

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 5, 2008**

Council President called regular meeting to order at 7:34 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."

All present stood for Salute to Flag.

ROLL CALL

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

ABSENT: Mayor Maclearie

ALSO PRESENT: W. Bryan Dempsey, Administrator
James Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Maggie Pereira, Assistant to Borough Clerk
Stephen Pfeffer, Chief Financial Officer
Al Hill Jr., Borough Engineer

APPROVAL OF MINUTES

Mr. Baldwin offered a motion to approve the minutes of May 6, 2008, seconded by Mr. Skudera.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Tobin stated for the record there was a minor correction made to the minutes which was handed out to Council prior to the meeting.

Mr. Baldwin offered a motion to approve the minutes of May 20, 2008, seconded by Mr. Ford.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill

Mr. Baldwin offered a motion to approve the minutes of June 17, 2008, seconded by Mr. Skudera.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council's Report

Mr. Skudera stated there is a technology meeting tomorrow. The committee will discuss the update from the administration as far as the website goes. Mr. Skudera also suggested administration have a computer policy in place as soon as possible.

Mr. Ford commented on what a great job the Recreation Department has done with the summer camp program.

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Mr. Ford announced that the Recreation Department is going to implement “instant verification” to make sure our coaches clear our background checks in order to ensure our children are safe.

Mr. Ford stated he spoke with Mr. Karavites and he would like to come before Council and the School Board would like to speak about some of there concerns with COAH. They would also like to give a presentation on a lot of the new housing developments and impacts this would have on the schools.

Mr. Baldwin stated the Ordinance review committee met last week, hopefully for the last time to finish the draft Ordinances for the Master Plan. Paul Gleitz is now making all of the edits and changes that were recommended by the committee members. The final draft should be ready next week to be introduced to the Mayor, Council, Borough Attorney, Planning Board, etc.

Mr. Baldwin spoke regarding the intersection at Asbury Avenue and Pine Street regarding the flooding issues.

Council President’s Report

Mr. Tobin updated Council and the public on the Fort Monmouth Economic Revitalization Planning Authority (FMERPA) meetings he attended.

Mr. Tobin informed Council that he went to Washington with Mr. Dempsey this past Friday with some folks from Colts Neck and Tinton Falls for Neighbors Opposed to the Privatization of Earl (NOPE) meeting. They met with the assistant secretary of the U.S. Navy who is in charge of all installations and the environmental issues. There will be a meeting on August 12th at 7:30 p.m. in Seabrook Village for anyone in the public who is interested regarding same.

Mr. Tobin suggested the first and third week of the month residents should take their garbage can to the odd numbered side of the street and on the second and forth week of the month to roll their garbage cans to the even numbered house. It saved Brick Township (the 8th largest municipality in the State) 45% on fuel and cut the pickup time in half.

Engineer’s Report – Al Hill, Jr.

2008 Road Program

This program is substantially complete. The punch list items are to be addressed beginning tomorrow by the contractor.

Sycamore Soccer Complex Trails

The contracts are in progress and a pre-construction meeting is to be scheduled in the very near future.

Sycamore Avenue Sidewalks

The design of that is 95% complete. Mr. Hilla stated he has met personally with a majority of the properties where there are physical conflicts with the sidewalk and improvements that they might have in the right of way. All property owners were provided with notice.

2009 Road Program

Mr. Hilla stated he is in the process of compiling candidate roads for the 2009 program. A lot of the work they have down in town has prompted people to call Borough Hall and inquire as to how they get their street on a list because of deterioration, etc.

Administrator’s Report

Mr. Dempsey stated we have inter-local services agreement for video conferencing similar to what we do with Oceanport. Colts Neck would like the same arrangement, which is a \$1,200.00 annual charge that we would receive.

Monmouth County Shade Tree Commission

We received notice from the Monmouth County Shade Tree Commission that the 2008 Gypsy Moth Program has been completed. In the Borough, they sprayed 140 acres this year.

