

**REGULAR/WORKSHOP MEETING
MAY 18, 2010
BOROUGH COUNCIL**

Council President called the regular meeting to order at 6:30 P.M.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the New Coaster at least 48 hours prior to the meeting."

ROLL CALL

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

ABSENT: Mayor Skudera (arrived at 6:31 P.M.)

ALSO PRESENT: Gerald Turning, Administrator
John Bucciero, Director of Public Works
Brian Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk

EXECUTIVE SESSION

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

R-10-135 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 May 18, 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)
Administration of Borough Employees (ATOD May 2010)
- 3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
Collective Bargaining Agreements (ATOD May 2010)
- 4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)
State Contract for Police Vehicles (ATOD May 2010)
Wean adv. Tinton Falls, et al. (ATOD December 2010)
FLM Associates adv. Tinton Falls, et al. (ATOD July 2010)
Borough Property adv. Tinton Falls, et al. (ATOD July 2010)

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor
Gerald Turning, Administrator
John Bucciero, Interim Administrator
Brian Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
David Marks, Borough Engineer

All present stood for a Salute to Flag.

APPROVAL OF MINUTES

Mr. Baldwin offered a motion to approve the minutes of April 6, 2010, seconded by Dr. Mayer.

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ROLL CALL

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

Mr. Larkin offered a motion to approve the minutes of April 27, 2010, seconded by Dr. Mayer.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Mayor Skudera advised that he is in the process of finalizing the budget numbers; Council should have his budget before the next meeting.

Engineer's Report

Pine Street & Essex Road

The County has taken over the plans from the previous design engineer; that project will be finished in house and going out to bid.

Sycamore Avenue & Homestead Parkway

The Borough has a drainage problem at Sycamore Avenue and Homestead Parkway East. Mr. Marks advised that during his last discussions with the County, the County indicated that they had utility test pits dug and in order to do the drainage work they would need some of the underground utilities relocated.

Road Program

Mr. Marks advised that he would like to get some direction from Council during the Workshop as to what the Borough is going to do with the NJ DOT grant for Heritage Boulevard.

Liberty Park II

There was a meeting last week with representatives from Pop Warner which will be further discussed during Workshop.

Energy Audit

The Energy Audit was submitted to the NJ Clean Energy Program for review and authorization in order to solicit bids.

Mr. Baldwin stated that his understanding was that the County's plans were near complete and asked Mr. Marks if he expects any delays in getting the Pine Street & Essex Road project out for bid. Mr. Marks advised that the plans were near complete but with CMX going bankrupt (the design engineers), it added a level of complication for the County. The County has all of the paper and electronic documents to complete the project.

Director of Public Works' Report

Mr. Bucciero advised that he had no report for tonight.

Administrator's Report

Mr. Turning advised that he has met with Mr. Marks to review his list of ongoing and current items, they are being prioritized and Mr. Turning advised he will have further comment on same at a later time.

Newsletter

The new newsletter will be going out on August 1st. Any submissions Council has should be addressed to Darriel Anderson before June 11th.

Union Contracts

Mr. Turning commended the employees of the Borough for the outcome of the union contracts and stated that their cooperation with regards to understanding the position the Borough is currently facing with the budget has been well received.

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Director of Law's Report
COAH

Mr. Nelson updated Council on the Governor's new COAH proposal and advised that in the meantime, the Borough is finalizing substantive certification from COAH under the preexisting rules which has a deadline of July 16th.

Library

Mr. Nelson advised Council of the updates received from Congressman Holt's office regarding funds for various handicapped equipment for the Tinton Falls Library.

Wind/Solar Ordinance

Mr. Nelson anticipated that Council will have a new version of the Wind Solar Ordinance by the next council meeting.

Agenda Items

Mr. Nelson briefly overviewed the agenda items.

R-10-091

Mr. Nelson informed Council that there are some legal issues that need to be explored regarding Resolution R-10-091 and requested Council pull this Resolution until further notice.

Borough Clerk's Report

Mrs. Mount-Taylor advised that she had no report for tonight.

Council's Report

Ms. Fama advised that the library will be having a book sale June 5th from 10:00 AM to 5:00 PM.

Mr. Larkin informed Council that "Teacher of the Year" awards were recently handed out at the Tinton Falls Board of Education meeting and that the Tinton Falls Foundation of Excellence will be holding "A Night at the Theatre" on Thursday May 20th at the Two Rivers Theatre in Red Bank.

