

**REGULAR/WORKSHOP MEETING  
SEPTEMBER 1, 2009  
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:30 P.M.

All present stood for Salute to Flag.

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

**ROLL CALL**

PRESENT: Mr. Baldwin (via telecommunications), Ms. Fama, Mr. Larkin (arrived at 7:37 P.M.),  
Dr. Mayer, Mr. Morrill

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor  
W. Bryan Dempsey, Administrator  
Michael Supko, (Representative for Brian Nelson, Director of Law)  
Karen Mount-Taylor, Borough Clerk  
David Marks, Borough Engineer

Dr. Mayer and Mr. Morrill, for the purpose of the record, agreed that they recognized Mr. Baldwin's voice.

**Presentation of Quail Hill sign to the Boy Scouts**

Mr. Morrill stated that the Scouts had brought to the Open Space Committee's attention that their sign had disappeared from the Qual Hill camping area during a hazing incident.

Mr. Dempsey advised that the Borough's Public Works Department took the time and effort to build a new sign for the Boy Scouts.

At this time, the sign was presented to the Boy Scouts; Council, Administration and the public applauded and complimented the work and craftsmanship of the newly created sign.

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**APPROVAL OF MINUTES**

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Mayor's Report**

Mayor Skudera updated Council on the FMERPA meetings and advised that at a later meeting, he plans to have John Bucciero come before Council to discuss Single Stream Recycling.

**Engineer's Report – Mr. Marks**

*Recreation Open Space Master Plan*

A meeting, composed of a small group from the Open Space and Recreation Committees, will be held tomorrow evening to discuss steps moving forward with the plan.

*Pine Street Relocation*

They have installed the base course and the project is moving forward.

*Garden State Animal Hospital*

Mr. Dempsey and he met with Garden State Animal Hospital to discuss their parking issues and some possible solutions.

*Essex Road*

The Phase II project that the County has planned, realigning Essex Road with the new Pine Street, will also include pedestrian access across the new culvert structure.

*Tinton Avenue*

The County will be resurfacing Tinton Avenue from Swimming River Road to Sycamore Avenue. Their current work schedule includes milling the night of September 10<sup>th</sup> and paving the following evening, September 11<sup>th</sup>.

**Administrator's Report – Mr. Dempsey**

*Front Loading Dumpsters*

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The bid specifications will be advertised in the next few days for the residential collection that uses dumpsters in the condominium associations; the borough currently uses rear loaders.

*Fox Chase II*

There was a meeting held with Fox Chase II and the Concerned Citizens Group to resolve litigation. There is a proposal in place and hopefully by September 8<sup>th</sup> a decision will be made by all parties involved. If the proposal does come to fruition, it would benefit the borough. It would impact the borough's Third Round Affordable Housing Plan.

*Sycamore Sidewalks*

The project is seventy-five (75) percent complete.

*Disability Insurance*

The borough is awaiting an additional quote from a second vendor.

*Monmouth County Open Space Grant*

The application is due the end of September. A Public Hearing is needed at the next meeting. An application will be submitted for improvements to Liberty Park II.

*Anemometer Reading*

The Rowan University installation of the anemometer should be done within the next few weeks.

Director of Law's Report – Mr. Supko

Mr. Supko advised that he had no report for tonight.

Borough Clerk's Report – Mrs. Mount-Taylor

Mrs. Mount-Taylor reported that The Falls received an extension of premises with a rain date of September 11<sup>th</sup> and 12<sup>th</sup> which, with regards to the Engineer's Report, might interfere with traffic. Mr. Marks advised that he can put The Falls in contact with the County and suggested it be something they work out amongst themselves and the borough not get involved.

Council's Report

Mr. Baldwin:

Mr. Baldwin advised that he had no report this evening.

