

**REGULAR/WORKSHOP MEETING
SEPTEMBER 15, 2009
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:35 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, Dr. Mayer, Mr. Morrill

ABSENT: None

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

Mr. Morrill advised that the single stream presentation was suppose to be on the agenda but he had asked John Bucciero if it was possible to move his presentation to a separate evening due to the number of Public Hearings scheduled and the Energy Presentation.

Mr. Morrill also introduced Ms. Christine Handlin, representative for the Director of Law, who had an injury and was unable to attend the meeting.

APPROVAL OF MINUTES

Dr. Mayer offered a motion to approve the minutes of July 7, 2009, seconded by Mr. Larkin.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered a motion to approve the minutes of July 21, 2009, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL ADMINISTRATION

Mayor's Report

Rush Holt Meeting

Mayor Skudera advised that he attended Congressman Rush Holt's meeting on Saturday and updated Council on items of discussion such as healthcare, environments on the economy, etc.

Newsletter

Mayor Skudera stated that he is restarting the Borough Newsletter for Tinton Falls and it should begin coming out before the election so the residents can be educated on the Open Space Referendum along with updating them on recent events and/or situations going on with the Borough.

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Chief Financial Officer's Report – Mr. Pfeffer

Budget

Budget requests were sent out to all departments and are expected back at the end of October. The Hearing is planned for the end of November; Mr. Dempsey will set the date and it will be advertised once the date is set.

Revenues

The revenues are being charted on a daily basis and there has been no material change from the forecast that was first projected towards the end of the budget cycle.

Administrator's Report – Mr. Dempsey

Volunteer Day

Mr. Dempsey informed the Council and public that Volunteer Day is Saturday at Oak Tree Lodge in Wall from 12:00 P.M. – 6:00 P.M.

Director of Law's Report – Ms. Handlin (Representative for Director of Law)

Ms. Handlin advised that she had no report for tonight.

Borough Clerk's Report – Mrs. Mount-Taylor

Sale of Property

Mrs. Mount-Taylor advised that the Borough of Tinton Falls will be selling two pieces of property on September 23rd: Forgottson, located at 771 Tinton Avenue for a minimum bid of \$275,000 and Double AA Property, located at 1888 Sycamore Avenue for a minimum bid of \$150,000. This Thursday, September 17th, between the hours of 9:00 A.M. – 11:00 A.M. there will be someone from the Public Works Department at each property for anyone who wants to inspect the properties. The Ordinance is also on the Borough's website for anyone who wants to see the procedures for the sale of property.

Newsletter

Mrs. Mount-Taylor advised that in the past, Council did a dialogue from the dais. The Council President wrote updated issues Council was working on, achieving, as well as informing the residents about elections, polling places, meeting dates, etc. Mrs. Mount-Taylor stated if Council would like to do something as in the past, she would proceed and have Council review before it it were published.

Council's Report

Ms. Fama stated that she was invited by the Tinton Falls Women's Club to become a member; she happily did so and attended her first meeting with them last week. It was decided at the meeting that there would be a five-hundred dollar donation to the EMS Squad.

Mr. Larkin informed Council that last Tuesday the Tinton Falls School District opened for business and advised that he wanted to take a second to recognize the Tinton Falls Police Department, the Division of Traffic Safety, for going the extra mile to make sure that all the children get to school safely as well as making sure that traffic is cleared up.

Dr. Mayer stated that the Technical Advisory Committee had a representative from Ocean T.V. come to a meeting to explain how Ocean has implemented an all public access channel that is carried on Verizon Fios and Comcast and how they operated, the type of equipment they use, costs, etc.

Dr. Mayer also advised that the Environmental Commission had a Community Garden meeting and there has been a great turnout in membership. They will be doing a small fundraiser at Community Day to help provide "seed money" for the garden which will be at the Crawford House.

Council President's Report – Mr. Morrill

Recreation Department

The Fall activities are beginning and include activities such as tennis, golf, bowling, mad science, etc.

PBA Golf Outing

The outing will be held on October 2nd at Pebble Creek and if anyone is interested they can contact Lieutenant David Nase at extension 295; tickets will be sold for \$125.00 per person.

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Community Day

Tinton Falls Community Day will be held on September 26th at Sycamore Field beginning at 3:00 P.M. and ending at 7:00 P.M. following this year's movie, Wally, at 7:30 P.M. The rain date will be September 27th, same time.

