

REGULAR/WORKSHOP MEETING  
OCTOBER 5, 2010  
BOROUGH COUNCIL

Council President Baldwin called regular meeting to order at 6:35 P.M.

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

**ROLL CALL**

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

ABSENT:

ALSO PRESENT: Michael Skudera, Mayor (arrived 7:30 P.M.)  
Gerald Turning, Sr., Administrator  
Brian Nelson, Director of Law  
Karen Mount-Taylor, Borough Clerk  
Maureen Murphy, Assistant to the Borough Clerk  
Stephen Pfeffer, Chief Financial Officer  
David Marks, Borough Engineer

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**EXECUTIVE SESSION**

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

**R-293 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 **October 5, 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)  
Potential Property Acquisitions (ATOD Dec. 2010)
- 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)  
Chief of Police Employment Agreement (ATOD Sept. 2010)  
Mazza Community Host Agreement (ATOD Oct. 2010)  
Redevelopment Agreement, PRC Tinton Avenue Developers LLC (ATOD Nov. 2010)
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)  
None

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin advised that at this time 6:35 P.M.) Council would adjourn to Executive Session.

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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. Morrill, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Michael Skudera, Mayor Gerald Turning Sr., Administrator  
Brian Nelson, Director of Law  
Karen Mount-Taylor, Borough Clerk  
Maureen Murphy, Assistant to the Borough Clerk  
Stephen Pfeffer, Chief Financial Officer  
David M. Marks, Borough Engineer

All present stood for Salute to Flag.

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**APPROVAL OF MINUTES**

NONE

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

Public Education and government channel presentation was moved to a later part of the meeting.

Mayor Skudera

- Fort Monmouth Meeting kicked off. The next meeting is in November since the first meeting was just a couple of weeks ago.
- Also, the Council and Administration has completed its checklist and we qualified for full state aid this quarter because everything was submitted on time.

Mr. Marks, Borough Engineer,

- The County is doing a feasibility analysis right now for the intersection improvements at Asbury Avenue and Fox Chase Drive. It is a County Sponsored Project. They will be submitting their plans to the NJDEP for potential permitting. He has requested a meeting to review the concepts so that they can review and provide comment
- The engineer's office is wrapping up their plans on the Pine Street and Essex Road Project. The goal is to advertise the project for public bidding this winter with award in February and construction to start this spring. He advised County that this is a high priority for the Borough and the County has assured that they agree. Mr. Baldwin said that he thought that the bids were supposed to have gone out the first of September. Mr. Marks replied that there is a delay because the County is working on issues with permitting to accommodate for pedestrian sidewalks, the bridge widening, and wetland disturbances and that delayed the bid process.
- Shafto Road resurfacing was supposed to happen tonight and tomorrow but due to the rain the project will be delayed until October 12-18. Some of the signs, however, say October 18-25 and he will be working with Sergeant Scrivanic to fix the signs.
- The contract was awarded to Camp Dressler and McKee for the Energy Audit at the last meeting. The contract has been sent out for execution and the audit should start in the next 30-60 days. The auditors will go through the building and decide where we can make improvements to lower our energy consumption – and costs. We'll be getting the report so we can review in house and then we will send it to NJ Clean Communities, and then, we can move forward to make these improvements.
- The grant application for the Energy Efficiency Conservation Block Grant and the Direct Install Program is last on the agenda. It's an opportunity for the Borough to get \$50,000 through a non-matching grant. There was a nominal fee for the application. The application will be sent on Thursday morning and it will lock us into the program. It will give us priority rating for round two in 2011.

Mr. Turning, Borough Administrator,

- Comcast will be airing the video of Community Day on Tuesday and Thursday for the next month starting at 8:30 at night on Channel 97.

Mr. Pfeffer, Finance Director

- We are moving forward in our 2002 bond refunding and our 2010 Monmouth County Improvement Authority Pooled Financing. There's a resolution that will be voted on tonight concerning going before the Local Finance Board.
- I have placed an item on the Workshop concerning the paydown of the bond anticipation notes for the summer's property.
- We have started the 2011 Budget process. The paperwork is out to all the departments. The administrator and I will be picking the dates for our budget hearing sometime at the end of November. We will be advertising the date in the paper and on our website.

Mr. Nelson, Director of Law,

- The legislature is still working on a number of the toolkit bills concerning pension and benefits reforms. The 12<sup>th</sup> district legislators will be providing a presentation at the Council's next meeting on October 19<sup>th</sup>.
- The Council for Affordable Housing will be giving the Borough certification of its Affordable Housing Plan on November 10<sup>th</sup>.
- There was a last minute addition to the meeting regarding authorizing the CFO, the Borough Administrator, and Director of Law to purchase tax sale certificates regarding a number of affordable housing units for a tax sale on October 13<sup>th</sup>. I'll ask that the agenda be amended when we get to that part this evening.

