

**REGULAR/WORKSHOP MEETING  
JULY 20, 2010  
BOROUGH COUNCIL**

Council President Baldwin 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: Ms. Fama, Mr. Larkin, Mr. Morrill, Mr. Baldwin, Mayor Skudera (arrived at 10:07 P.M.)

ABSENT: Dr. Mayer

ALSO PRESENT: Gerald Turning, Sr., Administrator  
Brian Nelson, Director of Law  
Karen Mount-Taylor, Borough Clerk  
Stephen Pfeffer, Chief Financial Officer

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**EXECUTIVE SESSION**

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

**R-10-203 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 July 20, 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)  
Appointment of New Borough Clerk
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)  
Mazza Community Host Agreement  
Accumulated Sick/Vacation Leave
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)  
Borough Property v. Tinton Falls, et al.

**ROLL CALL**

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

NAYS: None

ABSENT: Dr. Mayer

ABSTAIN: None

Mr. Baldwin advised that at this time (6:37 P.M.) Council would adjourn to Executive Session.

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Mr. Baldwin advised that Council was back on the record at 7:34 P.M.

Mr. Baldwin informed Council that Dr. Mayer is out of town but will be calling in to participate via telecommunications.

**ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor (arrived at 10:07 P.M.)  
Gerald Turning Sr., Administrator  
Brian Nelson, Director of Law  
Karen Mount-Taylor, Borough Clerk  
Stephen Pfeffer, Chief Financial Officer  
David M. Marks, Borough Engineer

All present stood for Salute to Flag.

Dr. Mayer called in to participate via telecommunications. For the record, Mr. Baldwin advised that he recognized Dr. Mayer's voice.

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APPROVAL OF MINUTES – None

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REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Swearing In of Municipal Court Administrator (Megan Thomas)

At this time Mrs. Mount-Taylor swore Ms. Thomas into office as Court Administrator.

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R-10-204 Honoring Eagle Scout Achievement of Stanley DeLage

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

**R-10-204 RESOLUTION - HONORING EAGLE SCOUT ACHIEVEMENT OF STANLEY DELAGE**

WHEREAS, Stanley DeLage has been involved in scouting since 2003, and

WHEREAS, Stanley, has earned 24 merit badges, hiked 28.3 miles, camped out 74 nights, and volunteered over 82 hours of community service, and

WHEREAS, Stanley, as a member of Troop 124, achieved many honors such as Senior Patrol Leader, Arrow of Light, Polar Bear Swim, and Tote ‘n Chip; and,

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

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Stanley DeLage be congratulated for receiving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 124.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin read Resolution R-10-204 and presented Eagle Scout Stanley DeLage with a copy of the Resolution, signed by Council.

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Engineer’s Report – Mr. Marks

*Intersection Improvements – Asbury Avenue, Fox Chase Drive & Cannonball Drive*

T&M Associates has submitted plans to the County for review. The County is still in the process of doing their feasibility analysis on various options and the Borough is awaiting comments on those plans. A schedule for construction has not yet been established.

*Realignment at Pine Street & Essex Road*

Mr. Marks advised that he has spoken with the County Engineer’s office and they have indicated that they are in the process of finalizing the plans for that project. They took over the design from another Engineering firm and are in the process of moving forward. The County has indicated that they are going to include the Borough’s request for the pedestrian access along Asbury Avenue and Essex Road. They are in the process of amending their New Jersey Department of Environmental Protection permit which was obtained two years ago. They have also indicated that the plans should be advertised in September with construction starting with some utility relocations, etc. by the end of the year.

Mr. Marks and Council discussed the delay in the project and requested Mr. Turning send the County a letter regarding same. Mr. Turning brought to Council’s attention that he had a meeting with the County Administrator last week and they discussed this matter with Mr. Attore, County Engineer. Mr. Turning advised Council that he would follow-up with a letter however; the Administrator has advised that this project is a priority on their list and will be taken care of.

*Shafto Road Resurfacing*

Shafto Road is scheduled for mid to late September and is expected to be a short duration of work.

*Sewers*

Mr. Marks informed Council that he has been following up with TNSA and TRWRA to work on Tinton Falls’ sanitary sewer flow, especially during the wet periods along with potential ways to reduce extraneous flows.

