

**REGULAR/WORKSHOP MEETING
FEBRUARY 2, 2010
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, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor
John Bucciero, Interim Administrator
Brian M. Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer

APPROVAL OF MINUTES

Mrs. Mount-Taylor reminded Council that the reason for the delay in the completion of the August 4, 2009 and September 1, 2009 minutes was due to technical problems with the Express Scribe program in the Borough Clerk's Office.

Mr. Baldwin offered a motion to approve the minutes of August 4, 2009, seconded by Dr. Mayer.

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 September 1, 2009, seconded by Dr. Mayer.

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 December 15, 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 – Mr. Skudera

Mayor Skudera read the following Proclamations:

Proclamation – 100th Anniversary of the Boy Scouts of America

*WHEREAS, the Boy Scouts of America was established February 8, 1910 and for one hundred years has created a strong foundation of leadership, service and community for millions of American youth; and
WHEREAS, The Boy Scouts of America provides a program that builds character, trains Scouts in the responsibilities of participating citizenship and develops personal fitness;
and*

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WHEREAS, with every rank advancement comes new challenges, new adventures and new friends for Scouts and those Scouters who accompany them along the way; and

WHEREAS, The Boy Scouts of America has nurtured and honored over two million Eagle Scouts; and

WHEREAS, the Boy Scouts of America alumni share memories that last a lifetime; and

WHEREAS, Scouting celebrates its legacy and reaffirms its commitment to inspire and prepare future generations.

NOW, THEREFORE, BE IT PROCLAIMED that the Boy Scouts of America and its Tinton Falls Cub Scouts, Boy Scouts and Venture Crews, their leaders and sponsoring organizations, are hereby honored by the Borough of Tinton Falls for making a difference in Tinton Falls by their dedication of Scouting's core values – leadership, character community service, achievement and stewardship of the environment.

Proclamation – Read Across America

WHEREAS, the citizens of the Borough of Tinton Falls stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Borough of Tinton Falls has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA'S Read Across America, a national celebration of reading, will be conducted on March 2, 2010 which would have been the 106th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, Staples, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT PROCLAIMED that the Borough of Tinton Falls calls on the citizens of the Borough to assure that every child is in a safe place reading together with a caring adult on March 2, 2010;

BE IT FURTHER PROCLAIMED, that the Borough of Tinton Falls enthusiastically endorses NEA's Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

FMERPA

Mayor Skudera updated Council on the FMERPA meetings and advised that we are still awaiting the bill to be approved; no date for completion has been set and stated that Frank Cosantino advised that the move is currently ahead of schedule and he feels that the command of the Aberdeen Fort will take place around October.

Municipal Elections

Mayor Skudera stated that recently the assembly passed a bill, signed by the Governor that municipalities which have non-partisan forms of Government, gives the municipality the option, via Ordinance, to move the Municipal Election (May) to the General Election (November). Mayor Skudera suggested Council consider this change as it would save the Borough money. It takes approximately a year for the process to take place and the only downfall would be that if the Borough chooses to do so, it would extend current terms an additional six-months.

Mr. Morrill requested this item be placed on a future Workshop meeting agenda; Council agreed. Lastly, Mayor Skudera advised that Congressman Holt is having a meeting with the various towns, which would involve Tinton Falls, for the 2011 budget cycle with regards to funding.

Engineer's Report – Mr. Marks

Monmouth County Intersection Improvements at Asbury Avenue & Fox Chase

T&M Associates has submitted a number of alternatives to the County; they have reviewed them and requested one more be prepared.

Asbury Avenue, Pine Street & Essex Road

A meeting is set for Wednesday, February 10th, with the County at Borough Hall. Mr. Marks advised that he will be presenting his concerns with the projects as well as comments and recommendations with regards to providing pedestrian improvements along with some concerns with traffic detours, length of time the contract is scheduled for, etc.

Road Program

Mr. Marks stated that he met with John Bucciero and Vernon Reevey last week to review the road program and discussed items that have come up over the past few months.

Rowan Wind Study

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Currently, no updates have been received from Rowan University regarding the wind study. The Professor stated that once they receive enough data, they will forward same to the Borough for the Borough's use.

Energy Audit

The Energy Audit RFO is substantially complete. There have been a few issues that they are in the process of completing such as getting a hold of all the bills for EMS South, pump stations, etc. There is one last piece to be completed and same should be submitted by the end of the month.

