

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

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Deputy Council President Mayer called regular meeting to order at 6:55 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."

ROLL CALL

PRESENT: Mr. Larkin (arrived at 7:03 PM), Dr. Mayer, Mr. Baldwin (via telecommunications), Mr. Morrill

ABSENT: Ms. Fama

ALSO PRESENT: Michael Skudera, Mayor
Gerald Turning, Sr., Administrator
Brian M. Nelson, Director of Law
James E. Berube Esq., Special Counsel
Maureen L. Murphy, Borough Clerk
Stephen Pfeffer, Chief Financial Officer

Dr. Mayer motioned for the record; he recognized Mr. Baldwin's voice, seconded by Mr. Morrill.

Mr. Nelson was present but excluded himself from the Executive Session portion of the meeting.

EXECUTIVE SESSION

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

R-10-379 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 on December 21, 2010 at 6:30 p.m. 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)
None
- 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)
 - o County of Monmouth Host Community Agreement (ATOD Jan. 2011)
 - o Collective Bargaining - Superior Officers (ATOD Dec. 2010)
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
 - o Year End Litigation Update

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Larkin

ABSTAIN: None

Dr. Mayer advised that Council was back on the record at 7:37 P.M.

ROLL CALL

PRESENT: Ms. Fama (via telecommunications), Mr. Larkin, Mr. Morrill, Mr. Baldwin (via telecommunications), Dr. Mayer

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor
Gerald Turning, Sr., Administrator
Brian M. Nelson, Director of Law
Maureen L. Murphy, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer

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All present stood for Salute to Flag.

APPROVAL OF MINUTES

Mr. Baldwin offered a motion to approve the minutes of December 7, 2010, seconded by Mr. Larkin.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

FMERA

The Fort Monmouth Economic Authority met to establish their 2011 meetings. All information regarding same will be posted on Fort Monmouth's website. Meetings will be held Wednesdays at 7:00 P.M. and will rotate between Tinton Falls, Eatontown and Oceanport.

Grant – EMS South

The Administration applied to the New Jersey Office of Clean Energy for a grant to fix the EMS South heating and air conditioning units that have been operating inefficiently. Tinton Falls was awarded the grant in the amount of \$47,000.00

Administrator's Report – Mr. Turning

Mr. Turning advised that he had no report this evening and wished everyone a Merry Christmas and a Happy New Year.

Engineer's Report – Mr. Marks

County Projects

Mr. Marks advised that a meeting was scheduled between the County Engineer and himself to discuss the status of the County projects; that meeting was delayed until after the New Year.

Road Improvement Program

The Borough has been moving forward with the survey portion of the Road Improvement Program.

Energy Efficiency Conservation Block Grant & Direct Install Program

Based upon the number obtained through the audit, they anticipate a \$3,600.00 annual savings just in electric and gas consumption once the heating and air conditioning is fixed in the EMS South building. In addition to getting the work done for free, the Borough will also be receiving an annual savings.

Chief Financial Officer's Report – Mr. Pfeffer

R-10-382

Mr. Pfeffer advised Council that Administration would like Resolution R-10-382 moved to the next Council meeting.

Tax Collections

There has been no change in the revenue projections; they are still weak. The taxes are also experiencing some weakness. The Borough is approximately \$200,000.00 below where we were in the prior years on taxes. The Borough is pursuing any where they can to get tax payments in but the situation with tax appeals is affecting the collection rate on taxes.

Director of Law's Report – Mr. Nelson

Toolkit Legislation

This morning the Governor signed the binding arbitration legislation which limits awards to 2%. Fortunately, with the last of the collective bargaining agreements up this evening for consideration to be renewed, the Borough is in conformance with this 2% cap averaged over the three year terms of the contracts. The CAP bill, which was conditionally vetoed by the Governor regarding the \$15,000.00 CAP on payouts for sick time, was sent back to the legislator and they have not yet acted on same. The CAPS that

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the Borough has placed in both the contracts and Ordinances for non-union employees go beyond that Law and are in compliance with same.

