

**REGULAR/WORKSHOP MEETING
JANUARY 5, 2010
BOROUGH COUNCIL**

Deputy Council President called regular meeting to order at 6:30 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. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer

ABSENT: Mr. Morrill

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

EXECUTIVE SESSION

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

R-10-001 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 January 5, 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)
 - a. Administrator's Vacancy (ATOD February 2010)
 - b. Court Personnel (ATOD January 2010)
 - c. Management Personnel Salaries
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
 - a. Host Community Agreement with County of Monmouth (ATOD February 2010) (Special Counsel James Berube, Esq.)
 - b. Renewal of Impound Lot Interlocal With Red Bank (ATOD January 2010)
 - c. Lease for Portion of Pine Street to be vacated (ATOD January 2010)
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
 - a. PRC Tinton Avenue Developers v. Modern Wrecking & Environmental Contractors (ATOD January 2010)
 - b. Borough Property v. Borough of Tinton Falls (ATOD June 2010)

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Mr. Nelson advised that he would like to recommend one more ancillary resolution to be read for the record. There is one matter on the Executive Session agenda this evening, which would require the recusal of the Clerk for that portion, at which time he would request a motion be made to allow himself as the Director of Law, to take minutes in the Clerk's absence for that portion of the Executive Session.

Dr. Mayer offered a motion to approve the Director of Law to take minutes in the Clerk's absence for the specific portion of the minutes where Mrs. Mount-Taylor would be asked to recuse herself, seconded by Ms. Fama.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Mr. Baldwin advised that at this time Council would adjourn to Executive Session.

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Mr. Baldwin advised that Council was back on the record at 7:33 P.M.

All present stood for Salute to Flag.

APPROVAL OF MINUTES

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

FMERPA

Mayor Skudera advised that the Borough received a check for the reimburses for planning expenses in the amount of \$21, 771.00.

Mayor Skudera also informed the Council and public that FMERPA has an upcoming meeting this month and currently to date, there has been no action taken on the Fort Monmouth bill.

Proclamation – Honoring Rosemary Tunncliffe

Mayor Skudera presented Ms. Tunncliffe with the following Proclamation:

Honoring Rosemary Tunncliffe on her Retirement – Director, Tinton Falls Library

Whereas, Rosemary Tunncliffe, Director, Tinton Falls Library, is an outstanding person who has contributed so much to our community; commitment, determination, dedication, love of our youth, and a will to embrace each new idea to better the Tinton Falls Library; and

Whereas, Rosemary has been involved with the Tinton Falls Library for more than 20 years, serving 13 years as a volunteer and the remaining years as Library Director; and

Whereas, under Rosemary's tenure, the use of the library has increased 60 percent and participation in the summer reading program dramatically increased; and

Whereas, Rosemary's vision for involvement of young people has become a reality with the active participation of teen volunteers, library aides and participants in the Pajama Story Time and Puppet Show programs; and

Whereas, Rosemary oversaw and witnessed the creation of activities that would involve younger children such as chess, checkers, book bingo and book clubs; and

Whereas, Rosemary has initiated the expansion of the hours that the library is open making it more accessible and convenient for patrons; and

Whereas, Rosemary has led the Library through many changes in technology, installation of computers, internet capability for public use, upgrade to wireless internet and the transition to computerized circulation; and

Whereas, Rosemary's influence has broadened community involvement in the library by welcoming many groups to use the facility, including knitting club, scouts, writer's groups and book clubs; and

Whereas, Rosemary has worked tirelessly toward making the dream of a new, larger library a reality to further serve the patrons.

Now, Therefore, I, Michael Skudera, Mayor along with the Borough Council of the Borough of Tinton Falls, express to Rosemary Tunncliffe deepest gratitude for her countless contributions and exemplary services to our community; and our best wishes for continued success in her life's pursuits.

Mr. Baldwin thanked Ms. Tunncliffe and advised that Tinton Falls is extremely grateful for the effort and time that she has put forward throughout the years.

2009 Holiday Decorating Certificates and Awards

Sherri Eisele, Recreation Director, advised that this year, the residents selected the 2009 winners of the Holiday Decorating awards. Each of the selected winners were given a gift certificate to CJ Montana's or the Pour House.