Martin Motel

There is a Resolution on tonight for the Martin Motel for inter-local service agreement for Wall Township to provide water service to the Motel. Currently there is no water provided by American Water in that area so they requested to be serviced by Wall Township.

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Monmouth County Open Space Program

The grant application is due September 17th. In the past we have acquired property using the funding; it is a matching grant up to \$250,000 that they will provide. We have received the Somers property using some of that money and in the past we have made park improvements such as the lighting at Sycamore and the recent completion of the concession stands and bleachers at Liberty Park.

Feasibility Study

The study has been completed and submitted. If the Borough Council would like a presentation, Mr. Kowell can schedule to give same.

Third Round COAH Obligations

There is a need for a third round plan to be submitted by the end of the year. Mr. Dempsey stated he requested proposals from our planner concerning this.

Green Grove Road Sewer Connection

The residents of Green Grove Road would like to be able to connect to the Ocean Township sewer line. They would also like us to pay their connection fee which is about \$3,000 or a little more. Our current connection fee is \$2,156. We would need to determine if the \$3,000 to Ocean Township is all that would have to be paid or would we also require them to pay our connection fee.

Front Loading Garbage Containers

All the commercial containers are in place. They did their first collection yesterday and today and it seemed to go pretty well. John Bucciero, Director of Public Works, does have some remaining front loaders that he will start putting in the residential locations.

Director of Law's Report

Mr. Berube advised members of the Council that they supported a Resolution and joined with the New Jersey League of Municipalities in challenging the implementation of the third round regulations.

Resolution 08-249 – Mr. Berube apologized for the legal verbiage in this Resolution and stated that the Borough is a party to a lawsuit that has been filed by Sloo Investors, a developer in town who added two accounts to its initial complaint to bring the Borough in along with the Borough Planning Board. Those two counts allege that we have inversely condemned the property. Inverse condemnation is not included in our coverage under the municipal access liability although the ? would be required to provide a defense. They have written the Borough a letter indicating that because they have duty to cover this as a loss, they would offer the Borough \$10,000 so that the Borough would defend itself against that loss.

The preliminary report of the Fort Monmouth Emergency Services Subcommittee was released last week. There suggestion for Tinton Falls was that we enter into a regional agreement for coverage for EMS.

Borough Clerk's Report

Karen Mount-Taylor stated she is pleased to present to Council the 2007 audit and asked each Council members to take a report and sign for same stating they have received it. The Resolution to accept the audit will be on the August 19th meeting.

Council was presented with name tags that Mr. Baldwin requested and were made in-house in the most cost efficient way.

Mr. Ford offered the following Resolution and moved its adoption, seconded by Mr. Skudera.

**R-08-256 RESOLUTION - HONORING EAGLE SCOUT ACHIEVEMENT OF
MATTHEW JOHN CLAYTON GOULD**

WHEREAS, Matthew has been involved in scouting since 1996, and
WHEREAS, Matthew, has hiked 25 miles, cycled 175 miles, camped out 50 nights and volunteered over 80 hours of community service, and

WHEREAS, Matthew, as a member of Troop 49 achieved many honors such as Senior Patrol Leader twice, Assistant Senior Patrol Leader and, served as the troops Chaplain's Aide. Matthew also served as the troops Bugler.

WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting, and

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WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Matthew for his achievement in reaching a goal that a few Scouts acquire.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Matthew John Clayton Gould be congratulated for receiving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 49.

Mr. Tobin, in the absence of the Mayor, read Resolution R-08-256 honoring Eagle Scout Matthew Gould and presented him with same.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Pfeffer – Open Space Funding – Discussion

Mr. Pfeffer stated at the request of the Council President he prepared an analysis of the Open Space Trust Reserve from January 1, 2008 – July 30, 2008 showing the cash receipts and cash disbursements that have taken place so far through the fund.

