

**REGULAR/WORKSHOP MEETING  
MARCH 9, 2010  
BOROUGH COUNCIL**

Council President called regular meeting to order at 6:40 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, Dr. Mayer, Mr. Morrill  
ABSENT: Mr. Baldwin, Mr. Larkin  
ALSO PRESENT: Michael Skudera, Mayor  
John Bucciero, Interim Administrator  
Brian Nelson, Director of Law  
Karen Mount-Taylor, Borough Clerk

Mrs. Mount-Taylor advised that Mr. Baldwin and Mr. Larkin were on their way and would be attending the meeting.

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**EXECUTIVE SESSION**

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

**R-10-060 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 at this time 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)  
Administrator's Vacancy (ATOD March 2010)
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)  
None
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)  
Mandalay at Old Hooper LLC Escrow Funds

**ROLL CALL**

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

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

Mr. Baldwin arrived during Executive Session at 6:54 P.M.

Mr. Larkin arrived during Executive Session at 7:12 P.M.

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Mr. Morrill advised that Council was back on the record at 7:35 P.M.

**ROLL CALL**

PRESENT: Mr. Baldwin, Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Morrill  
ABSENT: None  
ALSO PRESENT: Michael Skudera, Mayor  
John Bucciero, Interim Administrator  
Brian Nelson, Director of Law  
Karen Mount-Taylor, Borough Clerk  
David M. Marks, Borough Engineer

All present stood for Salute to Flag.

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**APPROVAL OF MINUTES** - None

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

Mayor's Report

*Road Program*

Mayor Skudera advised that he met with Mr. Marks and drove through many of the roads in Tinton Falls that are in need of attention. This item will be further discussed during the Workshop portion of the meeting.

*Pothole Repairs*

The Public Works Department has begun the pothole repair process and eight tons of cold patches have already been applied.

*Mayor's Budget*

Mayor Skudera advised that his budget is still in process; he is waiting to see what comes out of Trenton and the Governor's Office. The announcement is March 16<sup>th</sup>; Governor Chris Christie will advise of where we stand with State Aid.

Mayor Skudera read the following Proclamation:

Proclamation – Arc Awareness Month

*WHEREAS, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families; and*

*WHEREAS, public awareness and education enhance a community understands of the issues affecting people with intellectual and development disabilities; and*

*WHEREAS, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us; and*

*WHEREAS, the month of March has been designated Arc Awareness Month by the state of New Jersey with 20 chapters of the Arc undertaking public awareness, educational and fundraising initiatives; and*

*WHEREAS, the Arc of Monmouth serves over 1200 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families; and*

*WHEREAS, the Arc of Monmouth is celebrating 61 years of service to families and individuals throughout Monmouth County,*

*NOW, THEREFORE, I, Michael Skudera, Mayor of the Borough of Tinton Falls, do hereby proclaim March, 2010 as*

**ARC AWARENESS MONTH**

*in the Borough of Tinton Falls, New Jersey and urge the citizens of Tinton Falls to give full support to efforts toward enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.*

Engineer's Report – Mr. Marks

*Intersection Improvements at Asbury Avenue & Fox Chase Drive – Proposed Traffic Signal*

Currently the Borough is in the process of finalizing some concept plans from the County that were sent over and just awaiting comments. The County has not yet given a construction schedule but has advised that they do not want this project and the Asbury Avenue, Pine Street & Essex Road reconstruction happening at the same time. Both projects will be offset.

*Asbury Avenue, Pine Street and Essex Road Project*

Mr. Marks advised that on February 18<sup>th</sup> Mr. Baldwin, himself and other Borough Staff met with the County Engineer's office to review the Asbury Avenue, Pine Street and Essex Road Project. The County has agreed to provide means for a pedestrian route along Asbury Avenue.

*Pedestrian Access on Essex Road*

It was also presented to the County that Tinton Falls will need pedestrian access from Essex Road; they advised that they would provide means for the Borough to provide that in the future. The County will be required to make some plan revisions and provide the Borough with a cost estimate of the costs to install a sidewalk. The County will provide the measures for the sidewalk but the Borough would be responsible to pay for those improvements.