2009 Holiday Decorating Contest Winners

The Shafer Family
35 Periwinkle Circle
Tinton Falls, NJ 07724

The Jones Family
19 Columbia Drive
Tinton Falls, NJ 07724

The DeLorenzo/ Deans Family
117 Des Moines Court
Tinton Falls, NJ 07712

The Tote Family
10 Phipps Place
Tinton Falls, NJ 07724

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The Barnes Family
14 Hope Road
Tinton Falls, NJ 07724

The DellaRagione Family
31 Pegasus Drive
Tinton Falls, NJ 07724

The Carlino Family
42 Leland Terrace
Tinton Falls, NJ 07724

The DeVita Family
21 Cloverdale Circle
Tinton Falls, NJ 07724

The Vella Family
10 Dover Court
Tinton Falls, NJ 07712

The Neis Family
7 Pica Place
Tinton Falls, NJ 07724

Engineer's Report – Mr. Marks

Monmouth County Project – Improvements on Asbury Avenue, Fox Chase Drive & Cannonball Drive

Mr. Marks advised that he has spoken with his design engineer who has been working with the County. Four concept plans have been developed and sent to the County for an informal review, at which time the County will come back to T&M Associates and advise of which concept plan they would like to be further developed. Once that process has been completed, the County will ask that the Borough review those concepts and give input with respect to the operation of a traffic signal.

Monmouth County Project – Asbury Avenue Reconstruction which includes the Realignment of Pine Street and Essex Road and the improvements to the existing drainage culvert at the intersection

The realignment of Pine Street has been completed. The County has sent Mr. Marks the most recent set of plans for the on going projects and he is in the process of reviewing same. The plans include traffic detours, signal plans, etc.

Pedestrian Access at Pine Street

Mr. Marks advised that he has met with Mr. Tomashevsky (resident who expressed his concerns at the 12/15/09 meeting) to answer his questions, review his proposal and provide him with the difficulties of doing work in the State of New Jersey verses Russia, where he is originally from. The issues were reviewed in detail and a memorandum was created. Mr. Marks advised, in his opinion, the Borough is best suited to follow along with the County on their project in providing pedestrian access from Pine Street along Asbury Avenue.

Energy Audit

There is a Resolution on tonight's agenda authorizing the submittals to the State. The RFP is in its final stages of being complete.

Rowan Wind Study

Mr. Marks advised that he spoke with the Professor at Rowan University and he has indicated that getting intermediate data at this point does not look good but he feels that the Borough should be able to get some information relatively soon. They have multiple wind meters setup throughout the State.

Development of the Website for the Engineering Projects

Mr. Marks informed Council that he has been working with Doreen D'Annuzio on placing the engineering projects on the website for the public's access and further advised that he would eventually like to have State, County and Local projects listed, similar to his reports.

Chief Financial Officer's Report – Mr. Pfeffer

Budget

Mr. Pfeffer advised that he is currently in the process of closing out 2009 and continuing on the 2010 budget. The appropriation side of the budget is almost complete. As of today, the Borough has not received notification from the State of New Jersey regarding State Aid.

Administrator's Report – John Bucciero, Interim

Mr. Bucciero informed Council that Mr. Dempsey created a list of outstanding issues and projects that he is currently in the process of working on.

Director of Law's Report – Mr. Nelson

Legislation Bills

The Legislation is wrapping up its current session in the upcoming next two weeks. There are a number of legislative bills, which if passed, could have a large impact on the borough.

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The Monmouth Economic Revitalization Authority Act, which would be the next generation of FMERPA, appears as if it is not going anywhere during the lame duck legislative session.

Extension of Permit Extension Act – should the bill pass, it will extend any existing approvals for any projects throughout the municipality through July 1, 2012.

Earle Housing Matter – this bill would require the State Treasurer provide a cost benefit analysis and security report before any action could be taken at Earle.

Pension Deferral Legislation – it appears at this time that the Pension Deferral Legislation is not going to make it through the Legislator.

Agenda Items

Mr. Nelson briefly reviewed the agenda items and upcoming Ordinances for Introduction.

Borough Clerk's Report – Mrs. Mount-Taylor

Appointment of Committee/Commission Members

Mrs. Mount-Taylor requested an update from Mayor Skudera. Mayor Skudera advised that he has his appointments if Council would like to vote on them tonight.

Mrs. Mount-Taylor requested direction from Council as to if they would like to amend the agenda to include the appointments. Mr. Baldwin stated that he would like to see these items done at the next meeting.