Mr. Tobin stated a few years ago the residents voted on a referendum ballot to increase the Open Space tax from 1.5 cents per 100 to 3 cents per 100, doubling the amount of money we had to purchase open land. Now that the tax increased to three cents, we have since gone through re-evaluation. The re-evaluation raised the value of Borough by 2.2 times and therefore three cents per hundred raised our dollar amount significantly from \$378,268 by another \$492,000. If the public were to vote to take the money back, it would average to about \$58 per home.

Mr. Ford stated the intent is for the Borough to purchase open space with the open space money. By having additional money what it is does it allow us to target properties that we had and to pay cash rather than bonding for 20 or 30 years.

Council had a lengthy discussion on this matter concerning their views.

Mr. Pfeffer stated that he put together a plan that showed that four properties would be paid for in cash by the year 2012, two of which would be this year and where we had funded debt in place, the debt would be accelerated and the debt would be paid off by 2012 for Campbell and Somers. Although they are not official plans of the Borough and just an analysis, it is showing that there are properties that need to be paid for and this would accelerate the payment of those properties. It would also still leave about a million dollars at the end of 2012 to go forward as well as leaving us some leeway especially in the years 2010 and 2011.

Mr. Tobin stated for the record the Open Space Trust Fund was initially established following a referendum of approval by the voters on November 3, 1998. Mr. Tobin also read the statement for Council and the public.

Mr. Dempsey advised with the new COAH regulations we have, a developer on a commercial property pays 2.5% of the assessed value towards our COAH obligations. This is not going to pay for any housing. What is going to take place is: a developer is going to come in, build this commercial development, pay 2.5% to the Borough to build the affordable housing obligation, which is going to become the Borough's obligation. We are going to be looking at potential acquisitions of commercial properties, not just residential.

Library Report Presentation – Discussion

Mr. Tobin advised that a full report will be given sometime in September or October - whenever the architect, Dennis Kowell, can make it.

Mr. Ford stated the report is completed and very detailed. It was paid through a grant from the State of New Jersey.

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PETITIONS

Karen Mount-Taylor stated there are no petitions for this evening, however she has received a petition after the deadline for the agenda. It is her understanding that there might be additional signatures that will be brought to her office. It will be placed on the next meeting.

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 08-1249 entitled: AN ORDINANCE AMENDING CHAPTER 9-7.9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS – DEFINED CONTRIBUTION RETIREMENT PROGRAM

Mr. Baldwin offered a motion to introduce Ordinance No. 08-1249, seconded by Mr. Ford.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

Council President stated the Public Hearing will be set at the convenience of the Borough Clerk.

Ordinance No. 08-1249 in Full/Ordinance Book #3

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 08-1248 entitled: AN ORDINANCE AMENDING CHAPTER 23 OF THE BOROUGH ORDINANCES TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL) FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF TINTON FALLS' AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

Mr. Skudera offered a motion to open the Public Hearing, seconded by Mr. Baldwin.

ROLL CALL

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

PUBLIC HEARING OPEN

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

ROLL CALL

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

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 08-1248, seconded by Mr. Skudera.

Mr. Berube advised that Mr. Dempsey has volunteered to do this as an additional duty without any additional compensation.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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PUBLIC DISCUSSION

Mr. Skudera offered a motion to open the Public Discussion, seconded by Mr. Ford.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN

Linda Zucarro, 127 Mill Lane, speaking as a Tinton Falls resident as well as the President of the Tinton Falls Library Board of Trustees spoke regarding the Library Board and Committee.

Carol Redfern, 345 Riverdale Avenue West spoke regarding the increase in her tax bill, the building of a new library, Fort Monmouth and gave her opinion on each.

Leo Christofili, 328 Riveredge Road spoke regarding a new library verses a community center. Mr. Christofili also spoke regarding the Borough's executive meetings.

Charles Lomangino, 3 Helena Street came before Council to make a plea to Council to pull together and look at the economy.