Dr. Mayer:

- thanked Mr. Dempsey for taking care of the Boy Scouts sign and moving forward on the Rowan anemometer wind study
- updated Council on the Environmental Commission and Technical Advisory Committee meetings
- Community Gardens is going to have a setup at Community Day along with the Environmental Commission who will be focusing on getting the word out as far as reducing the use of plastic bottles for water and encouraging people to use cups or refillable bottles instead

Mr. Larkin:

- advised that he attended the Environmental Commission meeting with Dr. Mayer to focus on the presentation from the school's perspective and to see how they can get involved

Ms. Fama:

- updated Council on the meeting she attended with the ladies from the Library and discussed the topic of the benefits of a Community Library verses a County Library
- advised Council and Administration that earlier this week a resident contacted her regarding their concerns of placing a stop sign in the "fruit bowl" due to the constant speeding which results in the endangerment of children

Council President's Report – Mr. Morrill

Mr. Morrill advised that this year's Volunteer Appreciation Day will be held on September 19<sup>th</sup> and Community Day will be held on September 26<sup>th</sup>.

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**PETITIONS** – None

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**ORDINANCES FOR INTRODUCTION**

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Borough Clerk read Ordinance No. 09-1275 entitled: ORDINANCE AMENDING CHAPTER XIX (FLOOD DAMAGE PREVENTION) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Dr. Mayer offered a motion to introduce Ordinance No. 09-1275, 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. 09-1275 to be set at the convenience of the Borough Clerk

*Ordinance No. 09-1275 in Full/Ordinance Book No. 4*

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Borough Clerk read Ordinance No. 09-1276 entitled: ORDINANCE 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 introduce Ordinance No. 09-1276, 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. 09-1276 to be set at the convenience of the Borough Clerk

*Ordinance No. 09-1276 in Full/Ordinance Book No. 4*

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**ORDINANCES FOR FINAL CONSIDERATION**

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**PUBLIC DISCUSSION**

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Leo Christofili, 328 Riveredge Road

- discussed the Federal Environmental Protection Agency with regards to the closing of Fort Monmouth and the Tinton Falls Environmental Commission
- questioned the costs for the acquisition of the DeLisa property
- commented on the budget, other expenses
- commented on an article written by Keith Brown of the Asbury Park Press regarding the Open Space referendum

Charles Lomangino, 3 Helena Street

- stated that the Department of Public Works was on Annapolis Street fixing a couple of sinkholes that were previously repaired last year. Mr. Lomangino commented since then the borough has paid a couple hundred thousand dollars in asphalt equipment. Mr. Dempsey corrected Mr. Lomangino and advised that as far as he is aware, his statement was incorrect; Public Works has not purchased this equipment.
- requested that Mr. Bucciero attend all council meeting to answer questions from the public

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Leo Lomangino, 93 Colonial Drive

- requested that Council read the article presented by Mr. Christofili regarding the 43 acres of contaminated soil at Fort Monmouth

- asked if Council was aware when the legislators will host an open meeting, Mr. Dempsey replied that there is an open meeting scheduled at Monmouth Regional for September 12<sup>th</sup>

Leo Christofili, 328 Riveredge Road, stated that he had previously come before Council to inquire about the Somer's property and if any of that soil was contaminated. Since then he has found out that the Fire Department deliberately set a fire, practiced putting it out and buried the material on the Somer's property. Mr. Morrill stated that information was incorrect; the building that is currently standing there was built in the same exact footprint. The fire department did not bury it; they took and cleaned it out and built the house in footprint of that same area.

There being no further comments from the public, Mr. Morrill 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**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

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**RESOLUTIONS**

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

**R-09-324 RESOLUTION ENDORSING THE "GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009"**

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland Preservation, and Historic Preservation programs, is virtually depleted despite the continues need for the programs it makes possible; and

WHEREAS, on November 3, 2009, the voters of New Jersey should be asked to approve the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," which authorizes the state to issue \$400 million in bonds to fund New Jersey's preservation programs; and

WHEREAS, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, and State of New Jersey as follows:

1. The municipality encourages the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009, on November 3, 2009.

2. The Municipal Clerk is hereby authorized to provide duly authenticated copies of this Resolution to the following:

- The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625
- State Senators
- State Assemblypersons
- Keep It Green c/o NJ Audubon Society, 142 W. State Street, 4<sup>th</sup> Floor, Trenton, NJ 08608
- Daily and Weekly Newspapers

**ROLL CALL**

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

NAYS: Ms. Fama

ABSENT: None

ABSTAIN: None

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

**R-09-325 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES  
WOODCLIFF ESTATES/COLDER SUBDIVISION – BLOCK 97, LOT 11**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Woodcliff Estates/ Colder Subdivision Block 97, Lot 11, and