Mrs. Mount-Taylor requested the Director of Law advise of what the proper procedure(s) would be as far as the committees/commissions holding their meetings with expired terms. Mr. Nelson replied that those appointments would holdover until the successor(s) is/are appointed.

Council's Report

Ms. Fama:

- informed Council that she is a member of the Tinton Falls Women's Club and they are always looking for new members; if anyone is interested, they may contact Ms. Fama
- advised Council that a donation was made to a needy family this Christmas Season by the Women's Club of \$100 in food certificates

Mr. Larkin:

- updated Council on the Tinton Falls School Board meeting dates
- commended the Police Department for their efforts at the Outlet Mall making sure it was a safe holiday season as well as Public Works for their work last week during the store storm

Dr. Mayer:

- welcomed home Sean Goldman
- thanked all the EMS and Fire volunteers as well as the officers that were recently appointed to the executive boards on January 1st
- advised Council of the Environmental Partnership meeting, which was a group of the surrounding fifteen town's Environmental Commissions, and briefly overviewed their various items of discussion such as pesticide-free zones
- updated Council on the Technical Advisory Committee meeting dates and issues of concerns & discussion

Mayor Skudera stated that pesticide-free zones were a discussion topic last year. The Borough received a report that it is a doable project but there are costs, which exceed what the Borough is currently paying.

Mr. Baldwin informed Council that the Program Coordinator for the State stated that she would be most willing to meet with the Public Works Director and anyone else who was interested in talking about these programs as well as sources for these non-toxic chemicals that are used.

Mr. Baldwin:

- updated Council on the Planning Board meetings
- informed Council that Rose Glen at Tinton Falls has put in their request for conversion to non-age restricted development for their development, which was approved approximately a year and half ago; it will go before the Planning Board and be scheduled at an appropriate meeting

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PETITIONS – None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 10-1287 entitled: AN ORDINANCE AUTHORIZING RENEWAL OF AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE BOROUGH OF TINTON FALLS FOR STORAGE OF IMPOUNDED OR SEIZED MOTOR VEHICLES

Mr. Nelson informed the public that this is a shared service agreement that has been preexisting between the Borough of Tinton Falls and the Borough of Red Bank whereby Tinton Falls receives a sum of five dollars per day for vehicles stored in its impound lot by the Borough of Red Bank. If their owners do not recover the vehicles, they eventually get auctioned off. The Borough would receive ten percent of the sale of those vehicles at auction. This is a renewal of that shared services agreement with the Borough of Red Bank.

Dr. Mayer offered a motion to introduce Ordinance No. 10-1287, seconded by Ms. Fama.

ROLL CALL

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

Public Hearing for Ordinance No. 10-1287 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1287 in Full/Ordinance Book No. 4

Borough Clerk read Ordinance No. 10-1288 entitled: AN ORDINANCE IMPLEMENTING THE CITIZEN SERVICE ACT

Mr. Nelson informed the public that this is a law passed last October, permitting municipalities to set certain absentee policies for volunteer boards and commissions in the Borough. It also provides a process by which the Borough Clerk would maintain these lists for public viewing and a standardize form for the public to express interest in serving in such volunteer boards and commissions.

Dr. Mayer offered a motion to introduce Ordinance No. 10-1288, seconded by Ms. Fama.

ROLL CALL

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

Public Hearing for Ordinance No. 10-1288 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1288 in Full/Ordinance Book No. 4

Borough Clerk read Ordinance No. 10-1289 entitled: AN ORDINANCE REDUCING OPEN SPACE TAX FROM THREE CENTS (\$.03) TO TWO AND ONE QUARTER CENTS (\$.0225) PER \$100.00 OF ASSESSED VALUE OF REAL PROPERTY PURSUANT TO CERTIFIED RESULTS OF PUBLIC REFERENDUM HELD ON NOVEMBER 3, 2009

Mr. Nelson informed the public that this is the Ordinance effectuating the results of the non-binding referendum held in last November's General Election. This Ordinance, if passed, would then enact the decrease in the Open Space Tax.

Ms. Fama offered a motion to introduce Ordinance No. 10-1289, seconded by Mr. Larkin.

ROLL CALL

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

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Public Hearing for Ordinance No. 10-1289 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1289 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

There being no 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: Mr. Morrill
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

RESOLUTIONS

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

Mr. Baldwin informed Council that Darriel Anderson, Qualified Purchasing Agent, spoke with the Director of the Humane Society to see if the Borough could negotiate a lesser price for animal control services. Ms. Anderson was informed that the Borough is currently paying less than the other 25 towns that are currently being charged between \$2.75 - \$3.00 per capita for their coverage.

