

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

Borough Clerk calls the meeting to order at 7:30 p.m.

Borough Clerk reads 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."

All present stand for the salute to the Flag.

ROLL CALL:

PRESENT: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

ABSENT: None

ALSO PRESENT: Mayor Peter Maclearie  
W. Bryan Dempsey, Administrator  
James E. Berube, Director of Law  
Stephen Pfeffer, Chief Financial Officer  
Karen Mount-Taylor, Borough Clerk  
Kelly Johns, Deputy Borough Clerk  
Bill Birdsall, Borough Engineer  
Al Hilla, Jr., Borough Engineer

**APPROVAL OF MINUTES** – February 6, 2007, and February 20, 2007.

Mr. Tobin offers a motion to approve the minutes of February 6, 2007, seconded by Mr. Baldwin.

ROLL CALL:

AYES: Mr. Ford, Mr. Tobin, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill, Mr. Baldwin

Mr. Tobin offers a motion to approve the minutes of February 20, 2007, seconded by Mr. Morrill.

ROLL CALL:

AYES: Mr. Tobin, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Ford, Mr. Morrill, Mr. Baldwin

**MAYORS REPORT**

Mayor Maclearie reports on Fort Monmouth, August 15<sup>th</sup>, 2007 was the last Economic & Revitalization Planning Authority Meeting which was held in Freehold. Mayor Maclearie explains a few Items that were discussed, one of which being they asked for a 270 (two-hundred seventy) day extension for the plan submittal to the office of Economical Adjustment. The reason being because they are behind in getting the planning right. The board agreed and it will most likely be voted on at the September meeting.

For informational purposes the Mayor states that the headquarters will be moving from Eatontown to Corbett Way.

The Freeholders had submitted a notice of interest for a number of parcels which included the parks. Some in Tinton Falls, and some in all three towns. The National Park Service wrote a letter saying they would be seeking a Public Benefit Conveyance on that property. This was very supportive.

The next Fort Monmouth Economic Revitalization Planning Authority meeting is September 19, 2007. the meeting has been moved from Eatontown to Tinton Falls in the court room at seven o'clock.

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

The Mayor explains that he chairs the Infrastructure Committee and they hold two meetings a month, the last one being August 13, 2007. They have been preparing for an existing conditions report, existing conditions on utilities. Sewer, Phone etc... Existing infrastructure on Fort Monmouth. The next meeting will be held on August 27, 2007.

The Mayor reports on the reappointments for the Historical Committee, Mr. Keith Raduber, Mr. Michael Ruther, and Ms. Anita Murphy.

The Mayor also reports there are three new members for the Planning Board, Seth Murphy, Mike Stanton, and Jeff King.

He also states that the Library Committee is preparing to do a presentation for Council in September.

**Administrators Report**

Mr. Dempsey states that there will be a presentation on the HVAC System tonight as soon as we get an internet connection. It will be to show Council and the public what a Front End System is and how it operates.

Mr. Dempsey also reports on the Monmouth County Historic Preservation Grant Program and explains that the applications are due on November 1, 2007. He states that in the past the Borough has applied for grants for the Crawford House and has received money for that.

Mr. Dempsey informs Council that they will also be hearing a presentation from the Open Space Committee for acquisition of certain open space properties within the Borough. An application must be submitted by the 19<sup>th</sup> of September

Mr. Dempsey reports on the request for more fifteen minute parking at the A&P shopping plaza parking lot. He states if it is something that Council is in favor of there will be a need for an Ordinance change. This change will benefit the restaurant and the Liquor store in the plaza. He explains that the existing signs are not in conformance with the existing Ordinance, which makes it impossible for the Police Department to enforce.

Mr. Dempsey reports on previous discussions in the past about building cell towers on public property. He states that if it is something that Council is considering doing then an Ordinance needs to be done to permit the cell towers to be constructed. Currently they are not permitted on any properties. It can be done with the Master Plan, but Council may want it done sooner because the schools in the area have been looking at them.

Mr. Dempsey reports on certified copy fees. He states that our fees are much lower than the neighboring communities for Marriage licenses, death Certificates, and Birth Certificates. He states that we will need an Ordinance and would like some direction from Council

He asks council their opinion on Assembly Bill 3959. He explains Jenifer Beck introduced it and its purpose is to extend the polling hours by one hour from eight p.m. to nine p.m. for the General and Primary Elections. He states the surrounding towns have introduced Ordinances opposing this. He explains that we already have issues trying to get poll workers to come and work the polls and believes this Bill will not help the situation.

