

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
August 7, 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: 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
 Gerald Freda, Borough Engineer

APPROVAL OF MINUTES –

Mr. Tobin offers a motion to approve the January 2, 2007 minutes, seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

Mr. Tobin offers a motion to approve the January 16, 2007 minutes, seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

REPORTS

Mr. Dempsey reports that August 25th is Community Day at Sycamore Park from 4:00-8:00 p.m., followed by a movie at dusk.

Mr. Dempsey reports that the revaluation is continuing. Two thousand, one hundred twenty two (2,122) residential and one hundred and forty five (145) commercial have been measured up, and approximately sixty five hundred (6,500) properties have been photographed.

Mr. Dempsey states that Borough action is going to be needed on the traffic light for Hope Road and Industrial Way West. The Borough of Eatontown's engineer team requested this light. Our Borough Engineer's office has looked at it and has a couple of minor requests.

Mr. Dempsey states that everyone has a copy of a letter that he received from Arlene Dennis of 291 Wardell Road, regarding the cat issue. Her neighbors allow their cats to roam across her property. She has birds and other wildlife and these cats are causing a problem. There is no Borough ordinance against any roaming cats, so there is nothing to prevent cats from going onto other people's properties. He thinks that we should consider an ordinance and go as far as licensing cats. It would be an easy ordinance basically saying that you cannot allow your cats to roam at large through the Borough.

Mr. Tobin inquires if that is what cats do: roam. He also inquires if we are sure that these are all one (1) particular neighbor's cats. He was at the Freeholder meeting last year where many people brought up the fact that abandon cats have become quite an issue in the County. According to Mr. Dempsey, Ms. Dennis has indicated that she confronted a neighbor who she believed was the owner and had the door slammed in her face. He does not know if cats are supposed to roam other people's property, but we want an ordinance to prevent this.

Mr. Morrill inquires as to who would be handling this. Mr. Dempsey replies that Code Enforcement and Animal Control would be handling this.

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Mr. Skudera states that if he remembers correctly, they spoke of a cat ordinance on Council about three (3) months ago and they decided not to do that. Mr. Tobin responds that Council had discussed cat licensing.

Mr. Baldwin states that he read Ms. Dennis' letter and feels that she has a valid complaint. Cats are not made to roam any more than dogs are made to roam, but they can become a nuisance. We should look at this situation with a little sincerity and maybe do something to try to control it. Feral cats and cats running wild in Monmouth and Ocean Counties are making the news each day. He thinks that it is a nuisance and will continue to be so, and perhaps become an even larger nuisance than we realize. These cats are killing birds that are on the endangered species list and we have a civic duty to help Ms. Dennis and others out.

Mr. Ford states that he does not want to spend an extended amount of time on a cat ordinance, but we should respond and see what we can do. He states that his personal feeling right now is that we should just "stay the course."

Mr. Dempsey reports that he has received a request from the construction department regarding municipal fees. They have indicated that they would like to see their fees raised and they have a proposal to do that which is circulated to the Council in the agenda packet. There is some substantial construction that will be starting shortly and if we are going to increase our fees we need to do it prior to the construction starting. Mr. Skudera states that if Mr. Dempsey can get all of the information on this, Council will workshop this matter about the fees.

Mr. Dempsey states that there is a resolution on the next meeting awarding a contract for the Bleachers at West Park for one hundred thousand, six hundred thirty dollars (\$100,630). This is part of the grant application that we seek from the County. A press box for the Pop Warner football was also offered in the bidding for the bleachers for the visitors' side. We are not going to award the press box at this time because we want to make sure that there is proper funding for the bathrooms and concession stand.

Mr. Dempsey reports on the Squankum Road Pump Station. He says that the pipe work on that will be starting within the next two (2) weeks. This is the pump station that is going to be built at the end of Squankum Road closest to Colts Neck. The force mains should be installed in about the next two (2) to three (3) weeks, and there will probably be a six (6) to eight (8) week wait time for the station itself to be open to the street.

Mr. Dempsey states that we have submitted the third (3rd) round of substantial certification to the Council of Affordable Housing (COAH). We have received a notice that there was an objector to that and we are going to have to set up mediation with the objector and COAH. Once COAH reviews the application to make sure that's proper, we will have to set up a mediation meeting to consist of three (3) members. We also are going to have to inform the municipal Planning Board that we need to mediate this issue. This would have to be done by a resolution from Council appointing those members.

In regards to the Road Program, Mr. Dempsey states that it was awarded to Earl Asphalt, which was under the bid estimates that we had. There is additional money remaining and he recommends that we would amend the bond ordinance that we had for that road program to go out and include additional streets that we could do. Earl's estimate was nine hundred eighty seven thousand dollars (\$987,000). There is some additional money that would also be reserved for the walking track that would go around Sycamore Park. The walking track was something that we were going to do with the Public Works Department, but since we are going to have to go out and bid it as part of the community development block program, a contractor will do the work as opposed to the DPW.

Mr. Ford inquires if we have a timetable for this. Mr. Dempsey replies that we do not, but it will probably be towards the end of this year. The road program will start very soon.

Mr. Dempsey states that he met with Fox Chase II, COAH, and Housing Services to discuss our own building Fox Chase issues that we have with the Homeowners Association that we have down there. He believes that we are very close to obtaining a settlement and he has Andy Bayer, from our COAH Council, coming to the meeting to discuss the settlement during Executive Session. Hopefully this issue will be resolved in the next two (2) to three (3) weeks, and he thinks that everyone will win.

Mr. Dempsey states that there is an Open Space Grant Program with the County that we have to apply for by September 19, 2007. It is sent out to the Open Space Committee requesting that they provide properties that they would like to acquire if there are any. There is an issue with that and we have six (6) weeks remaining on the application and there are certain things that we are going to have to do if we are going to acquisition property. One of those requirements is the appraisal of those properties that we are looking to acquire. The program grants up to two hundred and fifty

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thousand dollars (\$250,000) if we do not have Open Space funding, and an application can be made for recreation purposes. One of the recreation purposes that you could apply for is a skateboard park. The Borough has been very successful with Monmouth County because we spend the money. Often times municipalities receive grant funds through the County and they do not spend it.

Mr. Dempsey reports that we have received an interesting letter from the Ocean County Council of New Jersey Conference of Parents and Teachers. The letter is a request of support for a high school challenge and recreation league that they are starting in Ocean and Monmouth Counties. The challenge is for individuals that have handicaps and cannot play normal sports because of their disability. They are trying to start this on a high school level and we are looking for a resolution or at least a letter of support to do that. He thinks that this is very beneficial and states that a lot of Counties have these recreational programs for these individuals and they work out greatly. However, there is nothing organized on the high school level and Ocean County intends on doing something and we should really support that.

Mr. Skudera inquires if there is additional information on this because he would be interested as well. Mr. Dempsey replies "yes."

Mr. Dempsey says that he hopes to have a projector installed from the ceiling of the courtroom by the next meeting. The projector would have a ten-foot (10ft) screen to be used for presentations by the Planning Board, Zoning Board, and Council.

Mr. Dempsey states that he attended a meeting of the Highway Authority regarding the cell tower. The Highway Authority had a public comment regarding the proposed cell tower. Apparently there is a portable tower there on the property that they want to change into a permanent tower. The Board of Education attended because they are looking to submit an application for a cell tower on their site as well as in a joint effort with the Borough. There were certain questions raised regarding the cell tower. They were told that the cell tower would not take away any carriers from any proposed tower that would be built on the Board of Education property, and they have also indicated an interest in a cell tower on that property.

Mr. Dempsey states that there was a request from a resident on Cherry Street by the last name Parker. There is a paper street located to the left of their property known as Blossom Street which is unimproved and they have been taking care of it for the last couple of years. The Parkers would like the Borough to vacate that portion of property to them and they will continually maintain it. Mr. Dempsey does not see any downside to this. He says that there are some utilities in there but we are never going to extend the street through to the next street because Blossom Street ends and there is a house build directly behind Blossom. So there is nothing that can be done with that paper street.

Mr. Feda states that when there is a situation like that and you vacate right of way, you need to vacate it between the two (2) nearest properties because someone else may be interested in the other half. Mr. Dempsey responds that he does not believe that they had been interested, but that they are interested now.

Mr. Dempsey states that he received a letter from Barbara from Drug-Free New Jersey requesting an ordinance that we do not currently have in regards to underage drinking on private property. They would like to see an ordinance passed that would prevent that. He recommends that we pass an ordinance similar to what Drug-Free NJ is requesting.

If there are already state laws against underagers drinking, Mr. Tobin inquires why we would need a separate ordinance. Mr. Berube responds that many times for a successful body of ordinance to in effort provide some of the same penalties as the state statute but not as stringent a violation that is technically recorded on state statute, so it allows some local control over that.

Mr. Dempsey states that in the past they have discussed the cost of certified copies. Shannon Zimmerman, who handles this for the Borough, indicates that we should really look at increasing our fees. Currently are fees are much less than everyone else's. We basically charge four dollars (\$4.00) for a certified copy and two dollars (\$2.00) for an additional copy. Most towns are charging between seven (\$7.00) and ten dollars (\$10.00) for the first copy and five dollars (\$5.00) or so for the second copy.

Mr. Dempsey states that another ordinance that we need to draft is one regarding background checks for the recreation programs. Currently we do not check the background of anyone.

Mr. Dempsey reports that he received an inquiry from the commercial business Spirits Unlimited in the A&P Plaza. Currently they have fifteen (15) minute parking. There is new tenant coming in and they are concerned that this new restaurant business will utilize these parking spaces. He states that

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if we want to enforce the fifteen minutes parking we would need to put the proper signage up for those parking spaces. We have received a letter recently indicating that the original sign requirements need to be upgraded. The fees were a hundred dollars (\$100) but we are looking for two hundred (\$200) or two hundred and fifty (\$250) now so we would have to notify all of the businesses of this increase as well.

Mr. Skudera inquires if Council would need action on amending the bond ordinance for the streets fairly soon. Mr. Dempsey responds that we would have to amend the bond ordinance, so yes it would have to be soon. Mr. Skudera asks the Council what they think about amending the bond ordinance to include extra streets if money is available.

Mr. Ford inquires if there is a listing of the priority order of what streets should be attended to first. Mr. Dempsey replies "yes." Mr. Skudera states that they can workshop this item. Mr. Tobin states that he does not think that we would need a workshop for this since we have already had a list and have gone over it. There is no need to waste another two (2) to six (6) weeks on workshoping this because we may end up on missing out on the project.