*Sycamore Avenue & Homestead Parkway East*

Mr. Marks advised that a small drainage problem occurred at Sycamore Avenue and Homestead Parkway East. He has spoken with the County representatives and they are preparing their survey

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and putting plans together. The County was also in the process of coordinating with the utility company. An anticipated construction schedule was not prepared however, now that the weather is breaking the process should be moving forward.

*Energy Audit*

It was anticipated that by now the RFP package would be complete but unfortunately we are still missing information relating to the dates that the sanitary sewer infrastructure, predominately the pump stations, were installed. Mr. Marks stated that he has been working with John Bucciero to get all this information compiled as it is a critical element to the State as they review this RFP package.

*Library Improvements*

Mr. Marks mentioned that a Federal Appropriation was made through Rush Holt's office for library improvements.

Administrator's Report – Mr. Bucciero

*Single-Stream Recycling*

Mr. Bucciero reported that the single-stream recycling process has begun, starting on March 4, 2010. The first half of town has already been completed and the second half will be completed on Thursday. Mr. Bucciero added that he was pleased to report that fewer issues occurred than anticipated with the start of the new program, as with the start of any new program.

Director of Law's Report – Mr. Nelson

*Appropriations Request*

Mr. Nelson advised that initially the thought was to seek some type of infrastructure improvements with respect to the roadways and other potential infrastructures. After the meeting, based on the Congressman Holt's records of the nature and type of appropriation requests that he provided, the library would be the most likely prospect for the Borough to receive funds.

*Naval Weapons Station at Earle*

The State Senate will be considering the Naval Weapons Station at Earle Legislation Thursday.

*COAH Updates*

On March 15<sup>th</sup> the Senate Economic Growth Committee will be considering the Senate Committee substitute to S-1, which is Legislation that would eliminate COAH. The summary overview is that it would empower the Borough to make its own determinations as to whether it needs certain inclusionary standards. It greatly expands the definition of what the Borough's acceptable COAH unit obligations would be. There are current units in Tinton Falls that the Borough does not receive credit for, that they might be able to under the new Legislation. It would also eliminate a certain provision of the Law with respect to regional planning entities such as Fort Monmouth. While Fort Monmouth is not under the Borough's Housing Plan, under the preexisting law it would reduce and provide more flexibility for the housing obligations that are placed upon what will be the implantation authority.

Previously the Governor had staid the COAH rules by Executive Order, which has subsequently been staid by the Court. The COAH rules are back into effect for the time being however, the affordable housing task force, created by the Governor are evaluating those rules.

*Municipal Land Use Law*

An amendment to the Municipal Land Use Law is working its way through the legislature. The amendment would eliminate the time of decision rule and would become a time of application rule.

*Fort Monmouth*

The legislation creating the Fort Monmouth Redevelopment Authority that was previously discussed along with the amendments that were incorporated last year and have been carried forward this year is moving forward. It has not yet been scheduled for hearing but anticipated to occur in the near future. The Director of the EDA mentioned that the Fort property is quickly being vacated this year, sooner than anticipated. The issue is that until the authority is created, the Army cannot negotiate the release of the property; this authority has to be in place before they will effectuate the release of the property to the State.

*Sale of Properties: Block 66, Lot 4.01 & Block 69, Lot 4.01*

The Borough received two bids on the sale of properties that were publically auctioned earlier today. The bids appeared to be conforming and both bidders provided ten percent deposits. The

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Council will be asked to consider these bids for acceptance or rejection at the next Council meeting.

Borough of Clerk's Report

Mrs. Mount-Taylor reported that on March 16<sup>th</sup> the Borough Council meeting will be held at Seabrook Village, beginning at 7:30 P.M.

