

**REGULAR/WORKSHOP MEETING
JUNE 1, 2010
BOROUGH COUNCIL**

Deputy Council President Baldwin called the regular meeting to order at 7:31 P.M.

Mr. Baldwin advised that Ms. Fama would not be attending tonight's Council meeting, she is in Europe celebrating her birthday; Mr. Morrill had an emergency at his office and had to work this evening but will be participating via telecommunications; Mr. Larkin also had an emergency at work, however he will be attending the meeting. There are currently three council members, which constitutes a quorum.

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, Mr. Larkin (arrived at 7:42 P.M.) Dr. Mayer, Mr. Morrill (via telecommunications)

ABSENT: Ms. Fama

ALSO PRESENT: Michael Skudera, Mayor
Gerald Turning, Administrator
Brian Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer

All present stood for a Salute to Flag.

APPROVAL OF MINUTES

Dr. Mayer advised that the March 16th and May 4th minutes should read "Adopt a Spot".

Dr. Mayer offered a motion to approve the minutes of May 4, 2010, seconded by Mr. Baldwin.

ROLL CALL

AYES: Mr. Baldwin, Dr. Mayer

NAYS: None

ABSENT: Ms. Fama, Mr. Larkin

ABSTAIN: Mr. Morrill

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Mayor Skudera reported that he signed in support of the Governor's Tool Kit on behalf of the municipality.

Mayor Skudera advised that the budget was complete and read his 2010 budget message, which read as follows:

2010 BUDGET MESSAGE – MAYOR MICHAEL SKUDERA

Enclosed herewith, I am proposing a 2010 budget that will result in a net decrease in municipal property taxes despite a nearly \$400,000 loss in state aid, an increase in county fees for shared services, extraordinary snow removal/storm damage expenses, and pre-existing contractual obligations increasing salaries by 4.5% this year. Left untouched, these fixed increases in expenses and other reductions in revenues due to current economic conditions would have resulted in nearly a 10% increase in municipal taxes. Instead, my proposed budget achieves a net decrease in the municipally controlled portion of residential property tax bills, which represents just 23% of all residential property taxes in Tinton Falls.

Specifically, under this proposal, the municipal purposes tax would increase 1.26 cents. This represents an increase of \$16 for the year (\$1.35 per month) for the average Tinton Falls homeowner with a property assessed at \$337,013. This increase, however, will be offset by the reduction in the open space tax going into effect this year. Accordingly, the average Tinton Falls homeowners' property tax bill will decrease by \$9.00 for the year (\$0.75 per month).

My proposal includes decreases in departmental operating expenses by as much as 20%, cuts in salaries and benefits of top management, and downsizing of the Borough's workforce through attrition. Further, employee contracts were re-negotiated 6 months ahead of schedule to include increased health benefits contributions of 2.5%, retiree health benefits contributions and other caps. Overall, these new contracts contain the lowest net wage increases in the Borough in the last 20 years.

Although Borough operating expenses were cut, services are not affected by this budget. Borough services were actually improved this year with investments in new technology and equipment to replace the aging public

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works and police vehicles. This includes the new single stream-recycling program, which utilizes fewer resources, costs less money and increases overall productivity.

This budget ensures long-term fiscal stability. It increases the Borough's surplus reserve to more than twice its current size. This budget does not artificially raise revenue forecasts to balance the budget; in fact, it conservatively anticipates even less revenue. Nor does this budget include gimmicks or one-time injections of money that will disappear next year.

Moving forward, I am going to continue to seek out additional cost saving measures and ask the Borough Council to work with me to continue to do the same with actions such as moving the Borough's elections from May to November. I look forward to Council's consideration of this proposal and the adoption of the same in the near future. I remain open to reasonable amendments that will help ensure future fiscal stability in the Borough.

Mr. Baldwin expressed his thanks to Administration and the Departments that worked with Administration to make budget cuts.

Administrator's Report – Mr. Turning

Tax Bills

Estimated Tax Bills will be sent out to the residents of Tinton Falls tomorrow.

Waste Water Management Plan

There is a requirement that all municipalities adopt a Zoning Ordinance for a Waste Water Management Plan. Council will need to move forward with this Ordinance at their earliest convenience.

GreenBriar Falls – Update

Mr. Turning advised that he met with the representatives of GreenBriar Falls and has reviewed certain Code violations that may or may not be in place at that location. Ms. Paone, Code Enforcement Official, had prepared a report addressing all of their issues. Administration is continuing to work with GreenBriar Falls to resolve any matters on the Borough's end.

TNSA

TNSA experienced a serious infiltration problem during the month of March as a result of the excessive rainfalls. During the meeting held last month, TNSA advised that their concern was that the sending municipalities had exceeded their capacity; Tinton Falls was the only municipality in the area that did not exceed capacity.

Emergency Operations Plan

The State requires municipalities to submit an Emergency Management Operations Plan every two years. The Borough's Plan was completed, resubmitted and accepted by the State of New Jersey. Mr. Turning thanked Cary Costa, Emergency Management Coordinator and David Boehning, Deputy Emergency Management Coordinator for the plan approval.

Future Workshop Item – Interlocal Service Agreement with County of Monmouth

There will be a need for an Interlocal Service Agreement between the Borough and the County of Monmouth regarding the Borough's Environmental Health System. Mr. Turning advised that the agreement will need to be executed before the end of 2010 and requested this item be placed on a future workshop meeting for discussion.

Shared Service Agreement for Traffic Device located at Jersey Shore Premium Outlet Center

Mr. Turning advised that he had given Council a copy of the shared services agreement in which he would like to add the County of Monmouth to manage the maintenance of a traffic control device that the Borough of Tinton Falls owns at the Jersey Shore Premium Outlet Mall.

Municipal Impound Sale Results

The profit from the last municipal impound sale the Borough held last month netted a profit of approximately \$38,000.00.

JCP&L – Clearing of Lines

JCP&L will be conducting clearing of the lines of the trees as they are required to do each and every year by statute.

Recycling Program – Plastic Shopping Bags

Jill Pegosh from Public Works is beginning a recycling program recovering plastic shopping bags. It is free to Tinton Falls and is a nice way to help clean up the environment.

Mr. Baldwin advised, for the purpose of the record, that Mr. Larkin had arrived (7:42 P.M.).

Chief Financial Officer's Report – Mr. Pfeffer

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

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Director of Law's Report – Mr. Nelson

Legislation Updates

This Thursday the Senate Economic Growth Committee is going to be taking up two pieces of Legislation that are of major importance to the Borough of Tinton Falls. First is the revised version of S-1 which is the Legislation that would eliminate the Counsel on Affordable Housing and the second is the Fort Monmouth Economic Development Authority Legislation.

Mr. Nelson briefly overviewed the agenda and workshop items and listed possible items to be included on the next workshop agenda.

Engineer's Report – Mr. Marks

Asbury Avenue – Pine Street & Essex Road Improvements

The County is looking to advertise for bids in July; they anticipate the project beginning this September. The work will not be able to commence until they get some of the JCP&L lines relocated. Once that is complete, road work can commence. Pedestrian access routes will also be included in this project.

TNSA Meeting

After attending the Township of Neptune Sewerage Authority (TNSA) meeting, it was evident that Tinton Falls is doing an excellent job with the Borough's south end sewer flows.

Shafto Road

The County will be resurfacing Shafto Road between Hope Road and Wardell Road. Stavola Construction will be doing the work with an anticipation window of sometime between July and October.

Borough Clerk's Report – Mrs. Mount-Taylor

Mrs. Mount-Taylor advised that she had no report this evening.

Council President's Report

Mr. Morrill advised that Northside Engine Company would be holding their wet down this Saturday at 1:00 PM for the christening of their new ladder truck and urged everyone to attend.

The Tinton Falls Recreation Camp has begun and currently has some openings still available; anyone interested should contact Sherri Eisele.

Council's Report

Mr. Larkin reported that he attended the Tinton Falls CURE fundraiser and commented what a great community Tinton Falls is to live in.

Dr. Mayer:

- Updated Council on the Technical Advisory Committee meetings and advised that the Committee would like to request to be placed on the next agenda to report on the Solar Alternatives
- Updated Council on the Environmental Commission meetings and advised that the Commission would like to pursue an integrated pest management program along with an official policy

Frank DeVito, Cindy Anderson, Elizabeth Oltman, and Maureen Forsman of the Open Space Committee came before Council as Dr. Mayer reported on the Open Space Committees priority list. Dr. Mayer advised the priorities were as follows, in order given:

1. Walz Farm: Block 145 Lot 28.01; 57.37AC; Qualified Farm – Farmland Preservation, Development Rights, or Purchase
2. On North Corner of Shafto & Shark River Rd: Block 145 Lots 7,8&9; 44.6AC; Qualified Farm – Farmland Preservation, Development Rights, or Purchase
3. Benoit: Block 123 Lot 38; 30.43AC – Purchase, Recreational Uses
4. Skate Park (on TF owned property, behind Municipal Building), estimated cost \$250,00 - \$350,000, seeking Monmouth County Open Space Matching Grant
5. On North Side of Shark River Rd: Block 145 Lots 5&6; 20.128AC; Qualified Farm – Farmland Preservation, Development Rights, or Purchase
6. On South Corner of Shafto & Shark River Rd: Block 147 Lot 10; 14.43AC; Qualified Farm – Farmland Preservation, Development Rights, or Purchase
7. Swimming River: Block 60.01 Lot 2.01; 3.55AC – Purchase, Recreational Uses
8. Liberty II Lighting Improvements

Deputy Council President's Report – Mr. Baldwin

Mr. Baldwin updated Council on the Planning Board meeting and advised that the Planning Board granted approval for an applicant who sought to build a Sonic Drive-In Restaurant on Shrewsbury Avenue, Highway 35.

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Mr. Baldwin also advised that he attended the meeting at Fort Monmouth and passed out a copy of the PowerPoint presentation to Administration and Council. Mr. Baldwin updated Council on the meeting and informed them of upcoming events open to the public.

Mr. Morrill leaves meeting and no longer is participating via telecommunications: 8:29 P.M.

PETITIONS – None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 10-1298 entitled: ORDINANCE AMENDING CHAPTER 3-35B OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF TINTON FALLS GOVERNING COPYING FEES ASSOCIATED WITH PUBLIC RECORDS REQUESTS PURSUANT TO RECENT COURT DECISIONS

Mr. Nelson informed Council that there were a group of court decisions that were consolidated into one case that worked its way up to the appellate division, which determined that the language utilized in the statute was not in fact setting a default but a default maximum rate. This Ordinance would eliminate the fee schedule which is currently provided for in the Ordinance and change this to an actual cost schedule, which sets forth the various factors that the Court outlines that can be utilized in determining those rates.

Dr. Mayer offered a motion to introduce Ordinance No. 10-1298, seconded by Mr. Larkin.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

Public Hearing for Ordinance No. 10-1298 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1298 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 10-1293 entitled: ORDINANCE AMENDING CHAPTER 11 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS AMENDING CERTAIN FEES ASSESSED BY THE BOROUGH'S BUILDING DEPARTMENT

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 10-1293, seconded by Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments from the public, Dr. Mayer offered a motion to close the Public Hearing, seconded by Mr. Larkin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 10-1293, seconded by Mr. Baldwin.

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ROLL CALL

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

Borough Clerk read Ordinance No. 10-1297 entitled: ORDINANCE AMENDING SECTION 15-6 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS UPDATING PROVISIONS OF MANDATORY RECYCLING PROGRAMS IN CONFORMANCE WITH THE COUNTY OF MONMOUTH'S NJDEP APPROVED SOLID WASTE MANAGEMENT PLAN

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 10-1297, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC HEARING OPEN

Nicole Mayer, 46 Sam Drive, questioned Section 15-6.2(b) where it reads Thanksgiving Day and Thanksgiving. Mr. Nelson advised that one is for Thanksgiving Friday and the other is Thanksgiving Day. Mrs. Mount-Taylor advised that the Union Contracts will have to be reviewed before any changes can be made.

Leo Christofili, 328 Riveredge Road, referred to Project Porch Light and stated that the light bulbs which were given to the residents were mercury filled. Mr. Christofili requested this ordinance be carried until there are sufficient studies complete and requested page three include the language "florescent light bulbs".

Mr. Nelson advised that this Ordinance is required by the County of Monmouth; it can be amended at any time to take in consideration of this item as well as any other reasonable items that come to light. Mr. Nelson recommended Council still consider this Ordinance for adoption tonight and take into consideration possible amendments moving forward.

Dr. Mayer requested "CFLs" be included in the wording of the Ordinance per Mr. Christofili's request. Mr. Nelson advised that he would be hesitant to do so due to this Ordinance being based upon a model Ordinance from the County.

Jerry Spumberg, 11 Alpine Trail, informed Council as of two years ago, which was the last time he brought hazardous material to the County, he boxed florescent light bulbs and they took all of it.

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 10-1297, seconded by Mr. Larkin.

ROLL CALL

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

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Leo Lomangino, 93 Colonial Drive, added to Mr. Christofili's comment by saying that the Federal and State statutes keep changing on mercury. Mr. Lomangino requested the Director of Law contact the County to receive an answer as to what the disposal policies are.

Charles Lomangino, 3 Helena Street:

- Informed Council that his daughter recently graduated from the Pre-School program offered at Monmouth Regional High School and thanked Tinton Falls and the Schools for offering such a great educational program for the children
- Reported that he recently visited the CECOM site; the new contractor is doing a phenomenal job

Leo Christofili, 328 Riveredge Road, referred to the Open Space Committee's report on the Swimming River property and questioned the right of way. Mr. Nelson stated that he is not familiar with this parcel of land and cannot speak to any access issues or how it was obtained. Mr. Baldwin informed Mr. Christofili that the specific parcel he is referring to does not require access. The Borough currently owns seven acres which can remain undeveloped which is ideal.

Mr. Christofili referenced the Mayor's budget and questioned if there was an agreement that in future meetings, that particular set of documents (budgets of departments) will be provided at one of the tables during ensuing meetings throughout the current year for public members to reference. Mr. Pfeffer replied that it can be placed where any resident could review same (such as the upstairs conference room) as well as being available at upcoming Council meetings for anyone who wishes to reference same.

Bob Misso, 44 Fairfield Drive, commented that he was disappointed to hear that the Open Space Committee reported that the Liberty Park II lighting improvements dropped to the last priority on their list. Mr. Baldwin and Mr. Turning advised Mr. Misso that this priority list was requested for the Committee's input in order to receive some of the funding; it is only a suggestion from the Committee and the list can be changed.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

RESOLUTIONS

Mayor Skudera advised that his appointment was Gary Gebele for the position of Interim Director, Department of Public Works.

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

**R-10-144 RESOLUTION – CONFIRMING APPOINTMENT OF INTERIM DIRECTOR,
DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Gary Gebele as Interim Director, Department of Public Works, effective June 1, 2010, made by Mayor Skudera is hereby confirmed.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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Mrs. Mount-Taylor swore Mr. Gebele into office as Interim Director, Department of Public Works.

Mayor Skudera advised that his appointment was Doug Gotfredsen for the position of Director, Department of Public Safety.

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

R-10-145 RESOLUTION – CONFIRMING APPOINTMENT OF DIRECTOR, DEPARTMENT OF PUBLIC SAFETY

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the appointment of Doug Gotfredsen as Director, Department of Public Safety, effective June 1, 2010 for a four month term, said term to expire September 30, 2010, made by Mayor Skudera is hereby confirmed.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

Mr. Turning advised that Mr. Gotfredsen is a retired Lieutenant from the Long Branch Police Department; his qualifications for Director, Department of Public Safety, were his leadership in that department.

Mrs. Mount-Taylor swore Mr. Gotfredsen into office as Director, Department of Public Safety.

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

R-10-146 RESOLUTION - AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Police Department is in need of five (5) new police pursuit vehicles; and

WHEREAS, pursuant to Resolution R-10-139 dated May 18, 2010, the original purchase was rescinded; and

WHEREAS, Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 has valid State Contract #A73848 for 2010 Tahoe PPV 4 x 2 police pursuit vehicles in the amount of \$25,302.00 each, which includes all options described on attached list for a total amount not to exceed \$126,510.00 for five (5) 2010 Tahoe PPV 4 x 2 police pursuit vehicles; and

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

WHEREAS, Captain David Trevena recommends this purchase;

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

Five (5) (2 Silver and 3 White)	
2010 Tahoe PPV 4 x 2 Police pursuit vehicles	
@ \$25,302.00 each	TOTAL \$126,510.00

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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

R-10-147 RESOLUTION – AUTHORIZING A CHANGE IN CAPITAL EQUIPMENT REQUEST

WHEREAS, the Department of Public Works requested 2008/2009 Capital Equipment; and

WHEREAS, the Department of Public Works is amending its request; and

WHEREAS, the Department of Public Works is amending the wording to four refuse trucks, two automated side loader trucks and two rear loader; and

WHEREAS, the amount approved for the purchase of three garbage trucks will not change with the purchase of another automated side loader truck.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls hereby authorizes the capital request change.

Dr. Mayer questioned the purchase of additional vehicles; Mr. Gebele informed Dr. Mayer that the original purchase was for two rear load sanitation trucks and one automated truck. With the tremendous savings by awarding the two rear loaders as demos, there is over \$160,000 savings. The Department of

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Public Works is requesting the Borough go out to bid for a second automated truck as well to take advantage of the savings now, rather than awaiting another year to make the request at a higher amount.

Dr. Mayer requested a regenerative system be included in the bid specifications as an alternate.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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

R-10-148 RESOLUTION – RECONFIRMING R-09-081 AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE DEED OF SHADE TREE EASEMENTS, ALPINE WOODS AT TINTON FALLS MINOR SUBDIVISION PLAN, BLOCK 117, LOT 12.02

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that authorization for the Mayor and Municipal Clerk to execute Deed of Shade Tree Easements, Alpine Woods at Tinton Falls Minor Subdivision Plan, Block 117, Lot 12.02 upon the approval of the Director of Law, is hereby reconfirmed.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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

R-10-149 RESOLUTION – ACCEPTING DEED OF DEDICATION - ALPINE WOODS AT TINTON FALLS MINOR SUBDIVISION PLAN, BLOCK 117, LOT 12.02, LISA DRIVE AND ALPINE WAY

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby accepts Deed of Dedication in order to create a cul-de-sac at the end of Lisa Drive, currently a stub street, as shown on a map entitled “Minor Subdivision Plan, Alpine Woods at Tinton Falls, Lot 12.02 of Block 117, Tax Map No.13, Borough of Tinton Falls, Monmouth County, New Jersey.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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

R-10-150 RESOLUTION – RELEASING PERFORMANCE GUARANTEES (COAH OBLIGATION) – RANNEY SCHOOL, BLOCK 29, LOT 1.01

WHEREAS, the developer has requested the release of Performance Guarantees posted for Ranney School, Block 29, Lot 1.01; and

WHEREAS, based on the recommendation of the Director of Law, Brian M. Nelson,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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

R-10-151 RESOLUTION - REFUNDING TAX OVERPAYMENT

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

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Jeffrey A. Zenn, Esq. & International Development Corp. 433 Hackensack Avenue	128.03	1.08	\$7,789.62

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Hackensack, NJ 07601

Re: 333 Essex Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2009 taxes by the property owner in the amount of \$7,789.62, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$7,789.62 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

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 Dr. Mayer.

R-10-152 RESOLUTION – APPROVAL OF BILLS – JUNE 1, 2010

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending June 1, 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	\$ 2,434,523.35
TRUSTS	8,583.16
DEVELOPER ESCROW	10,011.68
DOG TRUST	53.40
GRANT	246.23
SEWER UTILITY	11,466.23
ADDITIONS	<u>\$ 322.60</u>
	\$ 2,465,206.65

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

TIME: 9:18 P.M.

WORKSHOP MEETING

Unfinished Business

Ordinance to Permit Certain Wind and Solar Energy Systems and Establishing Standards

Dr. Mayer reported that Sustainable NJ, the Tinton Falls Environmental Commission and Planning Board had numerous discussions as to the need to have some kind of guidance as far as residential deployment of both solar and wind within the Borough.

Mr. Nelson overviewed the Ordinance and advised Council that Solar and Wind Energy Systems should be considered inherently beneficial uses under the Municipal Land Use Law, passed last fall under Governor Corzine. In April Governor Christie signed a Law exempting solar panels from being counted in calculations used to determine pervious coverage under the Municipal Land Use Law.

Dr. Mayer thanked Jeffrey King for all the time and effort he put forth from the Planning Board and Environmental Commission to initiate this Ordinance.

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Mr. Baldwin requested this Ordinance be placed on the next agenda for introduction.

New Business

Illuminated Sign for Pinebrook Hose Company

Mr. Turning advised Council that he was approached by Pinebrook in reference to installing an illuminated sign on Wayside Road (memo distributed amongst Council). Mr. Turning further advised that this is a preliminary request and he is seeking guidance from Council whether or not Council wants to proceed.

Dr. Mayer questioned what type of sign they are looking into and if it will be energy efficient. Mr. Turning replied that he was not sure of the type of sign but that they are looking to place the sign on Borough owned property. Pinebrook presented this before Mr. Turning and Mr. Turning advised that they will have to go before Ms. Paone to find out all of the questions. They were advised to first receive the approval of Council to place this sign on Borough owned property and if approved, then go before Ms. Paone for all the clarifications.

Mr. Baldwin stated that he does not see a problem with them placing a sign on Borough property if it is going to benefit the fire company unless there is some criteria advising that it is not permitted in that specific requested area.

Mr. Larkin questioned if an illuminated sign would be appropriate in the area in which Pinebrook is looking to install the sign.

Council agreed that before they move forward, they would require further information as well as an estimated operating cost.

Affordable Housing Alliance – Administration Services

Mr. Nelson advised Council that this matter relates to the Borough's Affordable Housing Administrator Position that is required under COAH regulations and the Borough's Affordable Housing Plan. At this time the Borough currently uses an organization known as HAS (Housing Affordability Services). Mr. Nelson explained that through obtaining substantive certification through the Borough's current plan, it was determined that HAS does not provide services regarding the administration of the Borough's Rehabilitation Program however, Affordable Housing Alliance does. The matter of Affordable Housing Alliance providing all of the Borough's Affordable Housing Administration Services was discussed. Mr. Nelson further advised that it is his recommendation along with COAH Counsel and the Borough Planner, Mr. Gleitz, that the Borough Council consider retaining Affordable Housing Alliance to be the Affordable Housing Administrator for the Borough. The Borough's current agreement with HAS has expired so if Council would like to move forward with a change, it would need to be done before July 16th, which is the deadline to complete the Borough's application for substantive certification to COAH.

Mr. Baldwin questioned what the incurred costs would be. Mr. Nelson replied that the costs are determined on a per transaction basis from the Affordable Housing Trust Funds.

Council agreed to follow-thru with Mr. Nelson's recommendation and advised him to move forward with this item.

Resolution in Opposition to Offshore LNG Port Facilities in the NJ/NY Clean Ocean Zone

Dr. Mayer reported that the Tinton Falls Environmental Commission passed a Resolution in opposition to offshore LNG port facilities in the NJ/NY clean ocean zone and requested the Council consider passing a similar Resolution.

Mr. Larkin requested an additional "Whereas" clause be added to the Resolution to include that the Tinton Falls Environmental Commission previously passed this Resolution and requested Council do the same.

Council directed Mr. Nelson to place this Resolution on the next meeting agenda.

Ordinance Repealing Ordinance No. 03-1110 and Reaffirming the Establishment of the Position of Chief of Police and Amending Chapter 3-12.2 – Governing the Composition of the Borough's Police Force

Mr. Nelson informed Council on the background of the previous Ordinance as well as the reasons and requirements for the current ordinance.

Mr. Baldwin commented that the current Ordinance leaves it open to Council's discretion as to how many positions are acceptable for each titled position in the Police Department. This Ordinance was drafted with the intent to let the Council have an opportunity to make the decision on how many specific positions are acceptable and allowable.

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Dr. Mayer questioned where the description of the position of Chief is going to be defined and requested an Ordinance be created to outline the responsibilities and roles of this position. Mr. Nelson replied that there is a very specific statute which is referenced in the Ordinance with respect to the duties of Police Chief, also known as the Police Chief's Bill of Rights.

Mr. Larkin asked Mr. Turning to direct Mr. Gotfredsen to look into the number of each position within the Police Department and possibly provide to Council some suggestions where the numbers would be appropriate as well as some rationality from his standpoint as to why he thinks that.

Mr. Baldwin requested an organization chart be created or forwarded as well to help Council get a better understanding of the positions and roles of each rank in the Police Department.

Dr. Mayer stated that he would like to focus on creating an Ordinance establishing the position of Chief and at a later date, once all the appropriate information is received, create an ordinance establishing the maximum number of all other positions of each rank in the Police Department.

Mr. Turning advised Council that all requested items already exist; there is a table of organization, contract, certain number of employees of each rank along with a description of their functions, etc. and stated that he would forward same to Council tomorrow morning. Mr. Turning further advised that his only area of concern is the area of patrolman. With the advent of Fort Monmouth becoming the Borough property in 2011, he is not sure how that will impact this Ordinance. Mr. Turning stated that he will sit with Mr. Gotfredsen tomorrow morning as well as with Captain Trevena to get their input.

Mr. Nelson confirmed with Council that Council's instruction was to move forward with Paragraph A (position of Police Chief), make only one available position of Chief, repeal the current Ordinance, and follow-thru with the rest of the positions and a later date.

Mr. Baldwin suggested that if Council and administration is comfortable with the current force, the Ordinance be created with the current number of positions of each rank the Borough currently has. Dr. Mayer and Mr. Larkin agreed.

Mr. Turning informed Council that the only position he would suggest to increase in case of possible expenditure would be the patrolman rank due to Fort Monmouth; everything else would remain the same.

ADJOURNMENT

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

ROLL CALL

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

NAYS: None

ABSENT: Ms. Fama, Mr. Morrill

ABSTAIN: None

TIME: 10:07 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: JULY 6, 2010