Mr. Morrill adds that since they already have the list of the priority of the streets that need to be repaired, he thinks that they should pick the next batch of streets and move on. He says that this would be the best way since the work already went into it.

Mr. Baldwin asks Mr. Freda if we have a list. Mr. Freda replies that we know the next roads that have to be done, and he imagines that the walking trail would have to come first.

Mr. Dempsey adds that the list has been generated between Al Hilla and John Bucciero's office.

Mr. Ford states that he thinks they have done a good job on the road program and whether they workshop it or not, everything is in line.

Mr. Skudera asks Mr. Dempsey to make sure that all of this information is forwarded to the new Council members so that they can move forward with this on the agenda and call a vote.

Mr. Skudera recognizes that Mr. Tobin has a question about the Parkway resolution. Mr. Tobin inquires what is going on with the resolution on leasing the roads. Mr. Dempsey states that they can put this on the next agenda.

Bond Anticipation Notes – Mr. Pfeffer reports on the bond anticipation note he sold on July 20, 2007, maturing on January 28, 2008. It was for two million, eight hundred and fifty thousand dollars (\$2,850,000) and involved Ordinance No. 04-1125 which is part of the municipal complex ordinances. There were four (4) bidders. The winning bidder was three point five percent (3.5%) from Central Jersey Bank. This was well under the second-most bidder which was three point nine six percent (3.96%) from Sun Bank.

Mr. Pfeffer states that two (2) weeks ago he was invited down to the Division of Local Government Services in Trenton to critique rules and regulations on a new tax levy cap on the legislation that went through. They brainstormed a lot of different ideas and went through the potential problems that this legislation is going to bring to municipalities. They all came to the conclusion that this new legislation, which is a four percent (4%) cap on the municipal cap levy, is going to have serious implications to municipalities in the future as far as maintaining existing services. The Division is still working on those rules and regulations and will hopefully come out with something shortly. The Division has decided that they needed to push back the fiscal year budget calendar for the fiscal year of municipalities because they have not come to a conclusion yet on some of the technical issues that this legislation has brought on. Once the Division has issued the new regulations, he will make sure that everyone on Council gets a copy and then they can have a discussion on the workshop as to what this means to us and go from there. There are some ways that municipalities can increase the cap, and he thinks that once the rules and regulations are publicized, they can workshop this issue.

In conjunction with the Bond Council, Mr. Pfeffer states that we have been looking at a proposed bonding for various ordinances that we have out right now and where we have a lot of bond anticipation notes out on them. He would like to bring the Bond Council in for either the next meeting or the one after that to discuss some of the ideas that we they have been floating around between them. He states that the market is good, a lot of our projects are coming to an end, and it is time to take a look at them as far as permanent finances involved. He asks the Council to consider putting this on the workshop for either the next meeting or the one after. He adds that about two (2) weeks ago he passed around a local compliance board notice which is the disclosure of liabilities for government employment benefits for municipalities. When this regulation goes into effect for us for the calendar year 2008, we will be forced to hire an actuary and have this calculation done. The

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Division is recommending that we look to join other municipalities. He states that he will go out and talk to everybody in surrounding communities to see if we can get together and hire someone to do this. This is going to be a requirement in the 2008 calendar year, and we are probably going to have to do it every two (2) to three (3) years. The amount of employees/retirees we have determines if it will be a two (2) year or three (3) year period. He just wants everyone to be aware of this situation.

Mr. Pfeffer states that a while back he had forwarded an Open Space inventory list to various Committees and employees of the requirements within the Borough, asking for their input on that list. He believes that the list is final and he would like to have a resolution prepared to accept the Open Space Inventory list and then incorporate that onto Green Acres because they were the ones that asked us to update the list.

Mr. Ford inquires if this is a list that the Open Space Committee has looked at and agreed with. Mr. Pfeffer responds that they were one of the Committees that he sent the list to and he did not get any response. He assumes that they looked at it and had no comment on it. He has also sent the list to various departments within the Borough. He was looking for someone to look at this list and say that something is not right. When he put the list together, he did not get any negative input from anyone else that the list was sent to. There were no changes to the prior list except for the fact that they cleaned it up as far as minor changes of a block and lot, or acreage that was slightly off. He still thinks that it is substantially complete and ready to go and he will make sure that everyone on Council will receive a copy.

Mr. Ford says that we will be appointing new members to the Open Space Committee tonight and thinks that it is important to get that list out to at least let the new committee to have an opportunity to look at it. Mr. Skudera states that if Council agrees, he thinks that this is a good idea because if Open Space does not have any comments, he wants the new members to look at this because they are here to help us out. We need to make sure that they receive it and that they provide comments back on this.

In regards to the concession building at Liberty Park, Mr. Freda states that we are hoping that we can advertise by Friday, or next Monday at the latest, with the hopes of the bids coming in properly and us awarding in September.

If the building is awarded in September, Mr. Skudera inquires as to when the construction might start on it. Mr. Dempsey responds that it depends on the contractors and their schedules.

Mr. Ford reports that there have been several meetings discussing the Library. He states that there was a grant for twenty five thousand dollars (\$25,000) that was given to the Borough from the State. The Committee is in the process of listening to architects that are coming in. he is not sure if an architect has been chosen, but the Committee as a whole was going to select one group and then they would come before Council at the next meeting for a presentation. He states that his reason for saying this is that there are things that they are going to need to think about on the Council level. The Council has to decide if this is the direction that we want to take for the library and if we do, what down-dollar amount can the taxpayers of Tinton Falls provide. We have been planning to build a new library for ten (10) or fifteen (15) years and the one we have is in bad shape. He thinks that it is important for the Council to have some good dialogue and conversations for when it is brought to the Board.

Ms. Mount-Taylor states that Mrs. Tunncliffe had called and asked that the presentation be placed on the first Council meeting in September.

Mr. Baldwin asks Mr. Freda to provide a briefing on the Asbury Avenue/Essex Road project. There was a meeting with Borough Engineer Al Hilla last Wednesday and Mr. Baldwin would like the Council to have a summary on what that meeting gave to us, and the progress on that project which has kept getting delayed. Mr. Freda states that he can provide a quick synopsis of how it was explained to him. He says that the engineers changed how they were going to phase the project. The first order of business they need to address is a low point in the road and they are going to put that off. They are going to move the Pine Street entrance further west up the hill so that they can resolve the issue with access to Pine Street when it floods down below. The second order of business will be to come back later and raise the road and to realign Essex Road with the new location of Pine Street.

Mr. Dempsey adds that the traffic light will not be relocated at Essex until the road is raised and the culvert is raised. The Pine Street realignment is supposed to go out to bid this year with a potential completion date of the end of the year.

Mr. Baldwin states that we need to keep the project moving because the intersection needs to be corrected and the light needs to be moved to create a safer access or egress from The Pines, the

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large complex of senior citizens. With the expansion of this, there is tremendous difficulty turning left out of that property because they have to cross over rapidly coming traffic that is going west. This is a dangerous situation.

Mr. Skudera states that we need to look at the reduction of paper and making use of technology since we have servers and a network now. For example, for Ms. Mount-Taylor to provide the Council an email of the agenda, she has to first take the hard copies of papers that she has been given, scan them in, and email them over. These papers are not on a typewriter, but on a word processing document somewhere. If a document is in electronic form, it should stay that way. They should not be converted to paper and then back to electronic form. He states that he will bring this up to the Technology Committee to see what other departments had the same issue, how to reduce paper, improve efficiency, and make use of all of the technology that we have available to us.

Mr. Ford says that he sits in front of a computer all day. When he sits down to read the things from Council on the weekend or in the evenings, the last thing he wants to do is sit in front of the computer to read everything. He states that he likes getting the hard copy papers.

Mr. Skudera states that they will still receive the packets because having the paper copy with them at the meetings is a good idea. When we have the agenda emailed to us, it is scanned in. If a department sends Ms. Mount-Taylor a document through email, then the document should be emailed to them and not coming in paper form. This would speed up the process, save a lot of time, and eliminate some of the paper form. He will talk to the Technology Committee and hopefully put together some type of survey for the departments as well as some criteria.

For the record, Mr. Skudera notes that Mayor Maclearie is not here tonight and there is no Mayor's Report because this is his regular vacation time that he takes every year.

Update on Municipal Complex – Mr. Dempsey replies that Bill Birdsall is not here tonight to give the update. He reports that Mr. Birdsall had a meeting today with the contractor, architect, and all of the parties involved to discuss the issues. The major issue was the HVAC System. Mr. Birdsall has requested further information to provide these parties with before we move forward with that. With the Council's permission, we will wait until the next meeting to discuss this issue. The HVAC System is functioning and it did a decent job today and he did not receive any complaints that anyone was too hot or too cold.

When Mr. Birdsall comes back with his results of suit, Mr. Morrill inquires if they will have a copy of what the costs will be as far as a flat rate. He asks if we could have Mr. Birdsall bring back the kind of contract that we are looking at, the length of the contract, cost per year, and what exactly it covers. He would also like to know as to what sort of response time we would be looking at as far as having people come in. It was stated that the response time is about one (1) day if we were to pay a flat rate, but he would like to know as to how much faster they would come if we had a contract with them. Mr. Dempsey replies that this would be without the front-end unit. He says that this is what the cost would be if we did not have a front-end unit and we were calling Honeywell or someone to come fix it. It would cost that much money plus whatever parts are required to fix it.

Mr. Birdsall will be here for the next Council meeting. Mr. Skudera asks if he can answer the questions that we have so that we can make a vote as to whether or not we will get this.

PETITIONS – Ms. Mount-Taylor states that the Borough has received a petition with thirty one (31) signatures for four (4) different items. It aims to lower the speed limit from 35MPH to 25MPH on Pinebrook/Squankum Road, to install speed bumps, repave the road eliminating double yellow lines, and enforce Ordinance No. 7-4.1 to stop the truck traffic. Ms. Mount-Taylor states that it would be appropriate to accept this petition and then let Council decide what action they would like to take on it and place it on the agenda of another Council meeting.

Mr. Morrill offers a motion to accept this petition, seconded by Mr. Tobin.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera asks the Council what action they would like to take on this.

