfeffer also informed Council that he is continuing to analyze the current revenue situation and unfortunately, from his prior reports, there has not been much change in the revenues or forecasts that were originally made.

Administrator's Report – Mr. Dempsey

Crawford House

The roof went on the house today and is 90% completed. The shed roof on the back will be completed tomorrow.

The Borough did receive funding from the Community Block Grant Program for the Crawford House as well which will be for a spring/summer project next year.

H1N1

Mr. Dempsey advised that he attended a conference call with the White House Office of Intergovernmental Affairs regarding the H1N1 influential update. They have a website with a substantial amount of information www.flu.gov for anyone who has questions and/or concerns.

Director of Law's Report – Mr. Nelson

Agenda Items

Mr. Nelson briefly overviewed and discussed the agenda items.

Borough Clerk's Report – Mrs. Mount-Taylor

Mrs. Mount-Taylor stated she had no report tonight but wanted to inform Council that she took the liberty of sending an Edible Fruit Basket Arrangement to Mr. Baldwin.

Council's Report

Ms. Fama advised that she had the opportunity to visit the Pop Warner field over at Liberty Park and thanked Mr. Marks for his involvement along with everyone else's for the improvements done there.

Ms. Fama also informed Council that she received a letter from a resident regarding the establishment of an Economic Development Committee for the Borough and stated she feels it is a terrific idea and would like to see it on a future Workshop Meeting.

Ms. Fama also stated that she would like the parking in the "Fruit Bowl" looked into. Mr. Morrill advised that this would be a matter that should be forwarded to Sergeant David Scrivanic.

Mr. Larkin advised that Mr. Dempsey, Mr. Ford and he met over at Monmouth Regional to coordinate H1N1 preparedness.

Dr. Mayer reported that the Community Activities Committee did an outstanding job on Community Day.

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

Council President's Report – Mr. Morrill

Walk for Education

The St. Thomas church is having a walk for education on Saturday, October 10th at 10:00 A.M. beginning at 87 Squankum Road. Registration is from 8:00 A.M. – 9:30 A.M. All proceeds go to the Madelyn Madison Scholarship Fund.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

Community Day

Mr. Morrill advised that Community Day was a great success and stated that the Department of Public Works and Recreation Department did an outstanding job. Mr. Morrill stated "Tinton Falls has the best volunteers".

Other

The Department of Public Works made a case for the flag, which was originally flown over Camp Cropper in Iraq, and presented to the Borough by Sergeant Damon Bowles. Mr. Dempsey stated that he would find a place in the Borough to hang it.

Eagle Scout Presentation – Dominic DeBonis

Mayor Skudera presented Dominic DeBonis with a Resolution honoring his achievement of receiving the rank of Eagle Scout.

US Bureau Census Presentation – Ms. Betty Rod

Ms. Rod informed that it is mandated by the Constitution to have a census done every ten years, explained the process and asked for the Borough's help to make sure everyone in Tinton Falls gets counted accurately and participates as well as realizes the importance of same.

Single Stream Presentation – John Bucciero, Director of Public Works

Mr. Morrill advised that this presentation would be carried to October 20, 2009 due to Mr. Bucciero being unable to attend tonight's meeting.

PETITIONS – None

ORDINANCES FOR INTRODUCTION

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

Dr. Mayer offered a motion to introduce Ordinance No. 09-1279, seconded by Mr. Larkin.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Public Hearing for Ordinance No. 09-1279 will be set at the discretion of the Borough Clerk.

Ordinance No. 09-1279 in Full/Ordinance Book No. 4

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

Dr. Mayer offered a motion to introduce Ordinance No. 09-1280, seconded by Ms. Fama.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Public Hearing for Ordinance No. 09-1280 will be set at the discretion of the Borough Clerk.

Ordinance No. 09-1280 in Full/Ordinance Book No. 4

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

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

PLACEMENT OF A STOP SIGN AT THE INTERSECTION OF CHERRY STREET AND CLOVER STREET

Ms. Fama offered a motion to introduce Ordinance No. 09-1281, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Public Hearing for Ordinance No. 09-1281 will be set at the discretion of the Borough Clerk.