Caroline Bolton, 146 Hope Road, spoke regarding the costs and expenses of building of a new library. Ms. Bolton also spoke regarding Open Space and how it should be Natural Space rather than Open Space which would cut down on maintenance costs.

Bill Holbowski, 56 Neville Street, Co-Chairman of Neighbors opposed to Privatization at Earl (NOPE), thanked Council for their support and spoke regarding ramifications. Mr. Holbowski requested Council publish something on the Borough website to announce a meeting they are having next Tuesday at Seabrook Village at 7:00 p.m. Mr. Holbowski stated he would also like to invite the citizens of Tinton Falls to the briefing and gave a description of the items that will be discussed at the meeting.

Nicole Alfano, 50 Sires Stake Drive questioned if Council realized how these numbers that they were throwing out would affect the average taxpayer.

Andrew Mayor, 46 Sam Drive, came before Council to give his opinion on Open Space issues. Mr. Mayor stated he feels that Open Space is not just a cost; it is an investment that keeps giving back for future generations.

Rosemarie Tunncliffe, 304 Water Street, stated as a point of information to the citizens that have spoken against the library, it is a lousy time to ask for taxes to go up but wanted to make it clear that they aren't asking for a new facility as the Borough already has a library; they are asking reasonable premises for it.

Michael Stanton, 9 Bowles Lane, stated his taxes have gone up as well but he feels he is paying for services that are necessary. Mr. Stanton gave his opinion for Open Space and spoke regarding the advantages of same in the long run.

Gerald Turning, Chief of Police, reminded Council and the public of the graduation for their Police Cadet class next Friday at 7:00 p.m. at Ranney School.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Ford inquired about putting a left turn signal at the traffic light at the intersection of Pine Brook Road and Wayside Road.

Gerald Turning, Chief of Police, stated it is already being looked into.

RESOLUTIONS

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

R-08-246 RESOLUTION - AUTHORIZING THE EXECUTION OF AN INTER-LOCAL MUNICIPAL SERVICES AGREEMENT FOR THE PROVISION OF WATER SERVICES FOR THE MARTIN MOTEL (BLOCK 155, LOT 7.01)

WHEREAS, the Inter-local Municipal Services Act, N.J.S.A., 40:8A-1 et seq., provides authorization for any local unit of the State of New Jersey to enter into a contract with another local unit or units for joint provisions within their several jurisdictions for the benefit of the citizens of both jurisdictions; and

WHEREAS, the Owners of the Martin Motel, located at Route 33 in the Borough of Tinton Falls, also known as Block 155, Lot 7.01, have requested the provision of a water main extension presently maintained by the Township of Wall to provide water services to that location, and

WHEREAS, the Township of Wall maintains an existing Municipal, Service Agreement for the provision of water services to a property known as Block 147, Lot 7 in the Borough of Tinton Falls on the west side of Highway 33 as existing, and

WHEREAS, the Borough of Tinton Falls does not have water service lines available to service the property known as Block 155, Lot 7.01, and

WHEREAS, the Applicant has provided an engineering report detailing the construction necessary to secure a water connection from the Township of Wall facilities and has agreed to bear the costs of same, and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined that it is in the best interest of the residents of the Borough of Tinton Falls to enter into this Inter-Local Municipal Services Agreement pursuant to the statutes noted above

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, Municipal Clerk, and/or other applicable Administrative Official are hereby authorized to execute an Inter-local Municipal Services Agreement for the provision of water services to Block 155, Lot 7.01, in the form annexed, or as may be recommended and approved by the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-247 RESOLUTION - REDUCING PERFORMANCE GUARANTEES - VICTORIA BOULEVARD (HOVCHILD BOULEVARD)

WHEREAS, the developer for Victoria Boulevard (Hovchild Boulevard) has requested the reduction of Performance Guarantees, and

WHEREAS, by letter dated July 22, 2008, (said letter hereby attached and made part of this resolution) the Borough Engineer recommends that the Performance Guarantee be reduced based on the amount of work completed, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for Victoria Boulevard (Hovchild Boulevard), be reduced in accordance with said letter from the Borough Engineer.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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**R-08-248 RESOLUTION - SUPPORT THE OVER THE LIMIT ARREST - 2008
STATEWIDE CRACKDOWN**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2008 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 15 through September 1, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Tinton Falls declare its support for the Over The Limit Under Arrest 2008 Statewide Crackdown from August 15 through September 1, 2008 and pledges to increase awareness of the dangers of drinking and driving.