Dr. Mayer:

- Stated that the Technical Advisory Committee is still in process of accumulating data for a potential solar project
- Advised that the Environmental Commission is currently working on pesticide-free zones and would like Council to consider an Ordinance regarding pesticide-free zones within parks
- Informed Council and the public that there would be a Neighborhood Watch meeting on May 24th at 7:00 PM in the Borough's Court Room

Mr. Baldwin:

- Updated Council on the Planning Board meetings and advised that the Rose Glen application would be on the agenda for the June 9th Planning Board Meeting.
- Advised the Council and Public that the Humane Society recently rescued over 400 birds and are in desperate need of volunteers.

Council President's Report – Mr. Morrill

- Advised Council that the Open Space Committee is currently working on a priority list which should be provided to Council before June 1st
- Thanked the PBA for their annual Steak & Bake which was held last Friday. Mr. Morrill mentioned that every year the PBA holds this event in order to raise money and every year they do a fantastic job.

Mr. Turning reminded Administration and Council that Tinton Falls CURE will be holding a dinner on Friday at 7:00 PM at the Holiday Inn.

Presentation to Mr. Bucciero from Mayor and Council

Mayor Skudera thanked John Bucciero for his long career in Tinton Falls and for the great job he has done in all his roles as Director of Public Works, Director of Public Safety and Interim Administrator during the 2005 and 2010 transition periods.

Mayor Skudera and Council presented Mr. Bucciero with a gift, an engraved marble clock with his terms.

Mr. Bucciero thanked Mayor and Council for the gift and stated that he has loved working with everyone including Administration, the employees and the residents of Tinton Falls.

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PETITIONS – None

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 10-1294 entitled: ORDINANCE AMENDING ORDINANCE NO. 10-1291 CONTINUING INCENTIVES FOR WAIVER OF HEALTH BENEFITS BY ELIGIBLE EMPLOYEES IN CONFORMANCE WITH P.L. 2010, C.2

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 10-1294, seconded by Mr. Baldwin.

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 on Ordinance No. 10-1294, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 10-1294, seconded by Dr. Mayer.

ROLL CALL

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

Borough Clerk read Ordinance No. 10-1295 entitled: ORDINANCE ESTABLISHING THE TINTON FALLS BOROUGH MUNICIPAL ELECTIONS ON THE SAME DAY AS NOVEMBER GENERAL ELECTIONS HELD AND EXTENDING THE TERMS OF OFFICE FOR THE EXISTING MAYOR AND COUNCIL MEMBERS PURSUANT TO LAW

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 10-1295, seconded by Mr. Larkin.

ROLL CALL

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

PUBLIC HEARING OPEN

Leo Lomangino, 93 Colonial Drive, questioned the moving of Municipal Elections to the General Elections and stated his concerns of candidates running for government offices taking the attention away from local candidates and their campaign literature.

There being no further comments from the public, Dr. Mayer offered a motion to close the Public Hearing on Ordinance No. 10-1295, seconded by Mr. Baldwin.

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 10-1295, seconded by Mr. Morrill.

ROLL CALL

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

Borough Clerk read Ordinance No. 10-1296 entitled: ORDINANCE REQUIRING EMPLOYEE CONTRIBUTIONS TOWARDS HEALTH BENEFITS PROVIDED BY THE BOROUGH

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 10-1296, seconded by Mr. Larkin.

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 on Ordinance No. 10-1296, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING CLOSED

Dr. Mayer offered a motion to adopt Ordinance No. 10-1296, Mr. Baldwin.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Joe Largey, 10 Hazelwood Terrace, GreenBriar Falls Development, stated that he came before Council and Administration tonight to follow-up on their discussion from the May 4th meeting.

Mayor Skudera advised that the Administrator is working on this item.

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Mr. Turning updated Mr. Largey on the information he researched and read him the transition report dated February 16, 2010 by Birdsall Engineering Inc. Mr. Turning also advised Mr. Largey of the ten page inspection survey done by Suburban Consulting Engineers Incorporated.

Mr. Turning stated that his second step is to sit with Birdsall to make sure these bonds are still in place and that particular part has been satisfied as well as to sit with the Code Enforcement Official to make sure all buildings are up to code.