Energy Presentation – T&M Associates

Paul Sweetwood reviewed different programs that are offered by different agencies and advised that the primary principal agency to be aware of is the New Jersey Clean Energy Program who offer a number of different programs to have every municipality perform a series of facility audits so they can identify energy saving opportunities within their municipal buildings. Mr. Sweetwood reviewed different possible projects and programs and advised that New Jersey Clean Energy will reimburse the municipality seventy-five percent of the cost of the audit up front.

Public Hearing on Monmouth County Municipal Open Space Grant Program

David Marks, Borough of Tinton Falls Engineer, gave an overview and slide presentation on the proposed application for the Open Space Grant program to conduct various parking improvements, lighting improvements and park improvements to Liberty Park II on West Park Avenue, Block 123, Lot 1. He explained the additional parking lot, tot lots, and parking lot lighting, as well as rain gardens, picnic areas and access roads of the property.

Mr. Marks advised that the maximum that the Monmouth County Open Space Grant Fund Program awards is \$250,000.00, which is a 50% match. Unless the Borough would like to proceed otherwise, Mr. Marks stated that they would like to max out the grant award.

Dr. Mayer offered a motion to open the public hearing on the Open Space Trust Fund Application, seconded Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

Robert Caizza, 9 Liberty Drive, requested lighting for the football fields.

John Cahill, 10 Williamsburg Drive, requested and commented on the need for lights on the fields and field improvements. Mr. Cahill also commented that he does not agree with the Borough's plan as he would like to see Pop Warner have a say in the plan regarding what they feel needs improvement. Mr. Cahill feels that not enough has or is being done for Football in the Borough. He further questions the lighting at the Sycamore Soccer Fields located on Sycamore Avenue. Borough Administrator, Mr. Dempsey explains that the soccer complex was a developer contribution. Mr. Dempsey elaborates on what has and is being done for Football at that park such as the bleachers and concession stands.

Ronald Palmieri, 5 Stockton Street, explains the grant process and volunteers his time to help come up with a plan that would provide what is needed. He further explains that this is a conceptual plan and not the final plan.

Leo Lomangino, 93 Colonial Drive, questioned if open space funds could be used for lighting and requested that the park be developed for everyone to enjoy, such as one similar to Liberty Park 1.

Nicole Mayer, 43 Sam Drive, questioned if the open space fund is cut if there will be less opportunities available to add to the field and voiced her concern about the reduction.

Jennifer Marshall, 92 Austin Street (Park Place), stated that as a mother she feels it is a dangerous element not having lighting for the children and it causes a safety issue.

Denise Catalano, 11 Alpine Trail, commented that she feels a park should be for everyone to use.

Sharon Brown, 34 Green Meadow Drive, commented on the values that the sport of football provides for the children, on other property that might be available for parks, and informed Mr. Dempsey that he should be seeking grants at all times.

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Charles Lomangino, 3 Helena Street, commented on the lighting issues and requested that lights be installed on the fields.

Leo Christofili, 328 Riveredge Road, commented on the Open Space referendum and requested that the issue of field lighting be a matter placed on the ballot. Mr. Morrill advised Mr. Christofili that this is a matter that will be decided at the current meeting as the grant is up at the end of the week.

Rochelle Platt, 42 Steven Avenue (a young Pop Warner player), requested field lighting. (He receives a loud applause for his comment and courage to approach the dais)

Gina Gundel, 629 Green Grove Road, commented on the need for lighting for safety issues. Ms. Gundel explains how dark it is when children (cheerleaders) are picked-up by their parents.

Michael Timney, 452 Riverdale Avenue West, father of Falcon cheerleaders, voiced his safety concerns on not having field lighting for the children.

Karen Fara, Eatontown Resident, questioned when Mr. Marks will be able to make arrangements for everyone to meet. Mr. Marks advised that he would prefer to meet with a group of people as the Borough gets into larger consensus. Currently if he could meet with one or two persons, that would expedite this process as the application for this grant is due next week.

Jim Sheraton, 59 Periwinkle Circle, thanked the Borough for all the work that has already been done to the fields and requested that lighting be installed on the fields.

Anthony Murano, 10 Precnise Court (Society Hill) (young Pop Warner Player), requested field lighting.

Susan Gaurino, 2 Brown Drive, commented that the fields are unsafe at night without lighting on them.

Leo Christofili, 328 Riveredge Road, commented on the number of towns receiving grant money and requested if Tinton Falls is denied, that this issue be placed on a referendum.