Chief Turning stated the Borough has received a grant in the amount of \$5,000.00 to pay the police officers for overtime.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-249 RESOLUTION - AUTHORIZING THE EXECUTION OF A CERTAIN
RESERVATION OF RIGHTS AGREEMENT WITH THE MUNICIPAL EXCESS
LIABILITY INSURANCE FUND**

WHEREAS, the Borough of Tinton Falls has been named in a certain lawsuit entitled Sloo Investors, LLC vs. Borough of Tinton Falls, et al., venued in the Superior Court of New Jersey Law Division, Monmouth County under Docket No. MON-L-4236-06; and

WHEREAS, the Director of Law of the Borough of Tinton Falls has submitted the Complaint to the Municipal Excess Liability Joint Insurance Fund (MEL) seeking indemnification and a defense from the MEL; and

WHEREAS, the Borough of Tinton Falls has received the letter of John Dorsey, Esq., General Counsel for the MEL, dated July 1, 2008 (Reservation of Rights letter), in response to the allegations contained in the Sloo Complaint; and

WHEREAS, the MEL, in its Reservation of Rights letter, has determined that the allegations contained in the Sixth and Seventh Counts of the Sloo Complaint are excluded from MEL's policy of insurance; and

WHEREAS, in accordance with the Reservation of Rights letter the MEL has provided its offer to pay certain sums in lieu of its obligation to provide a defense on the balance of allegations; and

WHEREAS, the Director of Law of the Borough of Tinton Falls has recommended that the Council accept the offer contained in the MEL's Reservation of Rights letter, dated July 1, 2008, attached hereto; and

WHEREAS, the Director of Law of the Borough of Tinton Falls has reviewed and approved the proposed release offered by the MEL in conjunction with its Reservation of Rights offer; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined that it is in the best interest of the Borough to accept the Reservation of Rights offer by the MEL, dated July 1, 2008 and to authorize the appropriate Administration Officials of the Borough of Tinton Falls to execute any and all documents necessary to effectuate the terms of this offer,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the offer contained in the MEL Reservation of Rights letter, dated July 1, 2008, is hereby accepted and that the Mayor, Administrator, Borough Clerk and Director of Law are authorized to execute any and all documents necessary to effectuate the terms of that offer as may be directed by the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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**R-08-250 RESOLUTION - PLACING DEBRIS LIEN ON PROPERTY KNOWN AS 50
HOPE ROAD**

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Deutsche Bank National Trust Co. 505 City Parkway West Orange, CA 92868	47.02	65	\$416.16

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 \$416.16 pursuant to a letter dated June 13, 2008 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 \$416.16 is hereby charged to the property known as 50 Hope Road and shall become part of the taxes next to be assessed and levied.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYS: None
ABSENT: None
ABSTAIN: Mr. Tobin

Mr. Ford offered the following Resolution and moved its adoption, seconded by Mr. Skudera.