Charles Lomangino, 3 Helena Street, questioned if there was any updates regarding the West Park situation. Mr. Marks advised that Mr. Turning and he had discussed this issue briefly today; at this point they do not have a clear direction that they will be ready to present but they will be looking towards resolving the issue.

Don Christopher, 14 Equestrian Court, came before Council and Administration to inform them of ongoing issues he has been encountering with a COAH unit on Equestrian Court.

Mr. Nelson advised Mr. Christopher that although he cannot get into any details regarding this unit as it is currently subject of litigation which COAH counsel is working on, the Borough is aware of the ongoing issues with this particular unit and are in the process of addressing it.

Mr. Christopher also spoke of two floods that occurred in 2003 and 2004 and questioned who was in charge of the remediation. Mr. Nelson advised that administration is not aware of the mold issue but they are aware of the resident situation and are pursuing it.

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

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Morrill informed Council that Kyle Clark is an Eagle Scout (not present at the meeting) who conducted a project over the winter called Project Safe Streets. He divided the Scouts and they went street by street in Tinton Falls listing the streets that had lights out and reported them to JCP&L.

Mayor Skudera thanked Kyle for volunteering his time to help the Borough with such a great project.

Mr. Turning stated this is a project that should be done on a routine basis which is why when he heard of the project he welcomed it. The Borough pays for street lights whether they are working or not.

Dr. Mayer offered a motion to table Resolution R-10-091, seconded by Mr. Baldwin.

**R-10-091 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES
WILLOWBROOK ESTATES AT SWIMMING RIVER PHASE V, RECREATION FIELD
BLOCK 62, LOT 1.01 AND BLOCK 64, LOT 2**

ROLL CALL (to table)
AYES: Mr. Baldwin, Mr. Larkin, Dr. Mayer, Mr. Morrill
NAYS: None
ABSENT: None
ABSTAIN: Ms. Fama

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

**R-10-136 RESOLUTION – RELEASING PERFORMANCE GUARANTEE UPON THE POSTING
OF MAINTENANCE GUARANTEE – THE ATRIUM - BLOCK 18.01 LOT 7.01**

WHEREAS, the developer has requested the release of Performance Guarantee posted for The Atrium, Block 18.01, Lot 7.01

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WHEREAS, by letter dated May 7, 2010, the Engineer (Birdsall Engineering, Inc.) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee be released subject to the posting of the required maintenance guarantee and the payment of any and all outstanding engineering and inspection fees.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-137 RESOLUTION – RELEASING MAINTENANCE GUARANTEES FOR FOX CHASE IV
PHASE I, BLOCK 129.14, LOT 30**

WHEREAS, the developer has requested the release of Maintenance Guarantee for Fox Chase IV Phase I, Block 129.14, Lot 30, and

WHEREAS, by letter dated May 5, 2010 (said letter attached and hereby made part of this Resolution), the Engineer (Birdsall Engineering) has certified that all bonded site work is in good condition and recommends the release of the guarantee.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Maintenance Guarantee for Fox Chase IV Phase I, 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

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

**R-10-138 RESOLUTION - AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC
BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6**

WHEREAS, the Jumping Brook Pump Station required immediate repair as documented in memo attached for an undetermined amount; and

WHEREAS, provisions of NJSA 40A: 11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, Gary Gebele, Senior Foreman of the Department of Public Works has declared these situations emergent in nature in his memo dated May 6, 2010 attached;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award contracts for the repairs necessary to the leaking from the discharge valve for Jumping Brook Pump Station as described above.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-139 RESOLUTION - RESCINDING RESOLUTION R-10-063 AUTHORIZING PURCHASE
UNDER STATE CONTRACT**

WHEREAS, Resolution R-10-063 authorizing the purchase of five 2010 Chevrolet Tahoe 4 x 2 vehicles for the Tinton Falls Police Department from Day Chevrolet, Inc., 1600 Golden Mile Highway, Monroeville, PA 15146 under State contract number A73849 was adopted on March 9, 2010; and

WHEREAS, it was discovered that Day Chevrolet's representative misrepresented the State contract number it held and it does not, in fact, hold the State contract for the two wheel drive vehicles being sought by the police; and

WHEREAS, the Director of Law has written to Day Chevrolet and its agents cancelling the purchase of these vehicles and related equipment, the cancellation of which has been acknowledged and accepted.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Resolution R-10-063 authorizing the purchase of the above-described vehicles and related equipment is hereby rescinded and cancelled as well as any purchase orders submitted to Day Chevrolet regarding same.