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Mr. Baldwin congratulates Ms. Maureen Murphy on her appointment of Borough Clerk (Appointment to begin November 1, 2010).

Ms. Murphy, Secretary to Borough Clerk,

- We have revised resolutions R-10-300 to R-10-304 that we received from the Director of Law this afternoon and I have placed them before Council.

Ms. Fama,

- I attended the Pop Warner Dinner Dance this past weekend. They expressed so much gratitude to the Administration and Council on our cooperative effort for getting the lights in the parking lot. There might still be some unfinished business, however, regarding lights for the rest of the field.
- There will be a Zoning Board meeting on Thursday at 7:30 and that is where the Cell Tower Applicant for T-Mobile will be making a presentation.

Mr. Larkin,

- On September 28, the Borough of Tinton Falls approved the Board of Education Bond Referendum. There were approximately 1,000 votes with 700 approved. At the last Board of Education meeting, the Board voted that Mr. Paul Ford would fill the vacancy for the remainder of the term.

Dr. Mayer

- Congratulations to all the volunteers that helped with Community Day. He thanked all of the committees.
- Technical Advisory Committee will be presenting on the Education and Public Government Channel some time tonight and hopefully everyone will be able to see the benefits. There are very little costs and it is a great way to have other organizations provide content and get community news out to the public.
- There will be a Canoe Trip down Riverdale East on October 10 at 10 am. Preregister through the website on the Open Space section so that we can book you a canoe. Special thanks to Boy Scout Troop 124.
- Thanks to David Marks for getting the Energy Grant Commission on behalf of the Environmental Committee.
- Representatives from New Jersey Environmental Confederation and the Monmouth County Environmental Partnership and the Tinton Falls Environmental Commission (Jane, Mary, and Jeff) want to say a few words with regards to integrated Pest Management and Pesticide Free Zone Ordinance that we will be voting on tonight.
  - Jane Nigocki, from New Jersey Environmental Confederation, wants to spread this idea that Municipal Parks can and should be pesticide free zones. She hopes that signs will be posted showing that pesticides are not allowed because there should be no chemicals where children play (unless there is an emergency). The handout that they will be giving out tonight shows how you can care for your lawn without pesticides. The legacy of toxic chemicals in our environment is heavy and we want to always try to limit our exposure. Thank you for joining the 40 other towns that have adopted this ordinance.

Mr. Morrill,

- Community Day was a great success. 225,000 people attended! Special thanks to Jill Pegosh and Gary Gable, thanks to all the vendor donators, and volunteers. Thanks to public works for set up and cleaning up the garbage. We hope to continue to make this event bigger and better every year. There are DPW costs and he wishes to talk about ways to cutting the costs for the future.
- The 9/11 Health Act just passed in Congress and now it sits in front of Senate. Can we send out some kind of note or resolution supporting this? The bill is trying to supply these people with health benefits so that it will cover problems arising from 9/11 toxic poisoning.
  - All of the Council agrees and they ask Ms. Murphy to put together a resolution to send to Senator Beck.

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PETITIONS - None

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ORDINANCES FOR INTRODUCTION

Mr. Morrill offered a motion to introduce Ordinance No. 10-1310, seconded by Mr. Larkin.

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Ms. Murphy read Ordinance No. 10-1310 entitled: ORDINANCE AUTHORIZING THE PURCHASE OF AN AFFORDABLE HOUSING UNIT LOCATED AT 26 SOUTH POINTE CIRCLE, TINTON FALLS, NEW JERSEY BY THE BOROUGH FOR RESALE TO A QUALIFIED LOW OR MODERATE INCOME HOUSEHOLD

ROLL CALL

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

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

Ordinance No. 10-1310 in full/Ordinance Book No. 4.

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ORDINANCES FOR FINAL CONSIDERATION

Ms. Murphy stated for the record that we received a resolution from the Planning Board dated September 22, adopting the amended stormwater element. The Council can adopt this ordinance tonight even though it is less than the 35 day Planning Board review time because of this resolution.

Mr. Morrill offered a motion to open the Public Hearing on Ordinance No. 10-1306, seconded by Mr. Larkin.

Ms. Murphy read Ordinance No. 10-1306 entitled: AN ORDINANCE READOPTING ORDINANCE NO. 08-1240 – AMENDING LAND USE ORDINANCE – SECTION 40-68 (STORMWATER RUNOFF) OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

ROLL CALL

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

PUBLIC HEARING OPEN

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

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Turning reminded the Council that this had to occur as a result of the ordinance not being properly passed several years ago and they were facing a \$15,000 fine from the DEP as a result. He thanked Mr. Avakian. Mr. Baldwin thanked Mr. Avakian.