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Mr. Morrill states that he was wondering if there are signs posted for vehicles over four thousand (4,000) pounds. Mr. Morrill suggests that we find out where these signs are and what sort of condition they are in. Mr. Dempsey states that they are probably posted. He says that prior to this we have had a resident come in and appear at the meetings about the signs, the road, and the traffic. He states that the road condition is part of the road program and will be corrected. He says that this could potentially make things worse because the smooth surface allows vehicles to go a little bit faster. We are going to have to go out there and reinforce this through the police department. He does not know if he would recommend speed bumps on that road. There is a neighbor in town that had speed bumps put in and they have had some issues. He thinks our best bet would be to pave the road as part of the road program and have the chief and traffic safety take a look at it and see what we can do from that standpoint.

Mr. Tobin notes that the petition also mentions a speed reduction. He says that they have discussed the fact that there are studies that have proven the effects of striping the roads would slow down traffic, especially for the outside border striping which would be done when the road is repaved. As far as enforcing the truck ordinance, we have tried and brought the State Police in and they brought lawyers. We have been battling with this for awhile and it is not something new. We have been trying for the last two (2) or two and a half (2 ½) years to get this answer, so it is not like we are ignoring it.

Mr. Skudera recommends giving all of this information to Mr. Dempsey so that he can forward it to all of the appropriate departments and he can respond to this on the town's behalf.

ORDINANCES FOR INTRODUCTION –

Borough Clerk reads Ordinance No. 07-1225 Ordinance Amending Ordinance No. 06-1208 Length of Services 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 to introduce Ordinance No. 07-1225 seconded by Mr. Morrill.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

Ordinance No. 07-1225 in full in Ordinance Book No.3.

ORDINANCES FOR FINAL CONSIDERATION – None

PUBLIC DISCUSSION

Mr. Tobin offers a motion to open the Public Discussion, seconded by Mr. Baldwin.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ASBSENT: None

ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Ed McCullough, 15 Woodchuck Court; Randi Dickman, 13 Woodchuck Court. Ms. Dickman states that she wants to check on municipal services. She believes that Mr. McCullough had mentioned that the Borough was waiting on something from them. She spoke to Michael who said that he was waiting on the Borough and she is not sure where they are at.

Mr. Berube states that Michael left a message on his machine saying that he was actually sending the letters back and that he wants to clarify some things. He asks the Council to carry resolution R-07-206 to the first meeting in September. He does not know if we will have a resolution in time for the agenda for the next meeting.

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

ROLL CALL:

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AYES: ALL IN FAVOR
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – Mr. Baldwin states that he has some information on the Reverse 911 Program that was mentioned by the previous Council. He states that it is something that they need to look at and he wants to give them information about a system that was installed in Seabrook Village which is looking extremely well. The system was very low cost.

Mr. Skudera inquires if Ms. Mount-Taylor can take the information for now and make copies for the rest of the Council. Ms. Mount-Taylor states that she will make copies and pass them out to everyone.

Mr. Tobin states that he has spoken to Mr. Dempsey as well as some other companies that are out there that he has run into. He knows that Mr. Dempsey has been in contact with Code Red and states that they are looking into this.

RESOLUTIONS

Mr. Tobin offers a motion to carry the following Resolution to the September 4, 2007 meeting, seconded by Mr. Morrill.

R-07-206 RESOLUTION – Authorizing Mayor and Municipal Clerk to Execute a Community Service Agreement with Fox Chase II

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a Community Service Agreement with Fox Chase II upon the approval of the Director of Law.

ROLL CALL:

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

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

R-07-257 RESOLUTION – Authorizing Special Emergency Notes in an Amount not to Exceed \$100,000 to Fund the Preparation of a Revision and Codification of Borough Ordinances

WHEREAS, the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the “Borough”), finally adopted an ordinance on June 26, 2007 authorizing special emergency appropriations pursuant to N.J.S.A. 40A:4-53, in the aggregate amount of \$100,000 to meet certain expenses incurred, or to be incurred, to effectuate the preparation of a revision and codification of Borough ordinances (the “Project”); and

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriations specifically for the purposes of the Project and N.J.S.A. 40A:4-55 allows “special emergency notes” (the “Notes”) to be issued to finance the costs of such Project, which payment for such Notes shall be provided for in the succeeding annual budgets by the inclusion of an appropriation of at least one-fifth (1/5) of the amount of such Notes; and

WHEREAS, the Borough now seeks to authorize the issuance of Notes in the amount of \$100,000.

NOW THEREFORE, BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (by not less than two-thirds (2/3) of all the members of the governing body affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-55 as follows:

1. Pursuant to the ordinance finally adopted on June 26, 2007, special emergency appropriations have been made for the Project in an amount not to exceed \$100,000.
2. Special emergency notes (the “Notes”), in an amount not to exceed \$100,000 are hereby authorized, pursuant to N.J.S.A. 40A:4-55 to provide for such special emergency appropriation to fund the costs of the Project.
3. Such Notes may be renewed from time to time, but shall not be issued for a period to exceed one year. At least 1/5 of all such Notes, and the renewals thereof, shall mature and be paid in each year so that all Notes and renewals shall have matured and be paid no later than the last day of the fifth year following the date of this resolution.

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4. Such Notes shall be executed by the Mayor and the Chief Financial Officer of the Borough and the official seal shall be thereunto affixed and attested to by the Clerk of the Borough.

5. All Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. It is hereby delegated to the Chief Financial Officer of the Borough the authority to determine all matters in connection with the Notes issued, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the Notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Notes so sold, the price obtained and the name of the purchaser.

6. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on the Notes issued under this resolution.

7. (a) The Borough reasonably expects to reimburse the expenditures toward the costs of the Project described in this resolution incurred and paid for by the Borough prior to the issuance of the Notes authorized by this resolution with the proceeds of such Notes. No funds from sources other than the Notes have been or are reasonably expected to be reserved or allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "controlled group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to expenditures of the Borough to be reimbursed.

(b) This paragraph 7 is intended to be and hereby is a declaration of the Borough's official intent to reimburse the expenditures toward the costs of the Project described in this resolution incurred and paid for prior to the issuance of the Notes with the proceeds of such issuance of the Notes by the Borough, in accordance with Treasury Regulation Section 1.150-2(e)(1), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements or to avoid restrictions under Sections 142 through 147 of the Code. The proceeds of the Notes used by the Borough to reimburse itself for expenditures towards the Project described in this resolution incurred and paid for, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Section 148 of the Code, (ii) to create or increase the balance of a "sinking fund" within the meaning of Treasury Regulation Section 1.148-1(c)(2) with respect to any obligation of the Borough, or to replace funds that have been, are being or will be used for sinking fund purposes, (iii) to create or increase the balance in a "reserve or replacement fund" within the meaning of Section 148(d) of the Code and Treasury Regulation Section 1.148-2(f) with respect to any obligation of the Borough or to replace funds that have been, are being or will be so used for reserve or replacement fund purposes, or (iv) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "controlled group" within the meaning of Treasury Regulation Section 1.150-1(e))

(c) The Notes to be issued by the Borough to finance those expenditures towards the Project described in this resolution to be reimbursed will be issued in an amount not to exceed \$100,000, which moneys shall be expended from a fund of the Borough, entitled "Capital Account," which fund contains moneys which can be expended for any lawful, capital project of the Borough.

(d) That the expenditures incurred and paid towards the Project described in this resolution to be reimbursed with the proceeds of the Notes will be "capital expenditures" in accordance with the meaning of Treasury Regulation Section 1.150-2(d)(3).

8. One (1) certified copy of this resolution will be filed with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:4-53.

9. This resolution will take effect immediately.

The foregoing resolution was adopted by the following vote:

Mr. Ford states that he thought this formed the Master Plan. Didn't we vote on appropriating the money?

Mr. Pfeffer responds that this is a technical part of the entire process. The Council did an ordinance that appropriated the money, and as a secondary portion of that the Council needs to do a resolution that authorizes the Borough to sell notes from that ordinance.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-258 RESOLUTION – Person-to-Person Liquor License
Transfer #1336-33-002-009 – Julia Michael, LLC to CJ Montana's
Premises known as 560 Shrewsbury Avenue**

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WHEREAS, CJ Montana's, LLC has made application to the Borough Council for a person-to-person transfer of plenary retail consumption License No. 1336-33-002-010 heretofore issued to Julia Michael, LLC. for premises located at the 560 Shrewsbury Avenue, Tinton Falls, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

WHEREAS, no written objection to the transfer has been received by the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls does hereby approve the transfer of the aforesaid Plenary Retail Consumption License #1336-33-002-009 to CJ Montana's, and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to endorse the transfer on the face of the license certificate showing the State assigned license number to be 1336-33-002-011 effective this date.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill

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

**R-07-259 RESOLUTION – Ratifying Collective Bargaining
Agreement with Tinton Falls P.B.A. local 251 for 2007 through
2010 and Authorizing the Mayor and Borough Clerk to Execute Same**

WHEREAS, as a result of negotiations, the Borough of Tinton Falls hereby ratifies the agreement with Tinton Falls P.B.A. Local 251 to establish the terms and conditions of a Collective bargaining Agreement for 2007 through 2010; and,

WHEREAS, the final contract is subject to the approval of the Borough Council; and,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Collective bargaining Agreement with Tinton Falls P.B.A. Local 251 for 2007 through 2010 be and hereby is ratified; and,

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said Collective Bargaining Agreement on behalf of the borough of Tinton Falls.

Mr. Ford asks Mr. Berube could discuss the procedure and the process that went through in terms of this.

For the purpose of the record, Mr. Berube states that he can certainly give an overview of the procedure. He says that this was discussed in Executive Session last meeting. Generally speaking, since they were in arbitration, this proposed settlement is the proposal of the arbitrator that resulted from the new recessions that occurred. The Council's ratification of this offer allowed the Mayor and the Borough Clerk to execute what will be memorandum in the agreement, which will be followed by the formal contracts thereafter.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-260 RESOLUTION – Appointing Council Liaison to Open
Space Committee – Unexpired Term of James P. Allen**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Duane Morrill is hereby appointed as a Council Liaison to the Open Space Committee to fill unexpired term of James P. Allen. Term to expire December 31, 2007.

Mr. Ford inquires what the terms mean. Is Jim Allen no longer on the Council or no longer a liaison?