**R-08-251 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-12 –
WOODMERE SCHOOL PTA. - ON PREMISES 50/50**

WHEREAS, the Woodmere School PTA. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-12, and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 08-12 be and the same is hereby approved as follows:

NAME: Woodmere School PTA . Identification No. : 122-5-34733
LOCATION: 700 Hope Road, Tinton Falls, NJ
DATE: October 24, 2008 7:00 – 11:00 pm

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-08-252 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-13 –
WOODMERE SCHOOL PTA. – CASINO NIGHT**

WHEREAS, the Woodmere School PTA. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-13, and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 08-13 be and the same is hereby approved as follows:

NAME: Woodmere School PTA . Identification No. : 122-5-34733
LOCATION: 700 Hope Road, Tinton Falls, NJ
DATE: October 24, 2008 7:00 – 11:00 pm

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-08-253 RESOLUTION - RELEASING MAINTENANCE GUARANTEES PARK PLACE
III TOPEKA COURT BLOCK 124.50 LOT 252**

**R-08-254 RESOLUTION - RELEASING MAINTENANCE GUARANTEES PARK PLACE
II PHASE A SECTION 2 BLOCK 124.50 LOT 1001**

**R-08-255 RESOLUTION - RELEASING MAINTENANCE GUARANTEES PARK PLACE
II PHASE A SECTION 2 (AMENDED) BLOCK 124.50 LOT 1001**

Mr. Skudera stated he would like to make a motion to carry all three of these Resolutions (R-08-253, R-08-254 and R-08-255) in light of documentation he has received from the Park Place II Board. More than several photographs of concrete and sidewalk issues around the Park Place areas were taken that need to be addressed perhaps by the Engineer. The information was forwarded to the Borough Clerk and placed in a binder if anyone is interested in reviewing same. Mr. Skudera stated he suggests to carry all three because it is the same builder for these two associations. He wants to make sure everything that is suppose to be fixed, is fixed because if not, the association and taxpayers will eventually have to pay to fix this.

Mr. Baldwin withdrew his motion.
Mr. Skudera withdrew his second.

Mr. Skudera offered a motion to carry Resolution R-08-253, R-08-254 and R-08-255 to the August 19th meeting, seconded by Mr. Ford.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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

Mr. Skudera offered a motion to approve the bill list with an exception, seconded by Mr. Ford.

R-08-257 RESOLUTION – APPROVAL OF BILLS – AUGUST 5, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending August 5, 2008,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	\$ 4,913,715.92
TRUST	26,864.59
CAPITAL	660,916.83
DEVELOPER ESCROW	46,757.50
GRANT FUND	595.00
SEWER UTILITY	443,438.83
ADDITIONS	<u>1,141,511.59</u>
	\$ 7,233,800.26

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: Mr. Tobin

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

CONSENT AGENDA

Mr. Baldwin offered a motion to add Resolutions R-08-261 and R-08-262 to the Consent Agenda, seconded by Mr. Skudera.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 5, 2008**

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Skudera offered a motion to accept the Consent Agenda in its entirety, seconded by Mr. Morrill.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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

R-08-258 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2008 fees totaling \$80.00 were paid by a resident of Tinton Falls for their child's participation in our Soccer Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of July 2008 , the Recreation Superintendent was informed by the resident that the child due scheduling conflicts will be unable to participate in a program and a refund in the amount of \$70.00 shall be issued for child Sunjana Varma. The \$10.00 processing fee has been applied to the refunded amount.

Pranjal Varma	\$ 70.00
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Total	\$ 70.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$70.00 be issued.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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

R-08-259 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of June 2008 fees totaling \$72.00 were paid by a resident of Tinton Falls for their child's participation in our Tennis Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of June 2008;

WHEREAS, during the month of July 2008, the Recreation Superintendent informed the resident that the calls time has been changed due to the enrollment figures. The child due to the new time change is unable to participate in a program and a full refund in the amount of \$72.00 shall be issued for child Summer Smagacz.

Bonnie Smagacz	\$ 72.00
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Total	\$ 72.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$72.00 be issued.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

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

R-08-260 RESOLUTION-REFUNDING RECREATION FEES

**REGULAR/WORKSHOP MEETING
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WHEREAS, during the month of May 2008 fees totaling \$115.00 were paid by a resident of Tinton Falls for their child's participation in our Mad Science Summer Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of July 2008 , the Recreation Superintendent was informed by the resident that the child due to an family member illness and will be traveling overseas will be unable to participate in a program. A refund in the amount of \$105.00 shall be issued for child Sebastian Cianci, \$115.00 paid deducting the \$10.00 processing fee.