Monmouth County Open Space Grant

The Borough applied for the Monmouth County Open Space Grant for Liberty Park II which was a \$250,000 match by the Borough. Unfortunately the Borough was not successful with that application. A meeting is being scheduled with the County to find out why the Borough did not receive the grant.

Chief Financial Officer's Report – Mr. Pfeffer

Borough's Finances for 2009

Mr. Pfeffer advised that he has completed the annual financial statement for 2009. The Borough's tax collection rate came in at 98.76% and we have regenerated our surplus from the prior year and increased it by \$44,986.00 going into 2010.

Mr. Baldwin requested Mr. Bucciero, on behalf of Council, thank the Tax Collector and her staff for their aggressive efforts in collecting the Borough's taxes at such a high collection percentage.

Budget Process

The Borough has received correspondence from the State advising that the budget process has been delayed by the State.

Administrator's Report – Mr. Bucciero

Plotting of Various Trails

Mr. Bucciero advised the Borough is in the process of plotting various trails which should be complete by the end of the week. Once the locations are verified by GPS, they will be forwarded to the County Planning Board who is interested in tying in any trails they may have which coincide with the Borough's trails.

Recycling Tonnage Grant

The Borough's Recycling Tonnage Grant for the year was considered perfect by the State and Mr. Bucciero gave credit to the Recycling Coordinator, Jill Pegosh.

Director of Law's Report – Mr. Nelson

S-1 Bill

Should this bill get passed, it would eliminate the Council on Affordable Housing and change the structure as to how municipalities meet their Affordable Housing obligations. It would empower the municipalities to have much more control in the planning process.

Fort Monmouth Revitalization Authority Act

The Fort Monmouth Revitalization Authority Act has been reintroduced as of yesterday. This is the Act that was introduced towards the end of 2009 which would reconstitute FMERPA into a new redevelopment entity rather than a planning entity. A number of amendments that were proposed and incorporated, which were worked on last fall, are still in the legislation. Other new amendments have been proposed that have already circulated to Mayor and Council that will hopefully be considered in the near future.

Naval Weapons Station Earle

Legislation regarding Naval Weapons Station Earle has been reintroduced by our legislators in the 12th and 13th district. There is a Resolution on the Borough's agenda this evening regarding same, which would require a cost benefit analysis to be conducted by the State Treasurer before certain permits would be issued.

Municipal Elections

Mr. Nelson briefly overviewed the legislation passed allowing Faulkner Act Municipalities to move their elections from May to November.

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R-10-046

Mr. Nelson briefly overviewed Resolution R-10-046 and advised that the benefit of this Resolution is that it will allow the Borough to save monies on insurance and protect the Borough in the case of any lawsuits in the future along with liability from those.

Sale of Property

Dates are being scheduled for mid March for the sale of properties that have been previously authorized.

Litigation

We have successfully intervened as a friend of the Court in litigation between PRC and the demolition contractor at the CECOM site which is why the cleanup is ceased there. The parties are entering mediation and will hopefully be resolved in the near future so the cleanup can be followed through.

Borough Clerk's Report – Mrs. Mount-Taylor

Municipal Elections

Mrs. Mount-Taylor advised that she would be happy to give Council an analysis of what it costs the Borough to hold a Municipal Election.

Clerk's Association

Mrs. Mount-Taylor stated that she has been asked to represent Monmouth County of the New Jersey State Clerk's Association on the Advisory Board.

R-10-023

The Mayor had received additional names from the Chairman of the Environmental Commission; upon the Mayor's direction, the Clerk's Office has filled in the names. The only name not filled in is Council Liaison.

R-10-026

There was a typographical error; the three-year term should end in 2011, not 2012.

Council's Report

Ms. Fama:

- spoke about the recent break-ins that have been occurring in Tinton Falls and Colts Neck
- advised that the Tinton Falls Woman's Club is holding their annual fundraiser on April 17th

Chief Turning advised that he cannot discuss active investigations with any member of the public. There has been one break-in that the Police Department is currently working on as well as the home invasion that was recently in the newspaper.

Chief Turning also advised Council of a major narcotics raid made in one of Tinton Falls' hotels recently. One of the Tinton Falls Police Officers arrested a gentleman with 2,000 decks of heroin.

In the year 2009 compared to the year 2008, there was an increase in the Police Department of 1,200 calls for service. However, the crime rate in 2009 is lower than the reported crime rate in the year 2008 (rapes, burglaries, homicides, arsons, etc.).