Ms. Mount-Taylor explains that when you look at the terms, it says that they expire on December 31, 2007. When Mr. Allen was a Council Member, he was the Council liaison. When his term as Council expired, which was June 30th of this year, he could no longer act as Council Liaison.

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Therefore, a Council Liaison has to be appointed to fill that term. The term is what it is because when the ordinance was created, this was the term that was plugged into that ordinance.

Mr. Ford inquires if the motion that we are voting on is to nominate someone for this term. Ms. Mount-Taylor responds that they are voting on a resolution to place a name into this spot for the unexpired term of Mr. Allen. It is not nominating. You are using the term nominating, but it has to be done by resolution.

Mr. Tobin offers a motion to name Duane Morrill for the remainder of the term for Council Liaison, seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill

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

**R-07-261 RESOLUTION – Appointing Regular Member to Open
Space Committee to Fill Unexpired Term of Carol Rippetoe – 12/31/07**

Mr. Tobin nominates Guy Buck since we normally move people up. Mr. Skudera states that he thinks that would be appropriate. Mr. Buck has done a lot of good work on Open Space and he is an alternate so it would be good to make him a regular member.

Mr. Tobin offers a motion to nominate Guy Buck, seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-262 RESOLUTION – Appointing Regular Member to Open
Space Committee to Fill Unexpired Term of David Giuliano – 12/31/08**

Mr. Ford offers a motion to nominate Kim Barrett, seconded by Mr. Baldwin.

ROLL CALL:

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

NAYS: Mr. Morrill, Mr. Tobin

ABSENT: None

ABSTAIN: None

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

**R-07-263 RESOLUTION – Appointing Regular Member to Open
Space Committee to Fill Unexpired Term of Dave Rosenthal – 12/31/07**

Mr. Baldwin offers a motion to nominate Doug Devinces, seconded by Mr. Tobin.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-264 RESOLUTION – Appointing Alternate #2 Member to Open
Space Committee to Fill Unexpired Term of Alexander Nachman – 6/12/08**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Thomas Hayes is hereby appointed as Alternate #2 Member to the Open Space Committee to fill unexpired term of Alexander Nachman. Term to expire June 12, 2008.

Mr. Tobin offers a motion to nominate Thomas Hayes, seconded by Mr. Morrill.

Mr. Baldwin states that he respects the nomination, but he did not get anything in terms of background on him. He says that Mr. Hayes has indicated that he has a pretty tight schedule right now and meetings might be difficult. Mr. Tobin states that they forwarded a resume that was also forwarded to the Clerk. He does not know as to why Mr. Baldwin would not have received that.

Mr. Baldwin received the resume but questions if Mr. Hayes was interested in this or if his schedule permitted it. He thought that he read that Mr. Hayes was having a tight schedule.

Mr. Tobin states that a resume was forwarded to him and the Borough Clerk expressing Mr. Hayes' interest in being on this Board.

Mr. Ford states that there are more individuals that spots for this Committee. He knows that Andy Mayer is on this list and has been to every meeting and he is not even on the Commission. He thinks that this is someone who should have a spot.

Mr. Skudera suggests that since Guy Buck was moved up to a regular member, there is another alternate available.

Mr. Morrill inquires if all alternates are equal. Mr. Skudera responds that alternates cannot vote unless there is not enough membership in attendance. They do attend all of the meetings and they are part of the Committee.

If someone is absent from a meeting, Mr. Morrill questions who will be the next in the spot, if it would just be the next alternate. Mr. Skudera replies that it correct, it would go in order of Alternate #1, Alternate #2, Alternate #3, and so on.

Mr. Morrill states that since this is Tom Hayes' first year, he would rather put someone there who has been an alternate.

Mr. Morrill withdraws his motion to second the nomination of Thomas Hayes.

Mr. Morrill offers a motion to nominate Andy Mayer for Alternate #2, term expiring June 12, 2008, seconded by Mr. Ford.

For the record, Mr. Ford states that Andy Mayer has been very active in the town. He has been at every Open Space Meeting that he knows of.

Mr. Berube states that with Mr. Buck being moved to a permanent seat, the seat for Alternate #1 is available. Normally you move the alternates up and they ordinarily vote in order of priority in a member's absence, and suggests that the Council remembers that when they fill the Alternate #1 and #2 seats. The problem though is that Mr. Buck's seat is not an existing resolution. Mr. Skudera states that they will amend the agenda.

Mr. Ford offers a motion to amend the agenda to include a resolution for Alternate #1.

Mr. Ford and Mr. Morrill withdraw their motions to nominate Andy Mayer as Alternate #2.

For the record, Ms. Mount-Taylor states that R-07-264 has been read for Alternate #2 Member and that is what Council should be voting on. Mr. Berube adds that the Council should have in mind who they want for Alternates #1, #2, #3, and #4, but right now we are discussing Alternate #2. At the end, we will put an additional resolution for Alternate #1.

Mr. Tobin states that he already nominated Thomas Hayes for R-07-264. Mr. Morrill states that he will second this motion again.

ROLL CALL:

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

NAYS: None

ABSENT: None

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ABSTAIN: None

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

R-07-265 RESOLUTION – Appointing Alternate #4 Member to Open Space Committee to Fill Unexpired Term of Vivian Torres – 6/12/08

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Elizabeth Oltman is hereby appointed as Alternate #4 Member to the Open Space Committee to fill unexpired term of Vivian Torres. Term to expire June 12, 2008.

Mr. Baldwin offers a motion for Elizabeth Holton, a civil engineer, Land Use expert, and planner. Mr. Tobin seconds this motion.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-266 RESOLUTION – Appointing Alternate #3 Member to Open Space Committee to Fill Vacant Term – 6/12/08

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that John Dziemian is hereby appointed as Alternate #3 Member to the Open Space Committee to fill the vacant term to expire June 12, 2008.

Mr. Tobin offers a motion to nominate John Dziemian.

Mr. Baldwin states that Mr. Dziemian is a surveyor, planner, civil engineer, and land developing person. Mr. Baldwin states that he seems a perfect fit to him.

Mr. Ford seconds this motion.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-267 RESOLUTION – Setting Agenda Deadline for Borough Council Meetings

WHEREAS, the Tinton Falls Borough Council would like to establish a deadline for items that are submitted by the administration/departments for consideration on the Borough Council meeting agenda; and

WHEREAS, an agenda deadline will allow the Borough Clerk's office and the Council President to have adequate time to prepare the Borough Council meeting agenda; and

WHEREAS, a deadline will allow the agenda to be posted on the borough bulletin board and website on a regular schedule giving the public greater notice; and

WHEREAS, a deadline will provide members of the Borough Council with increased time and preparation to review agenda items along with supporting documentation needed to make informed decisions;

NOW THEREFORE BE IT RESOLVED, the Tinton Falls Borough Council establishes an agenda deadline of Tuesday at noon, or noon on a business day that is one calendar week before a Borough Council meeting, whichever is greater in total time, for the administration/departments to submit agenda items with completed resolutions, ordinances, and supporting documentation to the Borough Clerk's office

Mr. Ford asks if this resolution can be explained a little more.

Ms. Mount-Taylor states that the normal Council agenda comes to the Borough Clerk's Office Wednesdays at 4:00 p.m., and we need to process everything. She says, as Mr. Skudera stated before, only certain things come electronically, and everything else needs to be scanned and documented. Resolutions need to be typed and ordinances need to be written. Based upon this, Mr. Skudera would like this resolution for two reasons: (1) to help the Borough Clerk's Office to process the material in a timely manner so that we are not rushed and mistakes are not made, and (2) so

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that the public and Council Members will have more time to review it and for it to be a public document. Mr. Skudera is asking for the new deadline to be Tuesday at noon for all of the documents to come to the Clerk's Office. With any luck, everything will be ready by Wednesday evening for the Borough Council and the public to review for the meeting on the following Tuesday. This way the agenda will be ready almost a week prior to the meeting.

Mr. Ford states that he thinks this is great and he commends Mr. Skudera for this.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-268 RESOLUTION – Authorizing Mayor and Municipal Clerk to Execute a Deed of Site Triangle Easement – 280 Hockhockson Road, Andrew W. Skokos

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a deed of Site Triangle Easement for 280 Hockhockson Road, Andrew W. Skokos upon the approval of the Director of Law.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-269 RESOLUTION – Denying Performance Guarantee Release, Willowbrook Box Culvert, Block 62, Lot 1.01 and Block 64, Lot 2

WHEREAS, the developer has requested the release of Performance Guarantees for Willowbrook Box Culvert, 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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-270 RESOLUTION – Releasing Maintenance Guarantee, Willowbrook, Off-Tract Sidewalk

WHEREAS, the developer of the Willowbrook, Off Tract Sidewalk, has requested the release of the Maintenance Guarantee

WHEREAS, by letter dated July 6, 2007 the Engineer (Leon S. Avakian, Inc.) has certified that the bonded items are in satisfactory condition and therefore recommends the release of the Maintenance Guarantee upon the payment of any outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Maintenance Guarantee for the Willowbrook, Off Tract Sidewalk be and the same is hereby released upon the payment of any outstanding engineering and inspection fees.

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ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-271 RESOLUTION – Denying Maintenance Guarantee
Release, Willowbrook, Phase V, Recreation Field,
Block 62, Lot 1.01 and Block 64, Lot 2**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Willowbrook Phase V Recreation Field Block 62, Lot 1.01 & Block 64, Lot 2 and

WHEREAS, BY LETTER DATED July 5, 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 maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer, Leon S. Avakian, Inc.'s letter of July 5, 2007, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-272 RESOLUTION – Denying Performance Guarantee
Release, Willowbrook, Phase IV, Block 62, Lot 1.01 and
Block 62, Lot 2**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-273 RESOLUTION – Releasing Performance Guarantee
Upon the Posting of a Maintenance Guarantee, Woodcliff Estates
(Colder Development) Block 97, Lots 11.01, 11.02, 11.03 and 11.04**

WHEREAS, the developer has requested the release of Performance Guarantees, and

WHEREAS, by letter dated July 12, 2007 the Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

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ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-274 RESOLUTION – Refunding Recreation Fees –
Morrill – \$175.00**

WHEREAS, during the month of May 2007 fees totaling \$175.00 were paid by a resident of Tinton Falls for their child's participation in Horsemanship Program.

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

WHEREAS, during the month of July, the Recreation Superintendent was informed by the resident that the child did not receive notification of the program therefore, the child Harley did not attend the scheduled session. The Horsemanship establishment did not receive payment for this child, and a full refund in the amount of \$175.00 shall be issued to the resident, for their child Harley Morrill.

