

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

Deputy Council President called the regular meeting to order at 6:38 P.M.

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

ROLL CALL

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

ABSENT: Mr. Morrill

ALSO PRESENT: Michael Skudera, Mayor (arrived at 6:40 P.M.)
John Bucciero, Interim Administrator
Brian Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer

EXECUTIVE SESSION

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

R-10-107 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 4, 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)
None
- 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)
FLM Associates adv. Tinton Falls, et al. (ATOD July 2010)

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Mr. Baldwin advised that Council was back on the record at 7:30 P.M.

ROLL CALL

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

ABSENT: Mr. Morrill

ALSO PRESENT: Michael Skudera, Mayor
John Bucciero, Interim Administrator
Brian Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer

All present stood for a Salute to Flag.

APPROVAL OF MINUTES

Dr. Mayer offered a motion to approve the minutes of March 16, 2010, seconded by Ms. Fama.

Dr. Mayer advised that the minutes had a typo; instead of reading "Adopt a Slot" it should read "Adopt a Spot".

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

ROLL CALL

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

Dr. Mayer offered a motion to approve the minutes of March 23, 2010, seconded by Ms. Fama.

ROLL CALL

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

REPORTS OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report

Mayor Skudera reported that Mrs. Carney presented to him the Borough's Tree City USA Flag in which Tinton Falls has been a part of for seventeen years.

Mayor Skudera informed Council that the appointment of Borough Administrator and the negotiated union contracts are tonight's agenda for approval

Chief Financial Officer's Report – Mr. Pfeffer

Road Program Survey

Mr. Pfeffer reported that, as requested, he did a survey of how the surrounding towns fund their road programs. There were a total of six towns: Neptune, Eatontown, Wall, Ocean, Middletown and Colts Neck that were surveyed and the net result of the survey was that a majority of the towns in the surrounding area bond for their road improvements.

Amortization Schedule for Bonded Equipment

Mr. Pfeffer also reported that, as requested, he put together an amortization schedule of the Public Works and Police Department equipment purchased by section as well as a combined schedule which is available for anyone interested in reviewing same.

Administrator's Report – Mr. Bucciero, Interim

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

Director of Law's Report – Mr. Nelson

- Advised Council of the recent Legislation updates on COAH and Fort Monmouth
- Briefly overviewed the agenda items

Mr. Nelson and Mr. Pfeffer overviewed the cost savings the Borough would be incurring through the recent contract negotiations and health benefits contributions.

Mayor Skudera added that a lot of time and effort was put in by the Administration to agree upon these negotiations. The rate of inflation is almost 2.5%; this is below that and is an agreement which keeps the Borough employees working but does not break the back of the taxpayers.

Borough Clerk's Report

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

Council's Report

Ms. Fama

- Advised that she was very pleased to attend the Community Gardens ribbon cutting ceremony and complimented the committee for their efforts
- Thanked everyone who helped organize the Tinton Falls Woman's Club Dinner Dance
- Placed on the record the recent passing of Mr. Joseph Azzolina who was President of Food Circus Supermarkets, Naval Captain for over 42 years, and served as a State Senator and Assemblyman for 24 years; Ms. Fama further explained her personal history with Mr. Azzolina and how much he was admired and appreciated by all.

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

Mr. Larkin

- Stated that on April 9th the Navy announced that it would not seek to put civilian housing on Earle and thanked the Tinton Falls School Board and Mr. Holobowski, on behalf of NOPE, who brought this situation to light early in the process
- Advised at the April 19th Tinton Falls Board of Education meeting Mr. Karavites updated the public on the status of the lawsuit pending in front of the Administrative Law Judge regarding where the students would be attending school if there were civilians living on Earle; Mr. Larkin advised that the Judge has declined to render a decision because the Navy is not currently seeking civilian housing on Earle however, Mr. Karavites has instructed his attorney to pursue to the matter and make sure a decision is made
- Thanked the voters of Tinton Falls for approving the Tinton Falls school budget in such an extraordinary time where a majority of school budgets failed in Monmouth County
- Informed Council and the residents that on May 23rd there will be a 5K run at Pier Village in Long Branch supporting Limes Disease

Mr. Baldwin requested Mr. Karavites receive a round of applause. Mr. Baldwin also stated that even though Mr. Holobowski is not at tonight's meeting; he wanted to congratulate him for joining the School Board and stated that "they got a good man".