**R-09-430 RESOLUTION - AUTHORIZING ONE (1) YEAR CONTRACT WITH
ASSOCIATED HUMANE SOCIETIES FOR ANIMAL CONTROL SERVICES FOR
THE YEAR 2010**

WHEREAS, the Borough of Tinton Falls requires the services of an Animal Control Officer; and
WHEREAS, after a thorough search of an organization to provide an equivalent service to that which is currently provided by Associated Humane Societies, Inc.; and

WHEREAS, there is no one else to provide the services listed on the attached contract; and

WHEREAS, this is a one (1) year contract at the rate of \$2.00 per capita, or \$2,508.83 per month or \$30,106.00 for one (1) year as well as other rates included in the attached contract; and

WHEREAS, this rate is the same rate as 2009 and W. Bryan Dempsey, Borough Administrator recommends award;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls as follows:

1) That the Mayor and Borough Clerk are hereby authorized to enter into a one (1) year contract with Associated Humane Societies for the provision of Animal Control Services for the fees set forth therein;

2) That a copy of this Resolution be forwarded to the Monmouth County Regional Health Commission #1 along with a copy of the executed contract.

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ROLL CALL

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

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

R-10-002 RESOLUTION – 2010 TEMPORARY MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2010 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this Resolution is within the first thirty (30) days of January 2010; and

WHEREAS, the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance is the sum of:

2009 Municipal Budget	\$18,997,994.58
2009 Sewer Utility Budget	\$ 4,490,562.00

WHEREAS, 26.25% of the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2009 budget is the sum of:

2009 Municipal Budget	\$ 4,986,973.58
2009 Sewer Utility Budget	\$ 1,178,772.53

THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey that the temporary appropriations be made and a certified copy of this Resolution be transmitted to the Borough Chief Financial Officer for his records:

2010 TEMPORARY APPROPRIATIONS ARE HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION.

ROLL CALL

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

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

R-10-003 RESOLUTION – AUTHORIZING EXECUTION OF TEMPORARY LICENSE AGREEMENT WITH GARDEN STATE VETERINARY SPECIALISTS, INC. FOR USE OF ABANDONED PORTION OF PINE STREET TO BE VACATED

WHEREAS, the Borough of Tinton Falls (“the Borough”) is the Owner of the property located at 1 Pine Street, Tinton Falls, New Jersey 07719, also known as Block 123, Lot 49.02, (“the property”); and

WHEREAS, the Borough holds a Right of Way interest in Pine Street which is adjacent to Garden State Veterinary Specialists, Inc. (“Garden State”); and

WHEREAS, the County of Monmouth has undertaken a relocation of the intersection of Pine Street and Asbury Avenue, which will result in a portion of Pine Street not being used for roadway purposes which will eventually be vacated as a paper street by the Borough; and

WHEREAS, the License shall be subject to the Borough Engineer’s and Code Official’s approval of plans submitted by Garden State’s engineer for parking, including a pedestrian walkway for public use along the southerly side of the portion of Pine Street.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute the License Agreement attached hereto pursuant to the terms therein to expire within one year or upon the vacation of the property described therein by the Borough.

ROLL CALL

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

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

R-10-004 RESOLUTION - DESIGNATING PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, in accordance with N.J.A.C. 17:27-3.5, each public agency shall annually designate an officer or employee to serve as its Public Agency Compliance Officer; and

WHEREAS, Darriel R. Anderson, RPPO, QPA, Purchasing Agent, is the appropriate employee of the Borough to serve as the Public Agency Compliance Officer;

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NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Darriel R. Anderson, RPPO, QPA, be, and is hereby designated to serve as the Public Agency Compliance Officer on behalf of the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Mr. Nelson recommended that Council carry this Resolution to January 19, 2010.

Dr. Mayer offered a motion to carry Resolution R-10-005 to January 19, 2010, seconded by Mr. Larkin.