Mr. Dempsey revisits the issue of background checks for Recreation Programs and any volunteers or organizations that use Borough facilities. He states that he needs some direction from Council whether or not to move ahead on an Ordinance.

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

Mr. Dempsey reports on the Master Plan and states that Susan Gruel will be happy to come to the next meeting, but wants to be fully prepared for the questions that Council will ask. He states they are starting to work on the Ordinances.

Mr. Dempsey states that he needs direction from Council on what to do with the old Municipal Building. He needs to know before the cold weather comes due to having to drain the systems, so nothing breaks if Council decides to save it. If it is a demolition he would like to get the specs out to start the process.

Mr. Skudera asks Council if they need anymore information on any of the topics Mr. Dempsey has discussed. He then asks for their opinion on the topics.

Mr. Tobin states that we have the store front program grant and the money to match it so he believes we should move forward with that. He is also in favor of a parking Ordinance revision for the A&P parking lot, the cell tower change, and the updating of certified copy fees for the Borough. He states we should also be doing background checks on anyone working with children.

Mr. Tobin states that he is in favor of the demolition of the old municipal building so it does not become a liability. He asks if there is any proof that assembly bill 3959 has done any good in the state of New York? If there isn't he is not in favor of it.

Mr. Tobin states that he does not want a reoccurrence of the last meeting with regards to the Master Plan. He does not want to see a barrage of questions as if it were a Public Hearing when indeed it was not. He states he would like to know what the next step is supposed to be and go from there.

Mr. Baldwin states that he agrees with Mr. Tobin's point of view. He states that his understanding was that prior Council had already decided to tear the old Municipal Building down.

Mr. Ford states he would like to hold off until the library commission has their presentation before the final decision is made. He was under the impression Heyer & Gruel would be at tonight's meeting and would like for them to be at the next meeting to clarify some issues. He does not believe that the Assembly Bill would make much of a difference. He is in favor of looking over the cell tower change. He states he will need some more information on the Historical Preservation Grant Program.

Mr. Morrill goes through the list of items and agrees with Mr. Tobin and Mr. Baldwin's opinions.

Mr. Skudera asks Mr. Dempsey what will be done with all the records in the old Municipal Building. Mr. Dempsey replies that a filing system has been ordered for all the records in the attic and vault and will be moved to the new building once that system is installed.

Mr. Dempsey states that he will draft Ordinances for the items discussed.

### **Engineers Report**

Mr. Hilla explains that tonight up for consideration are Resolutions for the transportation trust fund application. The first priority being the Sycamore Avenue sidewalks which is the safe route to school that was done late last year or early this year. The second item being, Knollwood Drive from Sycamore Avenue to Riverdale East. He states the deadline is the end of this week.

Mr. Hilla states that there was a pre construction meeting for the Hope Road project and work is scheduled to begin mid September. There should be a firm schedule by the end of the week. The contractor is proposing doing night work on Hope Road and it will take three to five consecutive nights to complete the project depending on the weather.

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

Mr. Hilla makes a recommendation to Council to consider the Zoning Officer as a member of the committee, if one is created, with regards to drafting the Ordinances.

He states that this is the person that really enforces these Ordinances once they have been written. He states that her insights could be very helpful.

Mr. Baldwin asks Mr. Hilla about the construction at the south end of Essex Road, if it is to change or replace the sewers, he states he doesn't know if it is the new malls contract. Mr. Hilla states that it is. Mr. Baldwin wants to know if they have consulted with Mr. Hilla's sub contractor to do the section and wants to know if they will interfere with each other. Mr. Hilla replies that they held a pre construction hearing at the Chelsea site and the sewer work that will be done on Essex Road is the off site sewer improvements that were part of the Planning Board approval. They are aware that we are paving Essex Road, and we have asked them to speed up the installation of their sewer so that their trenches can settle prior to us paving. Mr. Baldwin asks if it will be done by the end of the year. Mr. Hilla states that it will.

Mr. Morrill states his concern for police, Fire, and safety for Society Hill since there is only one way in and one way out. He states that we need to be provided with emergency access Mr. Hilla states that the Borough Police will be doing traffic safety for the entire road program.

**Director of Law Reports**

Mr. Berube reports on the Ordinance establishing special assignment for Police Officers. He states that it is a codification of the existing policy and procedure. At the time of the Public Hearing he will be offering an amendment to complete the per hour charges.

Me. Berube states the LOSAP Ordinance is the only Ordinance for final consideration making it retro active to the end of the year.

Mr. Berube states that he will be asking as to Resolution R-07-206 for it to be carried again because as of Thursday of last week there were still unresolved issues.