Council's Report

Ms. Fama

- o Thanked Mr. Marks and Mr. Nelson for the grant proposal for improvements to the Library
- o Advised that the Library is awaiting a rough diagram and cost estimates from Mr. Bucciero regarding the addition and questioned when the Library could expect to receive that; Mr. Bucciero replied that he hopes by next week sometime they will get rough measurements of the property and get an idea of how far the library can be extended.
- o Informed Council and the Public that the Tinton Falls Women's Club will be having their annual fundraiser at Gibbs Hall on the 17<sup>th</sup>
- o Advised Council that she attended a Municipal Excess Liability Joint Insurance Fund presentation regarding ways to reduce liability for the Borough
- o Advised that she was in contact with the Assistant General Manager of the Jersey Shore Premium Outlets Center recently and has worked with him to promote Tinton Falls residents to shop at the Outlet Center by offering all resident who are interested a free five dollar coupon book, which is valued at hundreds of dollars. Further information for interested residents would be posted on the Borough's website.

Mr. Larkin informed Council and members of the public that the Tinton Falls Board of Education had their initial introduction of their budget yesterday. Although the School Board aims at maintaining a flat spending rate, an anticipated fifteen percent reduction cut is expected in State Aid (approximately 1.4 million dollars) and therefore, the budget is up approximately four cents this year as a result of same.

Dr. Mayer

- o Updated Council on the Environmental Commission, Open Space Committee and Technical Advisory Committee meetings
  - o Project "Porch Light" will be on May 1<sup>st</sup> from 9:00 A.M. – 1:00 P.M. All interested volunteers including Boy Scouts, Girl Scouts, residents, etc. will be going door-to-door around town distributing compact florescent light bulbs along with giving he message as to how they save energy. This project is sponsored by New Jersey Clean Energy and is free of cost to the Borough. Further information for interested persons wishing to volunteer can be found on the Borough's website.
  - o The Open Space Committee has requested Mr. Berube along with Birdsall Engineering to report the status of the DeLisa property as the Committee has been trying and is very interested in acquiring same.

Mr. Baldwin advised Council and the public that the beginning tomorrow evening, the Planning Board will be conducting hearings on the conversion of the Rose Glen property. Any and all interested residents are encouraged to attend.

Council President's Report

Mr. Morrill encouraged interested residents to log on to the Borough's website to find out the details of upcoming events such as the Father/Daughter Dance, PTA Dinner, T-Ball signups, Pop-Pop Dance & Cheer, the Library's mini book sale, etc.

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**Gypsy Moth Public Hearing**

Mrs. Mount-Taylor advised that the Gypsy Moth Public Hearing has been advertised as required and explained that it is an annual requirement by the Monmouth County Shade Tree Commission that the Borough conduct a Public Hearing on the spraying of Gypsy Moths in Tinton Falls.

Dr. Mayer offered a motion to open the Public Hearing on the spraying of Gypsy Moths in Tinton Falls, seconded by Ms. Fama.

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ROLL CALL

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

PUBLIC HEARING OPEN

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

ROLL CALL

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

PUBLIC HEARING CLOSED

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PETITIONS – None

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ORDINANCES FOR INTRODUCTION – None

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ORDINANCES FOR FINAL CONSIDERATION

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

Mr. Baldwin offered a motion to open the Public Hearing on Ordinance No. 10-1290, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC HEARING OPEN

Denise Catalano, 11 Alpine Trail, after receiving an explanation of the Ordinance by Mr. Nelson, commented on Ordinance No. 10-1290.

Leo Lomangino, 93 Colonial Drive

- o Questioned why the salaries were being set by Ordinance and not by Resolution as done in the past and if the salary increases would be retroactive; Mr. Nelson responded to Mr. Lomangino's questions.
- o Questioned the Administration salary range of \$85,000 - \$130,000; Mr. Morrill advised that the reason for the salary range was because the Borough does not currently have an Administrator, the range is the scale the Borough is looking in between. It cannot be set until an Administrator is hired. Mr. Nelson advised that there will be a contract for the Administrator and the salary, through the contract, would be adopted by Council by Resolution at that time.