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*NJDOT*

The local aid grant application through the State will be submitted by the end of August.

*Crawford House*

T&M Associates has been working with Stacy Slowinski on the Crawford House and corresponding with the architect which had provided us services during a Phase I portion of that project. The architect has applied for the NJ Historic Trust Grant Program which has been applied for in the past years and has been successful as part of the Phase I project. One potential timing issue is that a Letter of Intent is necessary from the Borough by the end of this week. There is a proposal and it would not be authorizing any services at this time, just advising that the Borough is interested in pursuing the NJ Historic Trust Grant. This program is a matching grant but the funds are already available. Council agreed to move forward with this project.

Mr. Turning requested Mrs. Mount-Taylor call for a vote authorizing the Mayor to sign a Letter of Intent for the Crawford House.

Mr. Morrill offered a motion authorizing the Mayor to sign a Letter of Intent regarding the Crawford House, seconded by Dr. Mayer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Chief Financial Officer's Report – Mr. Pfeffer

*2010 Budget*

The State has not reviewed Tinton Falls' budget as of yet. The process tonight would be to hold the Public Hearing, close the Public Hearing and carry the budget adoption to a future date pending review by the State and any amendments that Council may wish to make.

Administrator's Report – Mr. Turning

*GreenBriar*

Mr. Turning advised that he met with GreenBriar Association along with Lennar, the homeowner's association, the Borough Engineer and the Director of Law. It seems to be moving in the right direction and all parties involved seem to be satisfied with the way the negotiations are currently being had. There are time limits set on each and every item. Those time limits are only week. Within a month, a majority of the problems should be taken care of at GreenBriar.

*COAH*

The Borough has submitted their third round petition for substantive certification for COAH which was due on July 16<sup>th</sup> and submitted on time. The Borough is currently awaiting their review which is anticipated in the very near future.

Director of Law's Report – Mr. Nelson

*Legislation – CAP Law*

The Legislator held its first day of hearings yesterday regarding the Mayor's "tool box" which was designed to complement the 2% law that was recently signed by the Governor with only four exceptions under the new CAP. The new CAP Law would take effect next year and the issues the Borough will face along with other municipalities will be significant.

*COAH*

Mr. Nelson thanked Mr. Gleitz, Borough Planner, for the extraordinary undertaking, principally on his part to get all the information that was required, requested and demanded by COAH regarding the third round substantive certification. All the data had to be gathered and put together by the deadline provided. COAH is currently reviewing the submission.

Borough Clerk's Report – Mrs. Mount-Taylor

*Board of Chosen Freeholders*

There was an invitation sent welcoming all officials and residents in the community to a meeting of the Board of Chosen Freeholders on Thursday, July 22<sup>nd</sup> at 7:00 P.M. in the Colts Neck Court House.

*R-10-212*

Resolution, R-10-212, was placed before Council with a correction from \$122.00 to \$118.000. Mrs. Mount-Taylor requested Council replace the old Resolution with the corrected Resolution.

*R-10-176*

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Mrs. Mount-Taylor requested Council carry Resolution R-10-176 to the August 3<sup>rd</sup> meeting as the paperwork is still not in order.

Council’s Report

Ms. Fama:

- Spoke regarding the proposed cell phone tower on Hance Avenue and requested the public get involved with this issue
- Requested Mr. Turning remind the public of National Night Out; Mr. Turning reminded Council and the public that National Night Out will be held at Borough Hall on August 3<sup>rd</sup> at 6:00 P.M. There will be police vehicles in the parking lot and there will be tours of the building and police headquarters. Mr. Turning invited everyone from the Borough to attend.

Mr. Larkin thanked Mr. Baldwin for helping to arrange the Monmouth Regional High School Band to represent the school community in the Fort Monmouth parade.

Dr. Mayer:

- Reminded the residents that the Monmouth County Fair is coming up on July 21<sup>st</sup> – July 24<sup>th</sup> and at the entrance there will be a food drive benefiting the Food Bank of Monmouth
- Updated Council and the residents of the upcoming Environmental Commission meetings
- Thanked Mr. Turning for agreeing to meet with the Committee to discuss the Pesticide Free Zone Resolution that the Environmental Commission is trying to refine

Mr. Morrill advised that he had no report for this evening.