Dr. Mayer

- Thanked Mayor Skudera and his fellow councilmembers for attending the Community Gardens ribbon cutting ceremony and briefly explained to the public how the Community Gardens Committee was formed
- Stated that on Saturday there were a number of people around town distributing free light bulbs as a part of Project Porch Light; Dr. Mayer explained that Project Porch Light was a Project created by the Environmental Commission to distribute free, compact florescent light bulbs throughout town to promote energy savings and raise awareness of what individuals can do to help reduce the amount of green house gases and carbons that go into the atmosphere
- Updated Council on the Technical Advisory Committee, Environmental Commission and Open Space Committee meetings
- Advised Council that the main item of the Open Space Committee has been researching a Skate Park in Tinton Falls; the Committee received a rough estimate that it would cost under \$200,000 to build a reasonable sized park and advised that he would make sure Council is kept up-to-date on the process as it moves forward

Deputy Council President's Report

Mr. Baldwin updated Council on the Planning Board meetings with regards to the Rose Glen applicants and advised that the hearing was carried to May 12th.

Report on Issuance of Bond Anticipation Notes

Mr. Pfeffer advised Council that on April 20th the Borough sold Bond Anticipation Notes for \$1,040,250.00 to fund Bond Ordinance 09-1286 (acquisition of various equipment for the Police Department and Department of Public Works). There were four bidders and the successful bidder was Beneficial Bank with a net interest rate of 1.3221.

Ordinance No. 10-1293 – Construction Fees

Cary Costa came before Council to answer any questions Council had regarding the recent email distributed advising of the old fees verses the new fees. Mr. Costa also advised Council of the need for the revision to the current fees.

Mr. Baldwin questioned if our fees have been compared to bordering towns and if all fees were fair and reasonable for the residents. Mr. Costa replied that they looked into Shrewsbury, Red Bank, Highlands as well as other surrounding towns that he is familiar with. The fees mirror each other and do not exceed what the State allows as the State has their own fee schedule.

Dr. Mayer asked how close the new fees were to meeting the cost of the inspections. Mr. Costa replied that unfortunately Dr. Mayer's question would be hard to predict due to the economy and what construction Tinton Falls will have this year.

PETITIONS – None

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

ORDINANCES FOR INTRODUCTION

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

Ms. Fama offered a motion to introduce Ordinance N. 10-1293, seconded by Mr. Larkin.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Public Hearing for Ordinance No. 10-1293 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1293 in Full/Ordinance Book No. 4

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 introduce Ordinance N. 10-1294, seconded by Ms. Fama.

Mr. Nelson briefly explained Ordinance No. 10-1294.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Public Hearing for Ordinance No. 10-1294 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1294 in Full/Ordinance Book No. 4

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 introduce Ordinance N. 10-1295, seconded by Mr. Larkin.

Mr. Nelson briefly explained Ordinance No. 10-1295.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Public Hearing for Ordinance No. 10-1295 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1295 in Full/Ordinance Book No. 4

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 introduce Ordinance N. 10-1296, seconded by Ms. Fama.

Mr. Nelson briefly explained Ordinance No. 10-1296.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

Public Hearing for Ordinance No. 10-1296 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1296 in Full/Ordinance Book No. 4

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

Dr. Mayer offered a motion to introduce Ordinance N. 10-1297, seconded by Ms. Fama.

Mr. Nelson briefly explained Ordinance No. 10-1297.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Public Hearing for Ordinance No. 10-1297 to be set at the convenience of the Borough Clerk

Ordinance No. 10-1297 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION - None

PUBLIC DISCUSSION

Ms. Fama offered a motion to open the Public Discussion, seconded by Dr. Mayer.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

PUBLIC DISCUSSION OPEN

John Crescio, 5 Mineral Springs Lane, questioned if Ordinance No. 10-1295 included the Board of Education election to be held along with the Municipal and General Elections. Mr. Nelson explained that Council does not have the authority to move School Board Elections.

Robert Territo, 27 Majestic Drive and Joseph Largey, 10 Hazelwood Terrace, came before Council on behalf of the GreenBriar Falls Development to discuss issues they are and have been encountering since 2007.

Mr. Territo gave Council a brief background of the situation they were having with Lennar and requested the Borough's help in getting Lennar to the table to get the community developed and built-out for the part Lennar was originally responsible for completion.

Mr. Largey have a brief background on his concerns regarding bondable issues and requested the Borough ensure that the bonds are in place and secure and all of the engineering costs which are associated with this issue are properly being audited and accounted for. Mr. Largey also requested that the Administration and Council make sure there is diligent follow-up on the items that have been presented such as the issues with the drainage, roofs, trees, etc.

Mr. Baldwin advised Mr. Territo and Mr. Largey that, as a "Borough", they are aware of the conditions and problems GreenBriar is encountering and stated that it needs to be determined who is responsible for what and followed through.

Mr. Nelson informed the gentlemen that the Borough is working on making sure the bonds and obligations are assumed by the current developer where appropriate and advised that Special Counsel Mr. Berube and Mr. Hilla have been directed to remain on this project as they have been dealing with it from the beginning.

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

Mr. Nelson advised homeowners with other issues such as warranty issues to also reach out to the Department of Community Affairs.

Mr. Nelson assured Mr. Largey that he is staying on top of things.

Mr. Bucciero advised that Mr. Berube is in the process of setting up an appointment for another meeting mid May.

