

**REGULAR/WORKSHOP MEETING
SEPTEMBER 21, 2010
BOROUGH COUNCIL**

Deputy Council President Mayer 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 (via teleconference)

ABSENT:

ALSO PRESENT: Mayor Michael Skudera (arrives at 7:16 pm)
Gerald Turning, Sr., Administrator
Brian Nelson, Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
David Marks, Borough Engineer

EXECUTIVE SESSION

Mr. Nelson read the resolution R-10-277 to enter executive session at 6:30pm.

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 **September 21, 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)
County of Monmouth Community Host Agreement (ATOD Dec. 2010)
By James Berube, Esq., Special Counsel
Chief of Police Employment Agreement (ATOD Sept. 2010)
Mazza Community Host Agreement (ATOD October. 2010)
Redevelopment Agreement, PRC Tinton Avenue Developers LLC
(ATOD Nov. 2010)
- 4) **Litigation/Potential Litigation** – N.J.S.A. 10:4-12(b)(7)
CJS/Rose Glen Conversion (ATOD October. 2010)
Block 120, Lots 37.02 & 37.04

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Dr. Mayer advised that at this time (6:37 pm.) Council would adjourn to Executive Session until 7:30 pm.

Dr. Mayer advised that Council was back on the record at 7:40 pm.

ROLL CALL

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

ABSENT: Mr. Baldwin

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

All present stood for Salute to Flag.

APPROVAL OF MINUTES

Ms. Fama offered a motion to approve the minutes of August 17, 2010, seconded by Mr. Morrill.

ROLL CALL

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

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor Skudera

- The first F.M.E.R.A. meeting is next Tuesday here at 7:00 pm. It's a new Fort Monmouth committee. The implementation is the first official meeting together as a group. The second announcement is the new Chief John Scrivic, he is here in the audience and I just want to say hello and welcome as chief.

Mr. Gerald Turning, Borough Administrator,

- The Liberty Park Street parking lights have been installed and they will be turned on starting tonight on September 21st on schedule. Now Pop Warner Football will have lights in their parking lot for safety reasons. The credit goes to Public Works and specifically Gary Gebele.

Mr. David Marks, Borough Engineer,

- He was working with the County on a few of their projects, the largest of which is the Asbury Avenue Project. I spoke with the project engineer for that this afternoon as a follow-up. The project is almost ready to go out on the street. They still have a few minor issues with their NJDEP permits but they anticipate the project being out for advertising this winter, awarding in February, and starting construction this spring. He has advised this is a high priority project for the borough and the County is in agreement.
- The Shafto Road Resurfacing work is currently scheduled for October 4, 5, and 6th. It will be night operations, milling and paving. It is a Monmouth County Project. They will start paving at Hope Rd and continue south along Shafto road and end just beyond Wardell Road.
- One of the last projects is the Rowan Wind Study in the Borough. The university installed a wind meter on the old radio tower behind borough hall. They collected quite a bit of data. And preliminary numbers indicate that the average wind speed here in town is just under 7 mph. They are still reviewing the information. They will be coming back out to reset the meter because the mounts have given way in some of the recent storms. They will coordinate with Public Works.
- The contract award for the Local Government Energy Audit is on for tonight. It is with Camp Dressler and McKee and they will be coming out in the next 30-60 days to complete the audit. As part of the NJ Clean Committees Program, we are also going after the Energy Efficiency Conservation Block Grant and the Direct Install Program which are State and federal program which will give the borough upwards of \$50,000 at no cost (there's no match or soft costs involved). The goal is to upgrade aging and out of date equipment in our borough buildings. The application should go out within the next few days. The selection is a rolling process (and not necessarily competitive) so we are just about guaranteed funding. As soon as I get all the details, I'll let you know.
---Mr. Morrill said that he received a call from one of our residents regarding the condition of Devon Ct. Is that one of the streets identified in our road program?
- Assuming the entire bond ordinance goes through as introduced, Devon Ct. was included in the program.