Dr. Mayer offered a motion to adopt Ordinance No. 10-1306, seconded by Mr. Larkin.

ROLL CALL

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

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Mr. Morrill offered a motion to adopt Ordinance No. 10-1307, seconded by Ms. Fama.

Ms. Murphy read Ordinance No. 10-1307 entitled: BOND ORDINANCE PROVIDING AN APPROPRIATION OF 2,162,900 FOR 2010 ROAD IMPROVEMENT PROGRAM FOR AND BY THE BOROUGH OF TINTON FALLS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,819,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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Ms. Murphy reminded the Council that a public hearing was held for this on September 21<sup>st</sup> and the adoption of the ordinance was carried to tonight. We also received a supplemental debt statement from the State.

Dr. Mayer said that he thinks that there should be money in the budget for this and we should not keep borrowing money on continuous projects.

Mr. Morrill said that he agrees but we also can't let our infrastructure crumble. The roads are in very bad shape.

ROLL CALL

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

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Ms. Murphy read Ordinance No. 10-1309 entitled: ORDINANCE AMENDING SALARY IN RELATION TO APPOINTMENT OF NEW BOROUGH CLERK.

Dr. Mayer offered a motion to open the Public Hearing on Ordinance No. 10-1309, 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. Larkin offered a motion to close the Public Hearing, seconded by Dr. Mayer.

ROLL CALL

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

PUBLIC HEARING CLOSED

Ms. Fama offered a motion to adopt Ordinance No. 10-1309, seconded by Dr. Mayer.

ROLL CALL

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

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PUBLIC DISCUSSION

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

ROLL CALL

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

- John Way, 11 Carlton Drive - He has been trying to gain access to the tennis courts at Monmouth Regional High School. He has gone through all of the channels (the superintendent, Board of Education, etc.) but they all say that they don't want the public to use the courts because they are afraid that the public is going to damage the courts. Mr. Baldwin replied that he doesn't think that there is anything that the Council can do to help the public get access because the School Board acts as a separate entity. Mr. Nelson said that it is not a municipal access; we have no legal authority by which to force the School Board to open the property. Mr. Turning said that they can write a letter to the Board requesting them to revisit their decision but that is all that the Council can do.

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- Leo Christofili, 328 Riveredge Road – He placed an article before each member of the Council that he clipped from the Asbury Park Press from September 21, 2010 regarding layoffs of public employees in the Highlands. He suggests that the Borough consider several ways to decrease taxes: reduce the hours of employees, reduce benefits, reduce amount of employees, reduce the open space tax rate to 1 ½ cents per \$100, make recreation participants pay 100% of fees, contract garbage collection to reduce cost of wages, etc.
- He also gave information on Monmouth County Debt Service. Can the money that is being bonded for road improvement immediately be put into an MCIA for a lower interest? Mr. Pfeffer said that the application to the finance board has already been prepared, but he will talk to the finance board. As they solicit bids on the bonds, it will come back to Council in the form of resolution, but the whole process will take place before December so he asks that the Clerk put this on the next meeting. Mr. Pfeffer said that we are not doing any refinancing with the Monmouth County Improvement Authority; we are only doing original issue. We have our own refinancing bond ordinance underway. We will have all these figures available once the sale takes place.
- Denise Catalano, 11 Alpine Trail – She said that she went to the Open Space Committee meeting and they voted unanimously to pay the start-up costs for the garden. They were originally scheduled for the agenda, but they were no longer on the meeting for tonight because Mr. Baldwin did not get all of the information. Mr. Baldwin said that the gardens are scheduled for the workshop session tonight and the administrator will send a letter out to all of the residents who live within 200 feet from the proposed gardens. There is a procedure that they are following and they will announce when the gardens are open for public discussion. The Council will hear from the public during the next meeting.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Rob Mauro and Mr. Steve Giamos from the Technical Advisory Committee Meetings gave a presentation on the public education and government channel.

- A Public Access Channel for Tinton Falls would help get more information to the public.
- It would not be a big cost or work incursion because it would be phased.
- Proposed Timeline: In October 2009, we requested channel from Verizon. Verizon is now willing to give it to us as long as we have something to put on it. We have already done a site survey. Now, in December 2010, we would purchase some equipment for Phase One.
- We talked with Lighthouse, Magic Box and Telview to determine the best package.
- The Telview solution to purchase us the equipment for Phase Two would cost approximately \$7,000 one time. The State Franchise agreement with Verizon requires them to provide us access to the channel for free. Part of the implementation includes training that we could have volunteers accomplish and it would be only a small added job for an existing employee (the same way we coordinate the web content).
- Ms. Fama pointed out that there are a lot of liability issues regarding posting video so she wants the administrator and mayor to look over everything to see the impact on existing employees. Ms. Fama asked if there was a way to bring in revenue with advertising. Mr. Morrill said that it was prohibited.
- Mr. Turning is concerned as to who is going to coordinate all of this and he is concerned with who “us” is regarding who will make the content. We are in an economic downturn and we cannot hire new employees. There are many legal issues regarding images of children with parental consent, etc.
- Mr. Baldwin said to be careful not to lead us into something innocently and then find out about many new costs later on.
- Dr. Mayer wants to discuss everything in workshop – there are still a lot of issues to work out.