Mayor Skudera informed Mr. Territo and Mr. Largey that the Administration is working with them on this and once the new Administrator comes in, the Borough can begin to address these items more expeditiously.

Leo Christofili, 328 Riveredge Road, discussed and advised of his opposition to Resolution R-10-124.

Gina Gundel, 629 Green Grove Road, questioned if Hope Road, the portion between Shafto Road and West Park Road, was a County Road. Mr. Bucciero replied that it is a border, the approximate center is Tinton Falls and the other side is Ocean Township. Ms. Gundel requested the potholes on the Tinton Falls side of that road be filled. Mr. Bucciero stated that unfortunately, due to the bad winter that was encountered, this is being experienced throughout Tinton Falls. The Department of Public Works is addressing it through patching accordingly to the worst areas first. The Department only has the capability of patching, not resurfacing.

Denise Catalano, 11 Alpine Trail, thanked Mayor and Council for attending the Community Gardens ribbon cutting ceremony. Ms. Catalano questioned the process of having the speed limit lowered on Hope Road, between Route 36 and Shafto Road. Mr. Bucciero advised that he would forward this issue to the Traffic Bureau.

Leo Christofili, 328 Riveregd Road, commented on the School Board budget and requested Council thoroughly review the budget.

Jack Pivnick, 11 Mineral Springs Lane, asked Council if there is a mandated date in which they will complete the budget. Mr. Baldwin advised that the Mayor is still in the process of finalizing his budget; Council cannot move forward with the budget until the Mayor has submitted same. Mayor Skudera commented that a good portion of the budget was dependent on the contracts, which are on for approval tonight. Mayor Skudera also advised that the Governor and Legislator have identified a tool kit for the towns describing certain things the towns can do to help the budget, which is not in its final stages as of yet. Administration is trying to work as fast as possible but there are items that are still awaiting other sources.

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: Mr. Morrill
ABSTAIN: None

PUBLIC DISCUSSION CLOSED

Council recessed at 8:56 P.M.

Council reconvened at 9:04 P.M.

Mayor Skudera advised that before Council begins with the Resolution to appoint Borough Administrator, he wanted to take the time to publically thank John Bucciero for the work he has done as Acting Administrator as well as Public Works Director. Mayor Skudera stated that Mr. Bucciero volunteered to take on the job as Acting Administrator at no additional costs to the Borough and has done a fantastic job and once again thanked Mr. Bucciero for all his time and effort to make Tinton Falls a better place and for all the hours he has put in to the Borough.

Mr. Baldwin stated on behalf on Council, he would also like to thank Mr. Bucciero for everything he has done.

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

RESOLUTIONS

Mayor Skudera advised that his appointment is Gerald M. Turning for position of Borough Administrator and stated that Mr. Turning has been with the Borough for many years and has the institutional knowledge, the experience, education, hard work ethic, and will serve and improve Tinton Falls to the best of his ability.

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

R-10-108 RESOLUTION - CONSENTING TO APPOINTMENT OF BOROUGH BUSINESS ADMINISTRATOR AND AUTHORIZING EXECUTION OF EMPLOYMENT AGREEMENT AS DIRECTOR OF DEPARTMENT OF ADMINISTRATION

WHEREAS, sections 2-6 and 2-8 of the Revised General Ordinances of the Borough of Tinton Falls provide for the position of Borough Business Administrator to serve as the Director of the Department of Administration; and

WHEREAS, pursuant to the powers granted under the Mayor-Council Plan of the Optional Municipal Charter Law (N.J.S.A. 40:69A-31 et seq.) authorize the appointment of a Borough Business Administrator by the Mayor with the advice and consent of the Borough Council to serve as the Director of the Department of Administration; and

WHEREAS, on May 3, 2010, the Mayor appointed Gerald M. Turning of Tinton Falls as Borough Business Administrator to serve as the Director of the Department of Administration.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Borough Council provides advice and consent to the Mayor's appointment of Gerald M. Turning of Tinton Falls as Borough Business Administrator to serve as the Director of the Department of Administration for a term of office as prescribed by law.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the Employment Agreement for the Borough Business Administrator to serve as the Director of the Department of Administration attached hereto and hereby made part of this Resolution.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

At this time Mrs. Mount-Taylor swore Gerald M. Turning Sr. into office and Mr. Turning took his seat on the dais.

Mr. Baldwin congratulated Mr. Turning and stated that he is confident that Mr. Turning will do an excellent job for the Borough of Tinton Falls as Administrator as he had done as Chief of Police for the Tinton Falls Police Department.

Mr. Turning thanked Mayor Skudera for his nomination and thanked Council for their support and vote.