Mr. Steven Pfeffer, Finance,

- On Bond Ordinance 2010-1305, the refunding ordinance, we have been advised by the County Financial Advisors that we are no longer within the window of savings. My recommendation is that, after we hold the public hearing on the bond ordinance, we don't move it for adoption since we no longer qualify for the refunding.
- The Road Program Bond Ordinance – Because we submitted one supplemental debt statement with both ordinances on it, the refunding ordinance requires us to go to the local finance board for approval

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so the division of local gov services advised me to send in a revised supplemental debt statement tomorrow and carry the road ordinance until the next meeting and they will sign off on it with just the road ordinance on it so we won't have to wait until the local finance board meeting. We should hold the public hearing on the road ordinance tonight and then carry the adoption to the next meeting.

Mr. Nelson, Department of Law

- The legislature is slowly considering the governor's tool kit legislation, a package of 33 reform measures designed to correlate with the 2% cap levy law which is already in effect for the next budget year. Next month, we'll have our 12th district legislators coming in to give the borough a presentation regarding that package. We anticipate that the borough will be on COAH's agenda next month for the Receipt of Substinence Certification of the Borough's Affordable Housing Plan on COAH's agenda too. The FMERA is an effective entity this week. The governor signed the law in August and the mayor and the other mayors of the host communities serve on the newly formed authority along with the board of chosen freeholders including selected freeholder Lillian Berry to serve on the authority. The governor's appointments are still pending. There will be another Monmouth County resident appointed but they are not chosen yet.

Ms. Mount-Taylor, Borough Clerk, has no report.

Ms. Nancy-Ann Fama has no report. Thanks the audience for being here (there is a huge crowd).

Mr. Larkin

- Monmouth Regional High School conducted its first spirit week. Thanks to everyone for extensive help they gave which made the activities a success. The Fire Companies helped with the bonfire on Wednesday evening to help monitor. Mr. Costa helped ensure we had the permits. We had three night events. We had a two night games, and a night carnival (despite a nasty looking storm). These would not be possible without Mr. Turning and Mr. Gebele in Public Works who worked beyond the call of duty to ensure we had lighting for those games. It was a real special event. This is the first time we received complaints from residents that the crowd was too loud but that is something I can deal with. Our kids were able to put on their best and it culminated, by the way, with a win against Mr. Pfeffer's Freehold Borough.

Mr. Morrill

- This Saturday is Community Day. At the soccer fields, you will see the signs. Our Activities Committee group has raised all the money needed for Community Day and we are in the black. We are not using any of the borough funds. Special thanks to them for all their hard work throughout the year for the fundraising.
- From recreation, the NJ boat safety certification course will be on Saturday, November 13, from 9am - 5pm in the Tinton Falls Borough Hall Community Room. The cost is \$50 per person.
- The Mad Science Fall Program is on October 20, 27, and November 3, 10, 17, 24. For a total of 6 weeks, it will be held in the community room from 4:30-5:30 pm. The cost is \$80 per child. It will be a first come first serve basis and it is limited to 20 participants. Sign up is September 20-October 8th.
- The adult and high school golf lessons information can be found at recreation center or on our website.
- The Open Space Committee met this week with the commissioner of the Monmouth County Parks Department. We are looking at property acquisition that they are looking at as well. I'm going to ask for the possibility of discussing it at Workshop. Maybe we can put out a resolution to ask the County to purchase this property and turn it over to us. We should put it on the next agenda.

Dr. Mayer

- Thanks again for everyone who is helping for Community Day.
- For the Environmental Committee, we are looking to get comments from the administration for the Integrated Pest Management Pesticide Free Zone Resolution that we workshop-ed. We would like to see it on the agenda for the next meeting
- There was some confusion expressed by some committee members over the property that Mr. Morrill was talking about, but Dr. Mayer suggested that they wait to discuss it during Executive Session.
- Committee Garden has the last weekend for the farm stand but they will be at Community Day. Please stop by their table if you are interested in learning more about their extension plans. (Hopefully, their expansion will be put on the next meeting agenda because they will have to start construction for fencing soon.)
- We are moving the presentation from the Technical Advisory Committee on the Public Educational and Government Channel to the October 5th meeting because we have so many things on the agenda tonight. This channel is free with Fios and Comcast. Verizon would pay for the connectivity up to Borough Hall. We would have to put some front end equipment on it that would go through a bulletin board for town information. At little cost we would have another communication vehicle to the community. The presentation about it will be at the next meeting.