**R-10-005 RESOLUTION - AUTHORIZING COMPENSATION FOR CERTAIN
MUNICIPAL EMPLOYEES IN THE BOROUGH OF TINTON FALLS, COUNTY
OF MONMOUTH**

WHEREAS, it is necessary to adopt a Resolution authorizing compensation for certain municipal employees in the Borough of Tinton Falls for the year 2010,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Section 1A - Full Time Employees and B - Part Time Employees are hereby assigned the following levels of compensation retroactive to January 1, 2010

Section I

A.	<u>Full Time Employees</u>	<u>Salary</u>
	Business Administrator (Contractual)	\$ 125,529.00
	Director, Department of Audit, Accounts & Control & Chief Financial Officer (Statutory)	138,754.00
	Director, Department of Public Works	104,752.00
	Borough Clerk (Statutory)	91,770.00
	Deputy Borough Clerk	36,518.00
	Director, Department of Public Safety (Contractual)	8,000.00
	Tax Assessor (Statutory)	76,442.00
B.	<u>Part Time Employees</u>	
	Mayor	\$ 5,000.00
	Borough Council President	4,000.00
	Borough Council Member	3,500.00
	Director, Department of Law	102,705.00

ROLL CALL (to carry to 1/19/2010)

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-006 RESOLUTION - LOCAL UNIT SAMPLE RESOLUTION FOR LOCAL
GOVERNMENT ENERGY AUDIT**

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of the Borough of Tinton Falls has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Borough of Tinton Falls, are served by a New Jersey regulated public utility, and that the Borough of Tinton Falls has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Borough of Tinton Falls will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Borough of Tinton Falls understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program; and,

WHEREAS, the Borough of Tinton Falls has passed a resolution(s) joining the following state or national organization(s) supporting energy efficiency, greenhouse gas reduction, sustainable/green design or high performance buildings: (*Sustainable New Jersey & Greenhouse Gas Reduction Program (Pending)*).

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Tinton Falls, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and,

BE IT FURTHER RESOLVED that a copy of resolution(s) in joining the state or national organizations listed above be attached to and made a part of this resolution.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-007 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 10-01
FAIR HAVEN PTA - ON PREMISES 50-50**

WHEREAS, The Fair Haven PTA has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 10-01; and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received; and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 10-01 be and the same is hereby approved as follows:

NAME: FAIR HAVEN PTA
IDENTIFICATION NO.: 140-5-31768
LOCATION: HOLIDAY INN TINTON FALLS
700 HOPE ROAD
TINTON FALLS, NJ 07724
DATE: MARCH 13, 2010 TO BE DRAWN AT 2:00 PM

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-008 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 10-02
FAIR HAVEN PTA - OFF PREMISES RAFFLE**

WHEREAS, The Fair Haven PTA has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 10-02; and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received; and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 10-02 be and the same is hereby approved as follows:

NAME: FAIR HAVEN PTA
IDENTIFICATION NO.: 140-5-31768
LOCATION: HOLIDAY INN TINTON FALLS
700 HOPE ROAD
TINTON FALLS, NJ 07724
DATE: MARCH 13, 2010 TO BE DRAWN AT 2:00 PM

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-009 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 10-03
FAIR HAVEN PTA - ON PREMISES DRAW RAFFLE**

WHEREAS, The Fair Haven PTA has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 10-03; and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received; and

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WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.
NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 10-03 be and the same is hereby approved as follows:

NAME: FAIR HAVEN PTA
IDENTIFICATION NO.: 140-5-31768
LOCATION: HOLIDAY INN TINTON FALLS
700 HOPE ROAD
TINTON FALLS, NJ 07724
DATE: MARCH 13, 2010 TO BE DRAWN AT 2:00 PM

ROLL CALL

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

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

**R-10-010 RESOLUTION - AUTHORIZING FINAL CHANGE ORDER #1 DECREASING
CONTRACT #08-6 IN THE AMOUNT OF \$5,654.82 - 2008 ROAD PROGRAM**

WHEREAS, Contract #08-6 for 2008 Road Program was awarded to DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, NJ 07735 by Resolution R-08-158 in the amount of \$679,000.00 at a meeting held on May 20, 2008; and

WHEREAS, Final Change Order #1 and Engineer's Estimate #2 Final (both annexed hereto and made a part hereof) decreases the contract in the amount of \$5,654.82 for a total contract in the amount of \$673,345.18;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that NJDOT Final Change Order #1 decreasing Contract #08-6 in the amount of \$5,684.82 for a total contract in the amount of \$673,345.18 is hereby authorized for the above contract awarded to DeFino Contracting Company.