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

R-10-109 RESOLUTION – REQUESTING THE DIRECTOR OF LOCAL GOVERNMENT TO CONDUCT BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78(b) authorized the Local Finance Board to adopt rules that permit eligible municipalities to assume the responsibility of conducting the budget examination required by the Local Budget Law; and

WHEREAS, the Borough of Tinton Falls was notified by the Division of Local Government Services that it was eligible for local budget examination; and

WHEREAS, the Borough Council of the Borough of Tinton Falls hereby requests that the Director of Local Government Services conduct the Borough's budget examination; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey that the right to conduct the local budget examination is waived, and the Director of the Division of Local Government Services is hereby requested to conduct the budget examination; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to file a certified copy of this resolution with the Division of Local Government Services upon its adoption.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

R-10-110 RESOLUTION - AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, both back-up pumps for the Jumping Brook Pump Station and the Wyncrest Pump Station are broken and require immediate repair as documented in memo attached for the amounts listed and possibly other undetermined amounts; 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 April 8, 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 back-up pumps for Jumping Brook Pump Station and Wyncrest Pump Station as described above.

Ms. Fama stated that she did not understand the process and why it has to go by Resolution rather than just being available in the budget. Mr. Bucciero replied that it is required by DEP to have two pumps in each station. One is a backup; the station can run on one pump however, if it breaks than the Borough is unable to move sewage. In this case, two pumps are broke down and have to be replaced as soon as possible. The one station is the Borough's largest station and handles the entire South end of town. Mr. Bucciero further explained that as part of procedure, a Resolution has to be placed before Council.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-111 RESOLUTION OF AWARD CONTRACT #10-1 DEMONSTRATOR UNIT REAR LOAD REFUSE VEHICLE

WHEREAS, two (2) bids were received on Thursday, April 22, 2010 for Contract #10-1 for (2) Demonstrator Unit Rear Load Refuse Vehicles; and

WHEREAS, DETCON, 5039 Industrial Road, Farmingdale, NJ 07727 submitted the lowest responsible bid for one out of two demonstrator refuse vehicles they bid, in the amount of \$130,000.00 for one (1) 2009 International 7400 with a 2008 Loadmaster Excel 25 yard refuse packer; and

WHEREAS, this bid is for two (2) demonstrator unit rear load refuse vehicles and according to the Instructions to Bidders, page 4, #6A, "...the Borough reserves the right to award in whole or in part to the lowest responsible bidder, if it is in the best interest of the Borough to do so"; and

WHEREAS, the Purchasing Agent has found the bid to be in order and Gary Gebele, Senior Foreman, Director of Public Works recommends award for one vehicle to the first lowest responsible bidder, DETCON;

NOW, THEREFORE BE IT RESOLVED, that DETCON, 5039 Industrial Road, Farmingdale, NJ 07727 be awarded a contract in the amount of \$130,000.00 for one (1) 2009 International 7400 with a 2008 Loadmaster Excel 25 yard refuse packer;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

Ms. Fama questioned if the purchase of these vehicles is an outcome of the Bond Ordinance recently passed; Mr. Bucciero replied yes.

ROLL CALL

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

NAYS: Ms. Fama

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-112 RESOLUTION OF AWARD CONTRACT #10-1 DEMONSTRATOR UNIT REAR LOAD REFUSE VEHICLE

WHEREAS, two (2) bids were received on Thursday, April 22, 2010 for Contract #10-1 for two (2) Demonstrator Unit Rear Load Refuse Vehicles; and

WHEREAS, Mid-Atlantic Waste Systems, 3011 W. Second Street, Chester, Pa. 19013 submitted the lowest responsible bid for the second vehicle out of two demonstrator refuse vehicles they bid, in the amount of \$146,700.00 for one (1) 2010 International 7400 with a 2010 Heil 5000 25 yard refuse packer; and

WHEREAS, this bid is for two (2) demonstrator unit rear load refuse vehicles and according to the Instructions to Bidders, page 4, #6A, "...the Borough reserves the right to award in whole or in part to the lowest responsible bidder, if it is in the best interest of the Borough to do so; and

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

WHEREAS, the Purchasing Agent has found the bid to be in order and Gary Gebele, Senior Foreman, Director of Public Works recommends award for the second vehicle to the second lowest responsible bidder, Mid-Atlantic Waste Systems;

NOW, THEREFORE BE IT RESOLVED, that Mid-Atlantic Waste Systems, 3011 W. Second Street, Chester, Pa. 19013 be awarded a contract in the amount of \$146,700.00 for one (1) 2010 International 7400 with a 2010 Heil 5000 25 yard refuse packer;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

Mr. Bucciero advised that he and Mr. Gebele, Senior Foreman, tried to find a way to save the most amount of money and still get the most vehicle for that amount of money. Mr. Bucciero further explained the cost savings the Borough is incurring by purchasing demonstrator vehicles verses new vehicles and complimented Mr. Gebele for his idea of demonstrator vehicles.

Mayor Skudera stated that with the cost savings it allows the Borough to save monies, purchase an additional truck and replenishes the Borough's fleet.

