

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
DECEMBER 11, 2007**

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

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

All present stood for Salute to Flag.

ROLL CALL

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

ABSENT: None

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

APPROVAL OF MINUTES -

Mr. Skudera stated that there were no minutes for approval.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION -

Mayor Maclearie stated for anyone who is keeping track of the Fort Monmouth meetings the next one that will be held is December 19, 2007 out in Freehold at the Monmouth County Agriculture Board.

The county granted us \$250,000 for the acquisition of the Open Space Somers Property and now that we have it in writing, it is official.

Mr. Morrill stated we had our Open Space meeting yesterday and Mr. Stephen Pfeffer was kind enough to come down and speak with us as our "Guest of Honor". We are making great progress with the Eagle Scouts headed up by Dominic Debonis. He is setting up trail ways behind Liberty Park II and marking them. If you see "Caution" and "Police Line" back there, that is what is being used to mark it up.

Mr. Ford stated that by Friday we need any nominations that are due for the holiday decorating contest. If you see any houses that you really like, we really need your help for nominations. We are relying on people here to notify Sherry with your nominations.

Mr. Baldwin, Planning Board Liaison, stated Seabrook Village came before the board and gave their presentation. The board's decision was to grant an amended site plan approval with some minor variances and wavers for an expansion of their Health Center on the property that was built during the Phase I process. They are going to put in two new buildings that are joined at about 13,000 square feet. There will be 38 units and 46 beds for assisted living persons. Parking will not be changed much. As this is a new concept, we are pleased to put it away and give it a stamp of approval. And, for the record, Mr. Baldwin stated he was a little disappointed that Seabrook Village was not asked to make a contribution to the sidewalk fund for the development of that property as we have asked every other community or every other entity that has come before the planning board. Therefore, he regrets that we have not been able to get a contribution from them.

Mr. Tobin, Deputy Council President, stated the Board of Education has been doing a lot with the Navel Weapon Station about the Navy plan to open up 300 housing units to whomever, not just navy persons, but whoever would like to live there and they can get through certain Department of Environmental Protection requirements and wetlands, etc. We have been working with the entire town with the Board of Education to voice our opposition on this. You can still go on the Board of Education website and file a complaint or a comment to the Navy for the Laurel Wood project as to what your view is on that. The last day for comments is December 14, 2007.

The Solid Waste Advisory Council has a meeting on Thursday, December 13, 2007. Mr. Tobin added he has been to two meetings since he has been appointed - the first one we discovered

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numerous companies are operating at the landfill, not all of them paying us taxes. The other one was that we wanted to control some of the truck traffic on side streets in a lot of neighborhoods and that the court banned us from picking on particular types of vehicles. It turns out through the Department of Environmental Protection that the Solid Waste Advisory Commission is part of the Monmouth County Planning Board and can file a letter stating that they want certain streets not to be excluded from truck traffic, which would take the trucks off the road. Once the Department of Environmental Protection gets the letter, they have seven days to respond. Those roads in Tinton Falls include: Essex Road between Route 66 and Asbury Avenue, Shark River Road, Wardell Road, as well as one of the couple of roads in Neptune that have a great deal of traffic, which include Green Grove Road. We will be working on this Thursday to get that plan done so we can cut down on a lot of this truck traffic and take care of a lot of the damage the trucks have done to the streets, especially the newly paved roads.

Mr. Skudera, Council President, stated we have a meeting with the Borough Council and the school board on Thursday, which will be an executive session regarding the Earl Housing issue. We have a Borough Council meeting next Tuesday and also our end of the year meeting the 27th which will include the Cell Tower Ordinance, the one we introduced last meeting for a final vote.

Mr. Dempsey stated the computer networks should be up and running by the first week in January. The emails will be transferred over to Reynwood, which is our phone provider. We should be closing on the Somers property the week of December 17th. Your entrance signs to the Borough Hall are completed. The installation and all the electrical work was done by your Public Works Department. Fire District number one sent a letter to the borough regarding the transfer to their property; therefore we need to put that on a workshop, discuss the matter, and get an answer to them on what our intention is.

Mr. Pfeffer stated that on the table tonight is the preliminary official statement for the bond sale that we are having on Thursday. It is preliminary due to the reason that the sale of the bonds has not taken place yet. Once that happens, they slide in the rest of the numbers and it then becomes the official statement. In it is a lot of statistical information about the Borough and you will see at the top we were given an A-1 rating by Moody's.

The court is now taking credit cards (Visa, MasterCard & Discover). Starting in February, 2008, residents will be able to pay their taxes via ACH Debit on their accounts which would be extended to the Sewers in April, 2008.

Mr. Pfeffer also stated that he started going through our financial picture for the close of the year and has also been working on the budget. It appears that our surplus figures are going to be below last year's figures (between \$500,000 and \$750,000). The main

portion of that are the taxes which is the add-it taxes. We are monitoring the money every day and we are aggressively seeking any taxes that are owed or outstanding. We are approximately at 97.78 % collected for the month of December. Last year we closed out at about 98.60%.

Mr. Tobin stated that he spoke with Court Administrator, Jerry Donlon and they were interested in looking into an amnesty day or week where people who owe us outstanding fines, who could not pay them before on a credit card, would be offered that possibility which would help us collect a lot of the outstanding money.

Mr. Hilla stated the Hope Road project is 99% complete. The contractor is completing the last of the punch list items and we are scheduling the DOT inspection of the Hope Road portion for next week or the week after. At that point, providing everything is according to Houel, we will be able to submit regarding the final reimbursement from the State for that portion of the project.

The bleachers and press box project at Liberty Park II have been installed and we believe they are at least 99% complete. We are waiting to hear back from Pop Warner as to whether they have any issues with what was installed. Being that Pop Warner is the main users of Liberty Park II, we want to make sure that they were in sync with that was well. Once their feedback is received, we can close out that project with the contractor.

The news on Squankum Pump Station was that they are ready for the start-up and we are coordinating with Ray Huus to have the start-up and the tutorial at the pump station location on site within the next week or so. As soon as that is completed we will be sending out notices through the Sewer Collector's office so that the individuals may start connecting to the sewer through the operation of the pump station.

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The last item is that we are nearly complete with the diligence for the CJS Parkview Property on Shafto Road as well as the Somers Property. This was a follow-up to our Phase I evaluations at the property and the areas of concern which that report generated. Tomorrow they will be doing some testing and sub-surface radar on the site just to insure that there are no surprises below grade prior to taking ownership of that property.

Mr. Berube, Director of Law, stated as a follow-up to the Engineer's and Administrator's report, we are intending to close on the Somers Track, both parcels, perhaps the 20th is the designated date. The Environmental Assessments are in without major concern. Mr. Hilla indicted that there were areas of concerns with the CJS Track that are now being more carefully investigated but we committed on closing that track by the end of this year as well. He stated he will keep us informed as to next week's meeting as to the progress.

PETITIONS – NONE

ORDINANCES FOR INTRODUCTION – NONE

ORDINANCES FOR FINAL CONSIDERATION – NONE

Mr. Tobin offered a motion to open Public Discussion, seconded by Mr. Morill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN-

Randi Dickman, 13 Woodchuck Court, stated she would like to address Mr. Berube. Ms. Dickman asked if Mr. Berube received her letter regarding the municipal services.

Mr. Berube stated yes we did; we are hunting down the original. You may recall certain changes were suggested, we adopted that by Resolution and it is just physically finding the original for signature.

Ed McCullough, Woodchuck Court, asked if Mr. Berube knew when the polls are going to come out for everybody.

Mr. Dempsey stated there was an award tonight for Haas to provide the services. Once that is done, and then they can start providing that. As soon as we say go, it will be ready.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

RESOLUTIONS -

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

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**R-07-391 RESOLUTION - APPOINTING ALTERNATE MEMBER #2 – TO ZONING
BOARD OF ADJUSTMENT – TERM EXPIRES ON 6/30/10**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Steven R. Porzio is hereby appointed as Alternative Member #2 to Zoning Board of Adjustment. Term to expire 6/30/10.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-447 RESOLUTION - REJECTING LOWEST BIDDER CONSHOHOCKEN STEEL
PRODUCTS AS NON-RESPONSIVE CONTRACT #07-13
FRONT LOADING REFUSE CONTAINERS OF VARIOUS SIZES AND TYPES**

WHEREAS, three (3) bids were received on Friday, November 30, 2007 at 10:00 am for the above contract; and

WHEREAS, Conshohocken Steel Products, 301 Randolph Avenue, Ambler, PA. 19002 submitted the lowest bid in the amount of \$40,708.00 for 61 refuse containers described in bid specifications; and

WHEREAS, James E. Berube, Jr., Esq. recommends that the bid for Conshohocken Steel Products be rejected as a non-responsive bid and award be made to next lowest responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the bid from Conshohocken Steel Products be rejected.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-07-448 RESOLUTION - AWARD OF CONTRACT #07-13 FRONT LOADING REFUSE
CONTAINERS OF VARIOUS SIZES AND TYPES**

WHEREAS, bids were advertised on Friday, November 16, 2007 and three bids were received on Friday, November 30, 2007 for the above contract; and

WHEREAS bid received from Conshohocken Steel Products, Inc. is being rejected as there was no bid bond in the bid package and the bid is considered non-responsive; and

WHEREAS, DETCON, 5039 Industrial Road, Farmingdale, NJ 07727, submitted the lowest responsible bid in the amount of \$43,835.01 for 61 Refuse Containers (\$26,812.79 for 40 refuse containers without the locking lids and \$17,022.22 for 21 containers with locking lids) as described in the bid specifications; and

WHEREAS, the Purchasing Agent has found the bid to be in order and John Bucciero, Director of Public Works, recommends award to the lowest responsible bidder, DETCON.

NOW, THEREFORE, BE IT RESOLVED that DETCON, 5039 Industrial Road, Farmingdale, NJ 07727 be awarded a contract in the amount of \$43,835.01 for 651 Refuse Containers, 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.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-07-449 RESOLUTION - REDUCING PERFORMANCE GUARANTEES THE PINES II AT
TINTON FALLS - BLOCK 123 LOT 49.05**

WHEREAS, the developer of The Pines II at Tinton Falls has requested the reduction of Performance Guarantees, and

WHEREAS, by letter dated November 12, 2007, (said letter hereby attached and made part of this resolution), the Borough Engineer, Birdsall Engineering, Inc. recommends that the Performance Guarantee be reduced based on the amount of work completed and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for The Pines II at Tinton Falls – Block 123 Lot 49.05 be reduced in accordance with said letter from the Borough Engineer, Birdsall Engineering, Inc.

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

**R-07-450 RESOLUTION - AWARD OF BID – CONTRACT #07-14 – CONCESSION
BUILDING AT LIBERTY PARK II**

WHEREAS, eight (8) bids were received on Friday, November 16, 2007 for the above contract and;
WHEREAS, two bids from Cathcon Construction Co., Inc. and Brian Patterson Mechanical Contracting, Inc. have been rejected for numerous mathematical errors and discrepancies;

WHEREAS, Authentic Construction, Inc., 1433 Lakewood Road, Manasquan, NJ 08736 submitted the lowest responsible bid in the amount of \$297,200.00 for the base bid and \$14,370.00 for Option A for a total bid in the amount of \$311,570.00 and;

WHEREAS, the Purchasing Agent has found the bid to be in order and Birdsall Engineering, Inc. recommends award in their bid report attached dated December 5, 2007;

NOW, THEREFORE, BE IT RESOLVED that Authentic Construction, Inc., 1433 Lakewood Road, Manasquan, NJ 08736 be awarded a contract in the amount of \$311,570.00 for the Concession Building at Liberty Park II which includes Option A.

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.

Mr. Ford stated the Football Field is looking excellent in addition to the Sycamore Fields that we have; it is really something that he is proud of and he hopes everyone is in the town in regards to these nice facilities that we have. His point is that we want to use them. He wanted to stress that if there is any way we can get the concession stands done as soon as possible so they can utilize those fields it would be greatly appreciated. Everybody is eager to use them.

Mr. Skudera asked Mr. Pfeffer, for the record, is this project, the concession stand and the bleachers under our estimated price with the contract in total.

Mr. Pfeffer stated originally when we went out and did the Bond Ordinance for \$416,000.00 the bleachers were not included in the plan; it was just basically the concession stand. Later on, the project was expanded for the bleachers. That went out to bid first and was awarded. When we went out to bid on the concession stand, there was \$271,000.00 left from the \$311,570.00 in the Bond Ordinance and we utilized other funds that we had on hand for recreational purposes for the difference.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-451 RESOLUTION - REJECTING BIDS CONTRACT #07-11 REBID 2ND TIME –
REFUSE ONE (1) 2008 AUTOMATED SIDE LOAD REFUSE VEHICLE**

WHEREAS, bids were received for the above contract the first time on Friday, October 5, 2007 and were rejected as over budget by Resolution R-07-392 at a meeting held on October 16, 2007; and

WHEREAS, the above contract was re-bid on Thursday, November 8, 2007 and was again rejected as over budget by Resolution R-07-446 at a meeting held on November 27, 2007; and

WHEREAS, the above contract was re-bid a 2nd time on Friday, November 30, 2007; and two bids were received and DETCON, 5039 Industrial Road, Farmingdale, NJ 07727 submitted the lowest bid in the amount of \$198,000.00; however, it is recommended by the Director of Law and Director of Public Works the bid be rejected as not conforming to the specifications proffered; and

WHEREAS, the second lowest bid from Hunter Jersey Peterbilt, P.O. Box 729, Clarksburg, NJ 08510 was in excess of the amount budgeted and recommended by the Director of Law and Director of Public Works that this bid be rejected; and

WHEREAS, after discussion with James E. Berube, Jr., Director of Law and John Bucciero, Director of Public Works it was recommended both bids be rejected and the bidders be invited to schedule an appointment for negotiations of this bid which is allowed by the Local Public Contracts Law; namely, NJSA 40-A-11-1 et seq.

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NOW, THEREFORE, BE IT RESOLVED that bids from DETCON, 5039 Industrial Road, Farmingdale, NJ 07727 and Hunter Jersey Peterbilt, P.O. Box 729, Clarksburg, NJ 08510 be rejected and both bidders be invited to schedule an appointment for negotiation of this bid as allowed by law.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

R-07-453 RESOLUTION - AWARD OF CONTRACT #07-15 TWO (2) 5-7 YARD 2008 DUMP TRUCKS WITH PLOWS

WHEREAS, six (6) bids were received Friday, November 30, 2007 for the above contract and;

WHEREAS, Route 23 Auto Mall, 1301 Route 23, Butler, NJ 07435 submitted the lowest responsible bid in the amount of \$96,797.00 for one (1) 2008 F-750 dump truck with snow plow and additional \$4,885.00 for crew cab option for a total bid for one (1) in the amount of \$101,682.00 for a total bid award of \$203,364.00 for two (2) 2008 F-750 dump trucks with crew cab and equipment as per specifications; and

WHEREAS, the Purchasing Agent has found the bid to be in order and John Bucciero, Director of Public Works, recommends award to the lowest responsible bidder, Route 23 Auto Mall in the amount of \$203,364.00 for two (2) dump trucks with crew cab option as specified;

NOW, THEREFORE, BE IT RESOLVED that Route 23 Auto Mall, 1301 Route 23, Butler, New Jersey 07435 be awarded a contract in the amount of \$101,682.00 for one (1) for a total of \$203,364.00 for two (2) 2008 F-750 dump trucks with crew cab option with snow plows and all specified equipment;

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.

Mr. Baldwin asked Mr. Pfeffer if these heavy vehicles are purchased with cash or are they bonded.

Mr. Pfeffer stated that we have a Lease Purchase Agreement with the County of Monmouth; it is basically a debt issue.

Mr. Ford asked if these were budgeted for.

Mr. Pfeffer stated these were included in the list that was approved by the council and went into the Lease Purchase Agreement. A while back the council approved the Borough going into the County and approving the authorities Lease Purchase Agreement and there was a list attached, by ordinance, these were included on that list. The lease purchase agreement isn't a budget; it is an equipment list that was approved by the council.

Mr. Ford stated this is an additional \$200,000.00. If we aren't bonded, it isn't in our budget, and we are running deficient of \$750,000.00, where is that money coming from.

Mr. Pfeffer stated the money is coming from the Monmouth County Improvement Authority Lease Purchase. It is like a bond. These items were budgeted within that bond.

Mr. Ford asked if these trucks are in rotation that it is planned that these trucks were purchased this year.

Mr. Pfeffer stated the Director of Public Works made a recommendation to the council for the equipment.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

R-07-454 RESOLUTION - AWARD OF CONTRACT #07-16 TWO (2) 3-4 YARD 2008 DUMP TRUCKS WITH PLOWS

WHEREAS, the one (1) bid was received on Friday, November 30, 2007 for the above contract and

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WHEREAS, Route 23 Auto Mall, 1301 Route 23, Butler, NJ 07435 submitted the sole responsible bid in the amount of \$59,118.00 for one (1) 2008 Ford F-550 dump truck with snow plows which includes \$2,993.00 for the crew cab option for a total bid award of \$118,236.00 for two (2) dump trucks and snow plows with crew cab option and all equipment specified; and

WHEREAS, the Purchasing Agent has found the bid to be in order and John Bucciero, Director of Public Works, recommends award to the sole responsible bidder, Route 23 Auto Mall, in the amount of \$118,236.00 for two dump trucks with crew cab and snow plows as specified;

NOW, THEREFORE, BE IT RESOLVED that Route 23 Auto Mall, 1301 Route 23, Butler, NJ 07435 be awarded a contract in the amount of \$118,236.00 for two (2) 2008 F-550 dump trucks with crew cab option and snow plows and all specified equipment;

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-07-455 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES
WARDELL ROAD – MINOR SUBDIVISION BLOCK 129.14, LOT 29**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Wardell Road – Minor Subdivision Block 129.14 Lot 29, and

WHEREAS, by letter dated October 25, 2007 (said copy hereby attached and made part of this resolution), Borough Engineer, Birdsall Engineering, 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 of Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineers, Birdsall Engineering, Inc.'s letter of October 25, 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 offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

**R-07-456 RESOLUTION - AUTHORIZING ENFORCEMENT OF TITLE 39 PENDING THE
ADOPTION OF THE ORDINANCE FOR MAXIMUM CARE AMBULANCE
SERVICE INCORPORATED BLOCK 147, LOT 5**

WHEREAS, Maximum Care Ambulance Service, by application dated October 17, 2007 has requested that the Borough Council adopt a Resolution causing the provisions of Title

9 be made applicable to property known as Maximum Care Ambulance Service, Block 147, Lot 5, and

WHEREAS, Title 39 provides that a request be made in writing to the Borough Council to permit application of the Statute on said premises, and

WHEREAS, said application has been filed and is being forwarded to the State for the preparation of the draft ordinance, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Title 39 shall apply to said property, and

BE IT FURTHER RESOLVED, that this Resolution shall remain in effect until the necessary Ordinance is received and adopted in accordance with State Statutes.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-457 RESOLUTION - AUTHORIZING BIRDSALL ENGINEERING TO FILE A GRANT
APPLICATION WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION RECREATIONAL TRAILS GRANT PROGRAM**

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WHEREAS, the Tinton Falls Open Space Committee has requested that the Borough of Tinton Falls authorizes Birdsall Engineering to the filing of a grant application to the New Jersey Department of Environmental Protection Recreational Trails Grant program; and

WHEREAS, in order to obtain the grant funds it is necessary that the Borough of Tinton Falls certifies that matching funds in the minimum amount of 20% of the total project. With the grant award being a maximum \$25,000.00 and will be provided by the Borough of Tinton Falls.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Birdsall Engineering submit a New Jersey Department of Environmental Protection Recreational trails grant application on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Borough Council hereby certifies that the minimum amount of 20% of the total project with a maximum grant award of \$25,000.00 will be provided upon the execution of the above grant.

Mr. Morrill stated this is a grant that is offered for \$25,000.00, 20% of which we would have to put up. If we are awarded, the grant would come out of the debt service, the tax that is raised by the Open Space. This is for the trails that are going to be set across the street from the Crawford house, the properties there that we got the easements for to separate. It is so you can get right down by the waterfall.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-458 RESOLUTION OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH") 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 November 27, 2007 authorizing special emergency appropriations pursuant to N.J.S.A. 40A:4-53, in the aggregate amount of \$100,000.00 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 of 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 November 27, 2007, special emergency appropriations have been made for the Project in an amount not to exceed \$100,000.00.
2. Special emergency notes (the "Notes"), in an amount not to exceed \$100,000.00 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 maybe 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.
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 seek 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 dictated to report in writing to the governing body at the

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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 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 Section 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, 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 \$100,000.00, which money 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) 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.

ROLL CALL

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

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

R-07-459 RESOLUTION – APPOINTING OPEN SPACE COMMITTEE MEMBERS

WHEREAS, pursuant to Article IV (3) – Section 3-39 – Open Space Committee, the Borough Council of the Borough of Tinton Falls wishes to appoint the following members whose term will expire on December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following persons are hereby appointed to the respective term as members to the Open Space Committee

Duane Morrill, Council Liaison -	Term of one (1) year – to expire 12/31/08
Doug Devincens	Term of two (2) years – to expire 12/31/09
Guy Buck	Term of two (2) years – to expire 12/31/09

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

R-07-460 RESOLUTION – TECHNICAL ADVISORY COMMITTEE MEMBERS

WHEREAS, pursuant to Article IV (3) – Section 3-40 – Technical Advisory Committee, the Borough Council of the Borough of Tinton Falls wishes to appoint the following members whose term will expire on December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following persons are hereby appointed to the respective term as members to the Technical Advisory Committee.

Michael Skudera	Term of one (1) year – to expire 12/31/08
Andy Maher	Term of two (2) years – to expire 12/31/09
Darrell Wire – Alternate #1	Term of two (2) years – to expire 12/31/09
Rob Mauro – Alternate #2	Term of two (2) years – to expire 12/31/09

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-461 AUTHORIZING EXECUTION OF PROPOSAL WITH HOUSING
AFFORDABILITY SERVICE (“HAS”)**

WHEREAS, the Borough Council of Tinton Falls seeks to implement a COAH approved strategy, and WHEREAS, Tinton Falls will work closely with the Fox Chase Condominium Association to create and implement the plan.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk is hereby authorized to execute said proposal with respect to the Housing Affordability Service at the New Jersey Housing and Mortgage Finance Agency (“HAS”) for assistance in creating and administering the Fox Chase Affordable Housing Re-pricing and Association Fees Subsidy Plan (“Plan”) 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 offered the following Resolution and moved its adoption, seconded by Mr. Morrill.

R-07-462 RESOLUTION - APPROVAL OF BILLS - DECEMBER 11, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 11, 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 FUND	\$2,443,670.19
TRUST FUND	4,857.62
CAPITAL FUND	70,525.01
DEVELOPERS ESCROW	9,985.86
DOG TRUST FUND	1.20
SEWER UTILITY FUND	11,868.62
ADDITIONS	<u>137,036.08</u>
	<u>\$2,667,944.58</u>

Mr. Dempsey stated noted for the recorded there are notations inside those bills that indicate reimbursement for certain council members for legal municipalities that will not constitute and inappropriate vote, you need not refuse yourself for what is normal reimbursement for Borough business.

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

R-07-463 RESOLUTION – CANCELING TAXES FOR A SENIOR CITIZEN DEDUCTION

WHEREAS, an adjustment of 2007 taxes has been made as a result of a Senior Citizen's deduction for the year of 2007 on the following property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Jennie Maloy 66 Lenape Trail Tinton Falls, NJ 07724	56.01	17	\$250.00

and,

WHEREAS, said deduction has resulted in a cancellation of the 2007 taxes in the amount of \$250.00, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$250.00 is hereby approved as a result of the cancellation of the taxes for the aforementioned property for the year 2007.

ROLL CALL

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

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

R-07-464 RESOLUTION – CANCELING TAXES FOR A VETERAN DEDUCTION

WHEREAS, an adjustment of 2007 taxes has been made as a result of a Veteran's deduction for the year of 2007 on the following property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Jennie Maloy 66 Lenape Trail Tinton Falls, NJ 07724	56.01	17	\$250.00

and,

WHEREAS, said deduction has resulted in a cancellation of the 2007 taxes in the amount of \$250.00, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that an adjustment in the amount of \$250.00 is hereby approved as a result of the cancellation of the taxes for the aforementioned property for the year 2007.

ROLL CALL

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

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

R-07-465 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter added assessment taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the homeowner.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Gregory Kochmar & Sharon White 1 Bridle Path Tinton Falls, NJ 07753	129.07	53	\$18.06

and,

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WHEREAS, said error has resulted in an overpayment of 2007 4th quarter added assessment taxes in the amount of \$18.06, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$18.06 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-466 RESOLUTION – REFUNDING TAX OVERPAYMENT

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

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Kevin & Nicole Moriarty c/o Richard E. Tilton, Esq. 516 Hwy. 33 Englishtown, NJ 07726	124.51	108	\$1,034.88

and,

WHEREAS, said error has resulted in an overpayment of 2007 2nd quarter taxes in the amount of \$1,034.88, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,034.88 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-467 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Gary & Debbie Herviou 10 Blueberry Lane Englishtown, NJ 07724	106.07	17.06	\$2,049.74

and,

WHEREAS said error has resulted in an overpayment of 2007 4th quarter taxes in the amount of \$2,049.74, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,049.74 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-468 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

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<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Vincenza Nicastrì c/o Dimaggio & Rubas, LLC 3 Elm Street – Suite 201 Morristown, NJ 07960	97	15.01	\$3,211.39

Re: Sepe from Nicastrì
10 Imperial Court

and,

WHEREAS, said error has resulted in an overpayment of 2007 4th quarter taxes in the amount of \$3,211.39, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$3,211.39 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-469 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Princeton Assurance Corporation 2482 Pennington Road – Suite 2 Pennington, NJ 08534-5221 Morristown, NJ 07960	89.01	13.01	\$2,208.99

Re: Thomas & Sharon Kavendek
15 Columbia Drive

and,

WHEREAS, said error has resulted in an overpayment of 2007 4th quarter taxes in the amount of \$2,208.99, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$2,208.99 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-470 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Service Link Attn: Renee Migliore 400 Corporation Drive – Floor 2 Aliquippa, PA 15001	24.05	12	\$1,880.90

Re: John & Denise Gormam
62 Society Hill Way

and,

WHEREAS, said error has resulted in an overpayment of 2007 4th quarter taxes in the amount of \$1,880.90, as certified by the Borough Tax Collector.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,880.90 is hereby approved for the aforementioned property.

ROLL CALL

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

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

R-07-471 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Cari Kornblatt & Maria Lopez 28 Fennec Court Tinton Falls, NJ 07753	129.09	88	\$775.23

and,

WHEREAS, said error has resulted in an overpayment of 2007 2nd quarter taxes in the amount of \$775.23, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$775.23 is hereby approved for the aforementioned property.

ROLL CALL

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

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

R-07-472 RESOLUTION – REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Attorney.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Wells Fargo Home Mortgage P.O. Box 11701 Newark, NJ 07101-4701 Attn: Refunds	124.51	206	\$1,073.72

Re: Gamez from Codner – Dougherty
62 Dover Court

and,

WHEREAS, said error has resulted in an overpayment of 2007 4th quarter taxes in the amount of \$1,073.72, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,073.72 is hereby approved for the aforementioned property.

ROLL CALL

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

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

**R-07-473 RESOLUTION – REFUNDING TAX OVERPAYMENT FOR A TOTALLY
DISABLED VETERAN**

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WHEREAS, an overpayment of 2007 taxes has been made as a result of a 100% Totally Disabled Veteran for the prorated year of 2007 (from November 13, 2007 to December 31, 2007) to be exempt on the following property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Thomas W. & Gail J. Bryan 7 Almar Avenue Neptune, NJ 07753	137.02	7	\$773.27

and,

WHEREAS, said exemption has resulted in an overpayment of 2007 taxes in the amount of \$773.27 as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$773.27 is hereby approved for the aforementioned property for the year of 2007.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-474 RESOLUTION – REFUNDING RECREATION FEES

WHEREAS, during the month of November fees totaling \$85.00 were paid by a resident of Tinton Falls for their children’s participation in Basketball Program.

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

WHEREAS, during the month of November, the Recreation Superintendent was informed by the resident that the children due to scheduling conflicts condition will be unable to participate in a program and a full refund in the amount of \$85.00 shall be issued for child Liana Marzano.

Jacqueline Marzano	\$ 85.00
<hr/>	
Total	\$ 85.00

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offered a motion to move consent agenda, seconded by Mr. Morrill.

CONSENT AGENDA -

Mr. Skudera stated there will be a need for an executive session.

Mr. Berube stated as a result of the decisions of the council, there may be a request to add an additional resolution item authorizing settlement of certain litigation that will be discussed in the executive session if the council so pleases and if that is the council’s desire then we should make an announcement that the council may come back into session in order to take action on that resolution following the executive session. It is only for the purpose of ongoing litigation.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-475 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. 10:4-13, the Council shall adjourn to Executive Session for the purpose of discussing on-going litigation and contractual.

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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

Mr. Baldwin offered motion to not close regular meeting due to the fact that there is possible resolution that will result out of executive session, seconded by Mr. Tobin.

Borough Clerk stated since there is no formal action in workshop; it would not be advisable for the council to not close the regular meeting and to keep it open.

ROLL CALL

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

TIME: 8:10 P.M.

WORKSHOP MEETING

UNFINISHED BUSINESS -

Mr. Skudera stated we had electronic records ordinance which was before initial council meeting in April. I received the comments back from the administration. I apologize as I thought everyone had received them.

The new website will be coming out in January but this ordinance is important to regulate what information we posted on there and what time. Right now the Borough doesn't have that and we need some format as what is going to be posted from all departments and from the town in general. I would like the website to be up first before the ordinance is approved and the borough employees trained. If council is in agreement I would like to get something started for January or February with an introduction of this.

Mayor Maclearie stated all the data they want there is massive and the concerns I have are: don't you think it would be smarter to try to comply without counter flying it and saying "let's do this and find out what we can do and can't do and what costs do the taxpayers implemented?" What happens if we fail at what we said we were going to do and what cost. Stated he is hesitating to throw it out there and would rather monitor it every month.

Mr. Baldwin asked if it is put into an Ordinance, is there a requirement that we do everything that is in there or does it just open the door to permit that as a consideration down the line at some point.

Mr. Skudera stated some of the keypoints are: the budget has to be posted online, meeting minutes, agendas, and public notices. These are things that are already in electronic format. Using this new website, the person in charge would just have to log onto the site, upload the document(s), and press submit. It would reduce cost and provide more public information which could also cut down phone calls and in-person visits. People are still encouraged to do that but the more information that is provided online, the more people will be able to see it for themselves and not have to call every time for documents. The ordinance is needed in order to specify what documents are to be online as our webmaster will post whatever information he receives.

Mr. Tobin stated that he does not believe OPRA information should be sent electronically that way we have a paper trail of what went out and when and restrict all the OPRA requests whenever they are restricted now. However, he spoke with the people while he was at the League of Municipalities he went and looked at their website set-up and the way it has been explained is that if someone has every uploaded a resume for a job or posted photos on an email, they will be able that simply to go into a file, click on all the things they want, hold the control button if it is more than one and then hit submit and it will pull them all up into that section. If somebody wishes to post data (example) they want to take something and it is in word and paste in into the website, it will come out into the format of the text of the website, it automatically documents all

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that. That seems to be pretty easy to load a lot of the stuff. His question is: how much of the documentation that we give out now is not already in electronic format. If you go to an office (Zoning) and you ask for a form, if they click on their computer to print it out, they can click on the website and upload it in seconds. If it is something that they have to go and get copies that are at a printer, then it has to be scanned to be put on there and then put into a pdf or a work document. That is where the expense would come in.

Mr. Pfeffer stated, to his knowledge, we only have one scanner which is in the Municipal Clerk's office. The other thing is we only have one pdf copy, also in the Municipal Clerk's office. Any documents that have to be scanned, for the most part, we don't have the equipment or the software.

Mr. Pfeffer added that he went to a grant meeting with the county and in reality, it is the county's long-term goal to bring in all the municipalities into the county's website and to have the county run the entire operation. Because they have all the people and equipment, we are hoping within a couple of years we will get the money from the State to buy equipment for the municipalities for scanning capabilities and hopefully for pdf software in order to tie in. Currently they are in a pilot program going on with Middletown. At the last meeting that he was at with County, they were in the process of trying to start to try and bring them into their website. The county does have the staff and manpower to back up and provide support. The way they were explaining it is that they would use all of their equipment and their hardware, basically wiring in all the municipalities to their site. In the case of Middletown, there is a button on the county's website where you go in and hit that button and it will bring you back to Middletown. Supposedly, from what they were saying, Middletown can type the minutes and have them automatically uploaded to the website at the county without having to make any kind software conversion. The State is trying to provide the funding for this project.

Mr. Pfeffer stated that for documents that go through the County Clerk's office, there is a dedicated fee attached to those documents which is the money that is being utilized to fund the program.

Mayor Maclearie stated that he would happily do this and put it as something we would like to track every other week or every other meeting with in regard to getting it up. It is great to have this information out there and regardless of wherever the State or the County is going, we should try and get as much up there as we can. Mayor Maclearie added he is just hesitant to put it out there in this format. Maybe six months down the road or even three months but let's see what we can get.

Mr. Skudera stated this Ordinance doesn't state a document imaging strategy for the town; that is a separate thing in itself. What is suppose to be posted: all Ordinances approved for introduction by the Borough Council (already in electronic format), all agendas and meetings conducted in accordance the Open Public Meetings Act (already electronic format), the minutes of meetings (electronic format), the preliminary budget and final budget (already electronic format). It states what the homepage should have, current bidding opportunities (we currently do that right now), employment opportunities (we do that now), vacancies of boards, and it does state that each apartment should have its own dedicated web page and they are responsible for maintaining the content. It doesn't state that everything has to be posted all at once.

Mr. Ford stated he is very much in support of putting this into an Ordinance. He is concerned that only two of the departments responded back. There is no question that if we want this to be successful, we need to have everyone respond with their comments. There is no question; our goal is to make it an Ordinance.

Mr. Dempsey stated he sent a memo out, there was a meeting with the department heads and the Ordinance isn't an issue, we can handle all the contents in the Ordinance. The problem we are going to face is (one) manpower, and (two) how we are going to pay for it. The problem with an Ordinance is that it creates fear with the employees that if they don't meet these certain time tables or their website isn't updated in a certain time frame, that causes them concern. Whereas, if it was something that we were to implement in a three or four month stage and at the third or fourth month you evaluate it, and then you develop your Ordinance, we wouldn't have a problem. In the Planning and Zoning departments, we can barely get the minutes done now with additional help. If we are going to require them to put their applications on the names, all that information that is requested, that doesn't come in an electronic format. That is going to be a huge task for just Erin and Doug who handle those two departments. Everyone is willing to do it but it is just the time frame that we are going to do it and the manpower issue.

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Mr. Tobin stated that before this goes into a workshop, we need percentages of what is already electronically formatted and what is not.

Pesticides Free Ordinance

This was sent before the environmental commission and Jeff King was contacted regarding the status but it was never brought back to the council. Doing organic spray on lawns is applied less frequently and it could be at the same cost or cheaper in chemicals. If we can do it safer and cheaper at the same cost, it is worth looking at.

Mr. Pfeffer stated a huge concern of his is how much water there is in Tinton Falls. A town that is surrounded with water through out it is a concern with pesticides.

NEW BUSINESS -

Mr. Skudera stated this is an amendment to article 3, section 23 local legislation - any Ordinance that council would like to have adopted should be in writing and that Ordinance goes to the department head for questions and/or comments and then sent back to us for discussion and votes. Right now there is no end date. An end date would be beneficial to get feedback from the administration to further this process along.

Mr. Morrill stated he would like everyone to look over the package regarding salary and wages. We should set time aside in the near future to discuss.

Mr. Tobin offered a motion to move into executive session, seconded by Mr. Morrill

ROLL CALL

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

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:46 P.M.

EXECUTIVE SESSION

RECONVENE: 9:31 P.M.

Mr. Tobin offered a motion to amend the agenda to include a resolution to authorize settlement of various complications, 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 offered a motion to adopt R-07-476, seconded by Mr. Baldwin.

Borough Clerk stated Mr. Berube was going to propose the actual resolution.

R-07-476 RESOLUTION TO AUTHORIZE SETTLEMENT

WHEREAS, certain action were commenced in the Superior Court of New Jersey Law Division, Monmouth County under docket numbers L-1444-05, and L-372-05 of which the Borough of Tinton Falls is a named party together with certain tax appeal initiated, as a result of an appeal from a County Board of taxation in which the Borough of Tinton Falls is a plaintiff, and,

WHEREAS, the Borough of Tinton Falls has, retained Special Counsel, Jerry Dasti Esq. who has entered a representation in the underlying law division actions, and has vigorously defended said action, and

WHEREAS, the parties have been actively included in settlement discussions without prejudice to the rights and remedies of any and all parties

WHEREAS, Special Counsel Jerry Dasti and Director of Law has recommended the potential settlement of certain claims contained in these actions upon certain terms and conditions contained in a certain Settlement Agreement proffered by Special Counsel Dasti and discussed by the Borough Council whereas said settlement shall not constitute any admission of liability or wrongdoing by any party, and

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WHEREAS, the Borough Council of the Borough of Tinton Falls finds that it is in the best interests of the Borough of Tinton Falls to provide for the settlement of any and all claims in the above actions through the execution of the above agreement, subject to the concurrence and approval of that agreement by the Planning Board of the Borough of Tinton Falls, also named as a party in certain of the actions,

NOW, THEREFORE, BE IT RESOLVED that the Mayor, Administrator, Borough Clerk, Special Counsel Dasti and Director of Law be and are hereby authorized to execute the Negotiated Settlement Agreement referred to above, together with any and all other Settlement Documents, Release and Non-Disclosure Agreements or other documents and to take such the settlement of any and all claims in the above actions in accordance with the terms herein.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT

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

ROLL CALL

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT: 9:35 P.M.

Respectfully submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: FEBRUARY 19, 2008