ROLL CALL

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

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

**R-10-011 RESOLUTION - AMENDING RESOLUTION R-09-238 EXTENDING AND
INCREASING FAIR & OPEN CONTRACT FOR PROFESSIONAL LABOR
COUNSEL SERVICES – CONTRACT RFP #9-09A**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-238 on July 7, 2009, wherein Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P. O. Box 790, Lyndhurst, New Jersey was awarded the contract for Professional Labor Counsel Services for an amount not to exceed \$7,000.00 from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010, for an additional amount not to exceed \$10,000.00 for Professional Labor Counsel services; and

WHEREAS, Scarinci & Hollenbeck, LLC, acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P. O. Box 790, Lyndhurst, NJ 07071-0790 is hereby retained to provide Professional Labor Counsel services described above through June 30, 2010, for an additional amount not to exceed \$10,000.00 for a total contract in the amount of \$17,000.00.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

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

**R-10-012 RESOLUTION - AMENDING RESOLUTION R-09-239 EXTENDING FAIR &
OPEN CONTRACT FOR PROFESSIONAL BOND COUNSEL SERVICES -
CONTRACT RFP #9-09B**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-239 on July 7, 2009, wherein Gibbons, P.C., One Gateway Center, Newark, NJ 07102 was awarded the contract for Professional Bond Counsel Services for unit price, fixed fee amounts from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010 for the unit price, fixed fee amounts provided in their proposal, with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, Gibbons, P.C. acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Gibbons, P.C., One Gateway Center, Newark, NJ 07102 is hereby retained to provide Bond Counsel services described above through June 30, 2010, for the unit price, fixed fee amounts listed in their proposal.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-013 RESOLUTION - AMENDING RESOLUTION R-09-431 EXTENDING AND
INCREASING FAIR & OPEN CONTRACT FOR PROFESSIONAL PLANNING
BOARD LEGAL SERVICES – CONTRACT RFP #9-09C**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-431 on December 15, 2009, wherein Collins, Vella & Casello, LLC, 1451 Route 34 South, Suite 303, Farmingdale, NJ 07727 was awarded an additional \$10,000.00 for continuing Planning Board Legal Services through December 31, 2009 for a total contract in the amount of \$28,500.00 plus miscellaneous reimbursables; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010 for an additional amount not to exceed \$6,000.00 for a six month retainer and \$14,000.00 for Planning Board Legal Services; and

WHEREAS, Collins, Vella & Casello, LLC, acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Collins, Vella & Casello, LLC, 1451 Route 34 South, Suite 303, Farmingdale, NJ 07727 is hereby retained to provide Planning Board Legal services described above through June 30, 2010, for an additional amount not to exceed \$6,000.00 for a six month retainer and \$14,000.00 for Planning Board Legal Services for a total contract in the amount of \$48,500.00.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Pfeffer explained that because the Borough is using a preexisting contract it has to be called an increase to the contract. The reality of it is, the Borough is adding six months more to the contract and approximately half of the budget appropriation to cover those six months.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-014 RESOLUTION - AMENDING RESOLUTION R-09-240 EXTENDING AND
INCREASING FAIR & OPEN CONTRACT FOR PROFESSIONAL AFFORDABLE
HOUSING COUNSEL – CONTRACT RFP #9-09E**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-240 on July 7, 2009, wherein Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 was awarded the contract for Professional Affordable Housing Counsel for an amount not to exceed \$50,000.00 from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010 for an additional amount not to exceed \$25,000.00 for Affordable Housing Counsel services; and

WHEREAS, Gluck Walrath, LLP, acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is hereby retained to provide Affordable Housing Counsel services described above through June 30, 2010, for an additional amount not to exceed \$25,000.00 for a total contract in the amount of \$75,000.00.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-015 RESOLUTION - AMENDING RESOLUTION R-09-241 EXTENDING AND
INCREASING FAIR & OPEN CONTRACT FOR PROFESSIONAL GENERAL
ENGINEERING SERVICES - CONTRACT RFP #10-09A**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-241 on July 7, 2009, wherein T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 was awarded the contract for Professional General Engineering Services for an amount not to exceed \$65,000.00 from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010 for an additional amount not to exceed \$76,750.00 for General Engineering Services; and

WHEREAS, T & M Associates acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 is hereby retained to provide General Engineering services through June 30, 2010, for an additional amount not to exceed \$76,750.00 for a total contract in the amount of \$141,750.00.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Pfeffer explained that the increase amount is not based on the hourly fees, but of what work was directed to the Borough Engineer by the Administration and Council. The amount is based on the projects that both Engineers (T&M Associates & Birdsall Engineering) in 2009. It is predicated on not what the fees are but what the amount of projects and complaints from residents that are directed towards the Engineer.