Mr. Pfeffer stated that when he did the Bond Ordinance, the Borough budgeted \$223,000 per truck (which they assumed would be new trucks); these two trucks came in at \$276,700 or \$138,350 on average. The Borough ended up saving \$169,300.00 by going for the demonstrator vehicles as opposed to new trucks.

Ms. Fama questioned why the Borough is continuing with the rear loaders and questioned if a front loader could be retrofitted. Mr. Bucciero advised Ms. Fama that the Borough had six rear loaders at one time and through attrition, Public Works is down to three functioning rear loaders. During brush season the Borough has two trucks on the road which are and have to be rear loaders. The third rear loader is used for bulk pickup and certain recycling at the associations. It is also being used in certain locations where the Borough is still doing rear loading as the system has not been fully changed over as of yet.

Mr. Baldwin advised that he wanted to acknowledge and thank Mr. Gebele, Senior Foreman for the efforts he has put together in the Public Works Department covering for Mr. Bucciero while he was filling in as Acting Administrator.

ROLL CALL

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

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

R-10-113 RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment no longer needed for public use to one location for an online public auction commencing on Saturday, May 1, 2010 at 9:00 AM EST and closing on Wednesday, May 5, 2010 beginning at 6:00 PM EST with preview on Friday, April 30, 2010 from 9:00 AM to 6:00 PM and Monday, May 3, 2010 from 9:00 AM to 6:00 PM; and

WHEREAS, the Borough of Tinton Falls intends to utilize the online auction services of Auction Liquidation Services (www.usgovbid.com), P.O. Box 1216, Eatontown, NJ 07724, an approved vendor by the State of New Jersey (Finance Notice 2008-21) at a commission rate of 5.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A: November 7, 2009 11-36 requires authorization of a sale of said personal property via adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Tinton Falls that the Borough be authorized to dispose of the following Police impound and Borough surplus vehicles and miscellaneous items through the process of a public online public auction commencing Saturday, May 1, 2010 at 9:00 AM EST and closing on Wednesday, May 5, 2010 beginning at 7:00 PM EST.

POLICE IMPOUND VEHICLES

YEAR	MAKE	MODEL	VIN
1996	DODGE	CARAVAN	1B4GP54L4TB243067
1995	HONDA	ACCORD	1HGCD5642SA075032
2007	FORD	FOCUS	1FAHP34N47W212581
2005	SUZUKI	HAYABUSA	JS1GW71A852106697
2000	FORD	WAGON	2FMZA5149YBB31498
1998	CHEVROLET	CAVALIER	1G1JC524W7256268
1987	TOYOTA	PICK UP	JT4RN67DXH5083925
2003	HYUNDAI	SONOTA	KMHF25S53A800267
1999	FORD	EXPLORER	1FMZU34EXXZA78953
1993	CHEVROLET	1500	1GCDC14Z7PE106529
2003	NISSAN	ALTIMA	1N4AL11D53C294233

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

1995	TOYOTA	COROLLA	2T1AE09B3SC115565
2001	CHEVROLET	MALIBU	1G1ND52J516131834
1988	PONTIAC	BONNEVILLE	1G2HZ54C9JW257574
1997	DODGE	INTREPID	2B3HD46FXVH713812
1999	CHRYSLER	CIRRUS	1C3EJ56H0XN534095
1993	DODGE	CARAVAN	1B4GH44R3PX653024
1995	CHEVROLET	BLAZER	1GNNT13W9SK220332
1996	DODGE	CARAVAN	1B4GP44R4TB342566
1988	OLDSMOBILE	4 DR	2G3AM5136J2321751
1999	SATURN	SL2	1G8ZK5277XZ376199
1995	OLDSMOBILE	AURO	1G3GR62C1S4134204
1995	CHEVROLET	PRISM	1Y1SK5288VZ421773
1998	DODGE	DURANGO	1B4HS28ZXWF161843
1991	GMC	JIMMY	1GKCT18Z4M8539486
1996	NISSAN	QUEST	4N2DN11W8TD833728

POLICE DEPARTMENT BICYCLES

SCHWINN #ACE6H01972	TRIAx BIKE – NO SERIAL NUMBER
X GAMES XR 440 #BB013075987	RALEIGH MOUNTAIN BIKE #U22M32780
TREK MOUNTAIN BIKE #GV603554	SHOCKER MOUNTAIN BIKE #DMKB0607032
ROSS MOUNTAIN BIKE #MC95219514	ROADMASTER #SNFSD0DU886
MAGMA EXCITOR #58182579	HARD ROCK MOUNTAIN BIKE #P4EE44108
MURRAY MOUNTAIN BIKE #GK51427776	

BOROUGH PROPERTY

1997 CRANE CARRIER SANITATION TRUCK	VIN #1OTCGHC19VS062838
1989 FORD F-350 TRUCK WITH UTIKITY BODY	VIN #1FDJF37M6KNB63024
2003 FORD CROWN VICTORIA	VIN #2FAFP71W93X201988
ONAN DIESEL 20 KW GENERATOR (NOT OPERABLE)	SERIAL #K840739366