Ms. Fama said that she knows that they closed discussion on the bond ordinance but she wants to make one more point. She thinks that by establishing a line item in the budget is the first step to reach a compromise. The goal is to have a much larger number in 2011 for that program, but in interim, let’s not wait another year

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before we get these badly needed repairs in town. She shares concern with Dr. Mayer regarding bonding, but she thinks that currently it is the right road to take.

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**RESOLUTIONS**

Ms. Fama offered a motion to amend the agenda to include R-10-310, seconded by Mr. Morrill.

**ROLL CALL**

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

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

**R-10-310 RESOLUTION - AUTHORIZING THE CHIEF FINANCIAL OFFICER, BOROUGH ADMINISTRATOR, AND DIRECTOR OF LAW TO PURCHASE TAX SALE CERTIFICATE(S) FROM THE BOROUGH’S TAX SALE WITH RESPECT TO AFFORDABLE HOUSING UNITS**

**WHEREAS**, the Tax Collector of the Borough of Tinton Falls has advertised a tax sale to be held on October 13, 2010 for unpaid taxes and sewer fees that includes five (5) affordable housing units at this time as attached hereto; and

**WHEREAS**, the sale of tax sale certificates to third parties could jeopardize the Borough’s affordability controls that are included as part of the Borough’s Fair Share Plan pending substantive certification before the Council On Affordable Housing (“COAH”); and

**WHEREAS**, persons so designated to bid on the referenced tax sales are the Borough Administrator, Chief Financial Officer and Director of Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Chief Financial Officer, Borough Administrator, & the Director of Law be and are hereby authorized to purchase the tax sale certificate(s) for any affordable housing units listed in the Borough’s Tax Sale Notice at the Tax Sale to be held in the Borough on October 13, 2010. Funds for said purchase will be provided for from the Borough’s Affordable Housing Trust Fund.

**ROLL CALL**

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

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

**R-10-282 RESOLUTION - RESOLUTION RATIFYING CONTRACT FOR NEW CHIEF OF POLICE**

**WHEREAS**, on July 6, 2010, pursuant to N.J.S.A. 40A:14-118, Ordinance No. 2010-1300 was adopted establishing the position of the Chief of Police in the Borough of Tinton Falls as a direct mayoral appointment; 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.) the Mayor is authorized to negotiate and sign contracts; and

**WHEREAS**, on September 10, 2010, the Mayor appointed John Scrivanic as the Chief of Police; and

**WHEREAS**, the Mayor has negotiated an Employment Agreement with the new Chief of Police presented herewith for the Borough Council’s ratification.

**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 hereby ratifies the Employment Agreement negotiated by the Mayor with John Scrivanic as the Borough’s Chief of Police attached hereto and hereby made part of this Resolution.

**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 Chief of Police as attached hereto and hereby made part of this Resolution.

**ROLL CALL**

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

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ABSTAIN: None

Mayor Skudera stated, for the record, there are no additional costs for this.

Dr. Mayer disagreed.

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

**R-10-294 RESOLUTION - CANCELING UNEXPENDED BALANCES OF THE GENERAL CAPITAL FUND**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus and unused debt authorizations may be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the following unexpended and dedicated balances of the General Capital appropriations be canceled:

<b>ORDINANCE NUMBER</b>	<b>PROJECT DESCRIPTION</b>	<b>AMOUNTS TO BE CANCELED</b>	
		<b>FUNDED</b>	<b>UNFUNDED</b>
05-1165	Improvements to Shark River Road		\$49,704.79

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-295 RESOLUTION - RESOLUTION OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING THE LOCAL UNIT'S PARTICIPATION IN THE BOND FINANCING PROGRAM OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND AUTHORIZING APPLICATION TO LOCAL FINANCE BOARD FOR ITS CONSENT TO ISSUE BONDS**

**WHEREAS**, the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the "Local Unit"), has previously authored the issuance of bonds or notes to finance the costs of various capital improvements (the "Local Unit Projects"); and

**WHEREAS**, the Local Unit desires to issue bonds to refund the bonds that were issued to permanently finance the Local Unit Projects; and

**WHEREAS**, the Local Unit has reviewed the Bond Financing Program proposed by The Monmouth County Improvement Authority (the "MCIA"), whereby the Local Unit would issue Bonds (collectively, the "Local Unit Bonds") through the Bond Financing Program of the MCIA; and