Ordinance No. 09-1281 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 09-1276 entitled: AMENDING 4-3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS REGARDING THE REGULATION OF NOISE RELATED NUISANCES

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 09-1276, seconded by Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

PUBLIC HEARING OPEN

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Nelson advised that before Council adopt Ordinance No. 09-1276, there are two technical amendments to the Ordinance (changes made in bold):

4-3.2 Partial Enumeration of Prohibited Noises.

1. Garbage/Recycling Collection. No person or entity shall engage in the active collection of garbage, refuse or recycled materials, utilizing specialized vehicles or equipment outdoors between the hours of 9:00 p.m. to 6:00 a.m.. This does not extend to the driving of such vehicles during the prohibited hours, to emergency situations, or to operations on the premises of properly licensed landfills and/or **resource recycling facilities.**

4-3.3 Exceptions.

- g. Any pre-existing business or manufacturing uses that are affixed to real property.**

Mr. Larkin offered a motion to amend Ordinance No. 09-1276 to include the above listed changes, seconded by Ms. Fama.

ROLL CALL (on amendment)

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

Mrs. Mount-Taylor stated for the record that on October 6, 2009 the Borough received a letter from Robert Inglima, Esquire.

Mr. Nelson advised that Mr. Inglima sent his concerns on behalf of his client, The Mazzas and their entities located in Tinton Falls, which has certain objections and concerns to this Ordinance, which were addressed in the amendments that were already discussed prior to the receipt of this letter. Mr. Nelson stated that he made them aware of the amendments and it alleviated their concerns.

Mr. Nelson also informed Council that these amendments are not substantial; they are just technical amendments, nothing that would require reintroduction or re-adoption of the Ordinance.

Ms. Fama offered a motion to adopt Ordinance No. 09-1276 as amended, seconded by Mr. Larkin.

ROLL CALL (on adoption)

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Borough Clerk read Ordinance No. 09-1278 entitled: AN ORDINANCE AMENDING THE BOROUGH OF TINTON FALLS ADMINISTRATIVE CODE CHAPTER 15 – STREETS, SIDEWALKS AND SANITATION

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 09-1278, seconded by Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

PUBLIC HEARING OPEN

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Nelson advised that before Council adopt Ordinance No. 09-1278, there one technical amendment to the Ordinance (change 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.**

Mr. Nelson also informed Council that this amendment is not substantial, just a technical amendment, nothing that would require reintroduction or re-adoption of the Ordinance.

Dr. Mayer offered a motion to amend Ordinance No. 09-1278 to include the above listed change, seconded by Mr. Larkin.

ROLL CALL (on amendment)

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Dr. Mayer offered a motion to adopt Ordinance No. 09-1278 as amended, seconded by Ms. Fama.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

ROLL CALL (on adoption)

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

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: Mr. Baldwin
ABSTAIN: None

PUBLIC DISCUSSION OPEN

Stacy Slowinski, 755 Tinton Avenue, Chairman of the Historic Commission, thanked Mr. Dempsey and the Public Works Department for making the roof project at the Crawford House happen. Ms. Slowinski stated that the Public Works Department went over and beyond their job description to help remove the bat guano out of the attic section of the Crawford House. As for Mr. Dempsey and Mr. Hilla, Ms. Slowinski advised that their efforts with the CDBG Grant Application is going to go a long way towards making the house ready for public-use and thanked them again for all their time and efforts in doing so.

Gina Gundel, 629 Green Grove Road, requested Council approve Resolution R-09-318 so they can move forward with the sewers.

Charles Lomangino, 3 Helena Street, complimented the Borough's Volunteer and Community Day.

Leo Christofili, 328 Riveredge Road, commented on the US Bureau Census presentation.

Mr. Christofili advised Council that he prepared a petition regarding the repair of certain roads in Tinton Falls however; majorities of Mr. Christofili's comments were inaudible.

Charles Lomangino, 3 Helena Street, complimented Monmouth Regional for their participation with the pre-school.

Gerald Turning, Chief of Tinton Falls Police Department, thanked Ms. Fama for taking the lead on the noise ordinance and thanked Council for passing the ordinance. Chief Turning also informed the public that the CURE organization of Tinton Falls would be having a garage sale Saturday morning at 7:00 A.M in the Borough's front parking lot.

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Dr. Mayer questioned the status of his request for a traffic light at the intersection of Hance and Sycamore Avenue. Mr. Dempsey advised that he reached out to the County regarding this matter however, he has not received a response back as of yet.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

RESOLUTIONS

Mr. Dempsey requested Council carry Resolution R-09-235 to the next Council meeting.