Charlene/Duane Morrill	\$ 175.00
<hr/>	
Total	\$ 175.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$175.00 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill

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

**R-07-275 RESOLUTION – Reaffirming the Execution of Qualified
Private Community Service Agreement, Winding Brook
Condominium Associations, inc. Pursuant to Resolution**

WHEREAS, a qualified private community service agreement was authorized for execution on August 3, 1999 by Resolution R-99-232, and

WHEREAS, the agreement was executed by Winding Brook Condominium Associations, and never executed by the Mayor of the Borough of Tinton Falls.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby reaffirms the execution of the Qualified Private Community Service Agreement for Winding Brook Condominium Associations, Inc and authorizes the Mayor and Municipal Clerk to execute said agreement. Said agreement to be executed upon the approval of the Director of Law.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-276 RESOLUTION – Award of Contract #07-9 –
Bleachers and Press Box – Liberty Park II –
West Park Avenue**

WHEREAS, bids received on Tuesday, July 10, 2007 for the above contract were rejected on Tuesday, July 17, 2007 by Resolution R-07-242 and the project was rebid; and

WHEREAS, two (2) bids were received on Tuesday, July 31, 2007 for Contract #07-9 for Proposed Bleachers and Press Box – Liberty Park II; and

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WHEREAS, Dant Clayton Corp., 2000 Richardson Road, Westminster, Maryland 21158 submitted the lowest responsible bid for a total amount of \$119,580.00 for the above contract; and

WHEREAS, the Purchasing Agent has found the bid to be in order, and

WHEREAS, Alan P. Hilla, Jr., P.E., C.M.E., of Birdsall Engineering, Inc. stated in his report attached dated August 1, 2007 that the total bid exceeded the engineer's estimate and recommends a partial award for the Home Team Bleachers base bid in the amount of \$65,730.00 and Press Box Option 2 in the amount of \$34,900.00 for a total bid award of \$100,630.00;

NOW, THEREFORE BE IT RESOLVED that Dant Clayton Corp. be awarded a contract in the amount of \$100,630.00 for the Home Team Bleachers and Press Box as described above;

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

I hereby certify funds are available from:

Capital Account #	\$100,630.00
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Mr. Ford states that this is an excellent thing where the community and the government bond together for this whereas the funding was originally going to be just for the concession stand. Through some negotiations and working with the community, not only is there going to be a concession stand, but there will also be a press box and bleachers. This will be a beautiful park. This will be one of the great assets to our town.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-277 RESOLUTION – Authorizing the Award of a
Fair and Open Contract for RFP #2-07E Professional Engineering
Services Non-COAH Building Investigation – Fox Chase II
Contract RFP #2-07E-1 Special Projects**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for Non-COAH Building Investigation – Fox Chase II as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals, and Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213 is so recognized; and

WHEREAS, the Director of Law has determined that the value of the contract may exceed \$17,500.00; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Tuesday, December 5, 2006 the solicitation for receipt of proposals for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS the following firm was appointed by Resolution R-07-054 adopted on February 6, 2007 for special projects that the Borough may require during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$13,500.00 plus miscellaneous reimbursables for professional engineering services as described above;

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

1. Birdsall Engineering, Inc., 611 Industrial Way West Eatontown, NJ 07724, is hereby retained to provide professional engineering services for Non-COAH Building Investigation – Fox Chase II for an amount not to exceed \$13,500.00 plus miscellaneous reimbursables for the hourly rates listed in their proposal as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows: 7000A-7030 \$13,500.00

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
August 7, 2007

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

R-07-278 RESOLUTION – Authorizing the Mayor and Borough Clerk to Execute a Deed of Reservation with H. Builders Inc. (Lisa Drive)

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a Deed of Reservation with H. Builders, Inc. for property known as Block 117, Lot 2.02, that the property is no longer subject to a reservation for the possible future extension of Lisa Drive. Said deed to be executed upon the approval of the Director of Law.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-279 RESOLUTION – Authorizing the Mayor and Borough Clerk to Execute an Agreement for Construction of Sewer Facilities – 5S Realty, LLC, Block 120, Lot 20.02

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement for construction of sewer facilities with 5 S Realty, LLC. Said Agreement to be executed upon the approval of the Director of Law.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-280 RESOLUTION – Authorizing the Mayor and Borough Clerk to Execute an Interlocal Services Agreement between the Borough of Tinton Falls and the Borough of Oceanport for the Provision of Video Conferencing Equipment for the Municipal Court of Oceanport

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Interlocal Services Agreement between the Borough of Tinton Falls and the Borough of Oceanport for the provision of video conferencing equipment for the Municipal Court of Oceanport. Said agreement to be executed upon the approval of the Director of Law.

Mr. Baldwin states that these are excellent agreements and he commends those that were working on these efforts.

Mr. Morrill states that he sees how it is working here, but inquires how this works with Oceanport.

Mr. Dempsey explains that we have the same judge as Oceanport has, so he will be able to utilize this machine here when he does his Oceanport cases.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-281 RESOLUTION – Approving MetLife 457 (b) Plan

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
August 7, 2007
Deferred Compensation Plan

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Tinton Falls (hereinafter referred to as "Employer"), which will provide said employees the ability to enhance their financial security at retirement through the accrual of tax benefits as provided by Section 457 of the Federal Internal Revenue Code; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement a DEFERRED COMPENSATION PLAN; and

WHEREAS, the Employer prepared and made available to the providers of deferred compensation services requests for proposals as described herein;

NOW, THEREFORE BE IT RESOLVED, BY the Borough of Tinton Falls that:

A DEFERRED COMPENSATION PLAN provided by the Metropolitan Life Insurance Company, New York, NY (hereinafter "MetLife") 62-PD-Metlife-032106) (hereinafter "PLAN") is hereby adopted. It is acknowledged that said PLAN is substantially similar to one of which a favorable Private Letter Ruling has been previously obtaining from the Federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No 107-16), and §401(a)(9) of the Internal Revenue Code and all such provisions are stated in the PLAN in terms substantially similar to the text of those provisions in Federal Internal Revenue Code Section 457. It is further acknowledged that the use of a Private Letter Ruling is for guidance only, and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

The Borough of Tinton Falls reviewed the proposal and met with representatives of the responding provider of deferred compensation services and recommended MetLife because of its ability to (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

The Borough Administrator is hereby designated as the Local Plan Administrator for the administration of the PLAN.

The Borough Administrator are authorized to execute a SERVICE AGREEMENT with MetLife (62-SA-Metlife-032106) for the provision of administrative and investment services, and to submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of MetLife in the selection of MetLife as Contractor for the administration of a SERVICE AGREEMENT pursuant to N.J.A.C. §5:37-5.7.

A certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-282 RESOLUTION – Authorizing the Mayor and Borough Clerk to Execute a Deed of Open Space Easement with the County of Monmouth for Sycamore Soccer Complex Block 45 Lot 4.01

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a deed of Open Space with the County of Monmouth for property known as Block 45, Lot 4.01 commonly known as the Sycamore Soccer Complex. Said deed to be executed upon the approval of the Director of Law.

Mr. Ford asks for an explanation on this.

Mr. Berube states that we are receiving some grant money for the soccer complex through the County's Office. The proposed deed of Open Space Easement is now a requirement for a grant from County funds. It generally says that we will continue to use that property for application purposes on Open Space.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-283 RESOLUTION – Approval of Bills – August 7, 2007 – \$6,125,648.83

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL

August 7, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending August 7, 2007,

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	4,674,556.61
TRUST	165,154.62
CAPITAL	39,555.05
DEVELOPER	10,924.02
DOG TRUST	102.60
GRANT FUND	15,209.27
SEWER UTILITY	429,625.45
ADDITIONS	<u>790,521.21</u>
	6,125,648.83

Ms. Mount-Taylor tells Mr. Berube that Mr. Tobin had a resolution refunding recreation fees. She states that Mr. Tobin did abstain on that resolution, and this is the result of the resolution on the entire bill list. She inquires if Mr. Tobin should abstain on this.

In the interest of transparency, Mr. Berube states that it might be best for both Mr. Tobin and Mr. Morrill to abstain, even though Mr. Morrill's resolution is today. Assuming this resolution receives the majority, the two of them abstaining will not be a problem.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Morrill, Mr. Tobin

CONSENT AGENDA

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

**R-07-284 RESOLUTION – Refunding Recreation Fees –
Quinn – \$69.00**

WHEREAS, during the month of May 2007 fees totaling \$69.00 were paid by a resident of Tinton Falls for their children'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 July, the Recreation Superintendent was informed by the resident that the children due to a scheduling conflict will be unable to participate in a selected optional trip; Blackbeard's Cave and a refund in the amount of \$69.00 shall be issued to the resident, for their children Bruce, Shane and Kaylee Quinn.

Jeanne Quinn	\$ 69.00
<hr/>	
Total	\$ 69.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$69.00 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-285 RESOLUTION – Refunding Recreation Fees –
Wilson – \$358.80**

WHEREAS, during the month of May 2007 fees totaling \$390.00 were paid by a resident of Tinton Falls for their children's participation in Summer Camp Bus Transportation Service.

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

WHEREAS, during the month of July, the Recreation Superintendent was informed by the resident that the children will no longer require use of the bus and a partial refund in the amount of \$358.80 shall be issued to the resident, for their children Bruce and Taylor Wilson.

REGULAR/WORKSHOP MEETING
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Kelli Wilson \$ 358.80

Total \$ 358.80

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$358.80 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-286 RESOLUTION – Refunding Recreation Fees –
Shah – \$13.00**

WHEREAS, during the month of July 2007 fees totaling \$39.00 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 July;

WHEREAS, during the month of July, the Recreation Superintendent was informed by the resident that the child due to a scheduling conflict with a selected optional activity, Lifestyle Fitness; was unable to attend the first session and a partial refund for one session in the amount of \$13.00 shall be issued to the resident, for their child Adin Shah.

Bela Shah \$ 13.00

Total \$ 13.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$ 13.00 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-287 RESOLUTION – Refunding Recreation Fees –
Bellomo –\$ 60.00**

WHEREAS, during the month of May 2007 fees totaling \$60.00 were paid by a resident of Tinton Falls for their child’s participation in Tennis Instruction.