Mr. Baldwin offers a motion to close the public hearing on the Open Space Trust Fund Application, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING CLOSED

Council recesses for a break: 9:06 P.M.

Council reconvenes: 9:18 P.M.

Mr. Baldwin stated that the concerns of the public that have been expressed should be addressed.

Council President Morrill questions if they switch over to lighting instead of parking. Mr. Marks explains competitive applications and feels that the application that has been prepared is one.

Dr. Mayer requested that this issue of field lighting be addressed. This generates a lengthy discussion of the lighting concern.

Mr. Larkin questioned the focus as to the timeframe of the application and requests if changes may be submitted after the approved plan. Mr. Marks answers that there are some changes that may be made.

Ms. Fama questions why lighting would be less desirable than the plan that is before the Council.

Mr. Marks elaborates on the need of recreational facilities more so than lighting.

Dr. Mayer comments on the parking issues and if that would be a higher percentage for approval.

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Ms. Fama question if more than one application can be submitted.

Mr. Marks advises only application may be submitted and the Borough could in the future have a Phase II for lighting.

Mr. Dempsey reminds everyone that it is a request for \$500,000.00. He advises that he, Mr. Marks and Pop Warner can meet and see what can be create with the \$500,000.00 request.

Mr. Marks assures council that he and Mr. Dempsey will meeting with some of the representatives of Pop Warner and create the best fundable application for this project. Further discussion amongst the Council members on the need for lighting and the use of the park.

At this time, Council decides to adopt the resolution presented to them by the Borough Engineer.

Mr. Baldwin offers a motion to amend the agenda to include R-09-340, seconded by Ms. Fama.

ROLL CALL (on amendment)

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

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer offered the following Resolution and moves its adoption, Seconded by Mr. Larkin.

**R-09-340 RESOLUTION – AUTHORIZING THE FILING OF AN APPLICATION WITH
THE MONMOUTH COUNTY OPEN SPACE TRUST FUND - LIBERTY PARK II
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 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 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

PETITIONS - None

ORDINANCES FOR INTRODUCTION

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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

Mr. Baldwin offered a motion to introduce Ordinance No. 09-1277, 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. 09-1277 to be set at the convenience of the Borough Clerk.

Ordinance No. 09-1277 in full/Ordinance Book No. 4

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

Mr. Larkin offered a motion to introduce Ordinance No. 09-1278, seconded by Ms. Fama.

ROLL CALL

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

Council President advised that the Public Hearing on Ordinance No. 09-1278 would be set at the discretion of the Borough Clerk.

Ordinance No. 09-1278 in full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 09-1273 entitled: ORDINANCE AMENDING CHAPTER XIV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS GOVERNING FIRE PREVENTION

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 09-1273, seconded by Dr. Mayer.

ROLL CALL

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

Mrs. Mount-Taylor advised that the Public Hearing was closed at a previous meeting, and the Ordinance was amended for the provision as to the terms. The Public Hearing this evening would be conducted only on the amendments and the Ordinance, if adopted, would be adopted as amended.

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 09-1273, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

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NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 09-1273 as amended, seconded by Dr. Mayer.

ROLL CALL

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

Borough Clerk read Ordinance No. 09-1274 entitled: AN ORDINANCE AMENDING CHAPTER SEVEN OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS (TRAFFIC)

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 09-1274, 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, Dr. Mayer offered a motion to close the Public Hearing on Ordinance No. 09-1274, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 09-1274, seconded by Ms. Fama.

ROLL CALL

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

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

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 09-1275, 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, Ms. Fama offered a motion to close the Public Hearing on Ordinance No. 09-1275, seconded by Mr. Baldwin.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 09-1275, seconded by Dr. Mayer.

ROLL CALL

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

Mr. Dempsey stated that on Ordinance No. 09-1273, the comments received from the school board were not incorporated into the Ordinance and advised that he wanted to make sure Council was aware of same.

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

Drew DeGanahl, 76 Hope Road, discussed his concerns regarding the speed limit on Hope Road between Sycamore and Tinton Avenue. Mayor Skudera informed Mr. DeGanahl that this has been forwarded to Traffic Safety and they are reviewing same. Once they do same, they will make a report back as to their findings on the speed limit and what can and/or cannot be done.