Plus miscellaneous office equipment, bicycles and other items received prior to May 1, 2010

ROLL CALL

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

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

R-10-114 RESOLUTION - AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Tinton Falls Department of Public Works is in need of one (1) 2010 Jeep Grand Cherokee Laredo 4WD vehicle for their Department; and

WHEREAS, Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 has valid State Contract #A73947 for one (1) 2010 Jeep Grand Cherokee Laredo 4 WD in the amount of \$23,915.00 which includes options described on the attached list; and

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

WHEREAS, John Bucciero, Director of Public Works and Acting Administrator recommends this purchase;

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

One (1) Jeep Grand Cherokee		
Laredo 4WD	Base Price	\$19,154.00
Options listed on Attached Sheet		<u>4,761.00</u>
TOTAL		\$23,915.00

Ms. Fama requested the number of vehicles the Department of Public Works owns.

Mr. Gebele advised Ms. Fama that there is only one SUV in the Department of Public Works, which is use by the Director, the four Supervisors have pickup trucks, beyond that are the equipment vehicles: light dump trucks – 8, heavy dump trucks – 12 or 14, and the remaining vehicles would be the heavy equipment.

Ms. Fama requested the number of employees the Department of Public Works has; Mr. Bucciero replied there are 7 temps and 43 regulars.

ROLL CALL

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

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

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

R-10-115 RESOLUTION - COMPENSATED ABSENCE RETIREE

WHEREAS, John N. Bucciero has been employed by the Borough of Tinton Falls as Director of Public Works since October 4, 1999, and;

WHEREAS, on June 1, 2010, John N. Bucciero will retire with over 10 ½ years of dedicated service to the Borough, and;

WHEREAS, John N. Bucciero will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c The benefits are estimated to be \$14,100.00, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds availability by the Chief Financial Officer, that John N. Bucciero receives the aforementioned compensated absence benefits.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-116 RESOLUTION - COMPENSATED ABSENCE-RETIREE

WHEREAS, Joseph R. Milano has been employed by the Borough of Tinton Falls as Police Officer since January 15, 1983, and;

WHEREAS, on July 1, 2010, Joseph R. Milano will retire with over 27 years of dedicated service to the Borough, and;

WHEREAS, Joseph R. Milano will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c and the Collective Bargaining Agreement between the Borough of Tinton Falls and the Tinton Falls SOA. The benefits are estimated to be \$23,900.00, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council that subject to the certification of funds availability by the Chief Financial Officer, that Joseph R. Milano receives the aforementioned compensated absence benefits.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-117 RESOLUTION - COMPENSATED ABSENCE RETIREE

WHEREAS, Helen C. Brandstetter has been employed by the Borough of Tinton Falls as Financial Assistant since July 16, 1979, and;

WHEREAS, on July 1, 2010, Helen C. Brandstetter will retire with over 30 years of dedicated service to the Borough, and;

WHEREAS, Helen C. Brandstetter will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c The benefits are estimated to be \$6,750.00, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council that subject to the certification of funds availability by the Chief Financial Officer, that Helen C. Brandstetter receives the aforementioned compensated absence benefits.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

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

R-10-118 RESOLUTION – AUTHORIZING EXECUTION OF AN INTERLOCAL SEWER SERVICE AGREEMENT BETWEEN THE BOROUGH OF TINTON FALLS, TOWNSHIP OF OCEAN SEWERAGE AUTHORITY (“TOSA”) AND TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY (“TNSA”) FOR CERTAIN RESIDENTIAL PROPERTIES ON GREEN GROVE ROAD

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) authorizes a municipality to enter into a contract, by Resolution, with any other local unit for the joint or shared provision of any service which any party to the Agreement is empowered to render within its own jurisdiction; and

WHEREAS, TNSA objected to the Borough’s unilateral Agreement with TOSA executed pursuant to Resolution No. 09-318 due to preexisting service agreements the Borough has with TNSA in relation to the Neptune Regional Sewer Service Area which is under its jurisdiction; and

WHEREAS, a three party Service Agreement has been reached between the Borough, TNSA and TOSA whereby TNSA has agreed to allow the Borough to connect seven (7) residences along Green Grove Road to the sanitary sewer system of TOSA due to the current lack of viable alternatives for the treatment of such wastewater by TNSA; and

WHEREAS, it is in the best interests of the Borough of Tinton Falls to improve the health and welfare of residents by entering into a Service Agreement with TOSA and TNSA to provide sewer service to certain residences along Green Grove Road that are directly adjacent to sewer service infrastructure maintained by TOSA.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor is hereby authorized to execute an interlocal Service Agreement between the Borough of Tinton Falls, TOSA and TNSA for the provision of sewer service to seven (7) residences along Green Grove Road as described in the document attached hereto as Schedule A and pursuant to the terms of the Service Agreement herein provided and incorporated herewith.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that Resolution No. 09-318 shall be deemed null and void and superseded by this Resolution and Service Agreement.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: Mr. Larkin