Dr. Mayer offered a motion to carry Resolution R-09-235 to October 20, 2009, seconded by Ms. Fama.

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

ROLL CALL (to carry to 10/20/2009)

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-318 RESOLUTION – AUTHORIZING EXECUTION OF AN INTERLOCAL
SEWER SERVICE AGREEMENT BETWEEN THE BOROUGH OF TINTON
FALLS AND TOWNSHIP OF OCEAN SEWERAGE AUTHORITY FOR CERTAIN
RESIDENTIAL PROPERTIES ON GREEN GROVE ROAD**

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) authorizes a municipality to enter into a contract, by Resolution, with any other local unit for the joint or shared provision of any service which any party to the Agreement is empowered to render within its own jurisdiction; and

WHEREAS, it is in the best interests of the Borough of Tinton Falls to improve the health and welfare of residents by entering into a Service Agreement with the Township of Ocean Sewerage Authority (“TOSA”) to provide sewer service to certain residences along Green Grove Road that are directly adjacent to sewer service infrastructure maintainer by TOSA.

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 Mayor is hereby authorized to execute an interlocal Service Agreement between the Borough of Tinton Falls and TOSA for the provision of sewer service to seven (7) residences along Green Grove Road as described in the document attached hereto as Schedule A and pursuant to the terms of the Service Agreement herein provided.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: Mr. Larkin

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

R-09-342 RESOLUTION – RESCINDING RESOLUTION R-09-332

WHEREAS, an error has been discovered in Resolution R-09-332 as it provided for the release of a Maintenance Bond; and

WHEREAS, the Borough of Tinton Falls retains a Performance Bond for The Atria at Tinton Falls, Block 123, Lot 49.04.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Resolution R-09-332 be and the same is hereby rescinded for the reason stated above.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-343 RESOLUTION – RELEASING PERFORMANCE GUARANTEES AND
WAIVING MAINTENANCE BOND FOR THE ATRIA AT TINTON FALLS,
BLOCK 123, LOT 49.04**

WHEREAS, the developer has requested the release of Performance Guarantees for The Atria at Tinton Falls, Block 123, Lot 49.04; and

WHEREAS, by letter dated September 23, 2009 (said letter attached and hereby made part of this Resolution), the Engineer (Birdsall Engineering, Inc.) has certified that all punch list items have been completed and recommends the release of the guarantees.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for The Atria at Tinton Falls be released upon the payment of all outstanding moneys due the Borough and the posting of a Maintenance Bond be and hereby is waived.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-344 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
BRIDGE – HOVCHILD BOULEVARD & ROUTE 66 OVERPASS**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Bridge attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to “Victoria Boulevard” which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as “Hovchild Boulevard”; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Bridge be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-345 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
ACCESS – MCNAMARA WAY & ROUTE 66**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Access attached hereto; and

WHEREAS, the legal description for this easement refers to “Road B” which Road has now been designated as “McNamara Way” within the Township of Neptune; and

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Access be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-346 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR FEE PROPERTY
PARCEL TAKING – HOVCHILD BOULEVARD & PREMIUM OUTLETS
BOULEVARD**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the attached

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

Deed of Easement for Fee Property Parcel Taking attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to "Victoria Boulevard" which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as "Hovchild Boulevard"; and

WHEREAS, the legal description for this easement refers to "Road A" which Road has now been designated as "Premium Outlets Boulevard" via Resolution R-07-375 and as amended via Resolution R-08-123; and

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Deed of Easement for Fee Property Parcel Taking be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-347 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
CONSTRUCTION, MAINTENANCE AND DRAINAGE – HOVCHILD
BOULEVARD & PREMIUM OUTLETS BOULEVARD**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the attached Deed of Easement for Permanent Construction, Maintenance and Drainage attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to "Victoria Boulevard" which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as "Hovchild Boulevard"; and,

WHEREAS, the legal description for this easement refers to "Road A" which Road has now been designated as "Premium Outlets Boulevard" via Resolution R-07-375 and as amended via Resolution R-08-123; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Deed of Easement for Permanent Construction, Maintenance and Drainage be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-348 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
CONSTRUCTION, MAINTENANCE AND UTILITY – HOVCHILD BOULEVARD
AND MCNAMARA WAY**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Construction, Maintenance and Utility attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to "Victoria Boulevard" which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as "Hovchild Boulevard"; and,