COAH

Yesterday the State Senate did not move on Legislation that would eliminate Counsel on Affordable Housing.

Borough Clerk's Report

Ms. Murphy advised that she had no report this evening.

Council's Report

Ms. Fama advised that she had no report this evening and wished everyone a Happy Holiday.

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

Mr. Morrill:

- Wished everyone a Merry Christmas and a Happy New Year
- Informed the public that on New Year's Day, the Fire and EMS Captains, Chiefs, etc. will be sworn in at Borough Hall beginning at 11:00 A.M.
- All terms on the Community Activities Committee will be expiring the end of this month; Mr. Morrill advised that he would have all members wishing to continue on the committee send an email advising of same

Mr. Baldwin:

- Reported that the Planning Board is still slow and has cancelled all meetings for the month of December due to the lack of applications
- Wished everyone a Happy Holiday

Deputy Council President's Report – Dr. Mayer

- Reported that the Environmental Commission is interested in forming a "Green Team" and plans to discuss same during their January 27th meeting which will be held in Borough Hall at 7:30 P.M.
- Informed Council and the public that the Tinton Falls Excellence in Education Foundation is going to be doing a fundraiser at Twin Rivers Theater; pre-performance party will begin at 6:30 P.M. with the show to follow at 8:00 P.M.
- Advised that he was able to attend the Court of Honor for Eagle Scout Kyle Clarke and congratulated Kyle on same
- Informed Administration and Council that the Environmental Commission has a number of spots expiring along with one spot available on the Technical Advisory Committee that are awaiting to be filled

Dr. Mayer also Reported that he attended the December 15th FMERA meeting. During the meetings he was able to question if FMERA planned on publicizing the call for participation to the committees. FMERA advised that they were going to invite the residents to join the various committees.

PETITIONS – None

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 10-1312 entitled: AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF VARIOUS EASEMENTS AND A RIGHT-OF-WAY EXTENSION ASSOCIATED WITH THE PROPOSED DEVELOPMENT OF BLOCK 120, LOTS 37.02 AND 37.04 IN THE BOROUGH OF TINTON FALLS

Mr. Larkin offered a motion to open the Public Hearing on Ordinance No. 10-1312, seconded by Mr. Morrill.

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ROLL CALL

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

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Morrill offered a motion to close the Public Hearing on Ordinance No. 10-1312, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Morrill offered a motion to adopt Ordinance No. 10-1312, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC DISCUSSION

Mr. Morrill 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, commented on Resolution R-10-383 and questioned the usage of grant money received by the Borough. Mr. Marks advised that the \$200,000.00 was specifically submitted for fiscal year 2010 for Heritage Drive. There is no transfer of funds; it has to be used specifically for Heritage Drive. Mr. Christofili commented that he handed in a petition to have his development prioritized and questioned if the Borough could save money by doing the entire development at once rather than by the individual roads.

Dr. Mayer advised that there will be more discussion on the Road Program as it moves forward.

Mr. Marks explained that the costs incurred are more than the length footage. A fixed cost cannot be applied to every street and assume every street is equal.

Robert Harvey, 20 Sacramento Way, spoke as President-Elect of Tinton Falls EMS, thanked both the Administration and Council for their efforts with regard to the EMS building.

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

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Dr. Mayer informed Council with regard to the Municipal Excess Liability Joint Insurance Fund training session schedule that Council received in their mailbox, for each attendee the Borough has, the Borough will save \$250.00 on charges incurred.

Mr. Baldwin informed Council that he and Dr. Mayer attended the training session last year and encouraged all members of Council to attend, not just for the discount but for the valuable information received.