- On October 10th at 10 am at Riverdale East, the Open Space Committee will be sponsoring a Canoe Trip. Unless you have your own canoe, you must pre-register so have enough canoes. This is turning into an annual event. You get to see a part of Tinton Falls you wouldn't know existed because you are just surrounded by wildlife including bald eagles, etc. It's really impressive.

PETITIONS - None

ORDINANCES FOR INTRODUCTION –

Mr. Larkin offered a motion to introduce Ordinance No. 10-1308, seconded by Dr. Mayer.

Borough Clerk read Ordinance No. 10-1308 entitled: ORDINANCE REGULATING SMOKING

ROLL CALL

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

Borough Clerk advises that a tie vote goes with the negative vote. The ordinance is not introduced.

Mr. Morrill offered a motion to introduce Ordinance No. 10-1309, seconded by Ms. Fama.

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

ROLL CALL

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

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

Ordinance No. 10-1309 in Full/Ordinance Book No. 4

ORDINANCES FOR FINAL CONSIDERATION

Mr. Morrill offered a motion to adopt Ordinance No. 10-1303, seconded by Dr. Mayer.

Borough Clerk read Ordinance No. 10-1303 entitled: AN ORDINANCE AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS GOVERNING PARK RULES AND REGULATION

Ms. Mount-Taylor reminded the Council that they already conducted the public hearing and they carried the adoption until this meeting. Another public hearing is not required.

ROLL CALL

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

Mr. Larkin asked if there was anything that took place during discussion regarding the smoking ordinance that would impact this park ordinance.

Mr. Nelson said that this ordinance was changed again to go back to banning smoking under the park rules but there is no ordinance to enforce that, but as you'll see section 10-5 paragraph 16 says that borough parks are no smoking facilities.

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Mayor Skudera wants to voice his concerns over Section 10-5, number 16. He thinks it is an overreach of government authorities. We spend months and months talking about roads, and even though they are much more important than this smoking ordinance, nothing has gotten done. Meanwhile, this smoking ordinance passes through quickly even though no one in the public has spoken in favor of this.

Dr. Mayer said that he thinks that the Council has done its due diligence in discussing this topic. The ordinance is adopted.

Mr. Morrill offered a motion to open the Public Hearing on Ordinance No. 10-1305, seconded by Mr. Larkin.

Borough Clerk read Ordinance No. 10-1305 entitled: REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF TINTON FALLS, NEW JERSEY, APPROPRIATING \$450,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$450,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

ROLL CALL
AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

The Borough's not going to actually proceed with this ordinance tonight. We are just opening public discussion.

PUBLIC HEARING OPEN

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

ROLL CALL
AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC HEARING CLOSED

Ordinance 10-1305 fails for lack of a motion to adopt.

Mr. Morrill offered a motion to open the Public Hearing on Ordinance No. 10-1307, seconded by Mr. Larkin.

Borough Clerk 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

This needs to be carried to the next meeting, as recommended by the CFO, but we will open public discussion tonight.

ROLL CALL
AYES: All in Favor
NAYS: None
ABSENT: Mr. Baldwin
ABSTAIN: None

PUBLIC HEARING OPEN

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

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ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Morrill offered a motion to carry Ordinance No. 10-1307 to October 5, 2010, seconded by Ms. Fama.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Howard Simbol from 42 Churchill Downs Dr,
John Cutrone from 32 Ann Court in Winding Brook,
Susan Guarino, 2 Brown Drive,
Heidi Clarke, 59 Sugar Maple Lane,
Charles Lomangino, 3 Helena Street,
Ron Palmieri and his son Alexander, 5 Stockton Street,
Liz Morris, 114 Fellshot in Shrewsbury Township,
Paul Abrams, 23 Taylors Run,
Tim Tracy, 14 Pegasus Drive in Willowbrook,
Nancy Britton, 158 Cloverdale Circle,
Phil Escarole, Wall Township
Chris Pac, 16 Little Rock Lane,
Rich Settino, 7 Canterbury Lane,
John Mack, 23 Annapolis Street,
all wanted to congratulate the new police chief, Mr. John Scrivanic, and praise his accomplishments. They also wanted to thank the Mayor for the appointment.