ROLL CALL

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

NAYS: Dr. Mayer

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-016 RESOLUTION - AMENDING RESOLUTION R-09-242 EXTENDING FAIR &
OPEN CONTRACT FOR VARIOUS PROFESSIONAL ENGINEERING SERVICES
- CONTRACTS RFP #10-09D, RFP #10-09E, RFP #12-09 & RFP #15-09**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-242 on July 7, 2009, wherein T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 was awarded the contract for various Engineering Services listed below from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the following contracts be extended for six months through June 30, 2010 for the hourly rates provided in their proposal, with the certification of funds being provided by the Chief Financial Officer on each voucher for such services;

- RFP #10-09D Traffic Engineering Services
- RFP #10-09E Tax Map Engineering Services
- RFP #12-09 Environmental Engineering Services
- RFP #15-09 Survey Services for Green Acres Trust Acquisitions; and

WHEREAS, T & M Associates acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 is hereby retained to provide various Engineering services listed above through June 30, 2010, for the hourly rates listed in their proposal.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Pfeffer explained that these are contracts that are based on an as needed request by the Borough. At this point in time, and in the past, the Borough does not know if there will even be any services generated towards these contracts.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-017 RESOLUTION - AMENDING RESOLUTION R-09-273 EXTENDING FAIR &
OPEN CONTRACT FOR PROFESSIONAL GENERAL BOROUGH PLANNING
SERVICES -CONTRACT RFP #13-09**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-273 on July 21, 2009, wherein Heyer, Gruel & Associates, 236 Broad Street, Red Bank, NJ 07701, was awarded the contract for Professional General Borough Planning Services from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010 for the hourly rates provided in their proposal, with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, Heyer, Gruel & Associates acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Heyer, Gruel & Associates, 236 Broad Street, Red Bank, NJ 07701 is hereby retained to provide Professional General Borough Planning Services through June 30, 2010, for the hourly rates listed in their proposal.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

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Mr. Pfeffer explained that the only time the Borough would be charged by the Planner is if the Borough asked the Planner to look into an item that the Borough was effected by, outside of a Planning Board application (i.e. Master Plan for the development of the Ordinances).

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-018 RESOLUTION - AMENDING RESOLUTION R-09-247 EXTENDING AND
INCREASING FAIR & OPEN CONTRACT FOR PROFESSIONAL APPRAISAL
SERVICES – CONTRACT RFP #14-09**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-247 on July 7, 2009, wherein Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 07702 was awarded the contract for Professional Appraisal Services for an amount not to exceed \$50,000.00 from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010, for an additional amount not to exceed \$32,000.00 for Professional Appraisal services; and

WHEREAS, Gagliano Appraisal, LLC, acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 07702 is hereby retained to provide Professional Appraisal services through June 30, 2010, for an additional amount not to exceed \$32,000.00, for a total contract in the amount of \$82,000.00.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-10-019 RESOLUTION - AMENDING RESOLUTION R-09-249 EXTENDING AND
INCREASING FAIR & OPEN CONTRACT FOR PROFESSIONAL SERVICING &
MAINTENANCE OF SEWER SYSTEM - CONTRACT RFP #16-09**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-09-249 on July 7, 2009, wherein Hughes Environmental Services, Inc., P.O. Box 327, Forked River, NJ 08731 was awarded the contract for Professional Servicing and Maintenance of Sewer System for an amount not to exceed \$53,300.00 from July 1, 2009 through December 31, 2009; and

WHEREAS, the Director of Law advises a one year term for professional services is a good practice under the Faulkner Act; and

WHEREAS, said contract term should run from July 1 through June 30; and

WHEREAS, the Director of Law authorizes the above contract be extended for six months through June 30, 2010, for an additional amount not to exceed \$53,300.00 for Professional Servicing and Maintenance of Sewer System, as well as an additional \$925.00 per month for Hovtown Pump Station taken over October, 2009, for a total contract in the amount of \$58,850.00, plus miscellaneous emergency callouts at the rate of \$175.00 per hour; and