Council President’s Report

Presentation to Mr. Morrill from Council

Mr. Baldwin thanked Mr. Morrill for putting forward his time as Council President and presented him with a gift, an engraved paperweight, on behalf on Council.

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**2010 MUNICIPAL BUDGET**

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

**R-10-205 RESOLUTION – TO READ 2010 MUNICIPAL BUDGET BY TITLE**

WHEREAS, the 2010 Municipal Budget was introduced by the Borough Council on June 15, 2010, and  
WHEREAS, the 2010 Municipal Budget was advertised on June 17, 2010 in The Coaster, and  
WHEREAS, the 2010 Municipal Budget was posted on the official Bulletin Board of the Borough Council, and  
WHEREAS, the 2010 Municipal Budget has been made available to any and all persons requesting same, and  
WHEREAS, in accordance with N.J.S.A. 40A:4-8, a Resolution shall be passed at the time of the Public Hearing by not less than a majority of full membership that said budget be read by title only as set forth herein before.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the 2010 Municipal Budget be read by title only at the Public Hearing on July 20, 2010.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Pfeffer highlighted the following areas of the budget:

- The budget is up in total 1.78%
- Taxes are up 3.17% which is a tax increase of \$.126 on the tax rate
- There is a reduction of \$.75 on the Municipal Open Space tax
- Net increase will be 1.34% in 2010
- Total ratable base has declined slightly from 2009 to 2010 and the average ratable value for a residential ratable has gone from \$343,915 in 2009 to \$337,013 for 2010, mainly as a result of appeals
- The Borough has lost \$383,154 of State Aid as well as every other municipality
- The Borough is within both CAPS and about \$1.5 under the appropriation CAP, slightly more than \$4,000 under the levy CAP
- Levy Cap for 2010 is at 4%

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- Levy CAP will decrease to 2% in 2011
- The contractual salary increases were from 4.25% to 4.50% however, the salaries with the accumulated leave included are up to .17% from 2009 to 2010
- Surplus was stable and has been increased
- In relation to the rest of the County, Tinton Falls is one of the few municipalities that remains on solid financial footing

Mr. Morrill asked Mr. Pfeffer how the Borough is doing with regards Uniform Construction Costs. Mr. Pfeffer advised that it is impacted the Borough again this year as the UCC fees are down. However, to what they have anticipated in the budget, the Borough should be fine. The Borough is tracking behind on the Court but is ahead on the hotel tax.

Ms. Fama requested a dollar amount on the contractual salary increases. Mr. Pfeffer informed that the dollar amount is \$214,308.00, which includes the contractual increases along with any step increases.

Mr. Morrill offered a motion to open the Public Hearing on the 2010 Municipal Budget, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC HEARING OPEN

Denise Catalano, 11 Alpine Trail, questioned specific line items in the budget as it directly related to municipal purposes, compensated absence and liability, Open Space Trust Fund, Crawford House, Green Tech Improvements and the Recreation Department's salary and expenses. Mr. Pfeffer explained all items to Ms. Catalano.

Ms. Catalano referred to a letter sent out by Mayor Skudera advising of the offset of the taxes due to the Open Space tax reduction and thanked Mr. Baldwin, Mr. Larkin, and Ms. Fama for voting for the Open Space reduction which helped the residents.

Leo Christofili, 328 Riveredge Road, questioned what area in the proposed budget can still be reduced. Mr. Baldwin informed Mr. Christofili that 23% of the budget is discretionary; 77% is non-discretionary and is mandated by contracts, government, etc.

Mr. Christofili questioned if all elections were combined into one, if that would be a significant cost savings. Mr. Pfeffer replied yes, the Borough individually might not see a reduction in our budget, but overall it would be a significant savings.

Leo Lomangino, 93 Colonial Drive, questioned how much the outlet mall added to the revenue for Tinton Falls in 2010. Mr. Pfeffer advised he has those numbers but not with him.

Mr. Lomangino requested Tinton Falls form a finance committee so they could work along with Mr. Pfeffer on the budget process. Ms. Fama suggested Mr. Lomangino speak with Mr. Spumberg as they have the same idea of forming a committee, get some kind of structure formatted and present it to Council.