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

R-10-119 RESOLUTION – AUTHORIZING EXECUTION OF EXTENSION OF COLLECTIVE BARGAINING AGREEMENT, WITH AMENDMENTS, WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 177 – REPRESENTING CLERICAL EMPLOYEES

WHEREAS, as a result of negotiations instituted by and between the Borough of Tinton Falls and the International Brotherhood of Teamsters Local 177 – Clerical Employees to establish terms and conditions of a Collective Bargaining Agreement for the period of June 1, 2010 through December 31, 2013; and

WHEREAS, said negotiations have resulted in a proposed extension of the existing Collective Bargaining Agreement with amendments ratified by a majority of the members of the International Brotherhood of Teamsters Local 177 –Clerical Employees that supersede the preexisting language of the current Collective Bargaining Agreement pursuant to the terms and conditions of the Contract Proposals annexed hereto and made part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 177 – Clerical Employees for the period of June 1, 2010 through December 31, 2013, is hereby ratified by the Borough of Tinton Falls as amended and annexed hereto; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to execute said amendments annexed hereto on behalf of the Borough upon the final approval of Special Labor Counsel and the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-120 RESOLUTION – AUTHORIZING EXECUTION OF EXTENSION OF COLLECTIVE BARGAINING AGREEMENT, WITH AMENDMENTS, WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 177 – REPRESENTING PUBLIC WORKS EMPLOYEES

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

WHEREAS, as a result of negotiations instituted by and between the Borough of Tinton Falls and the International Brotherhood of Teamsters Local 177 – Public Works Employees to establish terms and conditions of a Collective Bargaining Agreement for the period of June 1, 2010 through December 31, 2013; and

WHEREAS, said negotiations have resulted in a proposed extension of the existing Collective Bargaining Agreement with amendments ratified by a majority of the members of the International Brotherhood of Teamsters Local 177 – Public Works Employees that supersede the preexisting language of the current Collective Bargaining Agreement pursuant to the terms and conditions of the Contract Proposals and Agreements annexed hereto and made part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 177 – Public Works Employees for the period of June 1, 2010 through December 31, 2013, is hereby ratified by the Borough of Tinton Falls as amended and annexed hereto; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to execute said amendments annexed hereto on behalf of the Borough upon the final approval of Special Labor Counsel and the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-121 RESOLUTION – AUTHORIZING EXECUTION OF EXTENSION OF COLLECTIVE BARGAINING AGREEMENT, WITH AMENDMENTS, WITH TINTON FALLS P.B.A. LOCAL NO. 251

WHEREAS, as a result of negotiations instituted by and between the Borough of Tinton Falls and Tinton Falls PBA Local No. 251 to establish terms and conditions of a Collective Bargaining Agreement for the period of June 1, 2010 through December 31, 2013; and

WHEREAS, said negotiations have resulted in a proposed extension of the existing Collective Bargaining Agreement with amendments ratified by a majority of the members of Tinton Falls PBA Local No. 251 that supersede the preexisting language of the current Collective Bargaining Agreement pursuant to the terms and conditions of the Memorandum of Agreement annexed hereto and made part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Collective Bargaining Agreement with Tinton Falls PBA Local No. 251 for the period of June 1, 2010 through December 31, 2013, is hereby ratified by the Borough of Tinton Falls as amended and annexed hereto; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to execute said amendments annexed hereto on behalf of the Borough upon the final approval of Special Labor Counsel and the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-122 RESOLUTION - AUTHORIZING THE TINTON FALLS BOROUGH TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, due to an anticipated late adoption of the Tinton Falls Borough's Budget, the Monmouth County Board of Taxation is unable to certify the tax rate and the Tinton Falls Borough Collector may be unable to mail the Borough's 2010 tax bills on a timely basis:

WHEREAS, the Tinton Falls Borough Tax Collector in consultation with the Tinton Falls Borough Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls authorizes the following:

1. The Tinton Falls Borough Tax Collector is hereby authorized, if deemed, necessary, to prepare and issue estimated tax bills for the Borough for the third installment of 2010 taxes. The Tax Collector may proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2010 is hereby set at \$52,990,873.52.
3. In accordance with law, the third installment of 2010 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

ROLL CALL

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

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

R-10-123 RESOLUTION – AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MONMOUTH FOR 911 COMMUNICATIONS CENTER SHARED SERVICES

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk are hereby authorized to execute an agreement with the County of Monmouth for continued 911 Communications Center Shared Services through December 31, 2014.

Mr. Pfeffer explained that the communications portion of the interlocal is \$23,035.00 for the 911 services and \$267,678.00 for the County dispatch services. The third charge is a computer line charge.