Mr. DeGanahl also informed Council and administration about several houses on Hope Road that are in various stages of disrepair and stated that someone has to contact the property owners to reinforce this issue. Mr. Dempsey advised that the Code Enforcement Official is aware of this situation and is working on it. Public Works is currently maintaining 50 Hope Road and will continue to do so.

Charles Lomangino, 3 Helena Street, questioned the process of Essex Road. Mr. Dempsey advised that Essex Road is next year's project and is not part of the current process, Phase I.

Mr. Lomangino also spoke regarding the lighting issues in Tinton Falls.

Peter Karavites, 784 Sycamore Avenue, commented on Ordinance No. 09-1273.

Cindy Anderson, 33 Fairfield Drive, advised that she has written several emails to the Traffic Safety Department regarding the speed limit on Cloverdale Circle and suggested it be looked into.

Leo Christofili, 328 Riveredge Road, commented on the taxes paid from the Jersey Shore Premium Outlet Mall and questioned how much the Municipality received. Mr. Pfeffer advised that the Borough receives 23.09%.

Mr. Christofili also spoke regarding the Somers property however, his comments and/or questions were inaudible.

Gina Gundel, 629 Green Grove Road, & Jim Vint, 625 Green Grove Road, came before Council and the administration to speak on Resolution R-09-318 and questioned if that Resolution was for

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the sewers on Green Grove Road. Mr. Dempsey advised Ms. Gundel and Mr. Vint that R-09-318 was for the sewers on Green Grove Road and stated that Resolution would be on for adoption at the next Council meeting, October 6, 2009.

Denise Catalano, 11 Alpine Trail, questioned if the Borough would proceed with the Open Space project even if the Borough does not receive the grant from Monmouth County. Mr. Morrill advised Ms. Catalano that if the Borough does not receive the grant, that issue would have to come back before Council.

Leo Christofili, 328 Riveredge Road, questioned the project monies for Liberty Park II. Mr. Morrill advised the Borough will only use what is needed; the grant is for up to \$250,000, it does not have to cost the full amount.

Henry Carney, 1900 Wayside Road, suggested Council reduce Public Discussion to five minutes and have a limit of 10 persons per meeting as it seems that certain members of the public take over the meetings and is the reason why Council's meeting continue to 11:00 P.M. or later. Mr. Morrill replied that he is not in favor of doing same as he feels it would be trying to push the public away.

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: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS

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

Mr. Dempsey advised that the Borough is awaiting a second quote and suggested Council carry this Resolution to October 6, 2009.

Dr. Mayer offered a motion to carry Resolution R-09-235 to October 6, 2009, seconded by Mr. Baldwin.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered a motion to move Resolution R-09-318 to October 6, 2009, seconded by Dr. Mayer.

**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**

ROLL CALL

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

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NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-09-331 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 09-14 –
PTSA MONMOUTH REGIONAL HIGH SCHOOL – OFF PREMISES 50-50
RAFFLE**

WHEREAS, PTSA Monmouth Regional High School has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 09-14; 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# 09-14 be and the same is hereby approved as follows:

NAME: PTSA MONMOUTH REGIONAL HIGH SCHOOL
IDENTIFICATION NO.: 343-5-35212
LOCATION: ONE NORMAN J. FIELD WAY, TINTON FALLS, NJ 07724
DATE: NOVEMBER 26, 2009 TO BE DRAWN AT 3:00 PM

ROLL CALL

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

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

**R-09-332 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR THE
ATRIA AT TINTON FALLS, BLOCK 123, LOT 49.04**

WHEREAS, the developer has requested the release of Maintenance Guarantees for The Atria at Tinton Falls, Block 123, Lot 49.04.

WHEREAS, by letter dated August 24, 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.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees for The Atria at Tinton Falls, be released upon the payment of all outstanding moneys due the Borough.

Mrs. Mount-Taylor advised that she believes the Borough holds Performance Guarantees, not Maintenance Guarantees. Mrs. Mount-Taylor stated that she will do the research and if needed, will bring it back to Council.

ROLL CALL

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

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

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

R-09-333 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 15, 2009

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 15, 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

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GENERAL	\$ 740,856.43
TRUSTS	13,916.37
CAPITAL	5,883.18
DEVELOPER ESCROW	18,617.50
GRANT FUND	2,273.36
SEWER UTILITY	21,389.26
ADDITIONS	<u>1,095,662.18</u>
	\$1,898,598.28

ROLL CALL

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

CONSENT AGENDA

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

R-09-334 RESOLUTION - PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 20 SHEA LANE

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Robert J. & Debra A. Calamunci 20 Shea Lane Tinton Falls, NJ 07724	83	11	\$203.00

Prop. Loc.: 20 Shea Lane

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 clean up on the above mentioned property totaling \$203.00 pursuant to a letter dated August 13, 2009 from John N. Bucciero, Director of Public Works (said letter hereby attached and made part of this resolution).