**WHEREAS**, the Local Unit believes that participation in the MCIA's Bond Financing Program will benefit the Local Unit due to reduced interest costs as a result of a guaranty by the County of Monmouth, State of New Jersey (the "County Guaranty") on the debt service of the MCIA Bond Financing Program; and

**WHEREAS**, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of economic crisis, is of utmost importance to its community and accordingly, the Local Unit desires to issue its Local Unit Bonds through the Bond Financing Program of the MCIA; and

**WHEREAS**, such Local Unit Bonds shall be issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-51 et seq.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF TINTON FALLS THAT:**

**Section 1.** The Local Unit hereby authorizes the Local Unit's participation in the MCIA Bond Financing Program.

**Section 2.** The Local Unit consents to the MCIA's application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the "Local Finance Board") in connection with the Bond Financing Program.

**Section 3.** The Local Unit authorizes the filing of an application to the Local Finance Board for its consent to issue its Local Unit Bonds.

**Section 4.** The Chief Financial Officer of the Local Unit is hereby authorized to, or direct the appropriate party to, enter into one or more loans with the MCIA and is further authorized to execute one or more bond purchase contracts, loan agreements and any and all documents, certificates,

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opinions and other instruments that are necessary and as may be reasonably required by the Authority in connection with such loan, after consultation with counsel to the Local Unit.

Section 4. This resolution shall take effect immediately.

ROLL CALL

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

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

**R-10-296 RESOLUTION - AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MONMOUTH – SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM**

**BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk are hereby authorized to execute a Food Shopping Agreement with the County of Monmouth for Special Citizens Area Transportation System (S.C.A.T.) for 2011.

ROLL CALL

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

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

**R-10-297 RESOLUTION - RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER’S AGREEMENT WITH WOODBURY CLUB LLC IN RELATION TO SITE CLEARING, GRADING AND STABILIZATION WORK UPON BLOCK 144, LOT 5.07 PURSUANT TO PREVIOUSLY APPROVED SITE PLANS**

**WHEREAS**, Woodbury Club LLC has requested to begin certain limited site work in relation to clearing and grading Block 144, Lot 5.07 without the posting of full performance guarantees for the entire approved site plan for a 21,000 +/- square foot office and warehouse facility; and

**WHEREAS**, it has been recommended by the Borough Engineer that if such consent is granted by the governing body, performance guarantees and inspection fees in relation to the proposed work be provided in the form of a restoration and reforestation bond, and the Engineer having detailed and provided estimates for the posting of the same; and

**WHEREAS**, the Director of Law in consultation with Planning Board counsel has reviewed the proposal and recommend entry of a Developer’s Agreement outlining the terms of such clearing, grading and site stabilization work that may proceed with appropriate guarantees, and the Director of Law having reviewed the same as being satisfactory; and

**WHEREAS**, pursuant to the terms of the Developer’s Agreement no site work or improvements beyond those here described in relation to the clearing, grading and site stabilization may proceed without the posting of further guarantees and inspection fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Developer’s Agreement attached hereto hereby be made part hereof by reference and hereby authorize and direct the execution of the same by the Mayor and Borough Clerk pursuant to the terms and conditions contained therein.

Mr. Nelson clarified that this relates to a previously approved application where the applicant was looking to start the site without having to post the bonds for the whole project. This would allow them to clear the site and move some dirt around.

ROLL CALL

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

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

**R-10-298 RESOLUTION - AUTHORIZING THE MAYOR AND/OR BOROUGH ADMINISTRATOR TO FILE AN APPLICATION WITH THE NEW JERSEY CLEAN ENERGY PROGRAM**

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**BE IT RESOLVED**, that the Borough Council of the Borough of Tinton Falls hereby authorizes the Mayor and/or the Borough Administrator to file an application with the New Jersey Clean Energy Program for the 2010 Direct Install Program and the Energy Efficiency and Conservation Block Grant.