Resolution R-07-299 is an add on. The Borough required a sanitary sewer easement in effect post Resolution. They sent the Silvestre's back to the board and this is to tie up all the loose ends.

Resolution R-07-303 authorizing the repurchase of 65 Beaumont Court, which is a COAH affordable housing unit. He states that the Borough was able to protect and preserve the affordable housing unit at a significant savings to the Borough. This Resolution is authorizing us to substitute in at the Sheriffs Sale to sell to another qualified COAH purchaser.

Mr. Morrill publicly thanks the administrative staff for their hard work in getting him caught up to speed with all that is going on in the Borough. He also states that the Police Academy Graduation ceremony was a wonderful event.

Mr. Morrill states that the first Open Space meeting was on August 13, 2007

Mr. Tobin extends congratulations and a thank you to the Emergency Medical unit and the Police department for their efforts in saving a little boy, with a medical condition.

Mr. Tobin states that the Freeholders look for off site locations to hold their meetings and asks Mr. Dempsey if he would like to extend an invitation to them so that they may hold their meetings in The New Borough Hall.

Mr. Tobin discusses the pay to play ordinance and states that it is still set for a partisan form of Government when Tinton Falls is a non partisan form of Government. He has had numerous people tell him they would like to bid for projects in Tinton Falls and are prevented from doing so because of political contributions they have made in other parts of the County and or State.

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

Mr. Berube states that he will be happy to make some recommendations to Council and revisit the Ordinance.

Mr. Tobin states that he was present at the Freeholders meeting, which had an extensive Agenda and they were able to complete it in fifty minutes. He explains that the last Council meeting we held ran four hours and forty minutes, the previous meeting was three hours and it is unacceptable, he states that something needs to be done to control this.

Mr. Skudera comments on the county landfill, and Methane Gas and whether or not it is taxable. He states that it is something the Borough should look into.

Mr. Berube states that the Mayor and the Administrator have directed the Tax Assessor to secure income expense statements from the County Landfill to document whether or not they are generating income that is beyond the original charter. He states that they will keep Council advised as information is secured.

Mr. Skudera reports on sending all back up paperwork for the Agenda via email. He states that receiving the information electronically would save time, errors, trees and money.

Mr. Skudera addresses the Mayor with the issue of our Technical support team and asks if hiring a consultant to come and deal with the issues we are having is something that he is in favor of pursuing. He explains that our Tech guys are very capable of maintaining our system but it is a lot of work. He states that there is a list of approximately fifteen to twenty items that need to be addressed.

The Mayor responds that he needs to know cost and whether or not there is money in the budget for it.

### **HVAC PRESENTATION**

Mr. Birdsall introduces Bob Rickenback from the Warko Group in Reading Pennsylvania. He is going to demonstrate how the front end system which is manufactured by Johnson Controls is designed to work with our heating and air conditioning units. A lengthy discussion among Council, Mr. Birdsall, and Mr. Dempsey occurs. The cost of the system is \$126,000 (one hundred twenty-six thousand dollars). Council decides they would like to get another price before going ahead with this system. They do state that they are in favor of a change order to be put on the next meeting.

### **BOND SALE**

Mr. Cantalupo from Wilentz, Goldman & Spitzer who is the Boroughs Bond Attorney is here at the request of Mr. Pfeffer to explain a Bond Sale that is scheduled to take place in December. The Bond sale will be approximately \$6,500,000.00 (six million five hundred thousand dollars). These are bonds that have already been authorized through previous Bond Ordinances.

Mr. Cantalupo explains that in some cases the Resolutions may be presented to Council at the last minute due to the interest rates being market driven and having to be locked in.

### **OPEN SPACE PRESENTATION**

Mr. Morrill introduces Mr. Guy Buck. Mr. Buck displays maps that have been previously constructed, he explains they are trying to work with what is there already and adding on to it.

Mr. Buck states that the Open Space Committee did a survey and found that the residents of Tinton Falls are looking for more passive recreation such as walking trails, bicycle trails, areas to observe birds etc...and not just organized recreation. What they

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

have tried to do is focus on acquiring land that is adjacent to trails that have already been planned, and touching land that the State and or Borough already had.

Mr. Buck states that the Open Space Committee has come up with two pieces of land that they could present before the deadline. One piece of land is on East Riverdale and one on Hockhockson. Mr. Buck extensively explains why these two pieces of property will be of benefit to the Borough.

Mr. Buck also states that they are looking at the south end of town, for putting in trails for seniors.

Mr. Morrill comments on the Hockhockson property, after a discussion with Mr. Pfeffer he was informed that only one acre of the property is usable land & the rest is wetlands, so they believe the Borough can get a better purchase price.