John Cutrone commented on his approval of the roads being resurfaced.

Kathleen Barrett from 4 Secretariat Court, and Maria Assenza from 35 Sun Beau Ct, oppose the decision to provide each household at Society Hill with a 96 gallon trash container because we have many elderly and disabled residents for whom this decision would pose an unnecessary and illegal burden in accordance with ADA standards. It may cause a class action suit to be filed against Tinton Falls. We do not have driveways to roll the containers down and up and will have to roll them from the rear of our units over tree roots and uneven lawns. It will be treacherous in the inclement weather winter months and early morning hours when it is dark. Taking into account our association's rules and regulations, our trash cannot be put out until the morning of pickup. This would pose an unnecessary risk and hazard. We have very small patios and no place to store these extremely large cans. Those residents who already have plastic cans must constantly replace them because of the many creatures which eat them. Animals will strew trash all over the place. If these containers are placed behind our vehicles, there will be no room for your trucks to pick them up and there will need to be alternate sites. There is a lack of open space so this will entail residents to place their cans on Churchill Downs Drive or roll the containers far away and this will give our community an unsightly and shabby look. It would also put an unnecessary burden on the association to determine what to do with residents who do not pick the cans up in a timely fashion. Also, at the time of pickup traffic conditions would be more dangerous. We appreciate you being fiscally responsible with our tax dollars but not at our expense and safety. We receive few services compared to other residents of the borough. We pay for our own lights and we plow our own snow. In return, we receive a ridiculously small reimbursement. We ask that you reverse your decision and offer the following compromises: set up a meeting with a selection of town home owners to come up with

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a mutual agreeable solution, permit the residents of society hills at tf to use the dumpsters and increase dumpster pickups, at the borough's expense expand the association's recycling centers to accommodate these containers, use one of your smaller trash collection vehicles and keep collections as it is now or designate certain places on the property so fewer stops have to be made. We have collected 178 signatures which represent 124 townhouses. These are voting residents who are upset by this decision. Mr. Turning brought to the association's attention how terrible the garbage bags looked on the street. We would use cans if we could, but we can't get them from the rear of the units to the front. People who have garbage cans have been ruined by animals. Giving us bigger garbage cans will not solve the problem.

- A petition was presented and accepted from the Townhouse owner.
- Mr. Larkin said that this is the first time it has been brought to our attention. He asked for some background information from the association.
- Mr. Turning said that the association is who approached Tinton Falls. The Borough did not approach the Association. We met with them at their request. They provided us with photos of the garbage bags being left out on the street and our discussion was how to rectify having loose garbage out on the streets in front of your homes. We agree that your garbage must be in cans, not to mention that it requires a 2 man garbage truck to pick it up 2 day a week garbage pickup whereas the rest of the borough only has pickup once a week. There has been no other further discussion with your board about the decision.
- Ms. Barrett said that the burden of this would fall to tax dollars so we are addressing you.
- Mr. Turning said that the board came to the town about this. Have you spoken with your board directors about this?
- Ms. Barrett said yes, but that Terry Knoh with Wentworth Management Company has not given us the same information as Mr. Turning.
- Mr. Turning said that it is unhealthy and unsightly. We went back to planning board approvals. It requires a single garbage collection like everyone else in the borough. There is no place for dumpsters because you have no land. I actually went and looked at a map about where to put garbage cans in easier places, but that is as far as it went. My review and the initial conversation is as far as it has gone so far.
- Ms. Barrett said that our board does not consist of townhome owners. We want you to meet with us, not management.
- Mr. Turning said that he has no problem meeting with any townhome owners, but Ms. Barrett is a little ahead of the Council concerning this problem at this time. They have not made any decisions yet – steps they are taking to rectify the situation are currently only in its earliest stages and they have not decided what they are going to do about the matter yet. She can meet with Mr. Turning to discuss the matter further any time between 7am -5pm Monday – Friday at his office.
- Sheila Marrone at 2 Preakness Court said that the association is comprised of condo owners as well as townhomes but there are more condo owners so the people who are currently representing us aren't really representing our best interests in this manner. I have been permanently disabled for the past 20 years and for me personally this would be a travesty because I have no way to bring this can from my yard to the front of my unit. How are you going to accommodate those of us who have no physical means to do this? We need a safe way for all of us to do this. There are considerations beyond just aesthetics. We are bringing this issue to you because you are going to make the final decision, not our home owners association. I am appalled at the way our homeowners association works. You are here to represent us and the responsibility to protect us lies with the board. You need to understand what our problems are before you take any actions. I disagree with you because I think that this is exactly the right time to discuss this. I don't think that management is representing our best interest.
- Mr. Turning said that we were asked by them and we didn't agree to anything. We haven't been back yet. We haven't discussed it with anyone including the mayor yet. We were shown the garbage bags out front. When I get a call from management, we go and look at the problem. That is as far as it has gone. No decision has been made. Of course we will take your statements into consideration before we decide anything.