Mr. Larkin:

- congratulated Neil Thompson from Monmouth Regional High School for scoring his 1,000th point for the boy's basketball team in their victory against Neptune High School

Dr. Mayer:

- advised that he has been asked by a number of citizens about the pooling that is happening on Sycamore Avenue and Homestead Parkway
- thanked Jill Pegosh for spending her time with the Environmental Commission to help address some questions the commission had regarding the new single stream recycling program
- requested having a meeting with Public Works to see what the Borough can do about pesticide free zones
- updated Council on the Environmental Commission and Technical Advisory Committee meetings

Mr. Baldwin:

- informed Council and the public that the redevelopment applicant, RoseGlen, was carried from the last meeting of the Planning Board to February 10th

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- complimented the Anderson family for the work they do with the Boy Scouts and for the community

Council President's Report – Mr. Morrill

Committee Memberships

The members of the Community Activities Committee and Open Space Committee would like to be reappointed. There will be an opening as a Regular Member on the Open Space Committee, an Alternate Member will be moved up to fill that spot and a new member will be appointed as that Alternate Member.

Father/Daughter Dance

The Father-Daughter Dance will be held on March 21, 2010 at the Meridian Ballroom located in the Sheraton Hotel in Eatontown.

14th Annual Land Conservation Rally

The 14th Annual Land Conservation Rally will be held on March 20th at Montclair State University Conference Center from 9:00 A.M. to 3:00 P.M.

Little League

The Tinton Falls Little League is setting up a sponsorship form, which will be posted on the website and sent to the businesses in town. The Little League would like to have a flag pole at each field, sponsors for 4x8 signs for their businesses (which will go on the outfield fences and the batting cages) as well as team sponsors.

Community Activities Committee

At the last Community Activities Committee meeting Claude Campbell suggested consideration of making a "Good Neighbor Award". Mr. Morrill ran this idea by Council to receive their input on same; Council agreed that this would be a great idea.

Pop Warner

Council attended Pop Warner's award ceremony. Mr. Morrill stated that it was amazing to see how big the organization is and advised it was a great turnout.

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 10-1290 entitled: AN ORDINANCE SETTING SALARIES FOR DEPARTMENT HEADS, STATUTORY EMPLOYEES, MAYOR AND COUNCIL

Mr. Larkin offered a motion to introduce Ordinance No. 10-1290, seconded by Ms. Fama.

Mr. Nelson advised that this Ordinance had been done in previous years by Resolution and was his opinion to create it in Ordinance form in order to update the process to conform with the Faulkner Act and the General Municipal Law which has changed over the past decade. This would ensure that salaries for department heads, Mayor and Council as well as any other employees defined by statute are set by Ordinance rather than Resolution.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing for Ordinance No. 10-1290 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1290 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION – None

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Donald Romelfanger, 11 Gun Club Road, commented on the sewers on Gun Club Road and asked when sewers would be installed. Mr. Marks replied that he is working with the Township of Neptune Sewerage Authority as well as with the Township of Ocean Sewerage Authority to try and get approximately seven properties along Green Grove Road connected into the Township of Ocean Sewer System. Currently they are in the final stages but they do not know the extent of a plan to extend the sewer up towards Gun Club Road.

Leo Lomangino, 93 Colonial Drive:

- spoke regarding the Monmouth County Open Space Grant
- requested an update from Mr. Bucciero on the County Recycling Grant
- commented on the environmental impact of the hazardous lands at the Fort
- questioned with regards to the PRC settlement, who would report and follow the remediation of that site

Mr. Nelson replied that as in any redevelopment site, there will be inspections by the Borough, DEP along with numerous State and local entities that are involved in this.

Joe Fama, 36 Gallant Fox Road, requested an update on the process of appointing a new Borough Administrator, resumes received as well as what the search process has consisted of and if the Borough is accruing a savings having that position vacant.

Mayor Skudera replied that Council has been updated on this process through executive sessions. A sufficient amount of resumes have been received from persons from all different areas of New Jersey. The available position was posted on the State website, the League of Municipalities website and the Borough of Tinton Falls website. Within a few days of the posting, resumes began coming in. Mayor Skudera advised that he was the person reviewing the resumes, conducting the interviews and his anticipated date of making a recommendation to Council would more than likely be this month; currently he is narrowing the resumes down. For the time being, the Borough is not paying an administrator salary. Mr. Bucciero has volunteered to take the interim position at no additional charge to the Borough which is a savings to the Borough of approximately \$10,000.00 per month between actual salary costs along with benefits costs (in comparison to Mr. Dempsey's salary and benefit costs).