Mr. Tobin asks if we can apply for both pieces of land on the 19<sup>th</sup> of September as to the grant. Mr. Pfeffer states that he had a conversation with Faith Hahn from the County Open Space Committee, and was informed that the Borough can only apply for one of the projects. He states that the plan was that the Borough would apply to the County for whichever property was decided on and then coordinate with Green Acers to see if there was funding available to off set some of the additional costs. Mr. Pfeffer states he believes there are enough funds to fit these transactions in.

Council states that they are all in favor of the purchase of the property, and they commend the Open Space Committee for all their hard work and dedication to making this happen.

The Mayor reads a Proclamation declaring September 4<sup>th</sup> Cord Rodenbostel Day in honor of his 100<sup>th</sup> Birthday.

**PETITIONS**

Mr. Dempsey updates Council on the PineBrook/Squankum Road Petition. He states that speed bumps are not possible there but he does state that the road is part of the paving project, and the speed limit has been adjusted.

**Ordinance for Introduction**

Borough Clerk reads Ordinance No. 07-1226 entitled "BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 07-1215 (WHICH PROVIDES FOR THE 2007 ROAD AND RECREATION TRAIL RECONSTRUCTION, CONSTRUCTION AND RESURFACING PROGRAM) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 6, 2007, TO AMEND THE DESCRIPTION SET FORTH THEREIN"

Mr. Tobin offers a Motion to introduce Ordinance No. 07-1226, seconded by Mr. Ford.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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

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Borough Clerk reads Ordinance No. 07-1227 entitled "AN ORDINANCE AMENDING SECTION 2-12.1 OF THE ORDINANCES OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS"

Mr. Tobin offers a Motion to introduce Ordinance No. 07-1227, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

ABSENT: None

ABSTAIN: None

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

**Ordinances for final Consideration**

Borough Clerk reads Ordinance No. 07-1225 entitled "ORDINANCE AMENDING ORDINANCE NO. 06-1208 LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR ELIGIBLE ACTIVE MEMBERS OF THE TINTON FALLS EMERGENCY MEDICAL SERVICES SQUADS TO PROVIDE FOR AN EFFECTIVE DATE OF DECEMBER 27, 2006

Mr. Tobin offers a Motion open Public Hearing on ordinance 07-1225, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

**PUBLIC HEARING NOW OPEN**

There being no questions from the public, Mr. Tobin offers a Motion close the Public Hearing, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

**PUBLIC HEARING NOW CLOSED**

Mr. Tobin offers a Resolution to Motion to adopt Ordinance No. 07-1227, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION NOW OPEN**

Mr. Tobin offers a Motion to open Public Discussion, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Hank Burkman from Edgebrook Court states he has concerns about the \$126,000.00 price tag for the front end system. He asks Council if anyone has any idea what the annual cost of fueling the new building is. He states he does not believe the energy savings will pay off in a three to four year period. He also states he does not believe that the Borough hasn't given it enough time to get the HVAC system operating properly.

Mr. Pfeffer states that they had no idea what the energy costs were going to be for the new building, so they calculated costs by using the new public works building which is approximately 60% the size of the new municipal building. He states that he expects significant energy costs arising from the building due to the issues with the HVAC system.

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

Mr. Burkman also states that he can not understand how the Borough has a \$100,000.00 expenditure at the south end of the Borough. He states that \$65,000.00 for bleachers and \$34,900.00 for a press box is unbelievable for children between the ages of seven and fifteen.

Mr. Skudera states that they received a matching grant from the County and working with Pop Warner had made this possible, they had received much more value for their money rather than just the concession stand alone.

Mr. Henry Carney, 1900 Wayside Road Mr. Carney states that he believes we are beating a dead horse with regards to saving the brick part of the old municipal building. He believes the building should be torn down.

Charles Lomangino, 3 Helena Street, Mr. Lomangino states that he believes Mr. Birdsall should be here for the Public Discussion part of the meetings, not just for the updates on the Municipal Buildings. He states that there are questions that the public would like to direct toward him and he is gone before they get that chance.

Mr. Lomangino states that thermostats have worked for hundreds of years and he doesn't believe that the Borough needs a front end system to regulate the temperature of the building.

Mr. Lomangino states that he would like to see the sign, some lights, and landscaping in the front of the building.

There being no more comments from the public Mr. Tobin offers a motion to close the Public Discussion portion of the meeting, seconded by Mr. Morrill.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION NOW CLOSED**

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

Mr. Tobin asks Mr. Dempsey if he has made any progress with the letters he sent to Chairmen of different Boards regarding people who do not show up to fulfill their duties.