Joe Largey, VP of Greenbriar Falls Homeowners Association off Hance Ave (May 4, May 15th was the last time he was here) wanted to offer a compliment and he asked for continued help for Greenbriar Falls. We

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have had problems with our builders and we brought them to your attention back in May and we have continued to meet with Jerry. We accomplished a lot: road has been paved, walkways put in, curbs added, etc. All the residents are very pleased. Thank you so much to Mr. Turning. However, we still have problems in the front section and ask that you are as attentive to that as you were to the back section.

- Mr. Turning says that he hopes to have the matter resolved in the near future.

Charles Lomangino, 3 Helena Street, wanted to thank the Council for adding the lights. One point though: when we approved the new Wawa (everyone loves it), we required some sort of sidewalks along West Park. There are so many people walking from the Park Place Development and they walk on the side of the roads which is dangerous because the cars hug the curbs. We just want to bring it to the town engineer's attention.

- Mr. Turning said that there is a lot of pedestrian traffic that was unanticipated so we contacted JCP to put higher illumination lighting, and if need be, we will put additional lighting in. We have painted in a shoulder lane to try to accommodate for cars. I also contacted Mr. Skovola, the builder of Wawa, to revisit his plans and to start constructing the sidewalk soon. He is not required but I asked him to look into it. We have tried to make it as safe as we can with the limitations that we currently have. We will continue to stay on top of it.

Ron Palmieri and his son Alexander, 5 Stockton Street, also wanted to thank the Council for adding the lights and they hoped that more lights would be added in the future.

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

ROLL CALL

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

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER - NONE

RESOLUTIONS

Before the resolutions, Dr. Mayer offered a motion for a 5 minute "health break," Mr. Morrill seconded.

Time: 8:55 P.M.

ROLL CALL

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

Reconvene: 9:04 P.M.

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

R-10-278 RESOLUTION – AMENDING RESOLUTION R-10-252 AWARD OF CONTRACT #10-4 96 GALLON PLASTIC AUTOMATED – SEMI-AUTOMATED RECYCLING CONTAINERS

WHEREAS, Resolution R-10-252 Award of Contract #10-4 for 96 Gallon Plastic Automated/Semi-Automated **Recycling** Containers was adopted at a meeting held on September 7, 2010; and
WHEREAS, the title for Resolution R-10-252 was incorrect and needs to be corrected; and
WHEREAS, the correct title should have been Resolution – Award of Contract #10-4 for 96 Gallon Plastic Automated/Semi-Automated Containers; and
NOW, THEREFORE BE IT RESOLVED that Resolution R-10-252 is hereby amended by this Resolution.