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

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin stated that Council needs to take every cent they can find and eliminate that expenditure if they can without hurting the services to the municipality. He trusts that the Mayor, Administrator and Chief Financial Officer have already done so.

Ms. Fama advised that she would like to see a Road Program in this budget. The increase in the budget for 2010 reflects a 1.78% increase or \$385,094, of which \$214,308 are salary increases. Ms. Fama suggested that 1.8% try to spread amongst each department and ask each department head to reduce their areas by 1.8%

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and to come back to the Administration with a recommendation. This would help the Borough gain back the increased amount of the budget and could be put towards implementing a road program.

Mr. Pfeffer stated that of the \$178,000, the majority of it is not from departments; the majority of that is statutorily mandated payments.

Mr. Larkin commended and thanked the employees of the Borough for recognizing the extraordinary times that the Borough is faced with and working with Administration to negotiate. Mr. Larkin also thanked Mayor, Administration and Mrs. Mount-Taylor for taking the time and answering any questioned he had regarding the budget process.

Mr. Larkin requested, given the extraordinary state of the economy and the tax situation in town, if Administration could go back and find more.

Dr. Mayer agreed that Council needs to add a line item in the budget for a Road Program and challenged the Administration to go back and find where those numbers might come from.

Dr. Mayer brought up the expenses used for outside consultants and suggested that before outside consultants are used, the Borough make every effort to use its hired professionals before expending those monies.

Dr. Mayer pointed out that this current budget is using \$100,000 of the Open Space Trust Fund to pay for salaries for park maintenance, etc.

Mr. Baldwin commented on the Road Program and discussed the options of bonding while rates are low, the issue of raising taxes to create a program, etc.

Mr. Morrill questioned if the proposed budget covered the salaries for the discussed promotions in the Police Department. Mr. Pfeffer replied that right now the budget is setup exactly to the manpower the Borough has on board at the moment. If the Borough hired a Chief within the ranks of the Police Department and assuming a salary would be reasonable to what that person is already making, that would not be an issue. However, when certain members of the Police Department retire, they would not be replaced in the budget, so those slots are not in the budget.

Mr. Morrill brought up the UCC being down and questioned if Administration has looked into cutting staff since there has been a cut in work in Tinton Falls. Mr. Turning advised that Administration has already looked into this area and has already transferred one person from UCC to another opening within the Borough. Mr. Morrill questioned if combining departments could be an option. Mr. Turning replied that currently, the departments are at minimum staff.

Mr. Morrill suggested Administration look into outsourcing certain items such as lawn cutting. The Borough is currently spending over \$100,000 a year considering maintenance of equipment, new equipment, employee salaries including healthcare, pension, etc. Mr. Turning informed Mr. Morrill that Mr. Baldwin has already requested this item be looked into.

Mr. Nelson pointed out that there are conflicting suggestions as Council criticized utilizing outside consultants for outsource work and also suggested the Borough outsource certain areas.

Mr. Turning pointed out that a lot of the items done this year such as contract negotiations won't represent the cost saving impact until next year and 2012. He also stated that the grass cutting employees are seasonal employees and are paid close to minimum wage. A majority of the full-timers who participate in the parks program also plow the streets in the winter time as well as other things in the off seasons. Administration is looking at every aspect of Government whether it is shared services, contracts, etc.

Dr. Mayer questioned if applying a portion of the surplus towards a road program could be a possibility. Mr. Pfeffer informed Council that the Borough currently has approximately \$92,000 remaining in surplus, of which we cannot use it all due to the statutory regulation. A portion could be taken out and used as a line item for a road program.

Mr. Pfeffer stated that in his opinion, the 2% CAP is going to effectively cap salary and wages; it will prevent salary increases for any employees.

Mr. Morrill offered a motion to carry the adoption of the 2010 Municipal Budget to August 3, 2010, seconded by Ms. Fama.

**ROLL CALL**

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

NAYS: None

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ABSENT: None  
ABSTAIN: None

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Council recessed at 9:27 P.M.

Council reconvened at 9:37 P.M.

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**PETITIONS** – None

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**ORDINANCES FOR INTRODUCTION**

Borough Clerk read Ordinance No. 10-1301 entitled: AN ORDINANCE WAIVING SEWER FEES FOR TINTON FALLS EMS SOUTH, BLOCK 124.12, LOT 1

Mr. Morrill offered a motion to introduce Ordinance No. 10-1301, seconded by Mr. Larkin.