WHEREAS, BY LETTER DATED August 17, 2009 (said copy herby attached and made part of this resolution), Engineer, (Leon S. Avakian, Inc.) has supplied the developer with a punch list outlining items which need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in Leon S. Avakian, Inc.'s letter of August 17, 2009, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-326 RESOLUTION – AUTHORIZING THE MAYOR AND MUNICIPAL CLERK  
TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MONMOUTH –  
SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk are hereby authorized to execute a Food Shopping Agreement with the County of Monmouth for Special Citizens Area Transportation System (S.C.A.T.) for 2010.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

**R-09-327 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 1, 2009**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 1, 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	\$ 3,426,266.83
TRUSTS	9,480.18
DEVELOPER ESCROW	12,640.50
GRANT FUND	4,987.18
SEWER UTILITY	8,948.21
ADDITIONS	<u>476,390.15</u>
	\$ 3,938,713.05

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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CONSENT AGENDA

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

**R-09-328 RESOLUTION – REFUNDING ESCROW FEES – TOWNSEND CAPITAL, LLC**

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

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

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

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

Townsend Capital, LLC	1350-A1038	\$ 7,936.78
	1350-A2192	9,978.47
	1350-A2200	<u>425.00</u>
	TOTAL	\$18,340.25

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-329 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of June 2009 fees were paid in full by a resident for their child's enrollment in our summer camp program. The parents then requested the assistance of Child Care Resources for payment and was granted a partial payment.

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

WHEREAS, during the month of August 2009, the Recreation Superintendent received payment from Child Care Resources in the amount of \$413.21. A refund in the amount of \$379.21 shall be issue to the parent of Chris Anderson.

Christopher Anderson	\$379.21
Total	\$379.21

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$379.21 be issued.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-09-330 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of June 2009 fees totaling \$125.00 were paid by a resident of Tinton Falls for enrollment in our River Rangers Program

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

WHEREAS, during the month of August 2009, the Recreation Superintendent was informed by the resident that child due to physical limitations and an unwillingness to participate in the program; therefore a refund in the amount of \$115.00 should be issued to the resident.

Brenda Walenczky	\$115.00
Total	\$115.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$115.00 be issued.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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ROLL CALL

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

TIME: 8:20 P.M.

WORKSHOP MEETING

Unfinished Business

*Future Road Program*

Mr. Marks advised that after discussions with the Department of Public Works as well as self-observation, he has composed a list of streets for a future Road Program. Mr. Marks overviewed the list with Council and explained the costs, including everything.

New Business

*Construction Fees Schedule & Other Fees*

Mr. Dempsey stated that after the last budget he had requested that all the department heads look at their fee schedules and see where the borough can have some increases. The Construction Department feels there are some fees in their department, which need to be increased. Mr. Dempsey advised that he would be submitting a proposal to Council in the near future where there will be some fees increased including the Recreation Department, Construction Department, the Impound Yard fees from the Police Department, etc.

Council requested that Mr. Dempsey attach a spreadsheet showing amount of old fees verses the increases along with fee schedules from other towns on the proposal.

*Borough Council Meetings Order of Business*

Mr. Dempsey advised that after numerous discussions between Mrs. Mount-Taylor, Mr. Nelson and himself, they wanted to see if there was a different way to do business that might be more productive. Mr. Dempsey suggested possible ways to change the borough's order of business, which may get the meetings to flow more productively in a lesser amount of time.

Mr. Dempsey advised that Mrs. Mount-Taylor, Mayor Skudera, Mr. Nelson and himself would come up with something to propose to Council at an upcoming meeting.

*Clothing Bins Ordinance*

Mr. Dempsey updated Council that recently legislation passed which would give the borough rights to regulate clothing bins in Tinton Falls. Mr. Nelson is currently working on an Ordinance stating where clothing bins can be placed and who would be responsible for them.

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ADJOURNMENT

Dr. Mayer offered a motion to adjourn the meeting, seconded by Ms. Fama.

ROLL CALL

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

TIME: 9:02 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

**APPROVED AT A MEETING HELD ON: FEBRUARY 2, 2010**