ROLL CALL

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

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

R-10-279 RESOLUTION – AUTHORIZING “NON-FAIR & OPEN” CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES CRAWFORD HOUSE PHASE II PROJECT CONTRACT PS #01-10

WHEREAS, the Borough of Tinton Falls has a need for professional architectural services for the Phase II Project at the Crawford House as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional architectural services can only be provided by licensed professionals in accordance with NJSA 40A:11-5(1)(a), and the firm of Historic Building Architects, LLC, 312 West State Street, Trenton, New Jersey 08618 is so recognized; and

WHEREAS, these services include the preparation of drawings and specifications containing the recommended preservation work as described in their proposal attached dated August 11, 2010; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,000.00 plus miscellaneous reimbursables; and

WHEREAS, Historic Building Architects, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate in the Borough of Tinton Falls and that the contract will prohibit them from making any reportable contributions throughout the term of the contract; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Historic Building Architects, LLC is hereby authorized to provide professional architectural services described in the proposal for an amount not to exceed \$15,000.00 plus miscellaneous reimbursables; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution and the Contract with the Clerk of the Borough of Tinton Falls; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available from: Capital Improvement Account – Crawford House
#5007-5816A - \$15,000.00

Mr. Morrill asked where the money was coming from (the historical funds?). Mr. Marks said that this was coming out of the original money they got from the County, the historical trust.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-10-280 RESOLUTION – AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT FOR RFP #15-10 ENERGY AUDIT SERVICES

WHEREAS, the Borough of Tinton Falls has a need for professional Energy Audit services; and

WHEREAS, the Borough has, through a fair and open process, sent proposals to the five (5) firms listed on the State of New Jersey List of Pre-qualified Energy Auditing Firms for receipt of proposals on Friday, August 6, 2010, for said services, and four (4) proposals were received and documented on said date; and

WHEREAS, the Borough Engineer and Director of Law have reviewed the proposals received, and it was determined the firm of Camp, Dresser & McKee, Inc., a/k/a CDM, Two Penn Center Plaza, 1500 JFK Boulevard, Suite #624, Philadelphia, Pa. 19102 satisfies the requisites contained in the Request for Proposals to be considered for the Energy Audit Services that the Borough requires; and

WHEREAS, it is recommended this contract be awarded for the hourly rates in their proposal, for an amount not to exceed \$37,275.00 for the Energy Audit Services, plus miscellaneous reimbursables.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with the firm of Camp, Dresser & McKee, Inc., Two Penn Center Plaza, 1500 JFK Blvd., Suite 624, Philadelphia, Pa., 19102, to provide Energy Audit Services for the Borough as described in the proposal attached hereto at the hourly rates listed, for an amount not to exceed \$37,275.00.00, plus miscellaneous reimbursables.

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

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows:

Capital Ordinance #8505-4500 01-1060-4515 \$2,887.00 Capital Ordinance. #8505-4500 04-1125-4515 \$15,770.00
Accounts: 1010/3758 \$9,000.00 1236/3757 \$4,588.00 4005/3757 \$5,030.00

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

REGULAR/WORKSHOP MEETING
SEPTEMBER 21, 2010
BOROUGH COUNCIL

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

R-10-281 RESOLUTION – AUTHORIZING AN INCREASE IN THE BID THRESHOLD

WHEREAS, pursuant to NJSA 40A:11-3(c), Governor Chris Christie has exercised his authority to adjust the bid thresholds for awarding contracts by various contracting units; and

WHEREAS, effective July 1, 2010, municipalities that have appointed a Qualified Purchasing Agent pursuant to NJSA 40A:11-9(b) can take advantage of a higher bid threshold pursuant to NJSA 40A:11-3(a) and have the maximum bid threshold increased from \$29,000.00 to \$36,000.00 and the quote threshold increased from \$4,350.00 to \$5,400.00; and

WHEREAS, Darriel R. Anderson, R.P.P.O. was appointed as Qualified Purchasing Agent by Resolution R-02-138 on May 7, 2002; and

WHEREAS, the Borough of Tinton Falls is desirous of taking advantage of the increased bid and quote threshold;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Tinton Falls hereby increases its bid threshold from \$29,000.00 to \$36,000.00 and quote threshold from \$4,350.00 to \$5,400.00 effective September 21, 2010.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

Mr. Morrill offered a motion to carry Resolution R-10-282 to the next meeting (October 5, 2010), seconded by Mr. Larkin.

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-10-283 RESOLUTION – APPOINTING MEMBERS TO TECHNICAL COMMITTEE

BE IT RESOLVED, that the appointment and terms of the below listed persons made by the Mayor be and the same is hereby confirmed.