There being no further comments from the public, Mr. Baldwin offered a motion to close the Public Hearing on Ordinance No. 10-1290, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor  
NAYS: None

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ABSENT: None  
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 10-1290, seconded by Dr. Mayer.

Dr. Mayer stated that when this item was done by Resolution, the Director of Law was identified as a part-time position and questioned if in the Code Book it is identified as a part-time or full-time position. Mr. Nelson advised that the salary amount remains the same and whether the position is part-time or full-time, it does not have any legal bearing.

After Dr. Mayer continued to discuss the specification of the Director of Law's salary and position, Mr. Nelson advised that if Dr. Mayer wished to continue the discussion, it would be a matter of Executive Session as it is getting into specific employees, their status and un-factual statements were being made. Mr. Nelson stated that he would be more than happy to have the discussion but under Executive and referred to "Rice versus Union County".

Dr. Mayer asked if the Ordinance could be amended to reflect full-time rather than part-time. Mr. Nelson advised that the amendment to Ordinance No. 10-1290 was permissible.

Dr. Mayer asked what other positions in the Borough are part-time and brought up the discussion of the Director of Public Safety.

Mr. Larkin requested a Point of Order for the reason that Mr. Nelson has recommended that this discussion be held in Executive Session.

Ms. Fama called for a vote on Ordinance No. 10-1290.

Mr. Baldwin requested the Ordinance be carried.

Mr. Morrill suggested Council carry the Ordinance so any questions could be answered and resolved before a vote is cast due to the issue that if a vote is called and the Ordinance fails, Council will have to start from the beginning on this subject.

Ms. Fama called for a vote on Ordinance No. 10-1290.

Mr. Morrill emphasized that if a vote is called and the Ordinance fails, Council will have to start from scratch.

Mr. Bucciero and Mr. Nelson explained the part-time role for Council and why it would list an employee such as the Director of Law, as done in the past, as a part-time employee.

Mr. Baldwin withdrew his motion to adopt Ordinance No. 10-1290.

Ms. Fama stated that she called for a vote and doesn't understand why any action has not followed.

Council continued to have a lengthy discussion as to whether to amend, carry or vote on the Ordinance. Mrs. Mount-Taylor informed Council of the advertisement procedures.

Dr. Mayer made a motion to amend the Ordinance to include parenthetical part-time on the Director of Law's position.

Council continued to have a lengthy discussion on this subject.

Mr. Morrill requested a second on the amendment of the Ordinance.

Ms. Fama questioned what happened to her motion that preceded the motion to amend.

Mr. Nelson advised that the original motion was still on the floor.

Mr. Morrill seconded the motion to amend the Ordinance to include "part-time" on the Director of Law's position.

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Mrs. Mount-Taylor advised Council that if they are going to continue to single-out the Director of Law, a Rice Notice should be given.

After a continued discussion on what procedure to take on this Ordinance, Council agreed to carry the Ordinance and therefore, Dr. Mayer offered a motion to withdraw his motion to amend the Ordinance; Mr. Morrill withdrew his second to amend the Ordinance; Mr. Baldwin withdrew his motion to approve; Dr. Mayer withdrew his second to approve the Ordinance; and Ms. Fama withdrew her motion to call for a vote.

Mr. Baldwin offered a motion to carry Ordinance No. 10-1290 to April 6, 2010, seconded by Dr. Mayer.

ROLL CALL (to carry to 4/6/2010)

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**PUBLIC DISCUSSION**

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Charles Lomangino, 3 Helena Street

- o Stated they have begun the construction of the Wawa on West Park Avenue and Shafto Road and asked with regards to the road collapsing, where the Borough stood with the lawsuit and how the Borough planned on resolving that matter. Mr. Lomangino requested a response by the March 16<sup>th</sup> meeting.
- o Questioned if the sidewalks from Liberty Park and the Park Place developments are going to continue up to the Wawa; Mr. Marks replied that he did not recall the limits of what they were doing with respect to sidewalk associated with the Wawa site. If the sidewalks were not required as part of their Zoning Board approval to install sidewalks, they are likely providing the contribution. Mr. Marks advised that he would check these items and respond back.
- o Questioned if the sidewalks in Fox Chase that were recently redone in cement this past Fall were done by the Borough or by the Association; Mr. Marks replied that the Homeowner's Association paid for the sidewalks and was handled by them privately.