ROLL CALL

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

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

R-10-124 RESOLUTION – AUTHORIZING THE ENVIRONMENTAL COMMISSION OF THE BOROUGH OF TINTON FALLS TO ENROLL IN THE COMMUNITY PARTNERS PROGRAM

WHEREAS, the Borough of Tinton Falls is constantly looking for ways to become more energy efficient; and
WHEREAS, the Community Partners Initiative provides the Borough with educational information on how to “Go Green” in addition to supporting the Borough’s efforts with marketing materials and outreach strategies; and
WHEREAS, the Borough of Tinton Falls, through New Jersey’s Clean Energy Program administered by the New Jersey Board of Public Utilities, will participate to meet the challenge to use energy more wisely; and
WHEREAS, the Environmental Commission of the Borough of Tinton Falls is the appropriate Board to facilitate this Program.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Environmental Commission of the Borough of Tinton Falls be and hereby is authorized to execute the Community Partners Enrollment Form and to administer the New Jersey Clean Energy Program.

ROLL CALL

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

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

R-10-125 RESOLUTION APPROVING REDUCTION OF THE MONMOUTH REGIONAL HIGH SCHOOL DEFEATED BUDGET

WHEREAS, the proposed 2010/2011 budget for the Monmouth Regional High School was rejected by voters in the Township of Shrewsbury as well as the Borough of Eatontown in the election held on April 20, 2010 in a tax levy amount of \$18,756,384.00; and

WHEREAS, pursuant to N.J.S.A. 18A:22-37, each municipality in the district is obligated, after consultation with the Board of Education to determine that amount which, in the judgment of said municipal bodies, is necessary to provide a thorough and efficient system of schools in the district and to certify said amount to the County of Monmouth Board of Taxation; and

WHEREAS, after careful consideration of the proposed 2010/2011 budget for Monmouth Regional High School, the Borough Council of the Borough of Tinton Falls agrees that the budget 2010/2011 budget should be reduced and a Resolution confirming said reduction should be adopted; and

WHEREAS, the Chief Financial Officer has reviewed the 2010/2011 Monmouth Regional Board of Education Budget and found the following to be overestimated and feel that a reduction of \$50,000.00 can be made without having an effect on the Board’s ability to provide a thorough and efficient education system for the schools.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following changes be made to the 2010/2011 Monmouth Regional Board of Education Budget:

Health Benefits – 11-000-291-270-00-01 \$50,000.00

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

ROLL CALL

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

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

R-10-129 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 due to an injury the child, Bridget Incantalupo will be unable to participate in the program and a refund in the amount of \$60.00 shall be issued to the resident deducting the \$10.00 processing fee.

John/Siobhan Incantalupo	\$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: Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Baldwin
NAYS: None
ABSENT: Mr. Morrill
ABSTAIN: None

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

R-10-130 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, Jack, 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.

Joanna Huisman	\$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: Ms. Fama, Mr. Larkin, Dr. Mayer, Mr. Baldwin
NAYS: None
ABSENT: Mr. Morrill
ABSTAIN: None

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

R-10-131 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2010 1st quarter taxes on the following property has been paid in error creating an overpayment by the Homeowner and the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
1 st American Real Estate Tax Service	124.51	243	\$987.80
Mail Code: DFW 1-3			
1 First American Way			
Westlake, TX 76262			

Re: Marvin & Myrna Imber
11 Boise Court

and,

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

WHEREAS, said error has resulted in a overpayment of 2010 1st quarter taxes paid in the amount of \$987.80 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 \$987.80 be and hereby is approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-132 RESOLUTION - REFUNDING TAX OVERPAYMENT

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

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kapson Tinton Falls Corp. c/o G. Lotz - Garippa, Lotz & Ginuario 66 Park Street Montclair, NJ 07042	123	49.04	\$60,233.71

Re: 100 Pine Street

and,

WHEREAS, said reduction has resulted in an overpayment of the 2009 taxes by the property owner in the amount of \$60,233.71 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 \$60,233.71 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-133 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2008 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kapson Tinton Falls Corp. c/o G. Lotz - Garippa, Lotz & Ginuario 66 Park Street Montclair, NJ 07042	123	49.04	\$28,250.64

Re: 100 Pine Street

and,

WHEREAS, said reduction has resulted in an overpayment of the 2008 taxes by the property owner in the amount of \$28,250.64 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 \$28,250.64 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

R-10-134 RESOLUTION – REFUNDING ESCROW FEES TO MID-MONMOUTH REALTY

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

**REGULAR/WORKSHOP MEETING
MAY 4, 2010
BOROUGH COUNCIL**

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:

Mid-Monmouth Realty Associates: 1350-7293 \$10,143.64

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Dr. Mayer offered a motion to move into Workshop, seconded by Ms. Fama.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:40 P.M.

WORKSHOP MEETING

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:40 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: JUNE 1, 2010