T.J. Totland	Regular Member	Three-Year Term (To fill the unexpired term of Bob Fasulo)	Said Term to Expire 12/31/2011
Michael Barrett	Alternate Member #1	Two-Year Term (To fill the unexpired term of T. J. Totland)	Said Term to Expire 12/31/2011
<u>VACANT</u>	Alternate Member #2	Two-Year Term (To fill the unexpired term of Michael Barret)	Said Term to Expire 12/31/2011

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-10-284 RESOLUTION – DENYING THE RELEASE OF MAINTENANCE GUARANTEES – ASTURA ESTATES – BLOCK 77.01 LOT 1.01.

WHEREAS, the developer has requested the release of Maintenance Guarantees for Astura Estates, Block 77.01, Lot 1.01, and **WHEREAS**, by letter dated September 7, 2010 (said letter hereby attached and made part of this Resolution) the Engineer, Leon S. Avakian, has supplied the developer with a punch list outlining items which need to be addressed prior to the release of Maintenance Guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer's, Leon S. Avakian, letter of September 7, 2010, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

REGULAR/WORKSHOP MEETING
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BOROUGH COUNCIL

ROLL CALL

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

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

R-10-285 RESOLUTION – RELEASING PERFORMANCE GUARANTEES FOR ST. JOHN COURT SUBDIVISION, BLOCK 80.01, LOT 4

WHEREAS, the developer has requested the release of Performance Guarantees posted for St. John Court Subdivision, Block 80.01, Lot 4 and

WHEREAS, by letter dated September 9, 2010, the Borough Engineer (T&M Associates) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the payment of any and all outstanding engineering and inspection fees (said letter hereby attached and made part of this Resolution) and

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

ROLL CALL

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

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

R-10-286 RESOLUTION – RELEASING PERFORMANCE GUARANTEES FOR PAX CONSTRUCTION INC. – FLEX SPACE BLOCK 144, LOT 2.01 & 2.02

WHEREAS, the developer has requested the release of Performance Guarantees posted for Pax Construction, Block 144, Lot 2.01 & 2.02 and

WHEREAS, by letter dated September 13, 2010, the Borough Engineer (T&M Associates) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

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

ROLL CALL

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

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

R-10-287 RESOLUTION – RELEASING PERFORMANCE GUARANTEES FOR WAWA INC. – BLOCK 120, LOTS 20.01 & 20.02

WHEREAS, the developer has requested the release of Performance Guarantees posted for WAWA Inc., Block 120, Lot 20.01 & 20.02; and

WHEREAS, by letter dated September 13, 2010, the Borough Engineer (T&M Associates) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

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

Ms. Fama asked that, in light of the discussion about the sidewalks that they had tonight, how does this relate? Mr. Marks said that the bonded improvements did not include the sidewalk since that will be included in the ladder project phase. When Stavola, the property owner, comes through for the subsequent approvals, then that will be included. What is being released here are only the improvements that were bonded and strictly associated with the Wawa. All those site improvements have been put in place at this time.

ROLL CALL

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

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

R-10-288 RESOLUTION – RELEASING PERFORMANCE GUARANTEES FOR WOODBURY CLUB, LLC – BLOCK 144, LOT 5

WHEREAS, the developer has requested the release of Performance Guarantees posted for Woodbury Club LLC., Block 144, Lot 5 and

WHEREAS, by letter dated September 13, 2010, the Borough Engineer (T&M Associates) has recommended the release of the guarantees as the developer has completed all of the improvements subject to the posting of the required maintenance guarantees as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

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

R-10-289 RESOLUTION – APPROVAL OF BILLS FOR SEPTEMBER 21, 2010 - \$2,445,053.33

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending September 21, 2010; and

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	\$ 689,478.46
TRUSTS	38,843.37
CAPITAL	39,144.72
DEVELOPER ESCROW	3,334.75
GRANT	595.08
SEWER UTILITY	577,490.65
ADDITIONS	1,096,166.30
	<hr/>
	\$2,445,053.33