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BE IT FURTHER RESOLVED that the Borough Administrator, Purchasing Director and/or Director of Law are hereby authorized and directed to take any and all necessary action to formally effectuate said rescission and cancellation of contracts authorized pursuant to R-10-063.

ROLL CALL

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

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

**R-10-140 RESOLUTION OF THE BOROUGH OF TINTON FALLS AUTHORIZING THE
RESUBMISSION OF THE APPLICATION FOR REFUNDING BOND ORDINANCE TO BE
FILED WITH THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

WHEREAS, The Borough of Tinton Falls desires to provide funds in the amount not to exceed \$7,000,000 to finance the cost of refunding certain of its General Obligation Bonds, Series 2002 subject to early redemption (hereinafter called "purpose"), a purpose for which obligations are permitted by the Local Bond Law, and

WHEREAS, pursuant to N.J.S.A. 40A:2-51, obligations to finance said purpose may be issued, with the consent of the Local Finance Board in the Division of Local Government Services, in the Department of Community Affairs, which consent is to be endorsed upon a certified copy as passed of the ordinance authorizing such obligations, if said Board is satisfied, and makes the findings required, and

WHEREAS, the Borough of Tinton Falls passed an ordinance entitled "Refunding Bond Ordinance of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the "Borough") Providing for (i) the Refunding of Certain Outstanding General Obligation Bonds, Series 2002 of the Borough to Provide Debt Service Savings, and (ii) Authorizing the Issuance of Not to Exceed \$7,000,000 Aggregate Principal Amount of General Obligation Refunding Bonds of the Borough to Effect Such Refunding and Appropriating the Proceeds Therefore," which ordinance authorizes obligations for said purpose,

WHEREAS, the Local Finance Board approved the refunding at its October 11, 2006 and November 7, 2007 meeting and the Borough desires to resubmit the application to the Board due to the length of time that has elapsed since the date of said Board's approval;

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

Section 1.The Borough Council of the Borough of Tinton Falls believing that said ordinance authorizes obligations for a purpose for which obligations are permitted by the Local Bond Law and that the Borough's application to the Local Finance Board shows:

- (a) it is in the public interest to accomplish such purpose,
- (b) the amounts to be expended for each such purpose or improvements are not unreasonable or exorbitant,
- (c) it will effect a savings of annual debt service payments.

The resubmission of the application to the Local Finance Board is hereby approved by the Borough Council of the Borough of Tinton Falls, and the Chief Financial Officer of the Borough of Tinton Falls is hereby authorized to execute such application together with such other Borough officials as deemed proper.

Section 2.The Clerk of the Borough Council of the Borough of Tinton Falls be and he is hereby directed to prepare and file a certified copy of said ordinance as passed with the Local Finance Board as a part of such application.

Section 3.The Local Finance Board is hereby respectfully requested to consider such resubmitted application and to record by resolution its findings as provided in said subsection of the Local Bond Law.

Ms. Fama requested this Resolution be explained; Mr. Nelson stated that this Resolution is closing out prior MCIA financing from a number of years ago to close out a previous bond. Mr. Nelson further advised that no debt is being occurred.

ROLL CALL

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

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

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

R-10-141 RESOLUTION – APPROVAL OF BILLS – MAY 18, 2010

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 18, 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	\$ 57,940.06
TRUSTS	8,425.00
DEVELOPER ESCROW	2,035.00

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SEWER UTILITY	45,167.90
ADDITIONS	<u>\$ 1,561,342.77</u>
	\$ 1,674,910.73

ROLL CALL

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

CONSENT AGENDA

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

R-10-142 RESOLUTION - REFUNDING RECREATION FEES

WHEREAS, during the month of March 2010 fees totaling \$70.00 were paid by a resident of Tinton Falls for their child's participation in our Tee Ball Program.

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

WHEREAS, during the month of April 2010, the resident informed the Recreation Superintendent that the program was not age appropriate for their child, Kevin, age 8 and he will not be participating in the program and a refund in the amount of \$60.00 shall be issued to the resident deducting the \$10.00 processing fee.