Mr. Dempsey states he has not received any responses.

Mr. Tobin would like to know if there are any plans for signs directing people where to go inside the building instead of the paper ones we have now.

Mr. Dempsey states he is working on it.

Mr. Dempsey states that Tinton Falls Community Day is August 25, 2007 at Sycamore Park from four o'clock until eight o'clock followed by the showing of the movie Shrek.

**RESOLUTIONS**

Mr. Tobin offers a motion to carry Resolution R-07-206, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-293 RESOLUTION - CERTIFICATION TO LOCAL FINANCE BOARD OF  
REVIEW OF 2006 ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS and RECOMMENDATIONS, and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: GENERAL COMMENTS and RECOMMENDATIONS as evidenced by the group Affidavit from the Governing Body, and

WHEREAS, such Resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the Affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Tinton Falls, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required Affidavit to said Board to show evidence of said compliance.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-294 RESOLUTION - ALLOWING FOR THE EXTENSION OF THE INTEREST  
PENALTY DEADLINE FOR TAX BILLS**

WHEREAS, the tax rate was delayed, and mailing of the tax bills was not completed until August 6, 2007, and

WHEREAS, N.J.S.A. 54:4-66.4 states the third installment of taxes shall not be subject to interest until the later of August 1, with a ten (10) day grace period to August 10, or the twenty-fifth calendar day after the tax bill was mailed.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the interest penalty for tax bills be extended to August 31, 2007 to give a (25) day grace period from the date of mailing.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-295 RESOLUTION – REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT  
SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE ACCEPTANCE OF BEQUESTS, LEGACIES AND  
GIFTS FOR COMMUNITY DAY**

**REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007**

**WHEREAS**, N.J.S.A. 40A:5-29 authorizes and empowers municipalities to accept bequests, legacies and gifts made to it and empowers municipalities to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift; and

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey as follows:

1. The Borough Council hereby requests permission of the Director of the Division of Local Government Services to place such bequests, legacies and gifts in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above (Community Day).
2. The Municipal Clerk of the Borough of Tinton Falls is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-296 RESOLUTION - SPECIAL ITEM OF REVENUE  
CAPITAL CONTRIBUTION FOR TECHNOLOGY SUPPORT  
COMCAST OF MONMOUTH COUNTY \$30,000**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount;

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the year 2007 in the amount of \$30,000 which is now available from the reserve for technology contributions on the General Capital Fund balance sheet.

**BE IT FURTHER RESOLVED** that a like sum of \$30,000 is hereby appropriated under the caption of:

Current Fund:	
Public ands Private Programs Offset by Revenues:	
Technology Contribution - Comcast	\$30,000

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

Mr. Ford asks if this money is going to be allocated for the website. Mr. Pfeffer states that is correct.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-297 - RESOLUTION  
TINTON FALLS PUBLIC LIBRARY ASSOCIATION  
POLITICAL CONTRIBUTION DISCLOSURE**

**WHEREAS**, the Tinton Falls Library Association has requested payment of the 2007 library appropriation, \$96,525.00, from the 2007 municipal budget, and;

**WHEREAS**, the Tinton Falls Library Association has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Tinton Falls as follows:

I hereby certify funds are available as follows:

**REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007**

Current Budget:  
Municipal Library - Other Expenses \$96,525.00  
2010-3865

\_\_\_\_\_  
STEPHEN PFEFFER, Chief Financial Officer

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Chief Financial Officer is authorized to make the payment to the Tinton Falls Library Association.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-298 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:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		FUNDED	UNFUNDED
	Pine Brook Road Reconstruction:		
99-989	Phase I	\$ 17,144.36	\$ 64,910.00
02-1068	Phase II	5,780.61	28,000.00
00-1013	Various Improvements to Parks and School Playgrounds		115.00
04-1121	Acquisition of Public Works Equipment	5,460.80	
		-----	-----
		\$ 28,385.77	\$ 93,025.00

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-299 - RESOLUTION – AMENDING R-06-462 TO INCLUDE SANITARY SEWER EASEMENT- BLOCK 124.11, LOT 25  
- SILVESTRI**

**WHEREAS**, on December 5, 2006 the Borough Council authorized the execution of certain easements for Block 124.11, Lot 25 Silvestri, and

**WHEREAS**, the Director of Law has required the applicant to appear before the Board and obtain a sanitary sewer easement, and

**WHEREAS**, the Board approved said sanitary sewer.

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk is hereby authorized to execute said sanitary sewer easement with respect to the Silvestri Subdivision, Block 124.11, Lot 25 upon the approval of the Director of Law.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