Leo Christofili, 328 Riveredge Road:

- commented on the Somer's property being divided into Open Space property along with an area for the home site
- commented on an article placed before Council from the Asbury Park Press regarding the new Borough of Red Bank's Police Chief's salary
- questioned if moving the May Elections to November would affect the School Board Elections
- commented on Resolution R-10-046 and suggested it be moved from a Resolution to a statutory Ordinance

Mr. Nelson advised Mr. Christofili that if the Borough chose to move the May Elections to November, it would not affect the School Board Elections.

Cindy Anderson, 33 Fairfield Drive, thanked the Borough of Tinton Falls for working with the "pact" and Boy Scouts Troop 124 and stated that the Borough has been fantastic working with these young boys in helping them achieve the rank of Eagle Scout.

Charles Lomangino, 3 Helena Street:

- questioned what the amount of tax revenue the Borough would receive with the newly adopted Open Space tax
- commented on the lighting issues at Liberty Park II and requested Council use a portion of the Open Space monies to solve this issue whether it is investing in sensor lights or putting up a gate to control persons from entering after dark

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- thanked the Public Works Department for fixing the potholes on Heritage Boulevard
- asked if there is a reason why Red Bank Recycling equipment is at the CECOM building and inquired about the demolition

Mr. Pfeffer replied that the Borough would be collecting approximately \$600,000.00 with the newly adopted Open Space tax rate. The final number(s) would be based upon net assessed value, which came in a little less than three billion dollars.

Mr. Marks replied that he cannot answer specifically why Red Bank's recycling equipment is onsite but advised that his office is working with the PRC Group on the proper demolition of the basement. Their engineer will be providing their formal plan as to the rest of the demolition activities. The site improvements will be inspected by T&M Associates and any specific remediation that would go beyond normal site improvements, T&M Associates would be more than capable of handling. The developer would be responsible for any costs associated with that as part of development of the site.

Mayor Skudera added, with regards to Heritage Boulevard, the Borough received a \$200,000.00 grant from the NJ DOT to fix Heritage Boulevard which will be further discussed during Workshop.

Henry Carney, 1900 Wayside Road, requested an update on the new microphones that the Technical Advisory Committee was working on. Dr. Mayer replied that the Technical Advisory Committee did a trial with the microphones and they seemed to work pretty well. They wanted to make sure that the Clerk's new recording system worked properly before they tried to introduce a new glitch to it.

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

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mrs. Mount-Taylor reminded Council and the public that the second meeting of the month has been moved to next week, February 9th.

RESOLUTIONS

Mr. Morrill offered a motion to nominate Dr. Mayer as Council Liaison to the Environmental Commission, seconded by Mr. Baldwin.

There being no further nominations, nominations were closed.

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

R-10-023 RESOLUTION – APPOINTING MEMBERS OF ENVIRONMENTAL COMMISSION

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed.

Bob Sandberg	Regular Member	Two-Year Term	Said Term to Expire 12/31/2011
Ellen Goldberg	Regular Member	Two-Year Term	Said Term to Expire 12/31/2011
Vicky Pappas-Villafane	Regular Member	One-Year Term	Said Term to Expire 12/31/2010
Theresa Maltz	Regular Member	One-Year Term	Said Term to Expire 12/31/2010
Crystal Miller-Spiegel	Alternate Member #1	Two-Year Term	Said Term to Expire 12/31/2010
Maureen Forsman	Alternate Member #2	One-Year Term	Said Term to Expire 12/31/2010
Andy Mayer	Council Liaison	One-Year Term	Said Term to Expire 12/31/2010

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ROLL CALL

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

Mr. Morrill offered a motion to nominate Dr. Mayer as Council Liaison to the Environmental Commission, seconded by Mr. Baldwin.

There being no further nominations, nominations were closed.

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

R-10-024 RESOLUTION – APPOINTING MEMBERS OF TECHNICAL ADVISORY COMMITTEE

BE IT RESOLVED, that the appointment and terms of the below listed persons made by the Mayor be and the same is hereby confirmed.