**ROLL CALL**

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

Public Hearing to be set at the convenience of the Borough Clerk

*Ordinance No. 10-1301 in Full/Ordinance Book No. 4*

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Borough Clerk read Ordinance No. 10-1302 entitled: AN ORDINANCE AMENDING ORDINANCE NO. 10-1293 RELATING TO AMENDMENTS MADE TO CERTAIN FEES ASSESSED BY THE BOROUGH'S BUILDING DEPARTMENT

Mr. Morrill offered a motion to introduce Ordinance No. 10-1302, seconded by Mr. Larkin.

**ROLL CALL**

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

Public Hearing to be set at the convenience of the Borough Clerk

*Ordinance No. 10-1302 in Full/Ordinance Book No. 4*

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**ORDINANCES FOR FINAL CONSIDERATION** – None

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

Brendan Tobin, 5 Chestnut Court:

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- Commented on the Road Program and advised that Council needs a plan to be able to complete at least 3 miles a year in order to be on a thirty year schedule
- Suggested ways to cut expenses and lower the budget such as installing motion sensors, making sure all vehicles are turned off and not idling, cutting some of the lighting in the Court Room, etc.

Charles Lomangino, 3 Helena Street

- Commented on the Essex Road project and advised that Essex Road is dangerous and should be a priority
- Requested that Administration and the Borough Engineer look into West Park Avenue

Denise Catalano, 11 Alpine Trail:

- Suggested Administration increase the work week to forty hours with no additional pay
- Suggested Council set a pay to play program making recreational sport activities 100% self sustaining

Leo Christofili, 328 Riveredge Road

- Recommended the Open Space be reduced to its original rate of \$0.150
- Requested Administration complete a cost analysis of privatizing waste and trash in Tinton Falls

Mr. Christofili brought up Council’s previous discussion of Volunteer Appreciation Day and commented that Tinton Falls offers many other items to the volunteers to show they are appreciated such as LOSAP, the Borough’s Volunteer Tuition Program and the yearly \$300.00 Volunteer Exemption Fees offered to each of the volunteers.

Leo Lomangino, 93 Colonial Drive

- Suggested that if Administration cannot come back with “no increase” as Council has asked for, the reduction for Open Space Tax be placed on a referendum
- Suggested Administration look into working with surrounding towns to bid for a Road Program in order to have a larger bid package which in result would achieve a better cost estimate

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Turning advised Council that the Tinton Falls Police Cadet Class will be starting at the end of this month, the last week in July and the first two weeks in August. There are twenty-eight students enrolled this year and the program is being run by Lieutenant Delaune. Mr. Turning invited Council to come visit the students at Ranney School to see what a wonderful program it is for the Tinton Falls students.

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RESOLUTIONS

Mr. Morrill offered a motion to carry Resolution R-10-176 to August 3, 2010, seconded by Mr. Larkin.

**R-10-176 RESOLUTION - RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE YEAR 2010/2011**

ROLL CALL (to carry to 8/3/2010)

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

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

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**R-10-185 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR RFP #2-10 BOND COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Bond Counsel services as may be required by the Borough during the contract year July 1, 2010 through June 30, 2011; and

WHEREAS, the Borough has, through the fair and open process, advertised on its website and in the Asbury Park Press on Wednesday, June 2, 2010, the solicitation for receipt of proposals from legal firms for said services and eight (8) proposals were received and documented on Wednesday, June 16, 2010; and

WHEREAS, the Borough has reviewed all proposals received and it was determined that Gibbons P.C., One Gateway Center, Newark, NJ 07102, satisfies the requisites contained in the request for proposals to be considered for professional Bond Counsel services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed and hourly rates in the 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 certify they have not made any political contributions that would bar them from being awarded a contract with the Borough of Tinton Falls;

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 professional bond counsel services for the unit price or fixed fee amounts and hourly rates listed in their proposal from July 1, 2010 through June 30, 2011.