ROLL CALL

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

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

**R-10-299 RESOLUTION - RESOLUTION ESTABLISHING MUNICIPAL PESTICIDE REDUCTION POLICY**

**WHEREAS**, it is the desire of the Council of the Borough of Tinton Falls to promote matters which benefit the health, welfare, comfort and safety of the citizens of the community; and  
**WHEREAS**, scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects and disruption of the endocrine system; and  
**WHEREAS**, infants, children, pregnant women, the elderly and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure; and  
**WHEREAS**, lawn pesticides are harmful to pets, wildlife, soil microbiology, plants, and natural ecosystems and can run off into streams, lakes and drinking water sources; and  
**WHEREAS**, Integrated Pest Management is the coordinated use of pest and environmental information and all available pest control methods (sanitation, mechanical, biological and "least toxic" chemical) to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment; and  
**WHEREAS**, Integrated Pest Management has been investigated and considered by the Environmental Commission and its recommended by the Environmental Commission as a desirable and appropriate policy in order to reduce or eliminate the use of pesticides; and  
**WHEREAS**, the Borough of Tinton Falls does maintain public properties at which pest management issues are an ongoing concern; and  
**WHEREAS**, the Council has determined that it is in the best interest of the health, welfare, comfort and safety of the Borough's citizens to adopt Integrated Pest Management as the Borough's pest management policy.  
**NOW, THEREFORE, BE IT RESOLVED** by Borough Council of Borough of Tinton Falls that the Borough does hereby adopt Integrated Pest Management as the pest control policy and strategy to be employed in the maintenance of the Borough's public properties and facilities.  
**BE IT FURTHER RESOLVED** that the Council of the Borough of Tinton Falls encourages all citizens to make every effort to participate in this endeavor on their own property.  
**BE IT FURTHER RESOLVED** that the Borough will designate certain public properties such as portions of community parks as "Pesticide Free Zones". These areas will be posted with signs indicated that chemical pesticides have not been applied at these sites.  
**BE IT FURTHER RESOLVED** exceptions within Pesticide Free Zones may be permitted in cases where the health, safety and welfare of the community is threatened, where no reasonable alternative is available and the prohibition of the use of pesticides would create the potential for allowing a significant adverse impact on the Borough or its residents.

ROLL CALL

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

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

**R-10-300 RESOLUTION - COMPENSATED ABSENCE – RETIREE JOSEPEH BOELTRAM**

**WHEREAS**, Joseph Boeltram has been employed by the Borough of Tinton Falls as a Police Officer since January 15, 1983, and as a Lieutenant since May 1, 2003; and  
**WHEREAS**, on November 1, 2010, Joseph Boeltram will retire with almost twenty-eight (28) years of dedicated service to the Borough; and  
**WHEREAS**, Joseph Boeltram will be entitled to compensated absence benefits according to Borough Ordinance # 9-8.1c and 9-7.3c in an amount estimated to be \$47,760.00; and  
**WHEREAS**, in accordance with N.J.S.A. 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  
**WHEREAS**, the Chief Financial Officer's certification of funds is contingent upon adoption of an ordinance authorizing a special emergency appropriation for severance liabilities pursuant to P.L. 2010, c. 46 (N.J.S.A. 40A:4-53h).  
**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that, subject to the certification of funds availability by the Chief Financial Officer pending authorization of special emergency appropriations by ordinance anticipated to be introduced on October 19, 2010, that Joseph Boeltram receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCES

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ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-301 RESOLUTION - COMPENSATED ABSENCE – RETIREE SCOTT MACDONALD**

**WHEREAS**, Scott MacDonald has been employed by the Borough of Tinton Falls as a Police Officer since July 1, 1985, and as a Lieutenant since May 1, 2003; and

**WHEREAS**, on November 1, 2010, Scott MacDonald will retire with over twenty-five (25) years of dedicated service to the Borough; and

**WHEREAS**, Scott MacDonald will be entitled to compensated absence benefits according to Borough Ordinance # 9-8.1c and 9-7.3c in an amount estimated to be \$42,420.00; and

**WHEREAS**, in accordance with N.J.S.A. 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

**WHEREAS**, the Chief Financial Officer’s certification of funds is contingent upon adoption of an ordinance authorizing a special emergency appropriation for severance liabilities pursuant to P.L. 2010, c. 46 (N.J.S.A. 40A:4-53h).

**NOW, THERFORE, BE IT RESOLVED** by the Borough Council that, subject to the certification of funds availability by the Chief Financial Officer pending authorization of special emergency appropriations by ordinance anticipated to be introduced on October 19, 2010, that Scott MacDonald receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCES

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

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

**R-10-302 RESOLUTION - COMPENSATED ABSENCE – RETIREE KAREN MOUNT-TAYLOR**

**WHEREAS**, Karen Mount-Taylor has been employed by the Borough of Tinton Falls as Registered Municipal Clerk since August 31, 1987; and

**WHEREAS**, on November 1, 2010, Karen Mount-Taylor will retire with over twenty-three (23) years of dedicated service to the Borough; and

**WHEREAS**, Karen Mount-Taylor will be entitled to compensated absence benefits according to Borough Ordinance # 9-8.1c and 9-7.3c in an amount estimated to be \$18,250.00; and

**WHEREAS**, in accordance with N.J.S.A. 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 for the payment of the amount due; and

**NOW, THERFORE, BE IT RESOLVED** by the Borough Council that, subject to the certification of funds availability by the Chief Financial Officer, that Karen Mount-Taylor receives the aforementioned compensated absence benefits.