Andy Mayer	Council Liaison	One-Year Term	Said Term to Expire 12/31/2010
Steve Giamos	Regular Member	Four-Year Term	Said Term to Expire 12/31/2013
Richard Jesmajian	Regular Member	Two-Year Term	Said Term to Expire 12/31/2011
T.J. Totland	Alternate Member #1	Two-Year Term	Said Term to Expire 12/31/2011
Michael Barrett	Alternate Member #2	Two-Year Term	Said Term to Expire 12/31/2011

ROLL CALL

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

Mayor Skudera advised that he has not received any notice from the current members advising that they would like to be reappointed however, if Mr. Morrill is sure they would like to be reappointed, he would have no problem doing so.

Mr. Morrill advised that all the members have advised that they would like to be reappointed and stated the names for the record, to be filled into the Resolution.

Ms. Fama offered a motion to nominate Mr. Morrill as Council Liaison to the Community Activities Committee.

There being no further nominations, nominations were closed.

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

R-10-025 RESOLUTION – APPOINTING MEMBERS OF COMMUNITY ACTIVITIES COMMITTEE

BE IT RESOLVED, that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed.

Duane Morrill	Council Liaison	One-Year Term	Said Term to Expire 12/31/2010
Sherri Eisele	Borough Representative	One-Year Term	Said Term to Expire 12/31/2010
Nicole Mayer	Public Member #3	One-Year Term	Said Term to Expire 12/31/2010
John Diezman	Alternate Member #3	One-Year Term	Said Term to Expire 12/31/2010
Emily Peck	Alternate Member #4	One-Year Term	Said Term to Expire 12/31/2010

ROLL CALL

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

Mr. Morrill advised that the current members would like to be reappointed to the Open Space Committee except for Claire Shin and advised that an Alternate Member would be moved to fill her position and the Alternate position would then be placed on the next agenda. Mr. Morrill stated the names for the record, to be filled into the Resolution.

Mr. Baldwin offered a motion to nominate Mr. Morrill as Council Liaison to the Open Space Committee, seconded by Dr. Mayer.

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There being no further nominations, nominations were closed.

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

R-10-026 RESOLUTION – APPOINTING MEMBERS OF OPEN SPACE COMMITTEE

BE IT RESOLVED, that the appointment of the below listed persons are hereby made by the Borough Council of the Borough of Tinton Falls.

Duane Morrill	Council Liaison	One-Year Term	Said Term to Expire 12/31/2010
Cindy Anderson	Regular Member	One-Year Term	Said Term to Expire 12/31/2010
Guy Buck	Regular Member	One-Year Term	Said Term to Expire 12/31/2010
Herman Silbiger	Regular Member	Two-Year Term	Said Term to Expire 12/31/2011
Doug DeVincens	Regular Member	Two-Year Term	Said Term to Expire 12/31/2011
Frank DeVita	Regular Member	Three-Year Term	Said Term to Expire 12/31/2011

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Appointment to the Historic Commission & Shade Tree Commission

Mayor Skudera advised that he received confirmation and requested a Resolution be placed on the next agenda appointing Stacey Slowinski and Linda Zuccaro to the Historic Commission and Elizabeth Carney to the Shade Tree Commission.

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

R-10-043 RESOLUTION- COMPENSATED ABSENCE RETIREE

WHEREAS, Kevin McBride has been employed by the Borough of Tinton Falls as Police Officer since January 5, 1987; and

WHEREAS, on April 1, 2010, Kevin McBride will retire with over 23 years of dedicated service to the Borough and over 25 years of service with the Police and Firemen's Retirement System; and

WHEREAS, Kevin McBride will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c and the Collective Bargaining Agreement between the Borough of Tinton Falls and the Tinton Falls PBA Local #125. The benefits are estimated to be \$38,600.00; and

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits; and

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that subject to the certification of funds availability by the Chief Financial Officer, that Kevin McBride receives the aforementioned compensated absence benefits.

Ms. Fama asked why there is a Resolution placed before Council if it is a contractual item. Mr. Pfeffer replied that in the past it has been his belief that it is required by Resolution and so, this is how it has been done for the many past years. Mr. Pfeffer advised that he believes the reason for this is that the State wanted it done by Resolution for disclosure to the residents.