Racquel Cartagena	\$60.00
<hr/>	
Total	\$60.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$60.00 be issued.

ROLL CALL

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

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

R-10-143 RESOLUTION – REFUNDING ESCROW FEES – TINTON FALLS HOTEL, LLC

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

WHEREAS, the Zoning Board Assistant, Doug Gotfredsen, has certified the following listed applicant's accounts are deemed closed and no additional funds for consultants will be required, and

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

Tinton Falls Hotel, LLC: 1350-9875 \$42.50

ROLL CALL

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

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

ROLL CALL

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

TIME: 8:35 P.M.

WORKSHOP MEETING

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Unfinished Business

Pop Warner – Lighting

Mr. Baldwin informed Council that there was a meeting this week called by Mr. Marks. Their objective was to sit with the Pop Warner President and Vice-President to create a “game plan” to lighting the field at Liberty Park II.

Mr. Marks advised that as part of Council’s request, the park was evaluated as well as options and alternatives available for lighting the field and parking lot. At this point in time the best alternative for parking lot and safety would be to install a LED shoebox fixture, similar to what is currently at the Sycamore Soccer Complex. At this point in time they are the most energy efficient, give off the cleanest light and would suit the Borough’s needs best for the parking lot.

Mr. Marks advised that T&M Associates looked at the field lighting with the representatives from Pop Warner. Pop Warner received an estimate from one of the larger field lighting companies in this area and received quotes. T&M Associates reviewed the quotes and at that estimate found it to be fairly complete. There were a few items with respect to the electrical service that had to be supplemented into the estimate. The total project cost with some levels of contingency was approximately \$370,000.00 which included lighting the existing parking lot and the two fields at Liberty Park II.

Mr. Baldwin mentioned that Council had submitted this item to the County for a grant application however, it was turned down.

Council suggested making Liberty Park II a multi functional sports field and possibly considering shared services for programs in order to receive funding from the County. Mr. Turning advised that he has sat down with Sherri Eisele to see what other recreational functions this field could serve and stated that it will take some time to receive that information but once he has received it, he will report back to Council on same.

Mr. Baldwin requested Mr. Turning keep this item on his “watch list” and to schedule a second meeting after the financial and remaining information is received. Mr. Turning replied that he will still move on the grant and follow through.

New Business

Kyleigh’s Law

Ms. Fama gave Council a brief background on Kyleigh’s Law and informed Council that State Assemblymen Michael Carroll and Robert Schroeder are currently sponsoring a bill to repeal this law and will be introducing it on May 24th. Ms. Fama expressed her oppositions to this law as she stated she feels it is an ominous law as well as a safety hazard to minors and therefore requested Council prepare a Resolution supporting the repeal of Kyleigh’s Law.

Mr. Bucciero stated that his biggest issue with Kyleigh’s Law is that an 18 year old can be permitted to have a rifle and be sent to Iraq to fight for our Country but is it is against the law for that same child to drive after 11:00 PM. He further stated that he is strongly opposed to Kyleigh’s Law and feels it should be repealed.

Mr. Turning advised that Kyleigh’s Law was supported by the Chiefs of Police Association for various reasons. The unintended consequences are the problems with the Law; the intent is simply to save lives and unfortunately the consequences of that attempt sometimes interfere with that intent.

Council agreed to create a Resolution supporting the repeal of Kyleigh’s Law.

Mr. Baldwin questioned if, by Council passing a Resolution, Council would be going against the Police Department. Mr. Turning stated that from a practical perspective, this law, like a lot of other laws and ordinances, tend to go on for only a limited amount of time then people become oblivious to them. Mr. Turning stated that if there are concerns with the law, Council should contact the legislators.

Mayor Skudera suggested that if Council chose to move forward with a Resolution, they should be certain to follow-up the appropriate person(s).

Mr. Nelson informed Council it appears that there is significant movement in the Legislation to repeal the decal portion of the law rather than the entire law.

Ms. Fama requested the Resolution state that Council is not only opposed to the decal portion of Kyleigh’s Law but in opposition of the entire law.

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BOROUGH COUNCIL**

Chief of Police

Mr. Morrill brought up Borough Ordinance No. 03-1110 and stated that since this Ordinance contained a Sunset Clause, the position of Chief of Police was terminated when Chief Gerald Turning retired.