NOW, THEREFORE BE IT RESOLVED, that a debris lien in the amount of \$203.00 is hereby charged to the property known as 20 Shea Lane and shall become part of the taxes next to be assessed and levied.

ROLL CALL

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

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

R-09-335 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	\$154.32

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 clean up on the above mentioned property totaling \$154.32 pursuant to a letter dated August 12, 2009 from John N. Bucciero, Director of Public Works (said letter hereby attached and made part of this resolution).

NOW, THEREFORE BE IT RESOLVED, that a debris lien in the amount of \$154.32 is hereby 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: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

**REGULAR/WORKSHOP MEETING
SEPTEMBER 15, 2009
BOROUGH COUNCIL**

NAYS: None
ABSENT: None
ABSTAIN: None

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

R-09-336 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>
Anthony & Shellean Foglia 30 Phipps Place Tinton Falls, NJ 07724	105.03	27.04	\$3,695.80

and,

WHEREAS, said error has resulted in an overpayment of 2009 3rd quarter taxes paid in the amount of \$3,695.80 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 \$3,695.80 is hereby approved for the aforementioned property.

ROLL CALL

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

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

R-09-337 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of June 2009 fees totaling \$90.00 were paid by a resident of Tinton Falls for their child's participation in fall soccer program.

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

WHEREAS, during the month of September 2009, the Recreation Superintendent was informed by the resident that child due to a practice and game scheduling conflicts will be unable to participate in the program and a refund should be issued in the amount of \$80.00 deducting the \$10.00 processing fee.

Nicole Alonso	\$80.00
Total	\$80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

ROLL CALL

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

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

R-09-338 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of June 2009 fees totaling \$77.00 were paid by a resident of Tinton Falls for their child's participation in fall soccer 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 scheduling conflicts will be unable to participate in the program and a refund should be issued in the amount of \$67.00 deducting the \$10.00 processing fee.

Tatyana Asante	\$67.00
Total	\$67.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

ROLL CALL

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

**REGULAR/WORKSHOP MEETING
SEPTEMBER 15, 2009
BOROUGH COUNCIL**

NAYS: None
ABSENT: None
ABSTAIN: None

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

R-09-339 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of June 2009 fees totaling \$90.00 were paid by a resident of Tinton Falls for their child's participation in fall soccer 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 a relocation will be unable to participate in the program and a refund should be issued in the amount of \$80.00 deducting the \$10.00 processing fee.

Lisa Soricello	\$80.00
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Total	\$80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 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-09-341 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 acquisition at Block 120, Lots 37.02 & 37.03
 - b. Proposed acquisition at Block 147, Lot 10

- 2) Litigation – N.J.S.A. 10:4-12(b)(7)
 - a. Fox Chase II vs. Concerned Citizens

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Director of Law.

ROLL CALL

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

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: 10:25 P.M.

WORKSHOP MEETING

**REGULAR/WORKSHOP MEETING
SEPTEMBER 15, 2009
BOROUGH COUNCIL**

Unfinished Business

Update on Fee Schedule(s)

Mr. Dempsey advised that he is still working on the fee schedule and will have it ready for the next meeting.

New Business

Dr. Mayer stated that he received an email from a citizen, Christine Coleman, advising of her concerns regarding traffic safety at the intersection of Sycamore and Hance Avenue.

Mr. Dempsey stated that the Borough would look into it but also advised that this issue was originally to be funded by the County. The County was willing to put a traffic light at the intersection of Sycamore and Hance Avenue with the requirements from the Borough for street widening, tree removal, etc., all of which required Council's approval. At that time, due to all the objections from the public, Council was not willing to give the County their approval on same; and therefore, the County was not willing to put up the traffic light. The funding for that traffic light ended up going towards the installation of the traffic light at the intersection of Asbury Avenue and Cannonball Drive.

EXECUTIVE SESSION

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:30 P.M.

Mr. Morrill advised that no further action would be taken.

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: 11:50 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: OCTOBER 20, 2009