**Certification of Funds:** Accumulated Leave and Borough Clerk’s Salary & Wages

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

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

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**R-10-303 RESOLUTION - COMPENSATED ABSENCE – RETIREE DAVID NASE**

**WHEREAS**, David Nase has been employed by the Borough of Tinton Falls as a Police Officer since October 15, 1984, and as a Lieutenant since January 1, 2000; and

**WHEREAS**, on October 1, 2010, David Nase will retire with over twenty-six (26) years of dedicated service to the Borough; and

**WHEREAS**, David Nase will be entitled to compensated absence benefits according to Borough Ordinance # 9-8.1c and 9-7.3c in an amount estimated to be \$17,200.00; and

**WHEREAS**, in accordance with N.J.S.A. 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

**WHEREAS**, the Chief Financial Officer's certification of funds is contingent upon adoption of an ordinance authorizing a special emergency appropriation for severance liabilities pursuant to P.L. 2010, c. 46 (N.J.S.A. 40A:4-53h).

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that, subject to the certification of funds availability by the Chief Financial Officer pending authorization of special emergency appropriations by ordinance anticipated to be introduced on October 19, 2010, that David Nase receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCES

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-10-304 RESOLUTION - COMPENSATED ABSENCE – RETIREE DAVID TREVENA**

**WHEREAS**, David Trevena has been employed by the Borough of Tinton Falls as a Police Officer since January 1, 1982, and as a Lieutenant since January 1, 2000; and

**WHEREAS**, on October 1, 2010, David Trevena will retire with over twenty-eight (28) years of dedicated service to the Borough; and

**WHEREAS**, David Trevena will be entitled to compensated absence benefits according to Borough Ordinance # 9-8.1c and 9-7.3c in an amount estimated to be \$47,420.00; and

**WHEREAS**, in accordance with N.J.S.A. 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

**WHEREAS**, the Chief Financial Officer's certification of funds is contingent upon adoption of an ordinance authorizing a special emergency appropriation for severance liabilities pursuant to P.L. 2010, c. 46 (N.J.S.A. 40A:4-53h).

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council that, subject to the certification of funds availability by the Chief Financial Officer pending authorization of special emergency appropriations by ordinance anticipated to be introduced on October 19, 2010, that David Trevena receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCES

Mr. Larkin offered a tremendous thank you to everyone who is retiring.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

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

**R-10-305 RESOLUTION - APPROVAL OF BILLS – OCTOBER 5, 2010**

**WHEREAS**, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 5, 2010; and

**WHEREAS**, the Borough Council has reviewed said claims,

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

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GENERAL	\$ 2,414,714.14
TRUSTS	58,625.20
DEVELOPER ESCROW	18,341.77
DOG TRUST	22.80
GRANT FUND	5,254.22
SEWER UTILITY	19,999.23
ADDITIONS	811,475.74
	<hr/>
	\$3,328,433.10

CERTIFICATION OF FUNDS:

ROLL CALL

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

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CONSENT AGENDA

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

**R-10-306 RESOLUTION - REFUND OF ESCROW FEES – OMNIPOINT**

**WHEREAS**, the following listed applicant has posted escrow monies in conjunction with its Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance; and

**WHEREAS**, the Zoning Board of Adjustment Assistant, Doug Gottfredsen, has certified that the following listed account is deemed closed and no additional funds for said application will be required; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the escrow monies are hereby authorized to be released for the following applicant:

Omnipoint Communications/Voicestream	1350-8679	\$7,029.00
Omnipoint Communications	1350-9776	\$4,809.71

ROLL CALL

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

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

**R-10-307 RESOLUTION - REFUNDING COMPOST FEE - TRIPT SINGH \$25.00**

**WHEREAS**, one compost delivery fee was accepted for 5 cubic yards of compost for \$50.00 on August 31, 2010,

**WHEREAS**, the resident decided on September 1, 2010 he no longer required 5 cubic yards delivered only a 2 ½ cubic yards delivered for a fee of \$25.00.

**WHEREAS**, said money was deposited by the Borough of Tinton Falls in accordance with applicable statutes, and

**WHEREAS**, the Director of Public Works recommends that a refund be made in the amount of \$25.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$25.00 be and hereby is granted to Tript Singh, 5 Mount Run, Tinton Falls, NJ 07753.

ROLL CALL

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

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

**R-10-308 RESOLUTION - REFUNDING PERMIT FEE – ADT SECURITY SERVICES - \$35**

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**WHEREAS**, a permit fee in the amount of \$35.00 was paid by ADT Security Services, Permit Department, 21 Northfield Avenue, Edison, NJ, for the installation of an alarm system at 35 Diane Drive, and  
**WHEREAS**, said monies were deposited by the Borough of Tinton Falls in accordance with law, and  
**WHEREAS**, the homeowner has since decided to cancel the job and ADT has requested a refund on permit # 20100172, and

**WHEREAS**, by Memorandum dated September 27, 2010 from Robert Corby, Construction Official, has recommended a refund in the amount of \$35.00

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$35.00 be issued to ADT Security Services.