2. This contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.

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. Morrill, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-206 RESOLUTION – SUPPORTING NATIONAL NIGHT OUT AGAINST CRIME EVENT 2010**

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug, and violence prevention event on August 3rd, 2010, entitled “National Night Out”; and

WHEREAS, the “27th Annual National Night Out” provides a unique opportunity for the Borough of Tinton Falls to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Borough of Tinton Falls Neighborhood Watch, Community Emergency Response Team (C.E.R.T.), Junior Police Academy, and PBA play a vital role in assisting the Borough of Tinton Falls Police Department through joint crime, drug, and violence prevention efforts in the Borough of Tinton Falls and are supporting “National Night Out 2010” locally; and

WHEREAS, it is essential that all citizens of the Borough of Tinton Falls be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in the Borough of Tinton Falls; and

WHEREAS, police-community partnerships, neighborhood safety, awareness, and cooperation are important themes of the “National Night Out” program;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls calls upon all citizens of Borough of Tinton Falls to join in supporting the “27th Annual National Night Out” on August 3rd, 2010, and

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Tinton Falls does hereby proclaim Tuesday, August 3rd, 2010 as “National Night Out” in the Borough of Tinton Falls.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-207 RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES – INVESTORS HOLDING, LLC - BLOCK 1.01, LOT 5**

WHEREAS, the developer has requested the release of Performance Guarantees for Investors Holding, LLC, Block 1.01, Lot 5, and

WHEREAS, by letter dated July 8, 2010 (said letter hereby attached and made part of this Resolution) the Engineer, Birdsall Engineering Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance guarantees,

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer's, Birdsall Engineering, Inc., letter of July 8, 2010, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL

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

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

**R-10-208 RESOLUTION – 2010 EMERGENCY TEMPORARY APPROPRIATIONS #4**

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:	\$ 9,854,692.50
MUNICIPAL SEWER UTILITY:	\$ 2,436,830.00
	-----
	\$12,291,522.50
	=====

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 \$ 2,699,636.50

SEWER UTILITY:  
See Attached Sheets \$ 137,000.00

2. That said emergency temporary appropriation will be provided for in the 2010 budget under the following titles:

CURRENT FUND:  
See Attached Sheets \$ 2,699,636.50

SEWER UTILITY:  
See Attached Sheets \$ 137,000.00

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ROLL CALL

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

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

Mrs. Mount-Taylor advised the Alternates have requested they be reappointed.

Dr. Mayer requested Robert Markoff be appointed as Alternate #1 and himself as Alternate #4.

**R-10-209 RESOLUTION - APPOINTING ALTERNATE MEMBERS TO OPEN SPACE COMMITTEE**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following Alternate Members are hereby appointed to the Open Space Committee:

Robert Markoff	Alternate #1	Term to Expire 6-12-2012
Maureen Forsman	Alternate #2	Term to Expire 6-12-2012
Jeff Stratton	Alternate #3	Term to Expire 6-12-2012
Andrew Mayer	Alternate #4	Term to Expire 6-12-2012

ROLL CALL

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

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

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

**REGULAR/WORKSHOP MEETING  
JULY 20, 2010  
BOROUGH COUNCIL**

**R-10-210 RESOLUTION – APPROVAL OF BILLS – JULY 20, 2010**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 20, 2010; and

WHEREAS, the Borough Council has reviewed said claims,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	\$ 159,304.23
TRUSTS	23,752.01
DEVELOPER ESCROW	6,522.75
DOG TRUST	81.00
GRANT	926.42
SEWER UTILITY	10,579.80
ADDITIONS	<u>\$3,548,902.16</u>
	\$3,750,068.37

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Baldwin noted for the record that Mayor Skudera arrived at 10:07 P.M.

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CONSENT AGENDA

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

**R-10-211 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of May 2010 fees totaling \$100.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2010;

WHEREAS, during the month of June 2010, the resident informed the Recreation Superintendent that the child Indya Clarke will no longer be attending the program due to scheduling conflicts. A refund in the amount of \$90.00 shall be issued to the resident deducting the \$10.00 processing fee per participant.

Taasha Demery	\$90.00	
Total		\$90.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$90.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-212 RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of May 2010 fees totaling \$358.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2010;

WHEREAS, during the month of July 2010, the resident informed the Recreation Superintendent that the child will be switching to the two day a week program from the five day a week program. A refund in the amount of \$118.00 shall be issued to the resident deducting the difference in the cost of the programs less the \$10.00 processing fee per participant.

Andrea King Caruso	\$118.00
Total	\$118.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$118.00 be issued.

ROLL CALL

REGULAR/WORKSHOP MEETING  
JULY 20, 2010  
BOROUGH COUNCIL

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

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

**R-10-213 RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of June/July 2010 fees were paid by residents for their child’s participation in the River Rangers Program. All participates will receive a \$10.00 refund due to rescheduling procedures.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of June/July 2010;

WHEREAS, during the month of July 2010, the residents were informed that the program had to be rescheduled and a \$10.00 credit shall be issued to each registered participant. A total of nine children are registered for the program, totaling a \$90.00 credit for all registered participants.

Barbara DeLage	\$10.00
Christine Anderson	\$10.00
Susan Grant	\$10.00
Robyn Kohl	\$10.00
Jennifer Larson	\$10.00
Maria Lombardi	\$10.00
Kerry Huston	\$10.00
Eric Quinton	\$10.00
Alexandra Wandycz	<u>\$10.00</u>
Total	\$90.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$90.00 be issued.

ROLL CALL

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

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

**R-10-214 RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2010 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Amy P. Fitzgerald c/o James P. Durek, Esq. 800 Inman Avenue Colonia, NJ 07067	26.01	224	\$1,951.06

Re: Fitzgerald to Warren  
14 Churchill Downs Drive

and,

WHEREAS, said error has resulted in a overpayment of 2010 2<sup>nd</sup> quarter taxes paid in the amount of \$1,951.06, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,951.06 be and hereby is approved for the aforementioned property.

ROLL CALL

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

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

**R-10-215 RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2010 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Starr Title Inc. 977 Rte. 33 West, Suite 202 Monroe Township, NJ 08831	60.01	5.02	\$2,266.50

**REGULAR/WORKSHOP MEETING  
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Re: Ronald & Sharon Roehrig  
2 Grant Court

and,

WHEREAS, said error has resulted in a overpayment of 2010 2<sup>nd</sup> quarter taxes paid in the amount of \$2,266.50 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 \$2,266.50 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-216 RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2010 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Craig Sahl, Esq. 829 Poole Avenue Hazlet, NJ 07730	129.15	32.67	\$1,369.76

Re: Camuglia from Lopez  
44 Maywood Run

and,

WHEREAS, said error has resulted in a overpayment of 2010 2<sup>nd</sup> quarter taxes paid in the amount of \$1,369.76, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,369.76 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-217 RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2010 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and Service Link.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Service Link Bldg. 2 400 Corporation Drive Aliquippa, PA 15001	129.07	44	\$982.67

Re: Doreen Piazza  
4 Groom Court

and,

WHEREAS, said error has resulted in a overpayment of 2010 2<sup>nd</sup> quarter taxes paid in the amount of \$982.67 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 \$982.67 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-218 RESOLUTION - REFUNDING TAX OVERPAYMENT**

REGULAR/WORKSHOP MEETING  
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WHEREAS, an overpayment of 2010 1<sup>st</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Louis & Charlene Jordan 3192 Shafto Road Tinton Falls, NJ 07753	145	22	\$1,669.27

and,

WHEREAS, said error has resulted in a overpayment of 2010 1<sup>st</sup> quarter taxes paid in the amount of \$1,669.27 as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,669.27 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:08 P.M.

WORKSHOP MEETING

Unfinished Business

*Liberty Park II Lighting*

Mr. Baldwin informed Council that he had requested the issue of lighting at Liberty Park II be revisited with regards to the Borough's current Ordinance.

Ms. Fama advised that she is in support of the parents who are requesting the Borough light Liberty Park II. Ms. Fama also advised that she has also reviewed the Borough's Ordinance and would like to have a future discussion amongst Council to amend the current Ordinance. In addition to providing essential services, part of what makes any town desirable, is the school system, services, etc.

Mr. Turning informed Council that there are no fees collected with the sports that are affiliated with Tinton Falls. Mr. Turning further advised that he has asked Ms. Eisele, Recreation Supervisor, to review the Ordinance in its entirety.