Mr. Baldwin informed Council that Mr. Turning and he have been struggling to get the lights fixed on an antenna tower that is located on a piece of property aside of Seabrook Village. The tower is in a near direct path of the air ambulance service that comes into Jersey Shore Hospital. Many residents are concerned with the tower not working correctly. Mr. Turning has gone to the persons who operate the tower and was told that they changed the lighting system on the tower and the lights would no longer be seen day or night. Sometimes the lights continue to come on and other times they do not come on at all. Mr. Baldwin requested Mr. Turning receive a follow-up on same.

Mr. Turning replied that he asked Fire Marshall Cary Costa to look into this matter. Mr. Costa advised that he spoke directly to the company and the advice received from the company was that they use LED lights and that they are shielded. It is possible that at nighttime they would not be noticed. Mr. Turning advised that he will confirm this and that they are operational for safety purposes.

RESOLUTIONS

Dr. Mayer requested Council amend the agenda to include Resolution R-10-408.

Mr. Morrill offered a motion to amend the agenda to include Resolution R-10-408, seconded by Mr. Larkin.

ROLL CALL (to amend agenda)
AYES: Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill, Mr. Baldwin
NAYS: None
ABSENT: None
ABSTAIN: None

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

R-10-408 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR, DEPARTMENT OF PUBLIC WORKS

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Gary Gebele as Director, Department of Public Works, made by Mayor Michael Skudera is hereby confirmed.

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

Mayor Skudera thanked Council for confirming his nomination. Mr. Gebele, since day one of being appointed as Interim Director, has taken charge and acted like a Director. He has done everything required of the Borough, making the department more efficient and effective and has been doing a great job. Mayor Skudera stated that he is happy to have Mr. Gebele on board as Director of the Department of Public Works.

Council congratulated Mr. Gebele on his appointment.

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

R-10-350 RESOLUTION - HONORING EAGLE SCOUT ACHIEVEMENT OF MICHAEL CHRISTOPHER HARTMAN

WHEREAS, Michael Christopher Hartman has been involved in scouting since 2003; and

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WHEREAS, Michael, has earned 21 merit badges, hiked 10 miles, camped out 41 nights, and volunteered over 236 hours of community service; and

WHEREAS, Michael, as a member of Troop 49, achieved many honors such as Patrol Leader and Assistant Senior Patrol Leader; and

WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting; and

WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Michael for his achievement in reaching a goal that few Scouts acquire.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls, that Michael Christopher Hartman be congratulated for receiving the rank of Eagle Scout; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 49.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-380 RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS
PURSUANT TO N.J.S.A. 40A:4-58**

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that transfers between 2010 Budget Appropriations be made as follows:

Municipal Budget	FROM	TO
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Planning Board:		
Other Expenses	\$ 10,000	
Borough Clerk:		
Other Expenses	10,000	
Office of the Mayor:		
Other Expenses	5,000	
Prosecutor:		
Other Expenses	2,000	
Landfill	2,000	
Gasoline		\$ 29,000
	-----	-----
	\$ 29,000	\$ 29,000
	=====	=====

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-381 RESOLUTION – AUTHORIZING DEFERRAL OF REGIONAL ELEMENTARY SCHOOL TAXES

WHEREAS, regulations promulgated by the Division of Local Government Services requires an annual resolution by municipalities that levy school taxes and which wish to defer a portion of that levy; and

WHEREAS, pursuant to the Division’s regulations up to fifty percent (50%) of the annual school tax levy may be subject to such deferral for those taxes not yet requisitioned by the school district; and

WHEREAS, fifty percent (50%) of the school tax levy of the Tinton Falls Regional Elementary School District equals \$9,722,680.95.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth that the Chief Financial Officer is hereby authorized and directed to defer \$3,000,000.00 of school taxes as permitted by the aforementioned regulation.

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services at the New Jersey Department of Community Affairs.

Mr. Baldwin questioned if Council carries this Resolution, is there an issue with missing a deadline. Mr. Pfeffer explained that if this Resolution does not get passed tonight, it has a negative impact to the surplus of the Borough. The memo given to Council explains in detail the need for the Resolution. Administration

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feels that with potential litigation items and the revenue situation that is affecting the Borough, it is recommended this Resolution be adopted tonight.