**R-07-300 - RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES  
WILLOWBROOK PHASE II, BLOCK 62, LOT 1.01 BLOCK 64, LOT 2**

WHEREAS, the developer has requested the release of Performance Guarantees for Willowbrook Phase II, Block 62, Lot 1.01 & Block 64, Lot 2

WHEREAS, BY LETTER DATED July 20, 2007, Engineer, Leon S. Avakian, Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance 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, Leon S. Avakian, Inc.'s letter of July 20, 2007, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-301 - RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES  
WILLOWBROOK PHASE III, BLOCK 62, LOT 1.01 BLOCK 64, LOT 2**

WHEREAS, the developer has requested the release of Performance Guarantees for Willowbrook Phase III, Block 62, Lot 1.01 & Block 64, Lot 2

WHEREAS, BY LETTER DATED July 20, 2007, Engineer, Leon S. Avakian, Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance 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, Leon S. Avakian, Inc.'s letter of July 20, 2007, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-302 - RESOLUTION - DENYING RELEASE OF PERFORMANCE GUARANTEES  
TINTON FALLS TOWNE CENTER, BLOCK 128.03, LOTS 19.01 & 23-27**

WHEREAS, the developer has requested the release of Performance Guarantees for TINTON FALLS TOWNE CENTER, BLOCK 128.03, LOTS 19.01 & 23-27

WHEREAS, BY LETTER DATED June 6, 2007, Engineer, Birdsell Engineering, Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance guarantees, and

WHEREAS, although the items on the Punch List have been completed, release of Performance Guarantees cannot be recommended due to a number of complaints regarding the lighting.

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, Birdsell Engineering, Inc.'s letter of July 27, 2007 (hereby attached and made part of this resolution), that the developer's request for a release of the Performance Guarantees be and hereby is denied.

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, Birdsell Engineering, Inc.'s letter of July 27, 2007 (hereby attached and made part of this resolution), that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-303 - RESOLUTION AUTHORIZING THE REPURCHASE OF PREMISES KNOWN AS BLOCK 26 LOT 45 ALSO KNOWN AS 65 BEAUMONT COURT, TINTON FALLS NJ, PURSUANT TO CONSENT ORDER IN THE SUPERIOR COURT OF NEW JERSEY UNDER DOCKET # F-7622-06 AND TO RESELL SAID AFFORDABLE HOUSING UNIT AT PUBLIC AUCTION TO QUALIFIED PERSONS AT PUBLIC AUCTION AND/OR PRIVATE SALE**

**WHEREAS**, there exists certain foreclosure litigation concerning premises subject to the Affordable Housing Plan of the Borough of Tinton Falls known as Block 26 Lot 34 entitled JP Morgan Chase Bank v Susan O'Neill, Superior Court of New Jersey, Chancery Division, Monmouth County under Docket # F-7622-06 in which the Borough of Tinton Falls has sought to intervene in order to protect the Affordable Housing designation of the above unit following foreclosure proceedings by the first mortgagee therein, and

**WHEREAS**, the Director of Law of the Borough of Tinton Falls has recommended that the Borough of Tinton Falls should purchase the interest of JP Morgan Chase Bank, the plaintiff in the above action, for a consideration equal to the maximum resale price for the unit allowable under the Affordable Housing Plan of the Borough of Tinton Falls and the rules and regulations promulgated by the Council on Affordable Housing of the State of New Jersey (hereinafter COAH) in the amount of \$ 93,712.00, and

**WHEREAS**, the plaintiff therein has agreed to the purchase of said interest in said amount and has executed a Consent Order filed in the above action and attached hereto evidencing same, and

**WHEREAS**, the Chief Municipal Finance Officer has determined that there are sufficient funds maintained in the Affordable Housing Trust Fund of the Borough of Tinton Falls for the purchase of the interest intended herein and

**WHEREAS**, the Director of Law of the Borough of Tinton Falls has determined that the expenditure of these funds for the purpose of maintaining the status of this unit as available for qualified persons under the Affordable Housing Plan of the Borough of Tinton Falls and the rules and regulations of COAH is permissible under the appropriate New Jersey state statutes and COAH regulations, and