Lauren Mayer, 46 Same Drive, advised that she walks to the bus stop Monday – Friday every morning around 7:00 A.M. and stated with the recent snow, the sidewalks are blocked and the streets are very icy. Ms. Mayer requested Council enforce residents to shovel their sidewalks. Mr. Bucciero advised that a notice was placed on the website and Ms. Paone was instructed to address any complaints. As it is impossible for Ms. Paone to check every sidewalk in town, any and all concerns should be addressed to her and she will notice the owner(s) of the sidewalk(s).

Denise Catalano, 11 Alpine Trail

- o Recommended that since Ms. Fama has experience in negotiating contracts with unions, that she be part of the committee to renegotiate the union contracts for Tinton Falls.
- o Questioned where the Borough stood with filling the Administrator's vacancy; Mayor Skudera replied that he apprised Council during the Executive Session as to the progress of filling that position.
- o Stated that she has sent several emails to the Mayor inquiring about volunteering on the Community Activities Committee but has received no response; Mayor Skudera apologized and advised that there are no vacancies on that Committee as the members who terms were expiring requested to be reappointed. Mr. Morrill advised Ms. Catalano that she could attend the meetings as an associated member, as they are always looking for extra volunteers.

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John McCarthy, 143 Riveredge Road, requested an update on the Administrator's vacancy. Mr. Morrill advised that it is still in progress and hopefully will be resolved within the next few meetings.

Joe Piscopiello, 89 Colonial Drive, commented on the roads on West Park Avenue, Shafto Road and Apple Street and stated they are at the point where they have become safety issues. Mr. Skudera advised that West Park Avenue is a very complicated issue as the Borough is currently in litigation. Mayor Skudera further advised that the road program discussion has started and will be continued during Workshop. Mr. Piscopiello also commented on the potholes in Tinton Falls and questioned what the process was. Mayor Skudera informed Mr. Piscopiello that the Public Works Department has started the process and as stated earlier, has already used 8 tons of cold patches. There are over 70 miles of roads in Tinton Falls so it does take some time. The Borough's website has a drop down menu on this issue where residents can report potholes and it is directly forwarded to the Public Works Department.

Leo Lomangino, 93 Colonial Drive

- o Commented on the how the schools will be affected by the cut in State Aid
- o Stated that this past winter, through the snow storms, Grand Rapid Cable has ripped up his whole front yard and asked who he would call to report this and who monitors the work that is being done in between the road and property; Mayor Skudera advised Mr. Lomangino to contact the Building Inspector.
- o Requested an update on the CECOM building; Mr. Nelson advised that mediation will be held next week and hopefully the differences will be resolved.
- o Questioned since the Borough recently went to single-stream, is the amount received for recyclables going to affect the budget; Mr. Bucciero replied that there are certain trade-offs. Public Works is working very much undermanned so the single-stream is what is keeping the Public Works Department functioning as it doesn't require as many people to operate and do it.

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: None  
ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

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**RESOLUTIONS**

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

**R-10-061 RESOLUTION - AMENDING R-01-003 AUTHORIZING A CASH MANAGEMENT PLAN**

WHEREAS, R-01-003 Authorizing Cash Management Plan was adopted by the Borough Council of the Borough of Tinton Falls on January 2, 2001, and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Tinton Falls, and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

- Central Jersey Bank
- TD Bank
- Sun National Bank
- Two River Community Bank
- Investors Savings Bank
- N.J. Cash Management Fund

WHEREAS, the banks listed above with the exception of State of N.J. Cash Management Fund have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

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In addition, all banks protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Resolution R-01-003 be amended as stated above, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer and/or designated Borough Officials are hereby authorized to execute any documents and/or contracts as required by the individual depositories, and