Mr. Turning requested Code of Conduct be addressed in the amendments. This year there was a problem at one of the little league fields and had the Borough had an Ordinance outlining a Code of Conduct, it would have made things a lot easier.

Ms. Eisele has reviewed the Ordinance in its entirety and has submitted a draft Ordinance which Mr. Turning advised he would like to forward to Council. With regards to lighting at Liberty Park, Cary Costa, Fire Marshall, came up with a good idea, asking JCP&L to light up the parking lot for the Borough and then the Borough would pay a small administrative fee. Mr. Turning also stated that he has asked one of the Public Works Employees who works as a electrician for the Borough, to give a cost estimate as to what it would cost to install to put up several lights in the park itself; that figure came in at between \$10,000 - \$13,000.

Council President requested administration move forward with lighting the parking lot as quickly as they can with the most economic way possible. Mr. Turning agreed.

Council discussed cost estimates for lighting the fields.

Ms. Fama requested administration approach JCP&L or General Electric to see if they would be willing to partner with the Borough in installing lighting on the fields.

**REGULAR/WORKSHOP MEETING  
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Mr. Larkin suggested administration see if Fort Monmouth would be willing to sell their field lights to the Borough at a reduced rate. Mayor Skudera advised he would find out if they are available.

Bob Caizza advised that if they had to choose, Pop Warner would rather see field lights installed the practice field first as they utilize the practice field more frequently.

Mr. Turning made a recommendation that if they would like to use the K-9 field at night, it is lit and they would be more than welcome to do so.

New Business

*Monmouth County Open Space Grant Application – Skate Park*

Dr. Mayer stated that Council needs to see what can be put together for a grant application for the Monmouth County Open Space Grant Application and to see if a Skate Park would be well received by the County as far as getting matching grants.

Mr. Baldwin questioned who writes the grants and what costs are incurred to the Borough. Mr. Marks advised that it does cost the Borough money and he typically writes the grants for the Monmouth County Open Space. Cost varies based upon the size of the project, how much work is done in house verses how much work they would do. The grants generally run a couple thousand dollars as there is a plan involved as well as a well explained narrative, a public meeting, etc.

Mr. Baldwin advised that Mr. Nelson prepared a letter in an effort to direct Council in the direction in which they need to be pointed in with regards to what the costs will be, along with how the taxpayers and Borough would be affected by same.

Cindy Anderson, 33 Fairfield Drive, advised that she is before Council tonight to answer any questions Council or Administration might have.

Mr. Marks reiterated that the Open Space Grant Program is a competitive program throughout Monmouth County. There is typically anywhere between twenty and thirty municipalities that compete for these grants. It is a 50% matching grant for the construction cost alone. The Borough would still be responsible for the design fees, surveying, etc. as well as construction administration. There is a \$250,000 matching cap but it is not guaranteed that if the Borough designs a \$500,000, that the County would fund the full 50%.

Mr. Nelson stated that Council has received his letter regarding liability issues. There are a few legal issues in New Jersey such as prevailing wage, which was not included in the estimates that were provided. In New Jersey, by Law, on a construction project of any sort on public property, the Borough has to pay prevailing wage. This issue was not taken into account in the numbers provided.

Brendan Tobin came before Council and stated that as the previous JIF representative for the Borough, he spoke with David Grubb of the Municipal Excess Liability Joint Insurance Fund. Mr. Grubb advised that in the Monmouth County program the Borough is in, there are no added liability costs for a Skate Park based on the fact that the number of injuries and reported issues are lower than other recreational sports already in town.

The estimate came from a State Contractor, there is no need to bid and their price is based on State contract price to install the park. Anything else for site work and other items is where prevailing wage is not included. Engineering work was already done on the issue of a Skate Park and no extra costs have to be added.

Mr. Nelson commented that Council was also given, along with his letter, materials from the MEL.

Mr. Morrill suggested Council review this issue further, review the documents given by administration and bring it back at a later date under unfinished business.

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**ADJOURNMENT**

Mr. Morrill offered a motion to adjourn, seconded by Ms. Fama.

ROLL CALL

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

**REGULAR/WORKSHOP MEETING  
JULY 20, 2010  
BOROUGH COUNCIL**

TIME: 10:48 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

**APPROVED AT A MEETING HELD ON: SEPTEMBER 7, 2010**