Mr. Pfeffer explained that this is a re-class of a liability of what is a cash liability to surplus. The reason it is allowed is because there is a timing difference on payments between when the school taxes are collected and when they are physically paid. The Borough has deferred approximately \$2.3 million dollars of school taxes when Governor Florio was in office and mandated that municipalities do that at that time. The Borough has done a brief survey of surrounding municipalities and there are many other municipalities doing same which is becoming more prevalent due to the situation with the 2% CAP.

Mr. Pfeffer further explained that in light of certain negotiations, the Borough is projecting a two million dollar shortfall in revenue. Administration is also projecting that the Borough will have half a million dollars of reduction in operating expenses within the CAP. The Borough is also facing increasing expenses outside the CAP for which are mandated and the Borough has no control over. This Resolution is the amount Administration may need to go into surplus to offset all those items in order to continue services.

Mr. Nelson added that the approval of this Resolution would not affect any payments that would go to the school that are collected. The municipality collects all taxes for the municipality, the schools and the County. Those dollars are then distributed to the schools and County through the municipality. There is time between when those taxes are collected from the time those taxes are sent. This Resolution is just changing an accounting of those dollars while the municipality has them; it does not affect the payments that the schools or County will receive. If this Resolution is not passed, Administration will have to quickly make decisions regarding extraordinary cuts in services.

Ms. Fama stated at this time she would like to call for a vote as Council has had ample time to ask any questions they had on this agenda item and the information received on same.

ROLL CALL

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

NAYS: Dr. Mayer

ABSENT: None

ABSTAIN: None

Mr. Nelson requested Resolution R-10-382 be carried until the next agenda.

Mr. Morrill offered a motion to carry Resolution R-10-382, seconded by Mr. Baldwin.

**R-10-382 RESOLUTION - AUTHORIZING PROFESSIONAL ENGINEERING SERVICES
EVALUATION OF EXISTING SANITARY SEWER SYSTEM CAPACITY FOR MONMOUTH
COUNTY RECLAMATION CENTER LEACHATE DISCHARGE**

ROLL CALL (to carry)

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

NAYS: None

ABSENT: None

ABSTAIN: None

Dr. Mayer advised that the carry date of this Resolution is at the discretion of the Borough Clerk.

Dr. Mayer advised that changes have been made to the previous Resolution distributed in the agenda packets. The corrected Resolution has been placed before Council.

Mr. Nelson advised that there has been a change made to the third "WHEREAS" clause and should read "WHEREAS, this contract is to be increased for an amount not to exceed \$337,800.00 plus miscellaneous reimbursables for a total contract for T & M Associates through June 30, 2010 of \$491,300.00".

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

**R-10-383 RESOLUTION - AMENDING RESOLUTION R-10-188 INCREASING FAIR & OPEN
CONTRACT AN ADDITIONAL \$337,800.00 FOR T & M ASSOCIATES, BOROUGH
ENGINEER CONTRACT RFP #7-10**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the 2010 Road Improvement Program; and

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WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-10-188 adopted on July 6, 2010; and

WHEREAS, these services include the design, bidding and construction phases for the 2010 Road Improvement Program as described in their proposal dated December 3, 2010 attached; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$337,800.00 plus miscellaneous reimbursables;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates is hereby authorized to provide professional engineering services described in proposal for an amount not to exceed \$337,800.00 plus miscellaneous reimbursables; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Dr. Mayer questioned if there was a reason why the Borough is not going out to bid for this project rather than raising the current contract. Mr. Nelson explained that the Borough has the option to bid every project separately if that is what the Borough chooses. However, it is not typically done that way due to the fact that the existing appointed Engineer is the one who prepares the Road Program. If the Borough were to go out to bid for every project separately, more than likely it would cost additional monies. Typically the Borough Engineer is the one who prioritizes the roads as he is familiar with the municipality and he prepares the program. If the Borough were to go out to bid, the whole process would have to be done from scratch. Mr. Nelson advised that going out to bid for each project is not an efficient route.