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

WHEREAS, during the month of July, the Recreation Superintendent was informed by the resident that the children due to a medical condition was unable to participate, and a refund in the amount of \$60.00 shall be issued to the resident, for their child, Gianna Bellomo.

Kevin and /or Lisa Bellomo \$ 60.00

Total \$ 60.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$60.00 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

REGULAR/WORKSHOP MEETING
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**R-07-288 RESOLUTION – Canceling & Refunding Tax
Overpayment for a Totally Disabled Veteran**

WHEREAS, an overbilling and a overpayment of 2007 Taxes has been made as a result of a 100 % Totally Disabled Veteran for the prorated year of 2007 (from June 1, 2007 to December 31, 2007) to be exempt on the following property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CANCELLED</u>	<u>REFUND</u>	<u>AMOUNT</u>
Wells, Song C.	62.02	2	\$9,113.11	\$1,266.00	\$10,379.11

and,

WHEREAS, said exemption has caused an overbilling and an overpayment of the 2007 taxes by the property owner in the amount of \$10,379.11 as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the taxes amounting to \$9,113.11, be cancelled for the year 2007 and that a refund in the amount of \$1,266.00 is hereby approved for the aforementioned property.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overbilling to be \$9,113.11 and the amount of overpayment to be \$1,266.00.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-289 RESOLUTION – Refunding Automated/Semi-
Automated Container Fee – \$35.00 – 39 Whirl Away Drive**

WHEREAS, one automated container was leased for 39 Whirlaway Drive Tinton Falls. From the Department of Public Works on July 18, 2003 for the sum of \$55.00.

WHEREAS, the containers were returned to the Department of Public Works on July 31, 2007.

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

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$35.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$35.00 be and hereby is granted to Annette Rothchild 22 Steeple Chase Court Tinton Falls, NJ 07724.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera states that there are two (2) items that Council would like to amend to the agenda. One is the Open Space #1 vacancy.

Ms. Mount-Taylor states that the other is a resolution that has been placed before Council in conjunction with the adoption of the bond ordinance with the Monmouth County Improvement Authority. Mr. Pfeffer can explain this further.

Mr. Pfeffer states that this is a resolution that approves entering into the lease purchase with the County. This is a requirement of the lease purchase. We have done a guarantee ordinance with the County and a lease purchase, and this is a requirement of the program. This authorizes the Borough to enter into a lease with the County for the acquisition of the equipment that was listed in the guarantee ordinance. This includes dump trucks, loaders, and digital recording machines.

Mr. Tobin asks if this is the paperwork similar to what they did for the resolution earlier tonight. Mr. Pfeffer responds "yes."

Mr. Skudera asks Ms. Mount-Taylor if the proper procedure would be to amend each item or to amend them both and take a vote. Ms. Mount-Taylor replies that the Council is more than welcome to amend them both. For the record, the amendment would include R-07-290 as Alternate #1 for the unexpired term of Guy Buck, and R-07-291 as the resolution just placed before Council for the Monmouth County Improvement Authority.

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL

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Mr. Tobin offers a motion to amend the agenda, seconded by Mr. Morrill.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-290 RESOLUTION – Appointing Alternate #1
Member to Open Space Committee – Unexpired Term of Guy Buck**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Andrew Mayer is hereby appointed as an Alternate #1 Member to the Open Space Committee to fill unexpired term of Guy Buck. Term to expire June 12, 2008.

Mr. Tobin offers Andy Mayer for this position, seconded by Mr. Morrill.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-291 RESOLUTION – A Resolution of the Borough of Tinton Falls,
New Jersey, Approving the Form and Authorizing the Execution and
Delivery of a Lease and Agreement with the Monmouth County
Improvement Authority to Finance the Acquisition of Certain Capital
Equipment which will be Leased by the Monmouth County Improvement
Authority to the Borough of Tinton Falls, New Jersey; Approving the Form and
Authorizing the Execution and Delivery of a Letter of Presentation and a
Continuing Disclosure Agreement in Connection with the Issuance and
Delivery of the Monmouth County Improvement Authority's Capital
Equipment Pooled Lease Revenue Bonds, Series 2007, and Authorizing a
Authorized Municipal Representative to do all Other Things Deemed
Necessary or Advisable in Connection with the Issuance, Sale, and Delivery
of such Bonds.**

WHEREAS, the Borough of Tinton Falls, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2007 (Tinton Falls Project) in an aggregate principal amount not to exceed \$650,000 (the "Bonds") payable from rentals by the Municipality pursuant to a lease and agreement by and between the Municipality and the Authority; and

WHEREAS, Municipality and the County of Monmouth, New Jersey, will each unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Bonds; and

WHEREAS, there have been prepared and submitted to the Municipality forms of: (a) a Lease and Agreement by and between the Municipality and the Authority, to be dated as of August 1, 2007 (the "Agreement"), attached hereto as Exhibit A; and (b) a Letter of Representation, to be dated the date of delivery of the Bonds (the "Letter of Representation"), attached hereto as Exhibit B; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2007 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF TINTON FALLS, NEW JERSEY, AS FOLLOWS:

Section 1. That the Agreement, in substantially the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Agreement) is hereby authorized to, and one of such officers shall, execute the Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the Authority, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That the Continuing Disclosure Agreement, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Agreement and for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2007 and all related transactions contemplated by this resolution.

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL

August 7, 2007

Section 5. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed

Section 6. This resolution shall become effective immediately.

MR. Ford inquires if this is money that we had already appropriated once, approved the bond, and now if this is where we are placing the bond.

The way this works, Mr. Pfeffer explains, is we enter into the lease program with the County and Council approved an ordinance that basically guaranteed that this municipality will make those changes on a timely basis. This portion allows us to enter into a physical contract for leasing the equipment. Even though we do not technically lease the equipment from the County, this has to be adopted to allow this program to go forward. Basically we guarantee the payment of the fiscal interest that we acquire, and this particular resolution and agreement allows us to enter into how we are actually going to proceed drawing out the money.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Berube states that there is a need for Executive Session tonight for the purpose of ongoing litigation. Certain items of personnel can be included.

For the benefit of the public, Mr. Baldwin says that we might have appeared a little awkward tonight looking at the Open Space Committee appointments. It is difficult for us to talk about these things amongst ourselves before the meetings. It kind of makes us look like we are all going in different directions when indeed we cannot really sit down and go over these things. He offers this as an apology for the apparent mess we had here this evening.

Mr. Tobin adds that there were so many people which makes it difficult to chose the appointees.

For the record, Ms. Mount-Taylor states that the Executive Session will be known as R-07-292 and it is for ongoing litigation and personnel.

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

**R-07-292 RESOLUTION – Pursuant to N.J.S.A. 10:4-13 –
Executive Session**

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 and Personnel.

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

NAYS: None

ABSENT: None

ABSTAIN: None

WORKSHOP MEETING

Mr. Tobin offers a motion to move to the Workshop portion of the meeting, seconded by Mr. Baldwin.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:15 p.m.

Reconvene at: 9:26 p.m.

ADMINISTRATOR'S REPORT

Master Plan – Mr. Dempsey states Paul Gleitz, our planner from Heyer & Gruel, is here.

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL

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Mr. Skudera thanks Mr. Gleitz for coming and states that he would like him to talk to Council about the Master Plan, the process, and Council's role of what we have to do so that Council is aware of everything and can move forward with this.

Mr. Gleitz states that the Planning Board has completed and adopted the new Master Plan which included a Land Use plan. Following that, our next act is to revise the ordinance for the Borough to be in compliance with the Master Plan. While we are doing that, the ordinance has evolved over numerous years and had many amendments. It makes sense to now go through and do a comprehensive revision of the ordinance from the ground up. As part of the first step, his office will come and sit down with the Borough staff right away. He has been working with the Planning and Zoning Boards for the past year on many applications and he has been able to get a feel for the ordinance inside and out and how it applies for the multiple kinds of development that goes on throughout the Borough. He states that they will probably sit down and have a very quick meeting with the Planning and Zoning Board secretaries, zoning officer, and other members of the administration, such as the fire, police, and Borough Engineer to discuss various elements of the ordinance.

Heyer & Gruel has a suggestion to form a kind of a working group which would include a couple of members from each of the Planning Board, Zoning Board, and Council to act as a review body. Once they have a first draft of the ordinance put together, the review body could have one, two, or even three different workshops to go through the new language and provide extra sets of eyes to make sure that Heyer & Gruel has brought the code up into more modern standards and so that there will not be any issues of improper cross-referencing and those types of things. This will also be to preserve the intent of the original ordinance and the methods by which the Borough controls Land Use. Mr. Gleitz states that Heyer & Gruel hopes that this Council would nominate one (1) or two (2) members, and ask Mr. Palmieri and Mr. Davies to nominate one (1) or two (2) members of their Boards to form a work group. Everyone would be organized through Mr. Dempsey's office. Heyer & Gruel will then create a first draft in their office based on a model ordinance and the revisions made to the Master Plan. They will go through from the very beginning to the very end to make sure that they have an ordinance that reflects the current Land Use Plan. This will probably take about two (2) or three (3) months. He states that they will move as quickly as possible in terms of drafting that first draft of the ordinance. The working group will come through and review that draft probably in sections. The new ordinance will be between seven (7) and nine (9) different sections, so they will probably be broken up into groups of two (2) or three (3) per review at these sessions. After that review, Heyer & Gruel will go through and draft the second version, which will hopefully be the nearly final version of it. The following month they will go through the public hearing process which involved the Council Body and the Planning Board. Like any ordinance that relates to land development, there will be the first reading for this Council Body and then referred to the Planning Board for review and comment in terms of compliance with the Master Plan. This could be either a Board action or a public meeting. It will then be returned back to Council for a second reading where they will call a hearing and take comments from the public on the revised ordinance. From beginning to end, Heyer & Gruel hopes that this process will take between six (6) and seven (7) months. Mr. Gleitz states that they will do their best to move this process forward as quickly as possible.

The new components of the ordinance will be as follows: Section 1 – draft of new definitions and standard definitions; Section 2 – Planning Board and Zoning Board organization of powers; Section 3 – the application requirements and developmental seekers; Section 4 – developmental requirements and standards; Section 5 – the Zoning requirements and regulations as they relate to each zone as well as Borough-wide; Section 6 – performance guarantees and improvement costs and how they will be determined; Section 7 – fees; and Section 8 – administration enforcement.

Mr. Gleitz states that they are going to create a number of tables that will be very quick and easy to reference. There will be at least four (4) tables. One of the tables will be the residential standard of uses by a residential zone. There will also be a residential schedule of full requirements, as well as a non-residential schedule of uses and a non-residential schedule of requirements. This is something that can be copied, pulled out, and be a handy reference for everyone. It will be quicker and easier to reference rather than the code form.

Heyer & Gruel is hoping to also include a lot of graphics and illustrations to show what exactly is intended by the ordinance. And of course, there will also be a new zoning map that will be part of the ordinance revision to reflect the Land Use Plan as indicated in the Master Plan. All of these will be forwarded for review and comments.

Since this will take six (6) or seven (7) months, Mr. Ford inquires if the Council will receive a schedule of milestones of the different sections of the revised ordinance. Mr. Gleitz replies that the Council will definitely have a timeline from a list that will be organized with Mr. Dempsey's office. They anticipate kicking off the process with a staff meeting. He hopes that it will only take a month

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to do the first draft of the ordinances. They will go through, produce the draft, distribute it to the work group to be reviewed, and then there will be a workshop most likely at night to go through with the new draft and hear the revisions and recommendations.

Mr. Ford states that he thought that the Planning Board would come up with a recommendation based on all of the town meetings and then it would come to the Council to be approved. Mr. Gleitz states that the Master Plan is the Planning Board's document and the ordinance is the Council's document. This is a two-part process. It is up to the Council to make sure that everything they have written to enact that Master Plan meets the Council's standards. The ordinance is what enacts the Master Plan, so that is where the Council's authority lies.

Mr. Gleitz states that the Land Use Law says that the ordinance should match the Master Plan, however if the Council decided that they wish to make changes to it, they have to explain in writing by resolution why the zoning ordinance differs from the Master Plan. The final authority rests with the Council. If there is a segment of the Master Plan that this Council feels they need to change, they have the power to do so just so long as they go on record as to why and have a rationale explaining their differences.

Mr. Skudera inquires if the main point of the working group committee is to advise Council on what ordinances to enact. Mr. Gleitz responds no, saying that the point of a working group is to take a couple members of each Board to review the draft as it is created to help move the process along quicker. As his office writes each chapter, the working group would provide an extra set of eyes to make sure that they are following the intent of the Borough. This way they can get comments throughout rather than trying to produce a single document and have the Council debate that entire document. It makes sense to have the Planning and Zoning Board members on this working group because they work with the document almost daily, or weekly in interpreting the applications before them. They have an instant knowledge of the workings of the document. It would be important to have advice from Council as well so that they can see some of the details beforehand.

If Council sees an area where it wants to change a zone, Mr. Skudera inquires if they are allowed to do that. Mr. Gleitz states that they have the authority to do that and they have to put their reasons for doing so on the record. Mr. Skudera asks if the reasoning can be based on public input too. Mr. Gleitz replies "sure." At the root of any of those things there has to be public health, safety, and welfare. This is a driving concern of any ordinance.

Mr. Skudera thinks that the Master Plan was done very well, but he has a concern about one item. In January 2007, Shafto Road and West Park were zoned IOP, and then changed to Age restricted in April. The Master Plan itself said that the public input was that we had too much in restricted. He is not sure what the Borough Planner said and he is not sure if the rationale will have to change. However, this is in the Council's hands to write ordinances of support or to change an ordinance that deviates from the Master Plan, provided that we outline our items in writing in a resolution. These are his issues. He does not know how Council feels, but if these are issues Council wants to explore, they should be moved to the top of the list.

Mr. Morrill states that the 2000 census has shown a decrease in the demographic between the age of twenty (20) and thirty four (34). He believes that this has decreased much worse over the past seven (7) years. We have set up housing for low-income and for eighty thousand (80,000) square feet for housing. He inquires as to where and how the middle-income workers can afford to live in this town. Where in the Master Plan under the objectives for covering all areas, does it come for the middle-income person? He states that he does not know of any recently married couples that can afford to live in this town.

Mr. Gleitz responds that he believes there was a variation of different types of zones. There are smaller lots, higher-density zoning, and larger lots in the less rural areas that remain where the lower-density larger lot sizes were recommended. He continues to say that the Planning Board went through the Master Plan thoroughly and discussed all of the issues about the types and scales, as well as the types of residential throughout the Borough. He believes that there was a general concern to maintain densities in neighborhoods as they exist and to try and keep lower densities in those areas that are still essentially rural or not as developed around the Borough. This was the intent of the Master Plan.

Mr. Morrill inquires if the objectives will enable us to recognize and maintain the farmland in the south region of the town. How will we go about doing that? Mr. Gleitz responds that Open Space for farm land preservation from zoning is not necessarily the most effective method. There are numerous tools which can be used for that sort of thing. If the next round of Open Space funding is approved, by referendum there will probably be moneys available for that type of preservation.

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Mr. Morrill asks if this area is not zoned just for farming. Mr. Gleitz responds that you can allow farming as a permitted use, and you can try to lower densities to prevent high-density subdivisions on farmland and to try and slow the pace of conversion, but zoning is a very blunt instrument in terms of farmland preservation. He thinks that this is one of the main reasons why lower densities were proposed in the less developed areas to help with that situation. But this falls under the conserve of other types of preservation activities.

Mr. Tobin states that he has been contacted by several people that are not happy with the way their property has been zoned for one reason or another. These people have asked what their rights would be under public hearings. Will it be part of the process where these people will be able to come in and make an appeal to us about their particular segment? Mr. Gleitz responds that after the second reading of ordinances there will be a public hearing. Any property member affected by change will be noticed of this.

Mr. Tobin inquires if they will have any time to make an appeal that we should change something before we go to ordinance form. Mr. Gleitz states that the process would be to change it in ordinance form.

Mr. Baldwin states that he thinks that public already had their opportunity to state that they do not agree with rezoning of their particular lots. There were several opportunities for the public to look at the first draft that was given to the Planning Board. The Planning Board has some strong objectives and went back to the consultant and changed some of those rejections. The second draft came out and there was a public hearing following that.

Mr. Baldwin states that he feels like the Planning Board is an experienced body of people who really deal with the Land Use Law daily. They have an attorney who absolutely knows his business with Land Use Law. We had a consultant group in here working with the attorney. This group of fifteen (15) or twenty (20) experts in this field did their best and listened to the public and put together a document. He states that he is a little reluctant to see a governing body with minimal experience in this area go in and try to rebuild the wheel. This concerns him. With his experience from the Zoning Board, this is detailed stuff and you listen to your experts.

Mr. Ford states that he agrees with exactly what Mr. Baldwin is saying, but at the end of the day, all of these laws are the responsibility of the Council. We have all of these recommendations. He thinks that the plan is great and that the professionals did an outstanding job, there are just a few hot buttons.

Mr. Skudera inquires as to how many years an approval from the Planning Board is good for. Mr. Gleitz responds that it depends. Typically for certain applications it is two (2) years, but there is a general development approval that is governed for twenty five (25) years. Minors and majors have different timeframes, but it is typically a two (2) or three (3) year period with the possibility of one (1) year extensions.

Just to clarify, Mr. Baldwin inquires if this is final approval to develop and build. Mr. Skudera replies "yes."

If the zoning was changed and they were not able to build in that set time, Mr. Skudera inquires what happens then. Mr. Gleitz states that this falls under their protection of rights. The one protection that they have is against changing the time. Mr. Skudera inquires if this holds even if their time expires. Mr. Gleitz states that if they do not build within that two (2) year period or through extensions a five (5) year period, then depending upon the ordinances drafted, it would typically expire and they would be subject to the new zoning and they would have to proceed with a new application. There is an option for this Borough to put in specific laws within the ordinance saying that if you do not act within your specified timeframe, your approval becomes null and void.

Mr. Berube interrupts, reminding the Council that there are two (2) professionals who have been asked to discuss things in Executive Session, and perhaps this discussion would be more appropriate for a special meeting with Mr. Gleitz directly.

Mr. Ford wants to know what direction we are going and where they stand as a Council. There are two (2) hot-button concerns for him. Mr. Gleitz states that the Master Plan has been adopted and he is going to move forward and draft the ordinance to the Master Plan. The work group will look through this draft to make sure that he has dotted all his i's and crossed all of his t's and that he preserved the intent. Then the draft will come before the Council for review. If they disagree with the revisions they can have their debate and their discussion for public hearing.

Mr. Skudera states that his two (2) hot-button concerns are the Big Box Store and the Active Adult. The Active Adult was put in and the public said there was enough Active Adult. He thinks the

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planners said this as well as it was changed from January to April. Everything else looks good to him. He is representing the taxpayers and public input shows that they do not want a box store and they do not want the Active Adult. He adds that Active Adult does not have final approval yet.

Mr. Baldwin states that he agrees with Mr. Berube that this discussion should continue in another session with Heyer & Gruel being brought in.

Mr. Ford inquires if we can get the differences in the Master Plan between January and April and have a further meeting to understand the rationale. Mr. Skudera inquires if Heyer & Gruel can be brought in for the next meeting. Mr. Berube says that the Council can do whatever they want to do and suggests that they schedule special time to discuss this. He says he knows that Mr. Ford is focusing on the changes from January through April, but he tells them that they are dealing with the April recommendations from the Planning Board. What happened between January and April is irrelevant. Mr. Ford states that he is trying to understand why. Mr. Berube replies that he understands this, but the Council will not be rewriting this. The Council adopts the ordinances. He says that Mr. Gleitz has given them lots of options to control and address perhaps some of the concerns in the hot-button areas. Or any changes to the Master Plan, they are going to have to provide a rationale for it. He suggests that the Council indicates their hot-button issues in the areas that are of particular concern, Mr. Gleitz might be able to isolate them out of their sections so that we could focus on them at a special meeting.

Mr. Skudera states that we arrange to bring Heyer & Gruel in for the next meeting.

Ms. Mount-Taylor inquires if we will bring them in at the beginning of the next regular meeting instead of waiting to workshop. Mr. Skudera says that that would be good. Ms. Mount-Taylor suggests starting the meeting a little bit earlier so that they will have enough time. The next meeting will be on August 21st. Mr. Gleitz states that that is also the night of the County Hearing Cross Acceptance so he will have to go there first to represent the Borough in terms of final State plan executions. He will see if Susan Gruel or Fred Heyer will be able to come. He has to make sure that the State listens to what their recommendations are in terms of State plans.

UNFINISHED BUSINESS

Website Discussion – Mr. Skudera states that he gave the Council both proposals. The Technology Committee was favoring Q-Send. He also forwarded the Council the references for that company. All of the references came back positive. He spoke with Mr. Dempsey and Mr. Pfeffer and the funds will come from Comcast Cable.

Mr. Tobin thanks Mr. Skudera for all of the work that he has done on this and says that it was extensive. He states that for any recommendations that Mr. Skudera has on this company he would say to go full-out. The cost was roughly nineteen thousand (\$19,000) or so. If it makes this Borough more efficient by the number of people getting things, it was figured out that this will pay for itself in about five (5) weeks. With all of the information online, the people can come in with the forms all filled out and it will provide rapid efficiency and be well worth our time. We need to get this done and start saving money in the operations of this Borough.

Mr. Ford thinks that this is great, but states that it is obviously going to be a big expense. He asks for an elaboration on the expense and where it will be coming from. Mr. Skudera states that the expense is roughly nineteen thousand (\$19,000) and this is a one-time software license to buy the entire suite of tools. This includes many things such as online payment systems. Even though we will not use that, we are not paying extra for it. As far as the information that he has, it is a per-use fee. There is a maintenance fee which is included for the first year. The maintenance contract is about two thousand (\$2,000) a year and includes upgrades and Learner support. This is an option after the first year for us to decide if we want that. But these are all of the expenses. There is an online automated tool to create surveys and polls. There is also a tool to list current bid opportunities and a search index. There currently is not a Reverse 911 system, but they may implement one in the future. This company has pretty much everything that we need for custom software from a boxed software package.

Mr. Ford inquires where the money is coming from. Mr. Skudera replies that it will be coming from Comcast Technology. Mr. Pfeffer says that Comcast gave us a grant of thirty thousand dollars (\$30,000) for technology which would be applied to this.

Speaking with the other municipalities, Mr. Morrill inquires as to what their comments were as far as the maneuverability of the site, how easy it is to work with, the response time on customer service, and if there are any hidden costs that they did not detail. Mr. Skudera responds that there were no hidden costs and that everything was up front. He received two (2) references from towns that the company provides, and they were happy. They were very happy with the service and said that the training was good. He believes that the company actually comes onsite to train. Online tools are also

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available for backup training. Everyone stated that they were happy that they had this company, and they have each had this company for at least a couple of years. The cost is pretty reasonable for all of this. He adds that this software is something that will allow departments to post a form without any web programming at all.

Mr. Tobin inquires as to how we would get this going. Mr. Pfeffer states that there are two (2) options that he is considering. He will run the easiest option by the State to make sure that they do not have a problem with it. The second option would be appropriating the money to a capital award which would include an introduction, public hearing, and adoption. This would be the slower process and would take two (2) meetings. The faster option would be a special item of revenue resolution which would take one (1) meeting and then State approval. He will contact the State tomorrow to see if they have any problems with him doing the special item.

Mr. Tobin and Mr. Skudera inquire how long it usually takes the State to approve things. Mr. Pfeffer replies that he guesses the State will do this pretty quickly.

Before we bond the moneys, Mr. Ford states that he would like the administration to look at the software and feel comfortable with what we are getting. Even though it was recommended by the Technology Committee, if the administration is not comfortable with it, they will not use it and we will not be utilizing the power of the software and be wasting expenses. He is for this website software and thinks that it is a great thing, but he would like the administration or those that will be using it to say that it will make things easier and move forward.

Mr. Skudera states that Mr. Ford or whoever can feel free to review the software before the next meeting. This software has been used by many towns. The original document he handed out back in April included all of the links and documents. We did look at a number of software companies, but this one happened to be the best price for the most services.

Police Car SUV's – Mr. Tobin asks if he can carry this to the next meeting. He states that he has receipts and information from the Chief. He states that Mr. Morrill has some different information, and the Chief is not here tonight.

NEW BUSINESS

2008 Transportation Trust Fund Application – Mr. Freda states that Al Hilla, Jr. will have the application for the municipal projects at the next meeting. The first direction we would like to go in would be to try and get the sidewalks done on the streets near schools. There is sometimes an issue with this because they are not always funded under the municipal rate, so we will approach this by putting in an application for the Safe Streets for Schools. This would be the sidewalk project on Sycamore. We are going to back this up with a second road project in case these Safe Streets for Schools do not get funded. Mr. Hilla will have more information for the Council at the next meeting, and we will need a resolution to support the application. He believes the applications are due on the 24th or 25th of this month.

Since we need a resolution to support this, Mr. Skudera inquires as to what exactly we would be supporting. Mr. Freda responds that they are going to have an application for grant money to do the two projects. One project is the Safe Streets for Schools which is a sidewalk project along Sycamore Avenue between Hance and Tinton Avenue, and the other one is a road project.

Mr. Dempsey states that we had put an application in last year for the Safe Streets for Schools Program which did not get funded. Now with the TTF Program, they are setting aside a certain portion of money for sidewalk projects. Since this is a county road, the rating criteria is going to be better for this project than other projects because of the fact that it leads the children to the schools and because it is a county road. If this is not funded, the second priority would be another connector street to the county road which would be River Edge. This is the same funding that we received for Hope Road. The streets that we are picking for this funding should be roads that are connector streets as opposed to streets that are just in developments. Hopefully we will get the sidewalk funding because that is really needed along that stretch and the county will not provide any money to build sidewalks along a county road. Funding to put sidewalks along that road to the school would be either from this program or through a capital bond ordinance that we would have to do ourselves. Or we could use our satellite trust fund money that is currently being used for the sidewalk project down on West Park.

There will be two (2) resolutions needed for this, one for each application. This is put on the agenda for the next Council meeting.

Communications/Working with Board of Education – Mr. Skudera states that the School Board and the Borough Council are two big bodies and it would be nice to have more dialogue discussion from

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the Council point of view about what the School Board is doing and how Council can help. The bottom line is to find out how we can work together to get more for less. He asks for any thoughts or comments on this.

Mr. Ford states that he thinks this is a good thing. Early on when discussing Shared Services, he met with the Board of Education to start the dialogue. There are a lot of things that we do together in regards to recreation. We use the school facilities and we pick up the garbage for the schools. He does not know if people are aware of and appreciate the good working relationships that we have with the School Board. He thinks it would be a good idea if we officially add the meetings on to the School Board. He does not know if this would have to be done through resolution, or if we can even do it at all. We have done it informally in the past. He does not know if we could have a liaison or if that is even the proper terminology.

Mr. Skudera states that a liaison is the head of communications. It would be someone responsible for going back and forth between the School Board and Council to see what we can do. He states that Mr. Ford has the most experience because he had been on the School Board. If we can start the process and open the dialogue, that would be great.

Mr. Dempsey states that the School Board directly gets in touch with the contact name or he contacts Tamar Sydney-Gens. He does not know if we have ever had any issues where there has not been any communication. If we need to utilize a facility or build a cell tower, or if they need to use our facility here for meetings, we just do it.

Mr. Skudera acknowledges that it is being done now and he is not debating that. He states that it would be nice if Council had a more accurate role in this process. Council is the body that makes the laws and enacts the resolutions and ordinances. It would be nice if Council had more of a dialogue to see what we could do.

Mr. Berube states that there has been an informal relationship because some members are either recent members of the Board or are close with other members. The only way to really formalize that from a Council perspective is to designate this with of ordinances to provide for that. The Open Space Committee does have a designation and the Planning Board has a designation under state stature.

Ms. Mount-Taylor states that when the School Board budget is defeated, it is the Council that approves it or denies it. Wouldn't that be some kind of a conflict? Mr. Berube says that practically speaking it is a fair concern because a liaison would be from Council and he does not know if anyone would want to put themselves in that position.

Mr. Ford states that he disagrees with that. There is the same situation with the Planning Board meetings.

Mr. Skudera states that the point of this would be for Council to decide that they want to pursue a way to work with the School Board or find information out. We could have one member take information back.

Mr. Baldwin inquires if we could solve this by not usurping the responsibility of our administrator and formally say that the administration can run everything through Mr. Ford or whoever we elect. This way it could be an informal communication process that keeps us in the loop and Mr. Ford would still carry the hat as he should for negotiations and discussions and things like that. To him this seems to make more sense.

Mr. Berube states that he thinks it is fair and efficient.

Mr. Skudera says that Mr. Ford can be that person if he so chooses to be. Mr. Ford says that he would like that. Mr. Skudera states that we will have to research the legalities of this.

Energy Efficiency – Mr. Tobin states that we had our recommendations made when they redid the building plans to find ways to be more energy efficient. A couple of the recommendations to look at were using more efficient systems in the DPW building, including possibly solar panels which would generate income as well as using waste oil heaters. These heaters would solely be used in the bay areas and not the entire building. The bay area would be the most efficient and a lot of car dealers and garages use these heaters which are DEP approved. He has asked for just the length and width of the building, but was given elaborate plans. We have an approximately 221 x 110 foot building with varying peak heights and so forth. Based on current energy credits as well as the amount of electricity they are expected to generate, it would be roughly fifty eight thousand dollars (\$58,000) a year. The downside or pending part right now is that the State and federal government have put on hold any sort of grants to pay for this. We have to wait for these grants and incentives to come out

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again. It would take us eighteen (18) to twenty (20) years to pay for it based on the cost versus what we get back, but if the grants come out he will keep the Council posted. If the grants come out and we end up doing this we would have it as a way to make money, and any extra electricity that we do not use is put back in the grant for credits. They estimate nineteen thousand dollars (\$19,000) a year in electricity would be generated just off of the buildings, and there is no way that that building back there uses twenty thousand (\$20,000) in electricity alone. Mr. Tobin states that once we get the new energy credits we will come back with this. These credits are still pending. He adds that gas stations find these to be very efficient so we should look into it, especially since it pays for itself in twelve (12) to eighteen (18) months.

Mr. Berube offers a suggestion to pass a resolution that this meeting will go past 11:00 p.m.

Mr. Tobin offers a motion for a resolution that the meeting will go past 11:00 p.m., seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 10:45 p.m.

Reconvene at: 11:59 p.m.

Mr. Tobin offers a motion to adjourn, seconded by Mr. Ford.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 11:59 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

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