BE IT FURTHER RESOLVED, that the Borough's authorized signatories are the Mayor, Borough Administrator, Chief Financial Officer and Tax Collector.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-062 RESOLUTION - APPROPRIATION RESERVE TRANSFER**

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

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

| Municipal Budget     | FROM     | TO       |
|----------------------|----------|----------|
| -----                | -----    | -----    |
| Natural Gas          | \$ 4,000 |          |
| Gasoline             | 4,000    |          |
| Central Maintenance: |          |          |
| Other Expenses       |          | \$ 3,000 |
| Streets:             |          |          |
| Other Expenses       |          | 5,000    |
|                      | -----    | -----    |
|                      | \$ 8,000 | \$ 8,000 |
|                      | =====    | =====    |

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-063 RESOLUTION - AUTHORIZING PURCHASE UNDER STATE CONTRACT**

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

WHEREAS, Day Chevrolet, Inc., 1600 Golden Mile Highway, Monroeville, PA 15146 has valid 2009 State Contract #A73849 for 2010 Tahoe 4 x 2 police pursuit vehicles in the amount of \$25,737.67 each and an additional amount of \$3,109.50 for options for each vehicle as described on attached list which are not under State Contract for a total amount not to exceed \$28,847.17 per vehicle for a total not to exceed \$144,235.85 for five (5) 2010 Tahoe 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, Chief Gerald Turning, Sr., 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) 2010 Tahoe 4x2 Police Pursuit Vehicles         | \$128,688.35     | (State Contract)           |
| Options for five (5) 2010 Tahoe Police Pursuit Vehicles | <u>15,547.50</u> | (Not under State Contract) |
| TOTAL   | \$144,235.85     |                            |

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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**R-10-064 RESOLUTION - PARIS GRANT PROGRAM - OPRS-RIM MUNICIPAL SERVICES CONTINUATION - SHARED SERVICES PROJECT**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-2011 grant cycle, priority funding will be given to county projects that serve the records management needs of the municipalities in their county; and

WHEREAS, the Borough of Tinton Falls desires to collaborate with the County of Monmouth in the performance of OPRS-RIM Municipal Services Continuation - Shared Services; and

WHEREAS, the Borough of Tinton Falls is acknowledging that their eligible funding of \$40,000.00 will be leveraged with the County of Monmouth; and

WHEREAS, the Borough of Tinton Falls is acknowledging that the County of Monmouth would be the applicant, lead agency and project manager for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Tinton Falls, that the Borough of Tinton Falls does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-065 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 10-08  
MONMOUTH REFORM TEMPLE – ON PREMISES 50/50**

WHEREAS, The Monmouth Reform Temple has filed an application which has been found to be complete for a Raffle License which has been assigned number RA# 10-08; 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# 10-08 be and the same is hereby approved as follows:

|                     |   |
|---------------------|---|
| NAME:               | MONMOUTH REFORM TEMPLE                              |
| IDENTIFICATION NO.: | 343-2-34796   |
| LOCATION:           | 332 HANCE ROAD, TINTON FALLS, NJ 07724              |
| DATE:               | MAY 23, 2010 TO BE DRAWN BETWEEN 12:00 PM – 2:00 PM |

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-066 RESOLUTION - DECLARING GYPSY MOTHS A PUBLIC NUISANCE**

WHEREAS, the gypsy moth, *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Borough of Tinton Falls; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined that a gypsy moth control program should be instituted with the County of Monmouth and the State of New Jersey Department of Agriculture and that application for any County, Federal or State funds available be authorized.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life there from is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the County of Monmouth and the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

ROLL CALL

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

NAYS: None

**REGULAR/WORKSHOP MEETING  
MARCH 9, 2010  
BOROUGH COUNCIL**

ABSENT: None  
ABSTAIN: None

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

**R-10-067 RESOLUTION - AUTHORIZING MONMOUTH COUNTY MOSQUITO  
EXTERMINATION COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT**