WHEREAS, Hughes Environmental Services, Inc., acknowledges that they comply with Borough Ordinance #05-1146 and have not made any political contributions that would bar them from being awarded this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls as follows:

1. The firm of Hughes Environmental Services, Inc., P.O. Box 327, Forked River, NJ 08731 is hereby retained to provide Professional Servicing and Maintenance of Sewer System through June 30, 2010, for an additional amount not to exceed \$58,850.00 for a total contract in the amount of \$112,150.00.
2. This contract is awarded as a Fair & Open contract as proposals were received on June 22, 2009.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

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4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Pfeffer explained that the Borough took over a pump station. The way the contract reads, if there is any additional pump stations added, there is an additional monthly charge. This Resolution takes into consideration the new pump station that was added.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

EXECUTIVE SESSION

Mr. Nelson advised that there was no need for a second Executive Session.

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

TIME: 8:42 P.M.

WORKSHOP MEETING

Unfinished Business

Recycling Hours

Ms. Fama stated that at the last meeting Council had discussed reviewing the feasibility of Saturday hours in staggered shifts with the Department of Public Works and questioned if there was any discussion on that item.

Mr. Bucciero advised that in order to accomplish an eight-hour shift for Saturdays it would require overtime and the way the contract reads, the Borough cannot substitute days for the employees and all Saturdays, Sundays, and holidays are overtime. Even if the Borough were to do an eight-hour shift on the overtime basis, the way the yard is setup due to the size of the yard, they would have to utilize an equipment operator, which would add additional costs. Mr. Bucciero further stated that the only feasibility is to leave it the way it currently is or they could change the hours. If the hours were changed to 12:00 P.M. – 4:00 P.M., more than likely, just as many residents would be complaining about those hours as different time frames accommodate different persons.

Ms. Fama questioned if there was any ability to discuss the item of Saturdays being overtime outside the contract. Mr. Bucciero replied that the contract is still in effect and is not up for renegotiation until 2011. Mr. Bucciero stated that if the public wants this service, it would cost additional monies. Ms. Fama stated that it is absurd to think that Saturday work should be paid at overtime. Mr. Bucciero emphasized that this is an item, which was negotiated in the contract.

Ms. Fama requested that as discussions for bargaining are complied, this be an item of concern.

Council Meeting to be held at Seabrook Village

Ms. Fama questioned if a date had been finalized for Council to hold a meeting at Seabrook Village. Mr. Baldwin advised that the date, which was agreed upon, was March 16, 2010.

Mr. Baldwin advised the public that Council would be holding their March 16, 2010 meeting at Seabrook Village on Essex Road beginning at 7:30 P.M. in the auditorium of community two.

New Business

Speed Limit on Hope Road

Mr. Larkin discussed the speed limit on Hope Road, north to Sycamore Avenue and advised that it is currently listed in the Ordinance Book as 40 miles per hour. Mr. Larkin questioned what steps Council could take to look toward lowering that speed limit. Mayor Skudera advised that

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the Administration has already started the initial steps. The town is doing there assessment and once completed, they will forward that report to Council.

Hance Avenue & Sycamore Avenue Intersection

Dr. Mayer stated that before he left, Mr. Dempsey began discussing the issue of the traffic light at the intersection of Hance Avenue and Sycamore Avenue with the County and requested a follow-up be done with the County regarding same. Mayor Skudera advised Dr. Mayer that during a previous discussion with the County, they advised that they did not want to do any alternate programs.

Mr. Baldwin stated that this intersection is a death trap and advised that he previous helped collect signatures on a petition, in which he received over 300 signatures from people in the Borough. Those signatures were given to the Mayor along with the ones he collected.

Mr. Marks advised that he would reach out to Joe Attore, the County Engineer, tomorrow to get some background information and see where the County stands on their projects for 2010-2011. Mr. Marks also stated that he would advise Mr. Attore of the Council's position to revisit an amended project at that location.

Low Speed Vehicles

Dr. Mayer informed Council that he received a question from a resident regarding low speed vehicles and their use on public roads. The Borough's Ordinance state that they are currently not allowed on the Borough's roads. This particular resident would like to use a golf cart like vehicle to make short trips to local shopping centers. Mayor Skudera stated that this was an item of discussion last year and it is with the advice of the Police Department. Mayor Skudera suggested Dr. Mayer talk to the Chief regarding this particular item.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 8:59 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: FEBRUARY 9, 2010