**WHEREAS**, the Director of Law has recommended that it is in the best interests of the Borough of Tinton Falls to purchase the interest of plaintiff JP Morgan Chase and to allow the resale of this unit to persons so qualified for Affordable Housing Units at Sheriff's auction subject to certain terms and conditions contained in the Consent Order attached hereto or, failing such sale, to repurchase said unit at Sheriffs Sale in such amounts as may be necessary in order to allow the private sale of this unit to qualified persons in accordance with the Affordable Housing Plan of the Borough of Tinton Falls and COAH rules and regulations, and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Clerk, Chief Financial Officer, Director of Law and/or Administrator of the Borough of Tinton Falls are hereby authorized to execute any and all documents as are deemed necessary and to perform such activities as are necessary in order to fulfill the terms of the Consent Order attached hereto, to substitute the Borough as plaintiff therein and to purchase said interest of JP Morgan Chase Bank as detailed therein, to offer said the Affordable Housing Unit known as Block 26 Lot 45 and described above for Sheriffs' sale upon the terms therein to qualified purchasers, or, should no qualified purchasers successfully purchase said unit at Sheriff's sale, to repurchase said unit at Sheriff's sale for such nominal amounts as are necessary for same not to exceed \$ 1,000.00 plus appropriate costs and fees, and to thereafter resell said unit to qualified persons upon the terms and conditions contained in the Affordable Housing Plan of the Borough of Tinton Falls and appropriate COAH rules and regulations, properly releasing the lien of JP Mortgage Chase, as assignee thereafter

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin asks Mr. Berube if he should abstain from this resolution since he has an existing relationship with the DOT. Mr. Berube states that he doesn't see any conflict but he would understand if he decided he would abstain.

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Baldwin

**R-07-304 -RESOLUTION - AUTHORIZING MAYOR & BOROUGH CLERK TO EXECUTE APPLICATION AND AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR STATE AID FOR IMPROVEMENTS TO KNOLLWOOD DRIVE**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are hereby authorized to execute an application and agreement with the New Jersey Department of Transportation (NJDOT) for state aid for improvements to Knollwood Drive.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: Mr. Tobin



REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

**R-07-307-RESOLUTION - AMENDING R-07-219 -- R-07-223  
REFUNDING SEWER OVERPAYMENT  
TO CORRECT REFUND YEAR**

WHEREAS, Resolutions R-07-219 through R-07-223 were submitted with typographical errors indicating that the refunding of sewer overpayments approved were for the year 2006, when in fact they are for the year 2007:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the tax refunds which were approved on the above-mentioned resolutions are for the year 2007.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the above-mentioned resolutions approving tax overpayments are for the year 2007.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-308 - RESOLUTION – REFUNDING ESCROW FEES - \$451.61  
PALUMBO OFFICE BLDG**

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

WHEREAS, the Planning Board Secretary, Erin Swartz, has certified the following listed applicant’s account is deemed closed and no additional funds for consultants 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 consultant escrow fees are hereby authorized to be released for the following applicant:

PALUMBO OFFICE BLDG		1350-NW43		\$196.80
ATTILIO PALUMBO	1350-A3097		176.50	
PALUMBO (BA2006-30)		1350-7623		<u>78.31</u>
<b>TOTAL</b>				<b>\$451.61</b>

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-309 - RESOLUTION - PLACING DEBRIS LIEN ON PROPERTY KNOWN  
AS 27 GARRISON DRIVE**

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Joseph & Mary Ann McGovern 27 Garrison Drive Tinton Falls, NJ 07753	124.07	7	\$218.63

WHEREAS, N.J.S.A. 40:48-2.14 provides where obnoxious growth, garbage, trash and debris are destroyed or removed from any dwelling or lands, the cost shall be certified to the governing body, which shall examine the certificate and if found correct shall cause the cost to be charged against said dwelling or lands.

and,

WHEREAS, the Department of Public Works of the Borough of Tinton Falls performed a clean up on the above mentioned property totaling \$218.63 pursuant to a letter dated August 2, 2007 from John N. Bucciero, Director of Public Works hereby attached and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that a debris lien in the amount of \$218.63 is hereby charged to the property known as 27 Garrison Drive and shall become part of the taxes next to be assessed and levied.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of debris lien to be \$218.63.

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-310 - RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of May 2007 fees totaling \$22.25 were paid by a resident of Tinton Falls for their children's participation in Summer Camp Program, on a trip to Funtime America.

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

WHEREAS, during the month of August, the child was injured on the trip and was unable to participate in the provided activities and a full refund for the trip to Funtime America in the amount of \$22.25 shall be issued for the child Gabriella Franco.

Liz Franco	\$ 22.25	
	Total	\$ 22.25

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$22.25 be issued.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-311 - RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of May 2007 fees totaling \$23.00 were paid by a resident of Tinton Falls for their children's participation in our Summer Camp Program.

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

WHEREAS, during the month of July, the child was injured on the trip and was unable to participate in the provided activities and a full refund for the trip to Blackbeards Cave in the amount of \$23.00 shall be issued for the child Sam Leitner.