WHEREAS, the Monmouth County Mosquito Extermination Commission (“the Commission”) has requested the Borough’s permission to apply pesticides from aircraft to control mosquitoes over portions of the Borough; and

WHEREAS, the Commission has assured the Borough that all pesticides utilized for such purposes are permitted and registered with the New Jersey Department of Environmental Protection (“NJDEP”) and United States Environmental Protection Agency (“USEPA”); and

WHEREAS, it is understood that the areas to be treated will only be those found to have a significantly high mosquito populations that either present a public health nuisance or disease danger; and

WHEREAS, the Borough authorizes such spraying contingent upon the Commission’s notification of the Borough’s police department prior to each and every application

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Clerk are hereby authorized to execute an Agreement with the Monmouth County Mosquito Extermination Commission attached hereto in order to protect the public health and safety of Borough residents subject to the terms of this Resolution.

ROLL CALL

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

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

**R-10-068 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR 30 PARK  
ROAD – MID-MONMOUTH REALTY, BLOCK 114.01, LOT 20**

WHEREAS, the developer has requested the release of Maintenance Guarantees for 30 Park Road – Mid-Monmouth Realty, Block 114.01, Lot 20, and

WHEREAS, by letter dated February 18, 2010 (said letter attached and hereby made part of this Resolution), the Engineer (Leon S. Avakian, Inc.) has certified that all bonded site work is in good condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees for 30 Park Road – Mid-Monmouth Realty, be released upon the payment of all outstanding inspection fees.

ROLL CALL

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

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

**R-10-069 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR  
GREENWOOD ESTATES (PHIPPS PLACE), BLOCK 105, LOT 27.03-27.06**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Greenwood Estates (Phipps Place), Block 105, Lot 27.03-27.06 and

WHEREAS, by letter dated February 18, 2010 (said letter attached and hereby made part of this Resolution), the Engineer (Leon S. Avakian, Inc.) has certified that all bonded site work is in good condition and recommends the release of the guarantees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantees for Greenwood Estates (Phipps Place), be released upon the payment of all outstanding inspection fees.

ROLL CALL

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

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

**REGULAR/WORKSHOP MEETING  
MARCH 9, 2010  
BOROUGH COUNCIL**

**R-10-070 RESOLUTION - REFUNDING RECREATION FEES**

WHEREAS, during the month of December 2009 fees totaling \$80.00 were paid by a resident of Tinton Falls for their child's participation in our Winter Science Program.

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

WHEREAS, during the month of February 2010, the resident informed the Recreation Superintendent that due to an unforeseen circumstance the child, Tyler Dileo will be unable to participate in the program and a refund in the amount of \$70.00 shall be issued to the resident deducting the \$10.00 processing fee.

|             |         |
|-------------|---------|
| Patti Dileo | \$70.00 |
|             |         |
| Total       | \$70.00 |

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$70.00 be issued.

**ROLL CALL**

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

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

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

**R-10-071 RESOLUTION – APPROVAL OF BILLS – MARCH 9, 2010**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 9, 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.

| <u>SUMMARY</u>   |                        |
|------------------|------------------------|
| GENERAL          | \$ 2,518,637.61        |
| TRUSTS           | 3,535.40               |
| DEVELOPER ESCROW | 2,040.00               |
| GRANT FUND       | 3,345.00               |
| SEWER UTILITY    | 11,633.64              |
| ADDITIONS        | <u>\$ 1,486,137.80</u> |
|                  | \$ 4,025,329.45        |

**ROLL CALL**

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

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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: 9:30 P.M.

Council Recessed at: 9:30 P.M.

Council Reconvened at 9:40 P.M.

**WORKSHOP MEETING**

**Unfinished Business**

***Road Program***

Mr. Baldwin explained the choice of bonding monies for the Road Program verses cash.

**REGULAR/WORKSHOP MEETING  
MARCH 9, 2010  
BOROUGH COUNCIL**

Mr. Baldwin and Ms. Fama requested a line item be placed in the budget for a Road Program in future years.