ROLL CALL

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

NAYS: None

ABSENT: Mr. Baldwin

ABSTAIN: None

CONSENT AGENDA

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

R-10-290 RESOLUTION – REFUNDING ESCROW FEES – GREENBERG \$1,460.00

WHEREAS, the following listed applicant has posted escrow monies including those in lieu of a bond in conjunction with meeting a condition of approval in a resolution dealing with her Land Use application in accordance with the Borough of Tinton Falls Land Use Ordinance; and

WHEREAS, the Zoning Board of Adjustment Assistant, Doug Gotfredsen, has certified that the condition dealing with the resolution has been met and the listed application is deemed closed and no additional funds for said applications 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:

Marie Greenberg 1350-9941 \$ 1,460.00

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ROLL CALL

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

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

R-10-291 RESOLUTION – REFUNDING RECREATION FEES – FLYNN \$80.00

WHEREAS, during the month of July 2010 fees totaling \$90.00 were paid by a resident of Tinton Falls for their child’s participation in our Fall Soccer Program.

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

WHEREAS, during the month of September 2010, the resident informed the Recreation Superintendent that the child will be unable to participate in the program due to scheduling conflicts and a refund in the amount of \$80.00 shall be issued deducting the \$10.00 processing fee per participant.

Darlen/Tom Flynn	\$80.00
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Total	\$80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

ROLL CALL

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

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

R-10-292 RESOLUTION – REFUNDING RECREATION FEES – LARSEN \$80.00

WHEREAS, during the month of August 2010 fees totaling \$90.00 were paid by a resident of Tinton Falls for their child’s participation in our Fall Soccer Program.

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

WHEREAS, during the month of September 2010, the resident informed the Recreation Superintendent that the child will be unable to participate in the program due to scheduling conflicts and a refund in the amount of \$80.00 shall be issued deducting the \$10.00 processing fee per participant.

Jennifer Larsen	\$80.00
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Total	\$80.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$80.00 be issued.

ROLL CALL

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

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

ROLL CALL

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

TIME: P.M.

WORKSHOP MEETING

Dr. Mayer said that we should talk about unfinished business first regarding the summer’s property acquisition.

REGULAR/WORKSHOP MEETING
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Mr. Marks said that this had to do with the budget question for next year but he will hold and put it on the next workshop since the Council needs to talk about it in executive session first.

Ms. Fama said thanks again for installing the lights. Mr. Turning said that they are on timers to go off at 10:30.

Dr. Mayer said that next they will move on to new business is the Tinton Falls Fire District 1 property transfer.

Mr. Nelson, the borough attorney, said that this was the first that he had heard of it. Mr. Morrill said that Jerry McPherson from the Fire Dept is here tonight and it was included in the packet before but he wasn't sure anyone had a chance to look over it. Mr. Nelson said that he saw some correspondence from 2000 from former attorney McKenna regarding some discussion but without much detail and a copy of the lease from that time, but not much else. Dr. Mayer asked Mr. McPherson to come forward for some background.

- Mr. McPherson, president of Fire District #1, resident since 1957. He presented the history behind the building. When EMS South was built, the land had a deed restriction that said fire house only. The borough had to ask the fire district. They said we want to build a first aid building; can you pass a resolution letting us do it? They said sure but we wanted to build a fire house. They said don't worry about it. We'll give you a chunk of land back. We build over here; you build over there. When it came time to build the firehouse, we sold the old Wayside Firehouse, and it was a quick sale because the new owner wanted to get in. We had to move and they said, since there wasn't much time, they would lease the land for a ten year lease and when the dust settles get a surveyor to divide the property up and we'll give it back. We're just looking to get the land transferred back to the district. We have been taking care of the land every since. Nothing's going to change as far as our cooperation with EMS and the community – we just want the original deed requirements taken care of.
- Mr. Nelson asked to schedule a meeting with Rich Braslow so they can sit through and get through whatever they have to get done and ensure that everything is done right. Everyone has some homework to do before they get together again.

Mr. Morrill offered a motion to adjourn the workshop and return to the executive session, seconded by Mr. Larkin.

ROLL CALL

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

Time: 9:24 P.M.

ADJOURNMENT

Mr. Morrill offered a motion to adjourn, seconded by Mr. Larkin.

ROLL CALL

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

TIME: 10:28 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: OCTOBER 19, 2010