WHEREAS, the legal description for this easement refers to "Road B" which Road has now been designated as "McNamara Way" within the Township of Neptune; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Construction, Maintenance and Utility be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-349 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
CONSTRUCTION AND MAINTENANCE – HOVCHILD BOULEVARD**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Construction and Maintenance attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to “Victoria Boulevard” which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as “Hovchild Boulevard”; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Construction and Maintenance be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-350 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
CONSTRUCTION, MAINTENANCE AND DRAINAGE - HOVCHILD
BOULEVARD**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Construction, Maintenance and Drainage attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to “Victoria Boulevard” which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as “Hovchild Boulevard”; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Construction, Maintenance and Drainage be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-351 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT
BRIDGE – HOVCHILD BOULEVARD (BLOCK 135, LOT 6.01)**

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Bridge attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to "Victoria Boulevard" which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as "Hovchild Boulevard"; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Bridge be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-352 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT SLOPE – HOVCHILD BOULEVARD (BLOCK 135, LOT 6.01)

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to dedicate certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Slope attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to "Victoria Boulevard" which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as "Hovchild Boulevard"; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Slope be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-353 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT DRAINAGE – HOVCHILD BOULEVARD (BLOCK 149, LOT 1.02)

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to provide certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Drainage attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to "Victoria Boulevard" which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as "Hovchild Boulevard"; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Drainage be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

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

R-09-354 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR PERMANENT SLOPE – HOVCHILD BOULEVARD (BLOCK 149, LOT 1.02)

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to provide certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Permanent Slope attached hereto; and,

WHEREAS, the legal description for this easement as indicated in the attached Schedule A, refers to “Victoria Boulevard” which Boulevard has now been designated by Resolution of the Borough Council of the Borough of Tinton Falls under Resolution R-07-376 as “Hovchild Boulevard”; and,

WHEREAS, the Borough Council of the Borough of Tinton Falls deems it in the best interest of the Borough of Tinton Falls to accept the Deed of Easement attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Permanent Slope be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-355 RESOLUTION - ACCEPTING A DEED OF EASEMENT FOR SEWER FACILITIES HOVTOWN, INC. – (BLOCK 149, LOTS 1.01 AND 1.02)

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 149, Lot(s) 1.01 and 1.02 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the enabling Resolution, CPG is required to provide certain easements for construction, maintenance and utilities related to that acquisition and more fully described in the Deed of Easement for Sewer Facilities attached hereto; and,

WHEREAS, said easement has been approved by Birdsall Engineering, the Borough Engineer and the Director of Law has recommended the acceptance of said Deed of Easement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that said Deed of Easement for Sewer Facilities be and is hereby accepted by the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-356 RESOLUTION - AUTHORIZING THE EXECUTION OF A CERTAIN CERTIFICATE OF COMPLETION

WHEREAS, the CPG Tinton Falls Urban Renewal, LLC (hereinafter CPG) has received approvals from the Planning Board of the Borough of Tinton Falls granting final site plan approval for premises known as Block 135, Lot(s) 1.01, 4, 6.01, 7.01 on the tax maps of the Borough of Tinton Falls; and,

WHEREAS, pursuant to the Developer’s Agreement as part of the said application, CPG has completed the satisfaction of all obligations and conditions contained in the Redevelopment Agreement; and,

WHEREAS, James E. Berube, Jr., Esq., Special Counsel for the Borough of Tinton Falls, has recommended the execution of the attached Certificate of Completion indicating the satisfaction of all duties and obligations under the Redevelopment Agreement,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor, Administrator, Borough Clerk and other appropriate municipal officials are authorized to execute the attached Certificate of Completion.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

**R-09-357 RESOLUTION - AUTHORIZING AN OPEN PUBLIC RECORDS – RECORDS
INFORMATION MANAGEMENT SHARED SERVICES AGREEMENT WITH
THE COUNTY OF MONMOUTH**

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C. 40A:65-1, *et seq.*, local units, such as the County of Monmouth and this Municipality, may enter into shared services agreements with each other; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. (“Sunrise”), whereby the County is licensed to access and use Sunrise’s web-based system known as the Open Public Records Search System – Records Information Management (“OPRS-RIM”); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may sublicense access and use of OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a shared services agreement with this Municipality, whereby this Municipality will be authorized as a sublicensee to access and use OPRS-RIM; and

WHEREAS, a copy of the agreement is attached to this resolution; and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically.

NOW, THEREFORE BE IT RESOLVED, by the governing body of this Municipality that the Mayor and Municipal Clerk be and they are hereby authorized to enter into the proposed OPRS-RIM shared services agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that there is no need for a certification of available funds for the period of September 1, 2009 through August 31, 2010, since this Municipality’s obligation will be paid through a PARIS grant obtained by the County of Monmouth.

BE IT FURTHER RESOLVED, that if and when funds are required from this Municipality to pay for its continued participation in the OPRS-RIM agreement, the Chief Financial Officer shall file a certification of available funds, identifying the budget line item(s) and amount(s) certified.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-358 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-15
THE WOMAN’S CLUB OF TINTON FALLS – OFF PREMISES GIFT RAFFLE**

WHEREAS, The Woman’s Club of Tinton Falls has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-15; 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# 09-15 be and the same is hereby approved as follows:

NAME:	THE WOMAN’S CLUB OF TINTON FALLS
IDENTIFICATION NO.:	343-8-36332
LOCATION:	20 MEADOW DRIVE, TINTON FALLS, NJ 07724
DATE:	DECEMBER 6, 2009 TO BE DRAWN AT 5:00 PM

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-359 RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY
THROUGH AN ONLINE AUCTION BEGINNING ON NOVEMBER 7, 2009**

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities will join together for an ONLINE auction commencing Saturday, November 7, 2009 at 9:00 AM EST and closing on Wednesday, November 11, 2009 at 7:00 PM EST; and

WHEREAS, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ 07724 will conduct the online auction at a commission rate of 5.5% of the gross selling price, which commission rate is 2% less than the current State Contract vendor; and

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

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% (\$4,350.00) of the bid threshold which is \$29,000.00; and

WHEREAS, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days nor later than 7 days prior to said auction;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment and any other miscellaneous items received prior to, through the process of an ONLINE auction commencing November 7, 2009 as described above; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the contract of Stephan J. Miranti Liquidation Services for the Borough of Tinton Falls as specified herein above.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-360 RESOLUTION – CHANGING MEMBERSHIP OF TECHNICAL ADVISORY COMMITTEE

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the changing of membership of the Technical Advisory Committee is as follows:

Guy Buck	Alternate Member #1	Two-Year Term	Term to Expire: 12/31/2009
Richard Jesmajian	Regular Member	Two-Year Term	Term to Expire 12/31/2009

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-361 RESOLUTION – AUTHORIZING RETURN OF NON-RESIDENTIAL DEVELOPMENT FEES COLLECTED FROM DBD, LLC (CLAYTON CONCRETE)

WHEREAS, on July 27, 2009, Governor Jon Corzine signed legislation known as the New Jersey Economic Stimulus Act (P.L.2009, c.90), which in part, requires municipalities that have collected non-residential development fees pursuant to the Statewide Non-Residential Development Fee Act (P.L. 2008, c.46) into their local Affordable Housing Trust Fund to refund such monies within thirty (30) days of receiving such a request from an eligible developer who paid such monies; and

WHEREAS, on or about August 21, 2009, DBD, LLC (Clayton Concrete) requested a refund of non-residential development fees paid into the Borough of Tinton Fall's Affordable Housing Trust Fund; and

WHEREAS, DBD, LLC is eligible to receive a refund pursuant to P.L.2009, c.90 as it received preliminary or final site plan approval prior to July 17, 2008, but paid the said non-residential development fees representing the difference committed prior to July 17, 2008 and paid thereafter; and

WHEREAS, the Borough's Chief Financial Officer has reviewed this request and certifies that the amount of funds sought to be refunded from the Borough's Affordable Housing Trust Fund are available and the amount is correct; and

WHEREAS, P.L. 2009, c.90 permits municipalities required to make such refunds to seek reimbursement from the State by providing written notice to the New Jersey Council On Affordable Housing through a \$15 million appropriation made into the New Jersey Affordable Housing Trust Fund for such purposes by the close of business on March 30, 2010.

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:

1. Subject to final certification by the Chief Financial Officer, a refund totaling five thousand four hundred and eighty eight dollars (\$5,488.00) be made payable to DBD, LLC from the Borough's Affordable Housing Trust Fund.

2. Immediately upon the making of such refund, written notice and proof of the same shall be submitted for reimbursement by the Borough's Director of Law to the New Jersey Council of Affordable Housing on forms provided thereby.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Mr. Nelson requested the following Resolution be removed from the agenda as they are not eligible to receive any reimbursements at this time.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

R-09-362 RESOLUTION – REFUNDING COAH FEES – DELISA REALITY

Dr. Mayer offered a motion to remove R-09-362 from the agenda, seconded by Ms. Fama.

ROLL CALL (to remove from agenda)

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

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

R-09-363 RESOLUTION – APPROVAL OF BILLS – OCTOBER 6, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 6, 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.

<u>SUMMARY</u>	
GENERAL	\$ 2,652,564.69
TRUSTS	58,695.63
CAPITAL	11,595.60
DEVELOPER ESCROW	24,524.85
DOG TRUST	27.00
GRANT FUND	22,971.05
SEWER UTILITY	419,654.21
ADDITIONS	<u>4,415.14</u>
	\$3,194,448.17

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

CONSENT AGENDA

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

R-09-364 RESOLUTION – PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 50 HOPE ROAD

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Deutsche Bank National Trust Co. 505 City Parkway West Orange, CA 92868	47.02	65	\$397.83

Prop. Loc.: 50 Hope Road

WHEREAS, N.J.S.A. 40:48-2.14 provides where obnoxious growth, garbage, trash and debris are destroyed or removed from any dwelling or lands, the cost shall be certified to the governing body, which shall examine the certificate and if found correct shall cause the cost to be charged against said dwelling or lands; and

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a cleanup on the above mentioned property totaling \$397.83 pursuant to a letter dated September 28, 2009 from John Bucciero, Director of Public Works (said letter hereby attached and made part of this Resolution).

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a debris lien in the amount of \$397.83 be and hereby is charged to the property known as 50 Hope Road and shall become part of the taxes next to be assessed and levied.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

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

**R-09-365 RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED
CONTAINER FEE TO GEORGE TURNER IN THE AMOUNT OF \$45.00**

WHEREAS, one automated container was leased for 39 Hope Road Tinton Falls from the Department of Public Works on January 2, 2008 for the sum of \$55.00; and

WHEREAS, the container was returned to the Department of Public Works on September 23, 2009; and

WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes; and

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$45.00, taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$45.00 be and hereby is granted to George Turner, 1257 West Front Street, Lincroft, NJ 07738.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

**R-09-366 RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED
CONTAINER FEE TO SANDY MCMULLEN - \$30.00**

WHEREAS, one automated container was leased for 6 Buford Court Tinton Falls from the Department of Public Works on October 3, 2005 for the sum of \$55.00; and

WHEREAS, the container was returned to the Department of Public Works on September 25, 2009; and

WHEREAS, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes; and

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$30.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$30.00 be and hereby is granted to Sandy McMullen, 104 Vaca Court, Newark Delaware 19702.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-09-367 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 Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Kevin E. Kennedy, Esq. 165 Highway 35 Red Bank, NJ 07701	5.02	5	\$1,453.36

Re: Smith from Laveratt
26 Garden Place

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,453.36 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 \$1,453.36 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

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

R-09-368 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 two different Mortgage Companies.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Investors Savings Bank 101 JFK Parkway Short Hills, NJ 07078	23.01	52	\$1,168.80

Re: Glen Martin
20 Beverly Court

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,168.80 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 \$1,168.80 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

R-09-369 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 two different Mortgage Companies.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Investors Saving Bank 101 JFK Parkway Short Hills, NJ 07078	23.01	71	\$31.52

Re: Glen Martin
Beverly Court (Garage)

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$31.52 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 \$31.52 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

R-09-370 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 previous homeowners mortgage company and by the new homeowner.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Jeffrey K. Heller 802 Woodbridge Commons Way Iselin, NJ 08830	124.01	17	\$1,267.31

Re: Heller to Wells
37 Williamsburg Drive

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,267.31 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 \$1,267.31 be and hereby is approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

ROLL CALL

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

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

R-09-371 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 Title Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Angelo & Kerry Ascione 118 Glenwood Drive Tinton Falls, NJ 07724	32.06	114	\$1,907.16

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,907.16 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 \$1,907.16 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

R-09-372 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 Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Edward J. & Robin D. McCarthy c/o Raymond L. Dademo, Esq. 35 Beaverson Blvd – Bldg. 4, Suite C Brick, NJ 08723	38.02	12	\$1,975.90

Re: Giantonio & Berger from McCarthy
64 Partridge Lane

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,975.90 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 \$1,975.90 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

R-09-373 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 Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Ivetta Pogosova & Bagret Mehrabyan c/o Stein & Suspice, Atty. P.O. Box 1070 Forked River, NJ 08731-6070	124.50	313	\$1,290.80

Re: 13 Topeka Court

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,290.80 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 \$1,290.80 be and hereby is approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

ROLL CALL

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

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

R-09-374 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 Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Marcy B. Devaney c/o Drazin & Warshaw, Attys. 25 Reckless Place Red Bank, NJ 07701	124.60	4	\$1,382.68

Re: 17 Bismark Street

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$1,382.68 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 \$1,382.68 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

R-09-375 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 Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Healy & Falk, Trust Account P.O. Box 70 Belford, NJ 07718	129.09	35	\$844.46

Re: Winter from Hubrig
51 Fennec Court

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$844.46 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 \$844.46 be and hereby is approved for the aforementioned property.

ROLL CALL

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

Dr. Mayer offered a motion to move to Workshop, seconded by Ms. Fama.

Mrs. Mount-Taylor advised that Council would move into Workshop, leaving the Regular Meeting open.

ROLL CALL

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

TIME: 8:29 P.M.

WORKSHOP MEETING

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

New Business

Budget Timetable

Ms. Fama stated that she is interested in getting a calendar for the 2010 budget, written and established with timetables.

Mr. Pfeffer advised Ms. Fama that the budget is governed by State Statute however, it has not been adhered to by the State in an excess amount of years.

Mr. Pfeffer stated that he would work a timetable calendar up with Bryan and give Ms. Fama a copy of same.

Newsletter

Mr. Morrill questioned why a paper newsletter is being sent out when the Borough recently spent money to create a new website. Mr. Morrill suggested that it be emphasized on the newsletter a notice for people who wish to receive further newsletters to sign up on the website with their email address. The Borough can then email further newsletters to those residents who wish to receive same rather than wasting postage, paper, and the time it takes to create, copy and mail.

Mayor Skudera replied that he feels having both, a paper newsletter and an efficient website, help each other and feels that the Borough should continue with the paper newsletter because not everyone has access to the website/internet. The paper newsletter gets the message out and informs the residents what is happening in Tinton Falls. Mayor Skudera suggested a paper newsletter be sent out twice a year.

Ms. Fama suggested there be a section in the newsletter advising the residents that they can choose to "opt out" of receiving a paper letter and subscribe to an electronic newsletter, if they wish to do so, on the website.

Combining Fire Districts, EMS and Municipal Budget into one unit

Mr. Morrill asked that the combining of budgets be looked into to cut the cost of each district preparing their own.

Mr. Nelson advised that he will look into the process of either eliminating or combining districts.

Discussion – Council Meeting Order of Business

Mr. Nelson discussed possible changes in the Borough's agenda and suggested doing one Workshop meeting per month, separate from the Regular meeting so Council can discuss all action items before voting on them. Mr. Nelson also discussed executive session taking place before the regular meeting rather than at the end of the meeting.

Council had a lengthy discussion and agreed that they were in favor of changing the Borough's current agenda to reflect Mr. Nelson's suggestions.

Economic Development Committee

Ms. Fama requested guidance on how to go about creating an Economic Development Committee.

Mr. Nelson briefly explained the procedures of creating a new committee.

EXECUTIVE SESSION

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

R-09-376 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. Property Auction Options - Block 66 Lot 4.01
 - b. Property Auction Options - Block 69 Lot 4.01
 - c. Potential Open Space Acquisition Block 120, Lots 37.02 & 37.04

**REGULAR/WORKSHOP MEETING
OCTOBER 6, 2009
BOROUGH COUNCIL**

d. Potential Land Swap - Block 110.02 Lots 56.02 thru 59

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

Mr. Morrill offered a motion to move into Executive Session, seconded by Dr. Mayer.

ROLL CALL

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

TIME: 9:29 P.M.

Mr. Nelson advised the public that at this point, no further action would be taken.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

TIME: 10:52 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: NOVEMBER 10, 2009