ROLL CALL

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

NAYS: Dr. Mayer

ABSENT: None

ABSTAIN: None

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

R-10-384 RESOLUTION - AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Department of Public Works is in need of a new pickup truck to replace one that was a total loss from a motor vehicle accident on July 15, 2010; and

WHEREAS, Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 has valid State Contract #A74059 for a 2010 Chevrolet Colorado 4 WD crew cab pick-up in the amount of \$20,142.00, which includes the two options listed below; and

WHEREAS, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Gary Gebele, Director of Public Works, recommends this purchase;

NOW, THEREFORE BE IT HEREBY RESOLVED that the Borough Council authorize the following purchase under the valid 2010 State Contract:

One (1) 2010 Chevrolet Colorado 4WD	
crew cab pick-up	\$19,314.00
Trailer Hitch	300.00
Molded Assist Steps	<u>528.00</u>
TOTAL	\$20,142.00

Ms. Fama questioned how many pickup trucks the Borough currently has. Mr. Turning explained that the reason the Borough is purchasing this truck is because the truck that is being replaced was totaled in a motor vehicle accident.

Mr. Gebele advised that this pickup truck was being used by one of the supervisors during his daily activities. Mr. Gebele further explained that the following positions currently have pickup trucks:

- o Road Supervisor
- o Sanitation Supervisor
- o Parks Supervisor
- o Two old pickup trucks used for building and maintenance
- o The person who makes sign repairs and hauls the dead deer off the roads
- o The building mechanic, who mainly works offsite, has a hand-me-down pickup truck
- o Former position of Supervisor of the Garage – that truck is currently being used by Sanitation

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ROLL CALL

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

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

**R-10-385 RESOLUTION – AUTHORIZING EXECUTION OF EMERGENCY CONTRACT WITH
THE WARKO GROUP FOR CAPITAL REPAIRS FOR HVAC SYSTEMS FOR THE
PROVISION OF ADEQUATE HEATING TO BOROUGH HALL**

WHEREAS, N.J.S.A. 40A:11-6 provides that in emergent circumstances a contract may be made, negotiated or awarded without public advertising for bids and bidding thereof, notwithstanding that the cost of the contract price will exceed the amount set in the prevailing bidding threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or performance of services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Borough Administrator, Director of Public Works and Borough Engineer have certified that an emergency exists with respect to the HVAC systems at Borough Hall that are failing to provide adequate heating due to multiple system failures including an effectively inoperable boiler; and

WHEREAS, an analysis conduct by the Warko Group determined that certain HVAC systems were never properly completed during the construction of the Borough Hall, and have been manually operated or repaired on a piecemeal basis since, but are repeatedly failing at an increasing rate causing a lack of heating in certain areas of Borough Hall while excessive heating in other areas; and

WHEREAS, rapidly dropping temperatures pose a danger to the health, safety and welfare of Borough employees and members of the general public working within or visiting Borough Hall, as well as to Borough equipment that is sensitive to significant changes in temperature; and

WHEREAS, a written requisition for the performance of such work or labor, or the furnishing of requisite materials, supplies or services has been provided to the Borough pending the governing body's authorization of such work, and the Borough Administrator, Director of Public Works and Borough Engineer being satisfied that an emergency exists requiring the award of a contract for said work or labor, materials, supplies and services to be immediately provided as we enter the winter months; and

WHEREAS, the Warko Group has already provided some emergency repair and maintenance to the Borough's HVAC systems below the bid threshold, conducted a complete analysis of the issues presented, and provided a detailed \$98,000.00 proposal to the Borough Administrator to bring the entire system into operable condition on an emergent basis as per its original design and specifications that were issued at the time of the construction of Borough Hall; and

WHEREAS, the Borough's Chief Financial Officer has provided a Certification of Availability of Funds, with appropriations being provided through remaining bond proceeds intended for the completion of the construction of Borough Hall under Ordinances No. 04-1125 and 05-1159; and

WHEREAS, even though exempt to pay-to-play requirements as a public exigency pursuant to N.J.S.A. 19:44A-20.12 and the Borough's Pay To Play Ordinance, within ten (10) days of award of contract, but prior to the provision of any work, Warko Group shall submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Tinton Falls within the previous one year, and that the contract will prohibit the Warko Group from making any reportable contributions through the term of the contract as if awarded as a non-fair and open contract exempt from public bidding requirements.

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 pursuant to N.J.S.A. 40A:11-6 the Mayor and Borough Clerk are hereby authorized to execute an emergency contract in an amount not to exceed \$98,000.00 for a term not to exceed one (1) year, but for the servicing of warranties thereunder, to The Warko Group located at 18 Morgan Drive, Reading, PA 19608 to make emergent repairs to the Borough's HVAC systems to bring them into conformance with specifications issued at the time of the construction of Borough Hall.

BE IT FURTHER RESOLVED that a copy of this Contract shall be maintained for public review in the office of the Borough Clerk during regular business hours.

Mr. Nelson and Mr. Turning explained that currently one of the boilers is operating inefficiently. There has been critical failure of the heating system twice in one week and temperatures were below fifty degrees within the building. With the current temperatures and winter months beginning, this contract would be considered an emergency and therefore, the Borough would not go out to bid for same.

ROLL CALL

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

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

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R-10-386 RESOLUTION – AUTHORIZING EXECUTION OF EXTENSION OF COLLECTIVE BARGAINING AGREEMENT, WITH AMENDMENTS, WITH TINTON FALLS SUPERIOR OFFICERS ASSOCIATION LOCAL 251

WHEREAS, as a result of negotiations instituted by and between the Borough of Tinton Falls and Tinton Falls Superior Officers Association Local No. 251 to establish terms and conditions of a Collective Bargaining Agreement for the period of January 1, 2011 through December 31, 2013; and

WHEREAS, said negotiations have resulted in a proposed extension of the existing Collective Bargaining Agreement with amendments unanimously ratified by the members of Tinton Falls Superior Officers Association Local No. 251 that supersede the preexisting language of the current Collective Bargaining Agreement pursuant to the terms and conditions of the Memorandum of Agreement annexed hereto and made part hereof.

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 Collective Bargaining Agreement with Tinton Falls Superior Officers Association Local No. 251 for the period of January 1, 2011 through December 31, 2013, is hereby formally ratified by the Borough of Tinton Falls pursuant to the terms and conditions of the Memorandum of Understanding agreed to attached hereto; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to execute said amendments annexed hereto on behalf of the Borough upon the final approval of Special Labor Counsel and the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-387 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Tax Sale Certificate #2506 was issued to the Borough of Tinton Falls for delinquent property taxes on Block 14.03, Lot 29.01 (67 Apple Street), assessed to NS Post 9463 VFW c/o P. Williams, at a tax sale held on June 11, 2009; and

WHEREAS, Keith N. Arcomano, Esq., has redeemed Certificate #2506 by paying the full amount of the delinquency.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2506 for cancellation.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ms. Murphy advised that unless Council has something to offer, there are no exceptions.

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

R-10-388 RESOLUTION – APPROVAL OF BILLS – DECEMBER 21, 2010

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 21, 2010; 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 Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	\$ 769,588.30
TRUST FUNDS	11,490.24
CAPITAL	510.00
DEVELOPER ESCROW	3,537.50
DOG TRUST	4.80
GRANT FUND	17,945.75
SEWER UTILITY	243,207.74
ADDITIONS	<u>331,995.75</u>
	\$ 1,378,280.08

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

351

ROLL CALL

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

Mr. Larkin requested Council remove Resolution R-10-400 from the Consent Agenda.

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

R-10-400 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 4th 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>
Joseph & Michele Ruscavage 47 Reeds Road Tinton Falls, NJ 07724	52.01	19	\$1,597.83

and,

WHEREAS, said error has resulted in a overpayment of 2010 4th quarter taxes paid in the amount of \$1,597.83 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 \$1,597.83 be and hereby is approved for the aforementioned property.

ROLL CALL

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

CONSENT AGENDA

R-10-389 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR ASSOCIATED HUMANE SOCIETIES – BLOCK 143, LOTS 14, 15.01 AND 17.01

WHEREAS, the developer has requested the release of Maintenance Guarantees for Associated Humane Societies – Block 143, Lots 14, 15.01 and 17.01

WHEREAS, by letter dated December 1, 2010 (said letter attached and hereby made part of this Resolution), the Engineer (T&M Associates) has certified that all bonded site work is in good condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees for Associated Humane Societies, Block 143, Lots 14, 15.01 and 17.01, be released upon the payment of all outstanding inspection fees.

ROLL CALL

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

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

R-10-390 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 4th 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>
Robert L. Tarkan, Esq. 482 Central Avenue P.O. Box 17207 Jersey City, NJ 07307	3	30	\$1,747.25

Re: Perez-Torres & Prieto from Sanchez
51 William Street

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

and,

WHEREAS, said error has resulted in a overpayment of 2010 4th quarter taxes paid in the amount of \$1,747.25 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 \$1,747.25 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-391 RESOLUTION - CANCELING & REFUNDING SEWER OVERPAYMENT

WHEREAS, an overbilling and an overpayment of 2010 sewers has been made as a result of overbilling commercial water usage to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCELLED</u>	<u>REFUND</u>	<u>AMOUNT</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	13.04	67.01	\$10.82	\$14.51	\$25.33

Re: Mack Management
548 Shrewsbury Avenue

and,

WHEREAS, said adjustment resulted in an overbilling and a overpayment of the sewers in the amount of \$25.33 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$10.82, be cancelled for the year 2010 and that a refund in the amount of \$14.51 is hereby approved for the aforementioned property. Said refund shall be applied to 2011 sewers.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-392 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Propane Equipment Corp. 11 Apple Street Tinton Falls, NJ 07724	14.04	60.01	\$379.91

Prop. Loc: 11 Apple Street

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$379.91, 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 \$379.91 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

R-10-393 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Roentgen Tinton Falls, LLC 579A Cranbury Road East Brunswick, NJ 08816	18	9	\$417.49

Prop. Loc: 48 Gilbert Street North

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$417.49, 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 \$417.49 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-394 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Stavola Leasing Company P.O. Box 482 Red Bank, NJ 07701	18.01	3	\$318.63

Prop. Loc: 656 Shrewsbury Avenue

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$318.63, 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 \$318.63 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-395 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Gilbert Street Assoc., LLC c/o Patock Caller Service 7202 Shrewsbury, NJ 07702	18.01	6.02	\$204.25

Prop. Loc: 21 Gilbert Street North

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$204.25, 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 \$204.25 is hereby approved for the aforementioned property.

REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL

ROLL CALL

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

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

R-10-396 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	18.02	1.02	\$57.19

Re: Red Bank Holdings
736 Shrewsbury Avenue

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$57.19, 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 \$57.19 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2011 sewers.

ROLL CALL

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

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

R-10-397 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 taxes has been made as a result of a Senior Citizens deduction for the year 2010 to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Morris, Rodger & Miriam 10 Ann Court Tinton Falls, NJ 07724	23.01	9	\$250.00

and,

WHEREAS, said deduction has resulted in an overpayment of the 2010 taxes by the property owner in the amount of \$250.00, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$250.00 is approved for the aforementioned property.