Marlene Pinsker Leitner	\$ 23.00	
	Total	\$ 23.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$23.00 be issued.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-312 - RESOLUTION-REFUNDING RECREATION FEES**

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

WHEREAS, during the month of May 2007 fees totaling \$314.00 were paid by a resident of Tinton Falls for their child's participation in Summer Camp Program.

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

WHEREAS, during the month of August, the Recreation Superintendent was informed by the resident that the child was accepted into the Junior Police Academy therefore missing three weeks of our five week program. A partial refund in the amount of \$165.00 shall be issued to the resident, for their child Jodi Taylor

Joanne Taylor	\$ 165.00	
	Total	\$ 165.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$165.00 be issued

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-313 - RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2007 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
William Skripko c/o Karlinski & Johnson, P.C. 150 Chambers Bridge Road, Ste #203 Bricktown, NJ 08723	124.51	230	\$1,015.47

Re: Sultan from Skripko  
6 Montpelier Street

and,

WHEREAS, said error has resulted in an overpayment of 2007 2<sup>nd</sup> quarter taxes paid in the amount of \$1,015.47, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,015.47 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,015.47.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-314 - RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2007 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael R. Vollmuth 12 Dover Court Tinton Falls, NJ 07712	124.51	220	\$1,015.47

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
August 21, 2007

and,

WHEREAS, said error has resulted in an overpayment of 2007 2<sup>nd</sup> quarter taxes in the amount of \$1,015.47, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,015.47 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,015.47.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-315 - RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2007 2<sup>nd</sup> quarter taxes on the following property has been paid in error creating an overpayment by the Attorney and by the Mortgage Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Anthony & Toni DeGannaro c/o Drazin & Warshaw, Atty. P.O. Box 8909 Red Bank, NJ 07701-8909	124.50	149	\$1,239.08

Re: DeGannaro to Metz  
11 St. Paul Court

and,

WHEREAS, said error has resulted in an overpayment of 2007 2<sup>nd</sup> quarter taxes in the amount of \$1,239.08, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,239.08 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,239.08.

**ROLL CALL:**

**AYES:** Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-316 - RESOLUTION - REFUNDING SEWER OVERPAYMENT**

WHEREAS, a payment of 2007 1<sup>st</sup> quarter sewers on the following property has been paid in error by the previous homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kishan Lal 1 Murifield Drive Manalapan, NJ 07726	124.50	163	\$93.04

Re: Lal to Chavez  
25 St. Paul Court

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$93.04 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of payment to be \$93.04.

**ROLL CALL:**

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-317 - RESOLUTION - REFUNDING SEWER OVERPAYMENT**

WHEREAS, a payment of 2006 sewers on the following property has been paid in error by the previous homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Kishan Lal 1 Murifield Drive Manalapan, NJ 07726 Re: Lal to Chavez 25 St. Paul Court	124.50	163	\$98.29

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$98.29 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of payment to be \$98.29

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Tobin offers a the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-318 - RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of June 2007 fees totaling \$80.00 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 June;

WHEREAS, during the month of August, the Recreation Superintendent was informed by the resident that the child due to a scheduling conflict and also inaccurately entered the incorrect grade level and will be unable to participate in the program, and a refund in the amount of \$80.00 shall be issued to the resident, for their child Brandon Mejia.

Brandon Mejia	\$80.00
<hr/>	
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: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

\*\*\*\*\*

Mr. Morrill offers a the following Resolution and moves its adoption, seconded by Mr. Tobin

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

August 21, 2007

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to N.J.S.A. 1:4-13, the Council shall adjourn to Executive Session for the purpose of discussing ongoing litigation.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Director of Law.

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Workshop begins at : 10:14 p.m.

Mr. Tobin offers a motion to move to the Workshop Meeting, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Dempsey requests to workshop a proposed fee schedule for the construction department to increase the fees they already have in place. Mr. Dempsey states that the recommendations come from the Building Department and the Building Official. These fees would only be paid by the individuals that require building permits.

Mr. Dempsey asks Council if he can proceed with drafting an ordinance for introduction. Council has no objections and they are all in favor.

\*\*\*\*\*

Mr. Tobin offers a motion to adjourn into Executive Session, seconded by Mr. Morrill

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT INTO EXECUTIVE SESSION: 10:18 p.m.

MEETING RECONVENES AT: 10:49 p.m.

Mr. Baldwin offers a motion to adjourn the meeting, seconded by Mr. Ford

ROLL CALL:

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT: 10:49 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR  
BOROUGH CLERK

Approved at a meeting held on: November 27, 2007.