Mr. Nelson stated that although the formula is by contract, the amount is not specified by contract because it is contingent upon the date of retirement.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-10-044 RESOLUTION - COMPENSATED ABSENCE RETIREE

WHEREAS, Gerald Turning, Sr. has been employed by the Borough of Tinton Falls as Police Officer since February 15, 1981; and

WHEREAS, on April 1, 2010, Gerald Turning, Sr. will retire with over 29 years of dedicated service; and

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WHEREAS, Gerald Turning, Sr. will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c, and the pre-existing Employment Contract between the Borough of Tinton Falls and Chief Gerald M. Turning. The benefits are estimated to be \$71,000.00; and

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits; and

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that subject to the certification of funds availability by the Chief Financial Officer, that Gerald Turning, Sr. receives the aforementioned compensated absence benefits.

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. Morrill.

**R-10-045 RESOLUTION – SUPPORTING S762/A2014 REQUIRING STATE
TREASURER TO CONDUCT COST-BENEFIT ANALYSIS OF MILITARY-TO-
CIVILIAN HOUSING CONVERSION AT NAVAL WEAPONS STATION EARLE
AND PLACING MORATORIUM ON ISSUANCE OF CERTAIN STATE PERMITS
AND APPROVALS**

WHEREAS, the U.S. Navy no longer requires housing at the Naval Weapons Station Earle (“Earle”); and

WHEREAS, Laurelwood Homes LLC owns and operates a 300-unit housing development located at Earle, and such development was designed, constructed and operated pursuant to the U.S. Department of Defense’s Section 801 military housing program; and

WHEREAS, there have been few military residents occupying the housing in recent years; and

WHEREAS, the Borough of Tinton Falls (“the Borough”) is gravely concerned that the U.S. Navy is obligated, under an existing long-term lease with Laurelwood Homes LLC, to permit the company to rent the housing to members of the general public after April 30, 2010; and

WHEREAS, efforts to pass legislation sponsored by Senators Jen Beck and Joe Kyrillos and Assemblymembers Declan O’Scanlon and Caroline Casagrande requiring the State Treasurer to prepare a cost-benefit analysis on the local impact of the military-to-civilian housing conversation and placing a moratorium on certain permits and approvals was tabled from securing final consideration by the State Senate at the close of the last legislative session; and

WHEREAS, this legislation has been reintroduced by its sponsors at the beginning of the new legislative session as Senate Bill No. 762 and Assembly Bill No. 2014; and

WHEREAS, the citizens of New Jersey and the Borough already pay some of the highest property taxes in the country, and these taxes are identified as the top concern among residents; and

WHEREAS, the Borough cannot afford the disproportional educational and other infrastructure improvements required as a result of a sudden influx of new school children without a significant and devastating increase in property taxes; and

WHEREAS, the housing is located within a high security military installation, and the lease of the housing to members of the general public would pose an increased security risk in our community; and

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

1. The Borough of Tinton Falls urgently requests the Legislature’s consideration and passage of Senate Bill No. 762 and Assembly Bill No. 2014 for the Governor’s enactment, which would save our residents millions of dollars in property taxes and educational infrastructure costs as well as address a potential significant security risk in our community.
2. That the Borough Clerk transmit a certified copy of this Resolution to Governor Chris Christie, Senator Jennifer Beck, Senator Joe Kyrillos, Assemblywoman Caroline Casagrande, Assemblyman Declan O’Scanlon, United States Representative Rush Holt, the County of Monmouth, and the Mayor and Township Committee of the Township of Colts Neck.

Mr. Nelson overviewed the past process, reintroduction and the resolution background for Council.

Ms. Fama requested this Resolution be carried and placed on a Workshop agenda before Council votes on it.

Mr. Morrill suggested since Council’s next meeting is February 9th (next week), they place this item on tonight’s Workshop and carry it for a vote at the next meeting.

**REGULAR/WORKSHOP MEETING
FEBRUARY 2, 2010
BOROUGH COUNCIL**

Dr. Mayer offered a motion to carry Resolution R-10-045 to February 9th and discuss it during tonight's (February 2nd) Workshop, seconded by Mr. Morrill.

ROLL CALL (to carry to 2/9/2010)

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

NAYS: Mr. Larkin

ABSENT: None

ABSTAIN: None

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

R-10-046 RESOLUTION TO AFFIRM THE BOROUGH OF TINTON FALLS CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Tinton Falls to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the Borough of Tinton Falls has determined that certain procedures need to be established to accomplish this policy.

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

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough, as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Mr. Nelson gave Council a brief background on this resolution.

Dr. Mayer requested Mr. Nelson speak with the joint insurance fund counsel regarding putting this item in Ordinance form.

Ms. Fama commented on the reporting procedures under section 4 and suggested there be a named contact person. Mr. Nelson replied that although not named in the Ordinance, there is a borough contact person, Donna Huy, Personal Manager.

ROLL CALL

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

NAYS: None

ABSENT: None

**REGULAR/WORKSHOP MEETING
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ABSTAIN: None

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

R-10-047 RESOLUTION – 2010 EMERGENCY TEMPORARY APPROPRIATIONS #1

WHEREAS, due to the expected delay of the adoption of the 2010 municipal budget and contractual obligations and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

CURRENT FUND APPROPRIATIONS:	\$ 1,536,918.00
MUNICIPAL SEWER UTILITY:	\$ 641,530.00

	<u>\$ 2,178,448.00</u>

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations:

CURRENT FUND:	
See Attached Sheets	\$ 1,536,918.00
SEWER UTILITY:	
See Attached Sheets	\$ 641,530.00
2. That said emergency temporary appropriation will be provided for in the 2010 budget under the following titles:

CURRENT FUND:	
See Attached Sheets	\$ 1,536,918.00
SEWER UTILITY:	
See Attached Sheets	\$ 641,530.00
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ROLL CALL

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

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

R-10-048 RESOLUTION - APPROPRIATION RESERVE TRANSFER

WHEREAS, N.J.S. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls (not less than two thirds of the governing body affirmatively concurring) that transfers between 2009 Budget Appropriation Reserves be made as follows:

Municipal Budget	FROM	TO
-----	-----	-----
Sanitation:		
Other Expenses	\$ 5,000	
Parks:		
Other Expenses	6,000	
Zoning Board:		
Other Expenses	4,000	
Gasoline	3,000	
Central Maintenance:		
Other Expenses		\$ 5,000
Telecommunications		1,000
LOSAP		12,000
	-----	-----
	\$18,000	\$18,000
	=====	=====

ROLL CALL

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

**REGULAR/WORKSHOP MEETING
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Dr. Mayer offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

R-10-049 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of October 2009 fees totaling \$85.00 were paid by a resident of Tinton Falls for their child's participation in our Basketball Program.

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

WHEREAS, during the month of December 2009-January 2010, the resident informed the Recreation Superintendent that due to a medical condition the child, Annetta Panayides will be unable to participate in the program and a refund in the amount of \$75.00 shall be issued to the resident deducting the \$10.00 processing fee.

Elena Panayides	\$75.00
<hr/>	
Total	\$75.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$75.00 be issued.

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.

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

R-10-050 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 2, 2010

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 2, 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 Treasurer for approval and payment.

SUMMARY

GENERAL	\$ 4,680,609.38
TRUSTS	7,265.18
DEVELOPER ESCROW	9,797.53
GRANT FUND	350.00
SEWER UTILITY	338,246.10
ADDITIONS	<u>\$ 2,573,537.91</u>
	\$ 7,609,806.10

ROLL CALL

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

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

ROLL CALL

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

WORKSHOP MEETING

Unfinished Business

Update on Road Program

Mr. Marks advised that he has met with John Bucciero and Vernon Reevey regarding the roads they feel need to be looked at immediately as well as speaking with Mayor Skudera on some other projects he had in mind.

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Mr. Marks stated that he has come up with three main areas the Borough should look at. Without accounting for the grants we have received, the base estimate number is approximately \$905,000. The three projects would be Hockhockson Road, Riveredge Road, and Heritage Drive (which is eligible for a NJ DOT Local Aid Grant in the amount of \$200,000). Considering the grant available for Heritage Drive, it would bring the total approximate cost down to \$705,000 and would be all inclusive, meaning there would be no additional fees beyond that amount.

Mr. Marks advised that he also looked into some additional alternates, if funds were available, he would like to see incorporated such as Mulberry Lane, Laurel Court, Green Meadow Drive as well as Colonial Drive.

Lastly, Mr. Marks advised that there were some sidewalk and pedestrian improvements along Hockhockson Road and Squankum Road that, if funds were available, he would like to see completed.

Pine Street/Essex Road Project

The County's policy is that they will do the road work, but they will not pay for the sidewalk. It is the Borough's obligation that if we want to have a pedestrian route, we would need to contribute towards the cost of constructing the sidewalk.

The question at hand would be how much the Borough is currently willing to get done and how much is available for these projects. According to the amount available, certain projects would begin as soon as possible and others would be fazed.

Funding

Mr. Pfeffer advised that normally this would be a part of a general improvement bond ordinance. In the past, when we have had situations that included alternative options, in the bond ordinance all the roads are named, whatever the consensus is to fund is funded and when the engineer goes out to bid, they will bid it with the base bid and the alternates listed. Based upon how the bid comes back and the amount of the bid, the Borough would proceed from there. The Bond Ordinance itself requires a 5% down payment, which we would have for a project like this. Bond Anticipation Notes would then be issued; it would go into the Capital Budget and then funded through general obligation bonds. At the end of the project, notes would be issued in the interim to fund it as we go along. The \$200,000.00 from the NJ DOT would be incorporated within the Ordinance. It is a standard procedure for road programs or public works equipment. Mr. Pfeffer further stated that normally, he likes to group enough projects together to have a large enough Bond to make it as cost efficient to the Borough as possible.

Council had a lengthy discussion on funding options for a road program (current and future).

R-10-045 Earle

Dr. Mayer stated that he had no intention of wanting to derail the bill that is currently going through the State, but would like to augment Council's statement saying that the Borough has a desire to have an analysis done to look at the housing being used for retired and/or disabled veterans. Dr. Mayer proposed another "whereas" statement be added to the Resolution.

Bill Holobowski, 56 Neville Street, stated with regard to this specific piece of legislation, the measure would do nothing to change what could possibly happen with the homes; it is a companion piece to what the U.S. Congress passed and what the President signed into law. The government accountability office is conducting a financial and security assessment of this case. The State would send the Treasurer in to assess the cost impact to New Jersey taxpayers; it has nothing to do with controlling how the developer can use the homes, who will live there, under what terms, and so forth.

Mr. Holobowski requested, with regard to the Resolution, Council consider supporting the State measure to allow the Treasurer to conduct the study.

After a lengthy discussion as to the proposed Resolution, Council agreed to put the Resolution on the agenda for the next Council meeting, approve same, and hold off on the option of sending a letter until further notice but in the meantime continue to follow this issue closely.

New Business

Health Benefits Waiver Ordinance

Mayor Skudera advised that this Ordinance was discussed during the prior administration but never acted upon because at that time, the cost that they wanted to give the employees was not beneficial. Mayor Skudera further stated that if an employee benefit package costs \$10,000.00, if

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that employee were to opt out; any amount under that amount would be a cost savings to the Borough, which is why this item was discussed to be revisited. The proposal before Council is to agree upon an amount to offer the employees should they choose to opt out.

Mr. Pfeffer stated that the costs the Borough pays for medical including prescriptions for the New Jersey Direct 10 Plan for a married plan is \$17,106.00 per year and \$19,006.00 for a family plan per year. Should an employee choose to do so, the amount would be non-pensionable and distributed bi-weekly in each paycheck.

Mr. Pfeffer stated that the 50% amount was brought up in choosing an amount that would entice the employees, who would be eligible to do so, to actually opt out. Mr. Pfeffer stated that it was his recommendation that Council offer this amount to the employees if they want this program to work. Any amount the Borough saves equals a cost savings.

Ms. Fama agreed that should the amount the employee would receive be anything lower than 50%, the participation level would be dramatically reduced but also suggested that Council consider including singles to this offer.

Mr. Nelson added that his informal survey he conducted of other Ordinances in municipalities who offer this plan to the employees concluded that anything less than the 50% offer, which is the maximum allowed by Law, would only deter participation by the employees.

After Council had a lengthy discussion, Mr. Nelson advised that the Chief Financial Officer would conduct an analysis as to if there are any current persons who have opted out of taking health benefits and if so, would they be eligible to still receive the 50% should this Ordinance pass and if so, if there could be language added to not include them in this benefit as they have already previously chose to opt out due to alternate coverage.

Exceed Municipal Budget Appropriation Limits & Establish CAP Bank Ordinance

Mr. Pfeffer explained that this Ordinance is done every year and is part of the normal budget routine. The reason for placing it before Council on a Workshop agenda is to explain the process for the new councilmembers who have not previously been part of the budget procedure.

Mr. Pfeffer further explained the process and advised that he attached to the agenda packet a sample of the ordinance along with the Local Finance Board notice which dictates the Ordinance process along with an explanation on how the amounts are calculated and stated that the Ordinance serves two purposes; it allows the Borough to exceed the Cap Index Rate for 2010 and allows the Borough to establish a CAP Bank.

ADJOURNMENT

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

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

TIME: 10:51 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: APRIL 6, 2010