Mr. Morrill requested Council create an Ordinance to create a permanent position of Chief in the Borough's Police Department. Council agreed and directed Mr. Nelson to create same.

Mr. Nelson recommended that along with the creation of this Ordinance, the Police Code be brought up-to-date as the last time it was revisited was 1997. Mr. Nelson explained that then there has been significant changes in the law due to Case Law in which there has been new requirements made to the structure of Ordinances establishing the entire police force, defining the specific number (cap) of officers in each rank that is established in the Borough.

Mr. Morrill advised Mr. Nelson that he would first like to have the Police Chief Ordinance created and introduced at the next meeting; Council could further discuss an Ordinance establishing the police force at a later date.

Salary Ordinance

Mr. Morrill discussed Ordinance No. 10-1290 (ordinance setting salaries) and stated that when council had adopted this Ordinance, the Borough had not yet appointed an Administrator which is why the Ordinance listed a salary range for that position. Mr. Morrill further stated now that the Borough has appointed an Administrator to fill the term; he would like to have the Ordinance amended to remove the salary range for the Administrators' position.

Mr. Nelson advised that although the Ordinance could be amended to reflect Mr. Morrill's request, it is not necessary. Mr. Nelson further advised that if the concern was the current salary increasing within the range listed, the Administrator's salary has been set by contract for the term of office.

Mr. Baldwin made the point that should the current Administrator decide to retire before the end of his full term, the Council would then have to go back and re-set a range. The way the contract reads, the current administrator has a set salary and therefore, changing the current Ordinance would have no effect for the current position.

Mr. Nelson advised Council that his recommendation would be to leave the current Ordinance in place.

Newsletter

Mr. Baldwin questioned the costs the Borough will incur by producing and mailing the upcoming newsletter.

Mayor Skudera advised that the Borough does all their printing and preparing in house and he would obtain the cost estimates from Darriel Anderson.

Volunteer/Community Day

Mr. Bucciero informed Council that he discussed Volunteer Day with a representative from the Community Activities Committee to see what the Borough could do to cut costs. That representative advised she had spoken to the committee and they agreed to put the money towards Community Day, combine that into the overtime that the Borough normally expends and have both days on the same date to save several thousand dollars.

Mr. Morrill advised that the committee was split on that issue and the person Mr. Bucciero spoke to made that decision without the consent of the committee. Mr. Morrill further stated that combining the two events would not be fair to the volunteers as the volunteers work Community Day and if it came down to Community Day or Volunteer Day, he feels the Borough should thank and show their appreciation towards the volunteers of Tinton Falls. Mr. Bucciero replied that he wanted to remind Council that Community Day is for the residents of Tinton Falls.

Mayor Skudera stated that he has been looking at every possible way to cut costs in the Borough and although he directed Mr. Bucciero as Acting Administrator to look at possible ways to cut the costs for this event, it was misinterpreted by some that he had planned on cutting Volunteer Appreciation Day which was not his intent.

Ms. Fama commented that although she was unaware of the number of volunteers Tinton Falls currently has, \$5,000.00 (the amount set in the budget for Volunteer Appreciation Day) seemed like a lot of money to spend on one event. Ms. Fama suggested Council consider a middle ground where Volunteer Appreciation Day could still be held but at the same time, some of the costs could be cut in an effort to save money. In order to come up with further suggestions, Ms. Fama requested Mr. Morrill find out the

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number of volunteers in the Borough and the number of volunteers that attended last year's Volunteer Appreciation day.

Mr. Turning informed Council of the history of Community Day as it originated from National Police Night Out which was held the second Tuesday of every August. Mr. Turning also informed Council of the history of Volunteer Appreciation Day which was initiated by former Mayor, Peter Maclearie. Mr. Turning advised Council that last year approximately 80 volunteers attended the Borough's Volunteer Appreciation Day and that many of the firemen did not make it due to the fact that they were in Wildwood. Since the turnout was minimal last year one of the volunteers opened it to the borough.

Administration and Council discussed the issue that \$5,000 is a lot of money to budget for an event where less than 100 volunteers attend and it was suggested by Mr. Baldwin that Administration look into a way to find out in advance which volunteers would be attended, the number they would be attending with, and book for that specific number in an effort to cut costs.

Mr. Nelson suggested the Chair of the Volunteer Committee contact Mr. Turning to resolve these issues.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:49 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: JUNE 15, 2010