ROLL CALL

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

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

R-10-398 RESOLUTION - CANCELING & REFUNDING SEWER OVERPAYMENT

WHEREAS, an overbilling and an overpayment of 2010 sewers has been made as a result of overbilling commercial water usage to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCELLED</u>	<u>REFUND</u>	<u>AMOUNT</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	25	15	\$3.71	\$57.57	\$61.28

**REGULAR/WORKSHOP MEETING
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BOROUGH COUNCIL**

Re: VCA Real Property Acquisition Corp.
1008 Shrewsbury Avenue

and,

WHEREAS, said adjustment resulted in an overbilling and an overpayment of the sewers in the amount of \$61.28 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$3.71, be cancelled for the year 2010 and that a refund in the amount of \$57.57 is hereby approved for the aforementioned property. Said refund shall be applied to 2011 sewers.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-399 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Diamond Real Estate Holdings, LLC P.O. Box 811 Middletown, NJ 07748	45	5	\$258.17

Prop. Loc: 1029 Sycamore Avenue

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$258.17, 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 \$258.17 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-401 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TOTAL</u>
Mid-Mon Realty Assoc c/o Sudler P.O. Box 39 Chatham, NJ 07928	114	24.01	\$702.62

Prop. Loc: 31 Park Road

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$702.62, 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 \$702.62 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

R-10-402 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2009 to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Hampton, Mark A. & Melville, Laura 1041 Hope Road Tinton Falls, NJ 07712	117	21	\$529.79

and,

WHEREAS, said reduction has resulted in an overpayment of the 2010 taxes by the property owner in the amount of \$529.79, 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 \$529.79 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-403 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2010 to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Hampton, Mark A. & Melville, Laura 1041 Hope Road Tinton Falls, NJ 07712	117	21	\$543.74

and,

WHEREAS, said reduction has resulted in an overpayment of the 2010 taxes by the property owner in the amount of \$543.74, 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 \$543.74 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-404 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Ceci Nails 4057 Asbury Avenue Neptune, NJ 07753	123	51.02 T16	\$257.36

Prop. Loc: 4057 Asbury Avenue

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$257.36, 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 \$257.36 is hereby approved for the aforementioned property.

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

ROLL CALL

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

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

R-10-405 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 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>
United Title & Abstract Agency, Inc. 22 South Maple Avenue Marlton, NJ 08053	124.05	19	\$1,190.45

Re: Brian & Patricia Jordan
13 Revere Drive

and,

WHEREAS, said error has resulted in an overpayment of 2010 3rd quarter taxes paid in the amount of \$1,190.45 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 \$1,190.45 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

R-10-406 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 taxes has been made as a result of a Senior Citizens deduction for the year 2010 to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Devona, Janet 85 Cheyenne Street Tinton Falls, NJ 07712	124.61	1	\$250.00

and,

WHEREAS, said deduction has resulted in an overpayment of the 2010 taxes by the property owner in the amount of \$250.00, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$250.00 is approved for the aforementioned property.

ROLL CALL

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

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

R-10-407 RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2010 Sewers on the following property has been overbilled and paid in error creating an overpayment to property known as:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Town Plaza Cleaners 4060 Asbury Avenue Neptune, NJ 07753	128.03	23.01 T06	\$379.09

Prop. Loc: 4060 Asbury Avenue

**REGULAR/WORKSHOP MEETING
DECEMBER 21, 2010
BOROUGH COUNCIL**

and,

WHEREAS, said error has resulted in an overpayment of the 2010 sewers in the amount of \$379.09, 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 \$379.09 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Morrill offered a motion to move into Workshop, seconded by Mr. Larkin.

WORKSHOP MEETING

New Business

Mr. Larkin requested Council re-consider holding separate Workshop and Regular meetings. Dr. Mayer suggested this item be placed on Council's next agenda under the Workshop portion of the meeting.

ADJOURNMENT

Mr. Morrill offered a motion to adjourn, seconded by Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:48 P.M.

Respectfully Submitted,

Maureen L. Murphy, Borough Clerk

APPROVED AT A MEETING HELD ON: JANUARY 18, 2011