Rita Cianci	\$ 105.00
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Total	\$ 105.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$105.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-261 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-14 –
TINTON FALLS PTA. - ON PREMISES 50/50**

WHEREAS, the Tinton Falls PTA. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-14 , and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 08-14 be and the same is hereby approved as follows:

NAME: Tinton Falls PTA. Identification No. : 343-5-26489
LOCATION: 961 Sycamore Ave, Tinton Falls, NJ
DATE: December 4, 2008 6:00 – 9:30 pm

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-262 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-15 –
TINTON FALLS PTA. - OFF PREMISES 50/50**

WHEREAS, the Tinton Falls PTA. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-15 , and

WHEREAS, said license has been forwarded to the Tinton Falls Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 08-15 be and the same is hereby approved as follows:

NAME: Tinton Falls PTA. Identification No. : 343-5-26489
LOCATION: 961 Sycamore Ave, Tinton Falls, NJ
DATE: December 4, 2008 5:00 – 10:00 pm

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 5, 2008**

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:52 P.M.

Council recessed at 9:52 P.M.

Council reconvened at 10:01 P.M.

WORKSHOP MEETING

Unfinished Business

Permit Violations

Mr. Dempsey spoke regarding residents doing improvements on their homes without any permits. Mr. Dempsey stated some of which was done many years ago but since the re-evaluation, they are now being taxed on it. The problem you have is to catch these individuals that have improvements without permits is going to be tough as we do not have the manpower to go back and do all the inspections and it would be hard to prove that the house was not bought with the improvements already done. The Borough is going to have a policy on CCO inspections where the tax assessor will provide the inspector a check off sheet of the property record cards so all inspectors that go out to do a CCO inspection will know exactly what improvements a house has and what improvements it does not have. Mr. Dempsey stated it would be nearly impossible to go back and enforce individuals that did not get a permit five or ten years ago.

Background Checks on New Employees

Mr. Tobin stated he found out that the Borough does not have a consistent policy on background checks on employees. Mr. Tobin requested with the new policy, can you go back and look at the last five or ten years at the people that have applied to work at the Borough and see if they have lied on their applications.

Mr. Dempsey stated from here on out there will be a Borough policy which will be approved by the Director of Law for all new hires on criminal background checks prior to full-time employment. As for looking at past backgrounds, there would be an issue with the Unions since they are union protected. The Police Department does do background checks and fingerprints on all of their employees.

Mr. Berube suggested that we amend the personnel policy and procedures manual with a Resolution approved by the Council in order to go forward. This would only be on new employees going forward.

Update on SUVs for the Borough

Mr. Dempsey stated that we adopted the budget with the SUVs in it. There is enough money for a hybrid or gas vehicle. The SUVs are in the capital section of the budget so it has to be a SUV purchased and not a vehicle.

Mr. Pfeffer stated the way the budget is prepared there is money in there for one SUV with a thought that it might be a hybrid which is more expensive than a gasoline powered SUV. The capital section of the budget is utilized for items that would normally be bondable but are going to be paid for in cash and have to have a minimal, useful life of five years. A passenger vehicle has a useful life of three years and a SUV has a useful life of five years.

Health Benefits – Documentation to be Supplied

Mr. Tobin briefly overviewed personnel policy and Ordinance conflicts. Mr. Tobin and Council had a lengthy discussion regarding Council's health benefits.

New Business

Modular Offices (Trailers) Progress Report

Mr. Dempsey stated Oceanport has started to remove the old Zoning/Building Department trailer. Hopefully within the next week or two that will be removed. Part of the deal with Oceanport is that they will remove the other modular office (the Clerk's Office) and place it over at the library providing it is a suitable location.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
AUGUST 5, 2008**

ADJOURNMENT

Mr. Ford offered a motion to adjourn the meeting, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:45 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: OCTOBER 7, 2008