Mr. Marks explained that based on trends that they have seen in past years, they have found that using a budgeting estimate of \$250 per foot for the typical resurfacing project includes all project costs. Mr. Marks also explained the added item of sanitary sewer repairs.

Mr. Marks advised that Tinton Falls has 84 miles of Municipal roadways and explained certain roads can be resurfaced verses roads that need to be completely excavated.

Mr. Marks stated that his ideal road program for 2010 would estimate approximately \$1.4 million dollars and would tackle the list he provided to Council.

Mr. Larkin asked Mr. Bucciero what the expenses would be to get involved in the paving process. Mr. Bucciero explained that although the Public Works Department has some light paving equipment, it is only efficient for small repairs, intersections, driveways, etc. The process would be quite extensive as it would require tandem trucks, larger rollers, larger paving machines and the crew would have to be trained in road construction and paving as well as providing the time to do it.

Mr. Marks and Mr. Nelson explained the legal aspects of the Borough paving their own roads as well as having a Road Program in place.

Mr. Baldwin advised that the Borough could place the 5% down as required for a Bond Ordinance, which would be approximately \$125,000.00. That would leave the Borough with a debt of approximately \$2.375 million which, with the cost of bonding today, would represent approximately one cent on the tax rate for a project of that size and a debt service of approximately \$276,000.00 - \$290,000.00 per year.

Mayor Skudera stated that he agrees with Mr. Pfeffer and Mr. Baldwin that it is a good time to bond as the bonding rates are cheaper than what they were previously. The Borough cannot fund this from a cash basis standpoint. Under the contract that the Borough is on for the unions and employees, the budget will go up \$450,000.00 just for those contracts this year.

Ms. Fama requested that the monies the Borough is currently saving per month on the Administrator's salary be placed as a line item in the budget for the Road Program. Mayor Skudera replied that although this is a savings to the Borough, he is aiming for as many possible costs saving cuts in the Borough as possible as well as trying to rebuild surplus.

Council agreed that a Road Program was necessary and that once the State Aid figures come in from the Governor, they would like to look into a line item for the Road Program.

Mr. Nelson explained the Bond Ordinance process to Council.

Council agreed to have the Bond Ordinance created with an amount of \$2 million dollars.

*Single Stream Recycling*

Ms. Fama questioned if people did not follow the single-stream process this week and placed the items such as newspaper, cardboard, etc. separately, would it still be picked up. Mr. Bucciero replied that those residents who missed the pickup and called were advised to put it in the blue can and place it back out for pickup next week or the next pickup date.

Ms. Fama stated that she did not feel the Borough did the best job advertising the new process to the residents and requested next time something like this occurs, should it be a Public Works Department issue/project, a cover memo accompany the recycling calendar to residents. Mr. Baldwin and Mr. Morrill requested Code Red be used for an item like this.

Mr. Bucciero replied that Code Red has been being utilized for the snow storms and the Borough it approaching its limit without increasing its spending limit with Code Red. Mr. Bucciero also advised that the programs such as the Single Stream seem to self-correct very quickly.

Mayor Skudera also advised that the advertisement was efficient and cost effective; it was placed on the Borough's website and placed on the recycling calendars.

*Light on Sycamore and Hance Avenue*

**REGULAR/WORKSHOP MEETING  
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Dr. Mayer requested an update from Mr. Marks. Mr. Marks replied that he had an opportunity to speak with the County regarding the light on Sycamore Avenue and Hance Avenue. Since this is a project that predates his appointment and involvement in the town, he requested copies of the design documents to review them and educate himself on the underlying matters. Mr. Marks advised that he has reminded the County that he was awaiting the requested information and will send out another friendly reminder.

Mr. Baldwin advised that the County wants assurance from the Council that they do indeed want a light at Sycamore and Hance Avenue before they spend the time and money revising the project.

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**ADJOURNMENT**

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

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

TIME: 10:49 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

**APPROVED AT A MEETING HELD ON: APRIL 6, 2010**