ROLL CALL

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

\*\*\*\*\*

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

**R-10-309 RESOLUTION - REFUNDING PERMIT FEE – AJ PERRI - \$135**

**WHEREAS**, a permit fee in the amount of \$135.00 was paid by AJ Perri, 1138 Pine Brook Road, Tinton Falls, NJ, for the installation of a furnace and air conditioning at 93 Garrison Drive, and

**WHEREAS**, said monies were deposited by the Borough of Tinton Falls in accordance with law, and

**WHEREAS**, the homeowner has since decided to cancel the job and AJ Perri has requested a refund on permit # 20100387, and

**WHEREAS**, by Memorandum dated September 15, 2010 from Robert Corby, Construction Official, has recommended a refund in the amount of \$135.00

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$135.00 be issued to AJ Perri.

ROLL CALL

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

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

ROLL CALL

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

TIME: 9:00 P.M.

WORKSHOP MEETING

Unfinished Business

*Open Space Bond Application Anticipation No Paydown*

Mr. Pfeffer said that this is getting a jump on the budget season. Last year, they had a 1.6 million dollar bond anticipation note for the purchase of the summer property and we decided that we would pay off a half a million dollars of the principle of that note last year. The plan was to pay it off over the next three years with a combination of county grants, us paying down the principle through open space, and green acres participation. That note comes early in the calendar year because it has January maturity. What is the Council's feelings regarding continuation of the plan and should we pay down another half a million dollars on the note? The balance in the open space trust is approximately 1.768 million and we generate \$675,000 a year with open space funds from the tax. I'm looking for guidance from the Council since we would like to finish up the debt service of the budget. Are we going to follow the original plan?

Mr. Larkin asked what factors have taken place since then that would have altered the plan. Mr. Pfeffer said nothing has changed. Mr. Baldwin said that he thinks that the original plan is appropriate and we should proceed as planned. Dr. Mayer agreed.

*Riverdale West Gardens*

Mr. Baldwin said that he received two letters and had a side conversation with a homeowner from that area. There is some discontent among the homeowners out there that border the proposed property for the gardens.

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The homeowners believe that the gardens will add distractions in the neighborhood in regards to a fence, cars and activity. In consultation with the administrator, I discussed the possibility of sending a letter to homeowners whose property is within 200 feet of the gardens asking them to come to the next Council Meeting so we can hear their comments and considerations.

Dr. Mayer thinks it's important that the homeowners hear the plans accurately and we hear their concerns. He wants a briefing of the Community Gardens presentation so that everyone knows all of the facts and everyone can respond to each other's concerns.

Mr. Baldwin said that he would open a public discussion on the subject during the workshop. Ms. Catalano will present a five minute summary and then there will be a question and answer session.

Mr. Nelson said that before anything starts to be built, we also need to get formal permission from Green Acres to make sure that the State is ok with whatever we do.

Everyone agreed that the informational session regarding the gardens should be held on the November 9<sup>th</sup> meeting because the legislators attending the next meeting. Mr. Turning will include the November 9<sup>th</sup> date in the letter.

Mayor Skudera suggested that the cost for the letters for the residents should come out of the Borough Council budget rather than the Mayor budget. The Clerk should send the letter instead of Mr. Turning.

There was some discussion about who to get the letter: either people within 200 feet (which would be 40 houses) or everyone in the development (which would be 300 houses). Council decided to be inclusive and send it to all 300 homes.

The Council also clarified what would be included in the letter (no formal action will be taken). The letter will just invite people to the meeting to discuss the proposed gardens.

Council also decided to check with Green Acres before they send out the letters. Mr. Turning said that he would look over the enabling act and find out more details. Ms. Mount-Taylor said that she would help do the research.

Ms. Catalano clarified that there would not be any selling of products. Everything is grown for personal use or donated to charity.

*Tennis Court Letter*

Mr. Larkin said that he has had extensive discussions with Mr. Way regarding the tennis courts already. He used the analogy that the tax payer dollars buy school buses but we don't let you drive them. Dr. Mayer suggested having a member of the Council approach the Board of Education members and ask their feedback before taking any further action. Mr. Morrill also said that Mr. Way could get a key from Recreation (with proof of residency) for a minimal price and then he could use the municipal courts behind Atchison. The only restriction is that the courts can't be used within school hours. The courts do need to be refinished but they are usable.

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**ADJOURNMENT**

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

**ROLL CALL**

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

TIME: 9:25 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk