

**REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL  
FEBRUARY 19, 2008**

Council President called regular meeting to order at 7:35 P.M.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notifications 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: Peter Maclearie, Mayor  
W. Bryan Dempsey, Administrator  
James Berube, Director of Law  
Karen Mount-Taylor, Borough Clerk  
Maggie Pereira, Assistant to Borough Clerk  
Al Hilla Jr., Borough Engineer

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**APPROVAL OF MINUTES –**

Mr. Tobin offered a motion to approve the minutes for October 2, 2007, seconded by Mr. Morrill.

**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 a motion to approve the minutes for October 16, 2007, seconded by Mr. Baldwin.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Baldwin offered a motion to approve the minutes for November 27, 2007, 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 offered a motion to approve the minutes for December 11, 2007, seconded by Mr. Baldwin.

**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 a motion to approve minutes for December 18, 2007, seconded by Mr. Morrill.

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ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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REPORT OF MAYOR/COUNCIL ADMINISTRATION

Mayor Maclearie stated the Fort Monmouth Economic Revitalization Planning Authority, which meets monthly as a head committee, is meeting tomorrow night over in Eatontown. Previously it was reported that they were going to show the initial Concept Plan for all three plans however, they will not be showing that tomorrow. So, anyone that thought they might go tomorrow to see the Concept Plan, it is not on the agenda and they are planning on doing it in March.

We have a couple of Boy Scout projects going on in town which are really going to help us out with the Open Space Committee and some historical property. One of them is going to work on the well over in the Crawford house, the building itself. We have left over shakes (siding) from the siding of the building and again, we had to have certain period shakes for that building and he is going to put them to good use (refurbishing the roof, redoing the siding and a paint job on the well building). Another Eagle Scout is going to come over this week and do some work to upgrade the electricity in the Crawford house. Both of them have gone through the historic commissions. Stacey is on board with it so we are going to get some nice help from the Scouts. Even on the Open Space we have an Eagle Scout that is going to work on some of the trail systems as well so we have three projects between now and the next couple of months to help all the properties.

Mr. Morrill stated the Open Space Committee is planning on setting up a monthly trail walk for the new trails that were blazing throughout the town. The dates will be setup on the website and he believes it will be the first Saturday of the month.

Mr. Ford stated the big egg hunt is on March 15<sup>th</sup>. It is always a fun activity for the kids from fifth (5<sup>th</sup>) grade and under at Sycamore Fields which is a beautiful area. Another big event coming up is on April 6<sup>th</sup> which is the father/daughter dance. It is usually attended by eighth grade and under. It is a wonderful event that has been going on for years.

Mr. Baldwin brought Council up to date on the re-write of the Ordinance in conjunction with the Master Plan.

Mr. Dempsey stated we are going through all the zoning classifications and all the uses. He believes that has all been done and Mr. Gleitz is going to come back with a clean copy at their next meeting which is sometime in the next two (2) or three (3) weeks. Hopefully that will be almost the last review and we will go from there and present something to council early April.

Mr. Baldwin stated he feels personally that some great strides are being made in that review. When the Code Officer does the job it is very difficult if there are inconsistencies in the Ordinances or there are two different definitional interpretations so he feels a lot of that is being taken out.

Mr. Dempsey stated he feels we have a good group with the two members of the zoning board that are sitting on the subcommittee who provide a lot of good input on what they are saying in front of their board for different issues and they are very helpful.

Mr. Baldwin stated a quick summary for the council of the planning board action on February 13, 2008. It was kind of a quick night and not a lot going on but they did have approval of the Deleonardo subdivision wavers on the agenda, so it is ready to go. For some new business, Seabrook was back before the board again with a couple of amendments to their general development plan. There were minor changes to the traffic circulation on the campus, a couple of alterations on their entry ways into the residential buildings, but by and large nothing that was really significant there and they were approved.

Mr. Tobin stated that he and Mr. Baldwin along with JT King from the Environmental Commission went to Princeton a couple of weeks ago to a state energy summit where they went over different grants and programs available including a lot of things that were covered in our

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energy audit of two years ago. He talked to Mr. Dempsey because the grant period runs out in December and we are working with Birdsall to see what we can get from that. There was some confusion whether they were Federal or State grants, they were State grants and that is moving ahead.

Thursday's Solid Waste Advisory Committee meeting will be continuing our discussion on regulating trucks going to and from the Monmouth County Landfills. We have a long standing rule that is being looked at to be adjusted on trucks using certain roads.

Mr. Tobin stated he would like to commend our Police Department for sending a dog to Hazlet. Someone tried to rob a liquor store, the clerk grabbed a bat, smacked the robber, pulled the hood off, recognized the guy and the dog went out and found the person who had gone into his house and turned on the gas and tried to kill himself. He would also like to commend Garrett Schecher, Troop 124, for his door to door efforts on the fire prevention flyer for his Eagle project.

The fire budgets passed in both districts on Saturday. Percy Barry was elected in District No. 2 in the North End and Howard Chervinsky was re-elected in District No. 1 in the South End. Both budgets passed by strong margins which indicates that people don't mind paying an average of a dollar or so a day to have a fire department available anytime they need them.

Several council members attended various meetings in the Municipal Excess Liability Joint Insurance Fund where they updated us on things on Title 59 which is modified Governmental Immunity Laws and so forth. Mr. Tobin stated he has talked with Mr. Berube about a lot of this and gave this to him to review to make sure we are up to speed on everything so we protect ourselves in insurance areas.

Karen Mount-Taylor stated she will be out of the Country from February 22, 2008 – March 10, 2008. Mr. Dempsey, Mr. Berube and Mrs. Johns will be available should there be any questions.

Mr. Dempsey stated interviews are currently going on for two new Police Officers and hopefully they will be done the end of this week and they will go on to another interview process and hopefully we will have a selection within a week or two.

Website training was completed last week with certain Borough employees at the County using their facility. Hopefully the website will be launched sometime this March. Mr. Dempsey stated the feedback he received today showed that everyone seemed to be happy with it.

Mr. Dempsey added he has Peter Avakian here tonight regarding the Storm Water Management Ordinance and he will be giving us a presentation on where we are with that. We received a request from the Shark River Coalition in regards to the Storm Water Rules and Regulations and where we are at so Mr. Dempsey asked Mr. Avakian to come tonight to give a brief presentation on our Ordinance and the approval process.

The reevaluation is completed. All the interviews and all the meetings with the reevaluation committee have been done; the tax book has been delivered out to the County Tax Board so that process is completed.

As to background checks for the recreation and the volunteers, there is a meeting scheduled for Monday with a vendor that goes ahead and provides this information to us. Hopefully we can get this process started so all of our volunteers will be background checked.

On our March 18<sup>th</sup> meeting, Mr. Dempsey stated he is hoping to have Andy Bayer and Paul Gleitz give us a presentation on the COAH regulations.

Regarding the Municipal Open Space Grant, we are getting recognition from the County Park System for Sycamore Park. It was a 2007 grant that we received and they are recognizing any applicants that were received in 2007. At the County Parks Dinner, which is April 29, 2008, the Borough will be recognized. Liberty Park II, the concession stand, Mr. Dempsey stated he noticed today that construction has started. You will see a construction trailer out there and it appears to be that they are working on the foundation. Hopefully we will meet the deadline of Pop Warner and it will be completed by sometime July, 2008.

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Library study is ongoing. There are some focus group meetings today. The consultant was in town and Mr. Dempsey believes he has one or two more to do and then he wants to meet with some Borough Officials or the Library Committee. It should be completed within two months.

Lastly, the Crawford house – we have received a grant from Monmouth County Historical Commission for \$4,798.00 for the repair of the window preservation. This is about the third or fourth year that we received money from the County.

Mr. Skudera asked Mr. Dempsey if the Storm Water Management was on the agenda for tonight and if not, why he wasn't notified of this.

Mr. Dempsey stated no it was not on the agenda and there was no reason Mr. Skudera wasn't notified; it was just part of his presentation.

Mr. Skudera asked Mayor Maclearie if there was any reason there was a delay on the website. It was originally suppose to have a preview in December and will this definitely be up in March.

Mayor Maclearie stated to the best of his knowledge it will be.

Mr. Skudera stated just as a note, this was two meetings ago that the Technology Committee offered to help. Before the website goes live he would like to just take a review of it and write down anything missing, etc. He wants to make sure before it goes live everything is perfect.

Mr. Ford asked regarding the Police Officers, are those vacancy spots being filled.

Mr. Dempsey stated yes; one was for Patrolman Gary Wade and the other was for the retirement of Gerry Dolan.

Mr. Hilla stated he received copies of the existing conditions reports for the Double A and Forgotson properties and we will be forwarding them to Trenton for further processing and going forward with those two properties.

Mr. Hilla also stated he met with last year's road program manager today from Earl and he stated they will be in town within the next month or so to finish the punch list items that remained from the work from last fall.

Mr. Berube stated there were over 400 interviews conducted for the reevaluation by Realty Appraisals. That was the first step once persons were notified as the new valuation of their properties for the new 2008 year and we received some very favorable feedback from those meetings. As council knows, the final date for appeals is April 1, 2008 so we won't know the extent of the actual numbers of properties that are under appeal until that time. It is generally the intention of the County Tax Board to have those appeals heard by June 30, 2008. Realty Appraisals is under contract with the Borough to perform expert services for those tax appeals as well.

Secondly, the Borough was served with an "Order to Show Cause" last week by two members of the Fox Chase II Condominium Association who are objectors to the plan that was worked out between COAH, the Borough and the Fox Chase II Association. That "Order to Show Cause" will be returnable within the next two weeks and Special Counsel Andy Bayer will be handling that. The basis of that complaint is a challenge to the votes that were taken and the alleged disproportionate ownership that COAH unit owners have within Fox Chase II. Mr. Berube stated he will report more on that as it develops.

The Borough received capital review approval of the Liberty Park II concession stands storage areas.

In the next current month Mr. Berube stated he will be reporting as Seabrook begins its new phase of construction; they are anticipating a potential construction start date of March 17<sup>th</sup>. Still left to be determined is their COAH contribution, and again that COAH contribution number may be defined under the third round regulations which are still pretty volatile so he will report to council as those discussions unfold.

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Lastly, as part of an annual review, our Labor Council is reviewing employment practices, our personal manual and training programs related to employment practices in the Borough and that will be completed within the next eight weeks or so.

Mayor Maclearie made a proclamation for Arc Awareness Month.

***WHEREAS**, mental retardation is a condition which affects more than seven (7) million Americans and their families;*

***WHEREAS**, public awareness and education enhance a community's understanding of the issues affecting people with mental retardation;*

***WHEREAS**, people with mental retardation can be vital and vibrant members of our communities, improving the quality of life for all of us;*

***WHEREAS**, the month of March has been designated **Arc Awareness Month** by the State of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;*

***WHEREAS**, the **Arc of Monmouth** serves over 1500 individuals with cognitive disabilities throughout Monmouth County and advocates for and with people with mental retardation and related developmental disabilities and their families;*

***WHEREAS**, the **Arc of Monmouth** is celebrating 59 years of service to families and individuals throughout Monmouth County, with administrative offices, two group homes and one Adult Training Center in Tinton Falls in addition to 21 other locations throughout the County;*

***THEREFORE**, I, Peter Maclearie, Mayor of Tinton Falls do hereby proclaim March, 2008 as*

**ARC AWARENESS MONTH**

*in the Borough of Tinton Falls, New Jersey and urges that the citizens of Tinton Falls, New Jersey give full support or efforts toward enabling people with mental retardation to live full and productive lives of inclusion in our communities.*

Mayor Maclearie stated there is a fundraising walk that is held in Tinton Falls on the third (3<sup>rd</sup>) Saturday in May which is a two (2) mile walk. Mayor Maclearie stated he would love to participate but that is the weekend he has the 170 mile bike ride for MS.

Mr. Skudera stated the next item is the report on the bond anticipation notes.

Mr. Dempsey stated Mr. Pfeffer had bids come in and the low bidder was Commerce Bank at 3.0500, purchase price of \$580,000.

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

**R-08-022 RESOLUTION – TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Tinton Falls desires to constitute the 2008 Temporary Capital Budget of the Borough of Tinton Falls by inserting therein various capital projects,

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

Section 1. The 2008 Temporary Capital Budget of the Borough of Tinton Falls is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget  
Borough of Tinton Falls  
County of Monmouth, New Jersey

Projects Scheduled for 2008

Project	Estimated Costs	Capital Improvement Fund	Other Funds	Debt Authorized
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2007 Road and Reconstruction, Construction and Resurfacing Program (amending Ordinance Number 07-1215) S-07-01	\$389,375		\$389,975	

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Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the 2008 Temporary Capital Budget, to be included in the 2008 Permanent Capital Budget as adopted.

Mr. Skudera stated there are no petitions, confirmed by Karen Mount-Taylor, Borough Clerk.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**ORDINANCES FOR INTRODUCTION -**

Borough Clerk read Ordinance 08-1237 entitled: ORDINANCE AMENDING ARTICLE III-2 - 3.1 ORDINANCES AND RESOLUTIONS TO INCLUDE A 30-DAY WRITTEN REPORT SUBMISSION TO BOROUGH COUNCIL FROM THE DATE THE ORDINANCE/RESOLUTION IS PROPOSED.

Mr. Tobin offered a motion to introduce Ordinance No. 08-1237, seconded Mr. Ford.

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

Ordinance No. 08-1237 in full/Ordinance Book No. 3.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Borough Clerk read Ordinance 08-1238 entitled: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 07-1215 (WHICH PROVIDES FOR THE 2007 ROAD AND RECREATION TRAIL RECONSTRUCTION, CONSTRUCTION AND RESURFACING PROGRAM) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 6, 20007, AS AMENDED AND SUPPLEMENTED.

Mr. Tobin offered a motion to introduce Ordinance No. 08-1238, seconded by Mr. Morrill.

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

Ordinance No. 08-1238 in full/Ordinance Book No. 3.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**ORDINANCES FOR FINAL CONSIDERATION – None**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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**PUBLIC DISCUSSION OPEN –**

Ed Lippincott, Executive Director of Shark River Coalition, stated as the Borough already knows, the Shark River Clean-Up Coalition is a non-profit group who are dedicated to not only protecting the quality of water in Shark River but also improving it. Mr. Lippincott stated they do a lot of work in Tinton Falls because there are head waters in Tinton Falls of both Shark River and Jumping Brook.

Mr. Lippincott stated approximately a year ago they sent out a letter to all the municipalities in the Shark River Water Shed wanting to know where they stood with regards to New Jersey's Storm Water Rules. Storm Water Rules was adopted by the State in 2004 and they are enforced on a local level so all the local municipalities were given a time line for implanting certain rules. So, a year ago, that letter was sent out asking the municipalities for certain documents that they were required to have. They have another letter they sent out January 29, which was the initial follow-up letter to that which stated what documents they had received and which documents were missing and they asked to be put on the agenda for tonight and have someone here to answer their questions.

Mr. Avakian, Engineering Firm, stated their office did prepare a Storm Water Ordinance for the Borough of Tinton Falls. That Ordinance was adopted in May of 2005 and if you know the rules and follow the regulations, that is a full year before the rules required it to be adopted and the Borough did that for a number of reasons. The primary reason was that it classified major developments and it allowed the Planning Board to enact Storm Water Regulations on any major development in the Borough whether it was residential or non-residential. Mr. Avakian stated he met with the County Technical Review Committee, they asked for some changes to the Ordinance, many of them weren't subsidies, some of them were because the Ordinance we used was a draft model since they didn't have the formal model when they adopted this. They are now in compliance with the NJ DEP Model Ordinance and they also have provisions in this Ordinance that are specific to the Borough in particular having to do with storm water management basins. The next step for this would be to have Borough Council introduce it again and adopt it, hopefully with the recommended revisions and then Mr. Avakian stated he would take that back to the County Planning Board Technical Advisory Committee and they would hopefully give it final approval. At the same time, they updated the Storm Water Management Plan which did not get approval. That plan goes through the same process but through the Planning Board because it is an element of the Master Plan. The Planning Board hopefully gives it a Resolution of approval adopting the plan element and then again, Mr. Avakian stated he takes that to the County Technical Advisory Committee. There were three major revisions to the Storm Water Management Plan that were somewhat subsidies. The first one was a very beneficial one environmentally; we added significant water quality monitoring tables and wording in the text which gives the Borough the ability to use the Master Plan element to, in the future adopt more stringent Ordinances should the Borough so desire. Mr. Avakian stated they also discussed mitigation plans and criteria for plan consistency of this document with other plans including residential site improvement standards, Monmouth County Growth Management Plan, and the State Development Plan. With these two plan adoptions, Mr. Avakian stated he will present them to County of Monmouth and hopefully get a formal Plan in Ordinance approval and that will be the final step into compliance with the State. The group only meets once a month and they only review two plans at a time which has really back logged Monmouth County since less than half the towns have final approval now.

Mr. Avakian stated he will just add one more document that Mr. Lippincott requested which is something that was prepared by PMK Environmental Consultants for the Borough. It is called the Storm Water Pollution Prevention Plan. This document is maintained by the Public Works Department and in that document, a lot of the ancillary reporting mechanisms that was asked for is on file with the Public Works Department such as road side maintenance, evaluation of storm water outfall, structures, and typical good housing regulations. That one document will have all those other components included in it as well. Mr. Avakian requested the Borough get a copy of that and provide it to Mr. Lippincott.

Mr. Avakian stated that is where they stand now and the next step will be presentation to council for introduction of the Ordinance with revisions and a presentation to the Planning Board which requires a notice of at least ten days. He will follow thru with both of those with Bryan, the Mayor and hopefully come before the council again soon.

Mr. Tobin asked Mr. Lippincott and Mr. Avakian if since he stated less than half the towns in the State are in compliance with this, will this bring us into full compliance.

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Mr. Avakian stated when the Borough introduced and adopted the Ordinance it did so prior to mandates by the State and what that did was make it is a stand alone Ordinance. It was an Ordinance adopted by the Borough Council and in affect un-enforceable. Other towns that waited, only adopted it as a component part to the Storm Water Management Plan and when those two were linked, at sometimes it can be unenforceable. With submission to the County and with their full endorsement, we will be right in line with the plan and Ordinance the way they are suppose to be.

Mr. Lippincott stated many of the municipalities have the same problems implementing these rules in that over a period of time the councils change, the borough engineers change, they go from one engineering firm to another, documents get put on someone else's desk, etc.; it is a learning curb for everyone. Mr. Lippincott stated they aren't here as a finger pointing exercise, they are just here to help everyone stay on track and get this done. Mr. Lippincott added he feels it is best if they come back another time and go thru all this stuff because what they are also concerned about is enforcement. There are a lot of rules that are enforced by statute and they are enforceable locally so they would like everyone to know who is in charge of enforcing what.

Mr. Ford stated he would like a target date.

Mr. Avakian stated the plan is done; they only need 10 day notice so he would think the first meeting in March, if the Planning Board has time on their agenda, they could get the re-adoption of the Master Plan element on the Planning Board agenda. With regard to the introduction and adoption of the revisions to the Ordinance, he would defer to Mr. Berube. When he met with the county group recently and talked to them about the Borough's mitigation plan, which he presented to them already, they indicated there was a means of readopting an Ordinance already in place.

Mr. Berube stated we could have the Ordinance on for a meeting in March for an amendment to the Ordinance.

Karen Mount-Taylor stated to Mr. Lippincott in order to request an Open Public Record, it must be filed in the Borough Clerk's office and she wasn't copied on the letter so it wasn't treated as an Open Public Records request.

Mr. Lippincott stated that was fine; he received Mrs. Mount-Taylor's message.

Leo Christofili, 328 River Edge Road, stated he would like to have a full list of telephone numbers and names of the new focused library study group. The Borough Clerk has lent him properly and legally, a Master Plan which he has done some researching on.

Mr. Christofili stated the purpose of this is as follows: For Tinton Falls Governing body to for all and for go any and all short-term plans to buy monies for a new, modern, bigger municipal and or association library in Tinton Falls or on the premises of the municipal government property he assumes the anticipation is to demolish the old complex and build a new, modern, bigger library instead. Mr. Christofili read items regarding the Master Plan and stated the process for a new library should be slowing down and there should be a more thoughtful study, more planning about available monies and economical structure. Middletown Township started out with four libraries. They were small and three of them were operating twenty-five (25) hours per week on \$285,000 a year (operating costs). Mr. Christofili stated that he is asking the Borough Council to look at their own Master Plan, look at the April, 2000 official letter of Tinton Falls and read the first couple of pages and it will talk about the Master Plan and how it is suppose to relate to different things.

There is suppose to be a light at Hance and Sycamore; there was an agreement with the original company that once everything was done, they would be getting a variance if a light were put in. Mr. Christofili asked who bailed out on the light at Sycamore and Hance.

Mr. Christofili stated information regarding the Cell Tower Ordinance but it was inaudible and asked if the Borough can come up with a Resolution or Ordinance to require all cell towers be built on Borough property and that the \$30,000 per provider could be directed into taxes.

Mr. Berube stated as to the cell towers, the Borough was very interested in securing proposals for the construction of cell towers on Borough property. If the Borough adopted an Ordinance that required that construction on Borough property only, it would be immediately challenged and

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struck; that has been done by the Supreme Court. However, in order to provide for a comprehensive regulation of cell towers, the Borough Council did consider and on the advice of our planner, did pass an Ordinance which regulated those uses in certain zones so that there are areas in town that happen to be municipal properties and there are areas in town that happen to be commercial properties that are available for the use and construction of a cell tower that fits within regulations within that borough Ordinance. It was a goal of Council to secure revenue sources if possible through cell towers; it has not come to fruition.

Mayor Maclearie stated to Leo, regarding the library committee, we really didn't quash it. What happened was Dennis Kowell is doing focus groups. We aren't going to run our own committee while he is doing his focus groups. There was nothing to be hid there, Mayor Maclearie stated he can't give out there names and numbers, because it is their choice whether or not they want to give out there phone numbers but stated Leo is more than welcome to attend when we have those meetings. The Dennis Kowell meetings, those are group studies that are going on now. There is no rush, we are going down the process, as Bryan stated it could still be two (2) more months. We are still going to gather up those facts which are not costing the Borough a penny to go through the study; we got that money through a grant so we are proceeding down that process but we aren't rushing. The Master Plan laid out areas potentially where it could be; we still don't know what will happen with the Fort property.

Mayor Maclearie stated that as far as the contribution to the Hance and Sycamore light, the County did come to us and asked for the towns' support; they did not want to come and put up a light without our support. Personally, he wanted a light there but the council voted it down.

Mr. Skudera stated the light was voted down by Council. Everyone wanted a light there but the way it was going to work with widening the road, council wasn't for that. It is a County matter. Council said no but Council is not the authority to approve or disapprove as it is a County road.

Paul Olivera, 5 Blueberry Lane, stated he had two quick questions on the status check of the initiative with council and the board of education on the Colts Neck and Earl situation, do we have an update on that.

Mr. Tobin stated the Board of Education is continuing to proceed. They have had a meeting in closed door session just to make sure everyone on council was up to speed. There is no other action pending at this time however, they retain all option and they are in constant contact with the Board of Education to see how this progresses.

Mayor Maclearie stated he had a conversation with a few folks from Colts Necks and they are still interested in pursuing some kind of a meeting with the Borough Council as well.

Mr. Olivera stated it is his conclusion that this is inevitably is going to go to litigation and he hopes that council takes awareness to the fact that we need to prepare ourselves for that. He doesn't feel our strategy is correct. Mr. Olivera stated he would like to add for the record what got us into this situation and that is their attorney representing a law to the legislator and that direct conflict of interest of his role is totally inappropriate. They are not friends of our. If they step forward, it is not as friends and he feels we need to recognize that.

Secondly, Mr. Olivera stated he wanted to see if we had a status check on the re-write on the Land Use Ordinances as proposed in the Master Plan.

Mr. Skudera stated Mr. Dempsey said the earliest status was April but he was hoping to have this earlier.

Mr. Olivera stated he was made to understand the sub-committee still has two more subsequent meetings on the matter and that progress is about 2/3 of the way through on the re-write. Mr. Olivera added that we need to get this done as soon as possible.

Mr. Morrill requested Guy Buck come up for a minute to get clarification on the dates for the trail walks.

Mr. Buck stated it would be the third Saturday at 9:00 A.M.

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

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ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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

Mr. Skudera stated to Mayor Maclearie that the law was, on February 15<sup>th</sup> we were suppose to get the budget as council. Mr. Skudera stated he really has nothing on the budget and was just wondering when we are going to get it and why it wasn't delivered on time.

Mayor Maclearie stated when he spoke with the Governor about his budget and his timing, it starts there and it would be prudent for himself to put a budget out there without getting all his facts from the State first which was clearly stated in the emails as well. He has been working with Mr. Pfeffer. If he put it out there today, it wouldn't be the prudent thing to do for the taxpayers. We have gone through a reevaluation, Mr. Pfeffer doesn't have all the reevaluation work done, and we don't have the information from the State.

Mr. Skudera stated some of the Faulkner Act towns who have their 2008 proposed budget on their website:

Hoboken

Mount Olive

Newark

Ewing

Hamilton

Edison - not on website but given to council

Orange – not on website but on the agenda for tonight

Trenton

Manchester

Fair Haven

Sumitt

Howell Township

Mayor Maclearie and Mr. Skudera had a lengthy discussion regarding the budget and reasons why council hasn't received it and how the budgets were handled in the past.

Karen Mount-Taylor stated as she has worked for the Borough for many years she has seen the budget handled several different ways in the past.

Mr. Ford stated he served six years on the Board of Education, five of those years he served on the Finance Committee and again, he knows the school districts are different than the municipalities but the budgeting is the same. We are dealing numbers from the Federal Government, State Government and we are also dealing with ratables. The budget was also developed with the assumptions that we are getting the exact same that we did last year. Once the new figures do come in, then you can make adjustments. Mr. Ford stated that would be his recommendation to develop the budget and make adjustments once the figures come in.

Mr. Tobin stated he has sat here on council under a different Mayor where we have had budgets that were done in August. He also deals with the State of New Jersey, all 21 county Governments and couple of hundred municipalities and he can tell us, that budgets are a disaster all over the place. Mr. Tobin stated he wants to make sure we have the budget with enough time to go thru and over it but he also wants to make sure it as complete as possible before we start deciding if we have to cut things here and there. He feels we need to have a committee like we have had before.

Mr. Ford stated he would be happy to serve again on the committee.

Mr. Skudera stated it is the mayor's budget before it is given to council; we don't have to introduce it that day. He believes instead of a Finance Committee, they should all get the same information at the same time that way everyone has the same picture and is on the same page. All he is looking for is them to get information on the budget whereas; he has nothing currently on the budget. He wants to make sure as council we are able to go thru, in enough time, before the

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State mandates that we have to introduce this budget. As of today, Mr. Skudera stated he has talked to the State and they have not pushed back their dates so the introductory date by our town is less than a month away.

Mr. Berube stated to Mr. Skudera that Mr. Pfeffer isn't present as he would be able to give more specifics as to why he believes that council doesn't have enough information to even consider a budget today. Mr. Berube apologized for his absence and stated he would join with him in indicating that there should be no slavish desire to fulfill this statute for either the introduction or the passage of a budget of a State statute in which the State themselves have pushed back the guidelines that they are under to provide real important both revenue figures, cap numbers and those very elemental parts that comprise the budget. Mr. Berube added that while Mr. Skudera is accurate that there has been no indication from the State Government that they are pushing back the statutory requirement for introduction, they would have no right to enforce that either since it is their own efforts that complicate the ability to pass the budget. He would suggest that each of the towns that Mr. Skudera indicated above, probably have introduced an interim budget based on guess estimates and probably the amount of work that will go into the amending of the budget once final state figures are available and will consume more than the time it is worth then the introduction of a proper one. Mr. Berube stated that he would like to again indicate that until today, when the assessor signed off the book at the county tax office, we did not even have ratable figures that were acceptable to the county. He understands and respects the fact that the council wants sufficient time to review the budget, to analyze it, to make recommendations and to modify it if possible during public meetings, however he doesn't think the town will be under any compotation by the State or potential liability from State agencies for extending the process beyond the introduction as long as we are involved in the process and as a result of the state's inability to give us the numbers we needed earlier.

Mr. Baldwin stated he feels very strong about the fact that he doesn't want to spend time going over an interim budget that is going to have to have radical and significant changes; he doesn't see the value of getting it if it isn't as complete as possible to get a picture on it.

Mr. Skudera asked Mr. Dempsey regarding the Home Depot site is that still going through or is that out.

Mr. Dempsey stated more than likely we are not going to see the Home Depot develop any time soon because of the sewer moratorium and the two rivers. With reclamation authority as a moratorium there is no capacity for that site at this time and they do not have a TWA and until that moratorium is lifted you or not going to see any construction. That is an outside agency approval and they would need same before they could start construction of that site.

Mr. Skudera stated regarding the technology infrastructures: the emails, backup servers, etc., there is still a lot of things not working properly in town and we keep getting updates that it is still ongoing and asked if there is any time table to resolve all these things. We have been in the Borough Hall for quite some time now and the email goes down periodically. Mr. Skudera asked if anyone can comment on that.

Mr. Dempsey stated he was told this week, actually today, by John Legere that it is going to be switched over to Reynwood Communications by the end of this week.

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**RESOLUTIONS -**

Karen Mount-Taylor stated Mr. Pfeffer has a 2008 temporary municipal budget #2 that was forwarded to the clerk's office on Thursday afternoon, however, when he looked at the agenda it was not placed on it. Based upon that, would council be kind enough to look at it and amend the agenda to include it.

Mr. Tobin offered a motion to amend the agenda to include R-08-065, seconded by Mr. Baldwin.



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**R-08-025 RESOLUTION – DENYING RELEASE OF PERFORMANCE G  
GUARANTEES FOX CHASE IV, PHASE II, SECTION 3 BLOCK 129.14,  
LOT 32**

WHEREAS, the developer has requested the release of Performance Guarantees for Fox Chase IV, Phase II, Section 3,

WHEREAS, BY LETTER DATED January 17, 2008,(said letter hereby attached and made part of this Resolution) Engineer, Birdsall Engineering, 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, Birdsall Engineering, Inc.'s letter of January 17, 2008, 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

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

**R-08-026 RESOLUTION AUTHORIZING MAYOR AND MUNICIPAL CLERK TO  
EXECUTE DEPOSIT AGREEMENT WITH MONMOUTH COUNTY ARCHIVES  
FOR THE TRANSFER OF PHYSICAL CUSTODY BUT NOT LEGAL CUSTODY  
OF CERTAIN PUBLIC RECORDS**

WHEREAS, the Monmouth County Archives is a department within the office of the Monmouth County Clerk in the State of New Jersey, having its principal office at 125 Symmes Drive, Manalapan, New Jersey 07726, and

WHEREAS, said institution was established for the purpose of perpetuating knowledge of, and encouraging public interest in, the history of the Borough of Tinton Falls, and to acquire and preserve materials and information relevant to the social, economic and political history of the Borough of Tinton Falls; and

WHEREAS, it has been recommended to the Borough of Tinton Falls that it would be to the mutual advantage of both the Borough of Tinton Falls and the Monmouth County Archives to enter into a deposit agreement providing for the transfer of physical custody, but not the legal custody, of certain historical public records to the Monmouth County Archives, to be kept and maintained by the Society; and

WHEREAS, the Borough of Tinton Falls has considered said recommendation and is of the opinion that such transfer of said public records, reserving to the Borough of Tinton Falls the right to recall said public records, would be beneficial to the residents of the Borough of Tinton Falls and other persons interested in the history of the Borough of Tinton Falls; and

WHEREAS, the New Jersey Administrative Code, at 15:3-6.3(e)(3), provides that historically significant public records may be deposited in another institution with the approval of the Division of Archives and Records Management, Department of State; and

WHEREAS, it appears that the Monmouth County Archives is able to provide sufficient storage space, environmental controls, and security for the preservation of said public records in its facilities, and there to permit public access to said records during its regular business hours; and

WHEREAS, the Monmouth County Archives has requested physical custody of said public records, and desires to enter into a deposit agreement with the Borough of Tinton Falls stating the terms and conditions of the transfer of custody:

NOW, THEREFORE BE IT RESOLVED by the Borough of Tinton Falls that the physical custody, but not the legal custody, of the historical public records listed in Exhibit 1 of the proposed deposit agreement as attached, and/or any future additions or corrections made to this list under the terms of the said deposit agreement, shall be transferred to the Monmouth County Archives; and that the said records shall be maintained and made publicly accessible by said institution in its facilities for a period of 3 years; and that the deposit agreement containing the specific terms and conditions of this transfer be executed by authorized officials of both the Borough of Tinton Falls and the Monmouth County Archives and made part of the official minutes of the governing body of the Borough of Tinton Falls.

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. Baldwin.

**R-08-027 RESOLUTION – DENYING RELEASE OF PERFORMANCE GUARANTEES  
GREENBRIAR (STERLING) FALLS BLOCK 16, LOT 1 & BLOCK 19, LOT 11.02**

WHEREAS, the developer has requested the release of Performance Guarantees for Greenbriar (Sterling) Falls,

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WHEREAS, BY LETTER DATED January 16, 2008,(said letter hereby attached and made part of this Resolution) Engineer, Birdsall Engineering, 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, Birdsall Engineering, Inc.'s letter of January 16, 2008, 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

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

**R-08-028 RESOLUTION – RELEASE PERFORMANCE GUARANTEES FOX CHASE IV  
PHASE I – MONUMENTS**

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

WHEREAS, by letter dated January 11, 2008 (said letter hereby attached and made part of this Resolution) the Engineer (Birdsall Engineering, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released.

**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. Baldwin.

**R-08-029 RESOLUTION – RELEASE PERFORMANCE GUARANTEES WARDELL  
ROAD MINOR SUBDIVISION BLOCK 129.14, LOT 29**

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

WHEREAS, by letter dated January 21, 2008 (said letter hereby attached and made part of this Resolution) the Engineer (Birdsall Engineering, 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.

**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. Baldwin.

**R-08-030 RESOLUTION – RELEASING PERFORMANCE BOND UPON POSTING OF  
MAINTENANCE BOND CONTRACT #04-3 TINTON FALLS NEW MUNICIPAL  
CENTER**

WHEREAS, G. P. Parlamas, Inc., P. O. Box 189, Allenhurst, NJ 7711 has completed the above contract for the Tinton Falls New Municipal Center, entered into on April 5, 2005; and

WHEREAS, G. P. Parlamas, Inc., has completed the contract and has posted the required one (1) year Maintenance Bond dated February 5, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Performance Bond posted by G. P. Parlamas be released upon the approval of the Director of Law as they have posted the required Maintenance Bond.

**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. Baldwin.

**R-08-031 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 08-02 –  
MONMOUTH REGIONAL HIGH SCHOOL PTSA – ON PREMISES 50/50**

WHEREAS, the Monmouth Regional High School PTSA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-02, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA#08-01 be and the same is hereby approved as follows:

NAME: Monmouth Regional High School PTSA Identification No. : 343-5-35212  
LOCATION: 1 Norman J Field Way, Tinton Falls, N.J.  
DATE: APRIL 10, 11, 12, 2008 – 9:30 p.m.

**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. Baldwin.

**R-08-032 RESOLUTION – ACCEPTING THE AGGRESSIVE DRIVING PROJECT  
GRANT**

WHEREAS, The Borough of Tinton Falls Police Department has applied for the Aggressive Driving Project Grant from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State has awarded a federal pass through grant to the Borough of Tinton Falls in the amount of \$12,800; and

WHEREAS, the grant will pay for Police Officers to work overtime to reduce the number of vehicle crashes in Tinton Falls resulting from aggressive driving, and

WHEREAS, the Police Department will increase public awareness of the Aggressive Driving behavior and associated problems both in Tinton Falls and statewide.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it accepts the Grant from the State of New Jersey and authorizes the appropriate Borough Officials to execute any required agreements.

**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. Baldwin.

**R-08-033 RESOLUTION OF AWARD CONTRACT #08-1 DEMOLITION OF OLD  
BOROUGH HALL BUILDING**

WHEREAS, thirty-two bids were mailed and sixteen (16) bids were received on Friday, February 8, 2008 for Contract #08-1 for Demolition of Old Borough Hall Building; and

WHEREAS, Star Contracting, Inc., 196 Route 206 South, Hillsborough, NJ 08844 submitted the lowest responsible bid in the amount of \$42,500.00 for the Demolition of Old Borough Hall Building; and

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

NOW, THEREFORE BE IT RESOLVED that Star Contracting, Inc., 196 Route 206 South, Hillsborough, NJ 08844 be awarded a contract in the amount of \$42,500.00 for the Demolition of Old Borough Hall Building.

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. 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. Baldwin.

**R-08-034 RESOLUTION OF AWARD CONTRACT #08-2 PRE-MIX CHLORIDES AND  
ABRASIVE SAND MIXTURE**

WHEREAS, bids were advertised for the above contract on Tuesday, January 22, 2008 for receipt of bids on Thursday, February 7, 2008; and

WHEREAS, four (4) bid specifications were mailed and no bids were received; and

WHEREAS, the Purchasing Agent requests this bid be re-bid as no bids were received the first time;

NOW, THEREFORE BE IT RESOLVED this bid specification be re-advertised and re-bid.

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. Baldwin.

**R-08-035 RESOLUTION – AUTHORIZING THE AWARD OF A “FAIR AND OPEN”  
CONTRACT FOR PROFESSIONAL AUDITING SERVICES RFP# 3-08**

WHEREAS, the Borough of Tinton Falls has a need for professional auditing services for the 2008 Audit; and

WHEREAS, such professional Auditing Services can only be provided by licensed professionals, and the firm of Hutchins, Farrell, Meyer & Allison, P.A., 912 Highway 33, Suite 2, Freehold, NJ 07728 is so recognized; and

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

WHEREAS, the Borough of Tinton Falls has, through a fair and open process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals for Auditing Services to be received on Friday, December 21, 2007; and

WHEREAS, the Borough received one (1) proposal for auditing services which has been reviewed and it was determined that the proposal submitted by Hutchins, Farrell, Meyer & Allison, P.A. be awarded for an amount not to exceed \$42,500.00 for the December 31, 2008 audit of the Borough's Financial; and

WHEREAS, Hutchins, Farrell, Meyer & Allison, P.A. acknowledged that it complies with Borough Ordinance #05-1146 and certifies it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of Hutchins, Farrell, Meyer & Allison, P.A., 912 Highway 33, Suite 2, Freehold, NJ 07728 is hereby retained to provide professional auditing services described above for an amount not to exceed \$42,500 for the 2008 Audit of the Borough's financial records.
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.

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. Baldwin.

**R-08-036 RESOLUTION – AUTHORIZING THE AWARD OF A POOL OF PRE-  
APPROVED PROFESSIONAL SERVICES THROUGH A FAIR AND OPEN  
CONTRACT FOR RFP# 4-08 PROFESSIONAL ENVIRONMENTAL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved pool of individuals qualified to provide Environmental Services as may be required by the Borough for various matters that may arise during the contract year of January 1, 2008 through December 31, 2008 through a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

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

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WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals from environmental firms for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received five (5) proposals for Environmental Services from various firms which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals for these services that the Borough may require during the contract year:

1. Viridian Environmental Consultants, P.O. Box 3009, Upper Montclair, NJ 07043-3009
2. Brilliant Lewis Environmental Services, LLC, 1195 Airport Road, Phase 1 Unit 10, Lakewood, NJ, 08701
3. Birdsall Engineering, 611 Industrial Way East, Eatontown, NJ 07724

WHEREAS, the Borough Administrator has recommended these firms be included in the 2008 pool for special Environmental Services, and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of a pool for Environmental Services as may be required and authorized by the Borough administration during the contract year with participation by the above firms for the hourly rates listed in their proposals.

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

**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. Baldwin.

**R-08-037 RESOLUTION – AUTHORIZING A POOL PF PRE-APPROVED APPRAISERS  
THROUGH A FAIR AND OPEN PROCESS CONTACT RFP# 6-08  
PROFESSIONAL APPRAISAL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved pool of qualified appraisers to provide Professional Appraisal Services as may be required by the Borough for various matters that may arise during the contract year of January 1, 2008 through December 31, 2008; and

WHEREAS, the Director of Law has determined that the value of the contracts 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 Monday, December 10, 2007, the solicitation for receipt of proposals for said services and the proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received two (2) proposals for Professional Appraisal Services which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals for Professional Appraisal Services to be considered for those services that the Borough may require during the coming contract year:

1. Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 07702;
2. JRS Johnson Realty Services, P.O. Box 434, Sea Girt, NJ 08750

WHEREAS, the Borough Administrator has recommended these firms be included in the 2008 pool for Professional Appraisal Services; and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of a pool for Professional Appraisal Services as may be required by the Borough during the contract year through December 31, 2008 with participation by above for the hourly rates in their proposals.

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

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-08-038 RESOLUTION – AUTHORIZING A “POOL” PF PRE-APPROVED  
ENGINEERS THROUGH A FAIR AND OPEN PROCESS CONTRACT RFP #07-08  
PROFESSIONAL SURVEY SERVICES FOR GREEN ACRES ACQUISITIONS**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved “pool” of qualified engineers to provide Professional Survey Services for Green Acres Acquisitions as may be required by the Borough for various matters that may arise during the contract year of January 1, 2008 through December 31, 2008; and

WHEREAS, the Director of Law has determined that the value of the contracts 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 Monday, December 10, 2007, the solicitation for receipt of proposals for said services and the proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received five (5) proposals for Professional Survey Services for Green Acres Acquisitions which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals for Professional Survey Services for Green Acres Acquisitions and amendments thereto to be considered for those services that the Borough may require during the coming contract year:

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724
2. T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792
3. Chas. H. Sells, Inc., 2445 Kuser Road, Suite 100, Hamilton, NJ 08690

WHEREAS, the Borough Administrator has recommended these firms be included in the 2008 pool for Professional Survey Services for Green Acres Acquisitions; and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of a pool for Professional Survey Services for Green Acres Acquisitions as may be required by the Borough during the contract year through December 31, 2008 for the hourly rates in their proposals.

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

Mr. Morrill stated that he had mentioned to Mr. Berube earlier that he has knowledge of instances in another town where one of the companies here has failed to warm-up to expectations of supervisory levels and has also shown some over billing as well. He understands there is only so many companies that will work that are cleared by Green Acres so that is why they are on the list but he would just ask that when using the company that the town does its diligence to make sure that we are not involved in fraud.

Mr. Skudera stated this is very serious and asked when this was given to administration.

Mr. Morrill stated he has received the information from a very reliable source and it wasn't given to administration before hand.

Mr. Berube stated they do not rise to the level yet of any disqualifications as a responsible bidder under their contracts. Mr. Berube stated indicate to the administration that it would be prudent to be careful if any work is awarded to these individuals.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-039 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #8-08 PROFESSIONAL SERVICING & MAINTENANCE  
OF SEWER SYSTEM**

WHEREAS, the Borough of Tinton Falls has a need for professional servicing and maintenance of 12 pump stations and standby generators as well as lab sampling and flow meter readings as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional services can only be provided by licensed professionals, and the firm of Hughes Environmental Services, Inc., P.O. Box 327, 703 Old Shore Road, Forded River, NJ 08731 is so recognized; and

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

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WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received two (2) proposals for the maintenance services of the sewer system which have been reviewed, and it was determined Hughes Environmental Services, Inc. has satisfied the requisites contained in the request for proposals to be considered for the Professional Servicing and Maintenance of Sewer System during the contract year January 1, 2008 through December 31, 2008; and

WHEREAS, this contract is to be awarded for an amount not to exceed as follows:

- \$ 7,575.00 per month or \$90,900.00 per year for servicing 12 pump stations;
- \$ 600.00 per month or \$ 7,200.00 per year for flow meter readings;
- \$ 625.00 per quarter or \$ 2,500.00 per year for laboratory analysis of Jumping Brook Pump Station

for a total contract not to exceed \$100,600.00 per year plus \$175.00 flat rate per emergency service call and \$925.00 for each additional pump station added throughout the year as described in proposal;

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

1. Hughes Environmental Services, Inc. P. O. Box 327, Forked River, NJ 08731-0327 is hereby retained to provide professional maintenance of sewer system for an amount not to exceed \$100,600.00 plus \$175.00 flat rate for emergency callouts described in the proposal and \$925.00 for each additional pump station added through the year through December 31, 2008.
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.

Mr. Ford offered a motion to move Resolution R-08-039 to the March 4, 2008 Council Meeting, seconded by Mr. Baldwin.

**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-08-040 RESOLUTION AUTHORIZING THE AWARD OF A POOL OF PRE-APPROVED ATTORNEY'S THROUGH A FAIR AND OPEN PROCESS FOR RFP #1-08A PROFESSIONAL LABOR COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved pool of qualified attorneys to provide professional labor counsel services as may be required by the Borough for various matters that may arise during the contract year January 1, 2008 through December 31, 2008 through a fair and open process pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Director of Law has determined that the value of the contract will 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 Monday, December 10, 2007, the solicitation for receipt of proposals from legal firms for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received three (3) proposals for Labor Counsel services from various legal firms which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals to be considered for professional labor counsel services that the Borough may require during the contract year January 1, 2008 through December 31, 2008.

1. Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, NJ 07071-0790;
2. Apruzzese, McDermott, Mastro & Murphy, P.O. Box 112, Liberty Corner, NJ 07938; and

WHEREAS, the Borough Administrator has recommended these firms be included in the pool for Professional Labor Counsel Services; and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, both firms have acknowledged that it complies with the Ordinance and has not made any political contributions that would bar them from being awarded a contract with the Borough; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of a pool for professional labor counsel services as may be required and authorized by Borough administration during the contract year with participation by the above firms for the hourly rates listed in their proposals;

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

ROLL CALL

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

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

**R-08-041 AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR RFP  
#01-08B PROFESSIONAL BOND COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Bond Counsel Services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.; and

WHEREAS, such professional Bond Counsel Services can only be provided by licensed professionals, and the firm of Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, NJ 07095-0958 is so recognized; and

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

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed in the proposal as amended with the certification of funds being provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals from legal firms for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received thee (3) proposals for Bond Counsel Services from various legal firms which have been reviewed, and it was determined the following firm has satisfied the requisites contained in the request for proposals to be considered for professional Bond Counsel Services that the Borough may require during the contract year January 1, 2008 through December 31, 2008; and

WHEREAS, Wilentz, Goldman & Spitzer, P.A., acknowledged that it complies with Borough Ordinance #05-1146 and certifies it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls;

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

1. The firm of Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, NJ 07095-0958 is hereby retained to provide professional bond counsel services for the unit price or fixed fee amounts listed in their proposal through December 31, 2008.
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.

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. Baldwin.

**R-08-042 RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #01-08E PROFESSIONAL AFFORDABLE HOUSING  
COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Affordable Housing Counsel services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional Affordable Housing Counsel services can only be provided by licensed professionals, and the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, New Jersey 08611 is so recognized; and

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

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WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received two (2) proposals for Affordable Housing Counsel services from various legal firms which have been reviewed, and it was determined the following firm has satisfied the requisites contained in the request for proposals to be considered for professional Affordable Housing counsel services that the Borough may require during the contract year January 1, 2008 through December 31, 2008; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,500.00 plus miscellaneous reimbursables for professional Affordable Housing counsel services;

WHEREAS, Gluck Walrath, LLP, acknowledged that it complies with Borough Ordinance #05-1146 and certifies it has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls

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

1. The firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, New Jersey 08611 is hereby retained to provide professional affordable housing counsel services for an amount not to exceed \$17,500.00 plus miscellaneous reimbursables or the hourly rates listed in their proposal through December 31, 2008.
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.

**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-08-043 RESOLUTION AUTHORIZING THE AWARD OF A POOL OF PRE-APPROVED ATTORNEY THROUGH A FAIR AND OPEN PROCESS FOR RFP #01-08H SPECIAL CONFLICT COUNSEL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved pool of qualified attorneys to provide special Conflict Counsel Services as may be required by the Borough for various matters that may arise during the contract year of January 1, 2008 through December 31, 2008; 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 Monday, December 10, 2007, the solicitation for receipt of proposals for said services and the proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received five (5) proposals for Special Conflict Counsel Services from various firms which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals for these services that the Borough may require during the contract year:

1. Hierung, Gannon & McKenna, 29 Hadley Avenue, Toms River, NJ 08753
2. Caruso & Baxter, 1129 Broad Street, Shrewsbury, NJ 07702
3. Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611
4. Kevin E. Kennedy, Esq., 165 Highway 35, Middletown, NJ 07748

WHEREAS, the Borough Administrator has recommended these firms be included in the 2008 Attorneys' pool for special Conflict Counsel Services, and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of an Attorneys' Pool for Special Conflict Counsel Services as may be required and authorized by the Borough administration during the contract year with participation by the above firms for the hourly rates listed in their proposals.

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

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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-08-044 RESOLUTION AMENDING RESOLUTION R-07-043 EXTENDING NON-FAIR  
AND OPEN CONTRACT FOR PROFESSIONAL SPECIAL LEGAL SERVICES  
CONTRACT PS #4-07**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-043 on February 6, 2007 wherein Dasti, Murphy, McGuckin, et als, 620 W. Lacey Road, Forked River, NJ was awarded a contract for Special Legal Services for an amount not to exceed \$25,000.00; and

WHEREAS, this contract requires an additional amount not to exceed \$25,000.00 for a total contract in the amount of \$50,000.00 plus miscellaneous reimbursables, as well as an extension of time for one (1) year; and

WHEREAS, Dasti, Murphy, McGuckin, et als has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate in the Borough of Tinton Falls in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

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

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

1. The firm of Dasti, Murphy, McGuckin, et als, 620 W. Lacey Road, Forked River, NJ 08731 is hereby retained to provide Special Legal Services as described above for an additional \$25,000.00 for a total contract not to exceed \$50,000.00, plus miscellaneous reimbursables as well as an extension of one (1) year.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, 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.

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-08-045 RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR RFP #1-08G PROFESSIONAL TAX APPEAL COUNSEL  
SERVICES FOR CONFLICT ISSUES**

WHEREAS, the Borough of Tinton Falls has a need for professional Tax Appeal Counsel services for Conflict issues as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; 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 Monday, December 10, 2007, the solicitation for receipt of proposals for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received two (2) proposals for Tax Appeal Counsel services from legal firms which have been reviewed, and it was determined that Caruso & Baxter, 1129 Broad Street, Shrewsbury, NJ 07702 has satisfied the requisites contained in the request for proposals to be considered for professional Tax Appeal Counsel services for conflict issues that the Borough may require during the contract year January 1, 2008 through December 31, 2008; and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the appointment of Caruso & Baxter, 1129 Broad Street, Shrewsbury, NJ 07702 for Professional Tax Appeal

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Services for conflict issues that may be required by the Borough during the contract year through December 31, 2008 for the hourly rates in their proposal.

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

**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-08-046 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL GENERAL ENGINEERING SERVICES  
CONTRACT PS #1-08**

WHEREAS, the Borough of Tinton Falls has a need for professional general engineering services as a non-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 in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724 is so recognized; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, this contract is to be awarded in accordance with the 2008 Municipal Hourly Rate Schedule for an amount not to exceed \$130,000.00 for professional general engineering services and sewer engineering services plus miscellaneous reimbursables through December 31, 2008; and

WHEREAS, Birdsall Engineering, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political candidate in the Borough of Tinton Falls in the previous one year and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract, and

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Birdsall Engineering, Inc. is hereby authorized to provide professional engineering services through December 31, 2008 for an amount not to exceed \$130,000.00 plus miscellaneous reimbursables; and

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

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

**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. Baldwin.

**R-08-047 RESOLUTION AUTHORIZING THE AWARD OF A POOL OF PRE-  
APPROVED ENGINEERS THROUGH A FAIR AND OPEN PROCESS FOR  
VARIOUS PROFESSIONAL ENGINEERING SERVICES CONTRACTS: RFP #2-  
08C, RFP #2-08D, RFP #2-08E**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved pool of qualified engineers to provide various special engineering services as may be required by the Borough for matters that may arise during the contract year of January 1, 2008 through December 31, 2008; and

WHEREAS, the Director of Law has determined that the value of the contracts 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 Monday, December 10, 2007 the solicitation for receipt of proposals for said services and the proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received 11 proposals for various professional engineering services, which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals to be considered for those services that the Borough may require during the contract year:

RFP #2-08C Traffic Engineering Services

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724

RFP #2-08D Tax Map Services

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724

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RFP #2-08E Special Engineering Projects

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724
2. T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792
3. Feist Engineering, 481 Spotswood Englishtown Road, Monroe Township, NJ 08831-3223
4. John S. Truhan Consulting Engineers, Inc., 1442 Lakewood Road, P.O. Box K, Manasquan, NJ 08736

WHEREAS, the Borough Administrator has recommended these firms be included in the 2008 Engineering pool for various professional engineering services described above, and

WHEREAS, certification of funds will be provided by the Chief Financial Officer on each voucher for such services; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, each firm has acknowledged that it complies with the Ordinance and has not made any political contributions that would bar it from being awarded a contract with the Borough of Tinton Falls; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of an Engineering Pool for various Professional Engineering Services listed above as may be required and authorized by the Borough administration during the contract year with participation by the above firms for the unit price, fixed fee amounts and/or hourly rates listed in their proposals.

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

**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-08-048 RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES AND LAND  
SURVEYING SERVICES SOMERS PROPERTY OPEN SPACE SURVEY AND  
SUBDIVISION PROJECT BLOCK 35, LOTS 1.02 AND 1.03 CONTRACT RFP #2-  
08E-3 SPECIAL MUNICIPAL PROJECTS**

WHEREAS, the Borough of Tinton Falls has a need for Professional Special Engineering Services for special projects throughout the year; and

WHEREAS, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213 was appointed for special projects that the Borough may require during the contract year January 1, 2008 through December 31, 2008 after a Fair and Open Process for receipt of Request for Proposals on December 21, 2007; and

WHEREAS, there exists a need for Professional Engineering and Land Surveying Services for Somers Property Open Space Survey and Subdivision Project Block 35, Lots 1.02 and 1.03; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,450.00 plus miscellaneous reimbursables for the Professional Engineering and Land Surveying Services as described in proposal attached dated January 25, 2008;

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 special engineering services for the Professional Engineering Services & Land Surveying Services described above for a total amount not to exceed \$17,450.00, plus miscellaneous reimbursables for the hourly rates listed in their proposal through December 31, 2008.
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.

**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.

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**R-08-049 RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL SPECIAL ENGINEERING SERVICES  
MONMOUTH COUNTY CDBG PROJECT AND 2008 ROAD PROGRAM  
CONTRACT RFP #2-08E-2 SPECIAL MUNICIPAL PROJECTS**

WHEREAS, the Borough of Tinton Falls has a need for Professional Special Engineering Services for special projects throughout the year; and

WHEREAS, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213 was appointed for special projects that the Borough may require during the contract year January 1, 2008 through December 31, 2008 after a Fair and Open Process for receipt of Request for Proposals on December 21, 2007; and

WHEREAS, there exists a need for a Monmouth County CDBG Project and 2008 Road Program; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$195,450.00 plus miscellaneous reimbursables for the Monmouth County CDBG Project and 2008 Road Program as described in proposal attached dated January 28, 2008;

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 special engineering services for the Monmouth County CDBG Project and 2008 Road Program for a total amount not to exceed \$195,450.00, plus miscellaneous reimbursables for the hourly rates listed in their proposal through December 31, 2008.
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.

**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-08-050 RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL SPECIAL ENGINEERING SERVICES 2008  
NJ DOT TRUST FUND PROJECT – SIDEWALK IMPROVEMENTS TO  
SYCAMORE AVE. CONTRACT RFP #2-08E-1 SPECIAL MUNICIPAL PROJECTS**

WHEREAS, the Borough of Tinton Falls has a need for Professional Special Engineering Services for special projects throughout the year; and

WHEREAS, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213 was appointed for special projects that the Borough may require during the contract year January 1, 2008 through December 31, 2008 after a Fair and Open Process for receipt of Request for Proposals on December 21, 2007; and

WHEREAS, there exists a need for a 2008 NJ DOT Trust Fund Project for Sidewalk Improvements to Sycamore Avenue; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$57,900.00 plus miscellaneous reimbursables for Phase I through IV described in proposal attached dated January 25, 2008 for the NJ DOT Trust Fund Project-Sidewalk Improvements to Sycamore Avenue;

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 special engineering services for the 2008 NJ DOT Trust Fund Project - Sidewalk Improvements to Sycamore Avenue for a total amount not to exceed \$57,900.00, plus miscellaneous reimbursables for the hourly rates listed in their proposal through December 31, 2008.
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.

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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-08-051 RESOLUTION REJECTING LOWEST BIDDER CONTRACT #08-3 95/96  
GALLON PLASTIC AUTOMATED/SEMI – AUTOMATED CONTAINERS**

WHEREAS, bids were advertised on Thursday, January 24, 2008 for the above contract to be received on Thursday, February 7, 2008 at 11:00 AM; and

WHEREAS, bids were mailed to seven (7) vendors and four (4) bids were received and are listed on the attached tabulation sheet; and

WHEREAS, the lowest bid from IPL, Inc., 140 Rue Commercial Street, St. Damien, Canada, did not meet the specifications; and

WHEREAS, John Bucciero, Director of Public Works, recommends this bid be rejected in his report attached;

NOW, THEREFORE BE IT RESOLVED that the bid received from IPL, Inc., be rejected.

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-08-052 RESOLUTION OF AWARD CONTRACT #08-3 95/96 GALLON PLASTIC  
AUTOMATED/SEMI-AUTOMATED RECYCLING CONTAINERS**

WHEREAS, four (4) bids were received on Thursday, February 7, 2008 for Contract #08-3 for 95/96 Gallon Plastic Automated/Semi-Automated Recycling Containers; and

WHEREAS, IPL, Inc., 140 Rue Commercial, St. Damien, Canada GOR240 submitted the lowest bid; however, the bid did not meet the specifications and is being rejected; and

WHEREAS, Toter, Inc., P.O. Box 5338, Statesville, NC 28687-5338 submitted the lowest responsible bid in the amount of \$50.61 each unassembled, \$53.61 each assembled and \$49.47 if ordering one full truckload of 588 containers; and

WHEREAS, Toter, Inc. has agreed to extend their bid price two (2) years; and

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

NOW, THEREFORE BE IT RESOLVED that Toter, Inc., 841 Meacham Road, Statesville, N.C., 28677 be awarded a contract in the amount of \$29,088.36 for 588 unassembled containers or \$49.47 each.

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. Tobin, Mr. Skudera  
NAYS: None  
ABSENT: None  
ABSTAIN: None

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

**R-08-053 RESOLUTION – OPPOSING GOVERNOR’S PROPOSAL FOR TOLL  
INCREASES**

WHEREAS, Governor Jon Corzine recently unveiled a financial plan that includes significant toll increases for the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway; and,

WHEREAS, under the Governor’s plan tolls on these essential and vital roads would increase 50% in 2010, 2014, 2018 and 2022 and continue to increase every four years to reflect inflation until 2085; and

WHEREAS, the toll increase will have a profound negative impact on communities whose residents rely heavily on these roads including the Borough of Tinton Falls; and

WHEREAS, under Governor Corzine’s current plan, these residents, as well as all other residents who use toll roads, would see significantly more of their hard-earned dollars go towards their commuting costs which will impact their quality of life and financial well-being; and

WHEREAS, these toll hikes will almost certainly drive traffic, including heavy truck traffic, onto local roads increasing congestion and creating wear and tear that could require costly repairs further driving up our highest-in-the-nation property taxes; and

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WHEREAS, the toll increase plan will place the burden of the State's financial problems inequitably on residents of communities like Tinton Falls that are in the corridor of these roads; and

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

1. We hereby steadfastly state our opposition to Governor Corzine's current plan to significantly increase tolls on the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway as these increases would have a severe and profound negative impact on the residents of the Borough of Tinton Falls, and Monmouth County who rely on those roads and use them on a frequent basis.
2. We urge Governor Corzine and the State Legislature to reduce the amount of spending in the state budget.
3. We urge Governor Corzine to develop a fair and equitable plan to eliminate the State's budget deficit other than the proposed plan that will place the burden unfairly commuting communities.
4. We urge all municipalities in the State of New Jersey and their constituents for their support a passage of like action.

A certified copy of this resolution shall be sent to the Governor, the Senate President, the Assembly Speaker, the Senate Minority Leader and the Assembly Minority Leader and the legislators representing our legislative district.

**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 a motion to table Resolution R-08-054, seconded by Mr. Morrill.

**R-08-054 RESOLUTION – AMENDING RESOLUTION R-07-347 NON-FAIR AND OPEN  
CONTRACT PROFESSIONAL WEBSITE DESIGN SERVICES CONTRACT #PS  
#11-07**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-347 on September 18, 2007, wherein QScend Technologies, 231 Bank Street, 2<sup>nd</sup> Floor, Waterbury, Ct., 06702 was awarded a Non-Fair and Open contract for Professional Website Design Services for an amount not to exceed \$17,495.00; and

WHEREAS, the contract requires an increase in the amount not to exceed an additional \$1,020.00 for additional hours over the contract proposal for a total contract in the amount of \$18,515.00; and

WHEREAS, QScend Technologies has completed and submitted a Business Entity Disclosure Certification which certifies that QScend has not made any reportable contributions to a political candidate in the Borough of Tinton Falls in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that QScend Technologies is hereby authorized to provide additional website design services for an additional amount not to exceed \$1,020.00 for a total contract in the amount of \$18,515.00.

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

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

**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-08-055 RESOLUTION AMENDING R-08-054 – RESOLUTION AUTHORIZING  
COMPENSATION FOR CERTAIN MUNICIPAL EMPLOYEES IN THE  
BOROUGH IF TINTON FALLS, COUNTY OF MONMOUTH**

WHEREAS, it is necessary to amend R-08-04 a Resolution authorizing compensation for certain municipal employees (more specifically Tax Assessor) in the Borough of Tinton Falls for the year 2008,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Section 1A - Full Time Employees and B - Part Time Employees are hereby assigned the following levels of compensation retroactive to January 1, 2008

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Section I	
A. <u>Full Time Employees</u>	<u>Salary</u>
Tax Assessor (Statutory)	70,000

Mr. Tobin asked Mr. Dempsey what this Resolution is about.

Mr. Dempsey stated this is an increase salary for the Borough of Tinton Falls' Tax Assessor.

Council had a lengthy discussion regarding the budget and the increase of salary for the tax assessor and Mr. Dempsey discussed reasons why he has considered this and has put it on the agenda.

**ROLL CALL**

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

NAYS: Mr. Skudera

ABSENT: None

ABSTAIN: None

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

**R-08-056 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 19, 2008**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 19, 2008,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	144,288.15
GENERAL TRUST	9,985.69
CAPITAL	14,589.00
DEVELOPERS ESCROW	34,579.97
DOG TRUST	1,240.80
GRANT FUND	1,646.96
SEWER	13,403.60
1/30/07 PAYMENTS	5,490,519.65
ADDITIONS	<u>1,511,237.10</u>
	7,221,490.92

Karen Mount-Taylor stated unless someone has something to offer, there are no exceptions.

**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. Baldwin.

**R-08-057 RESOLUTION – REFUNDING APPLICATION FEES ANSELL, ZARO, GRIMM, & AARON**

WHEREAS, application fees were received from 3230 Shafto Road Associates. for an appeal of the Zoning Officers decision, and

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

WHEREAS, after reviewing the file, the applicant no longer needed to appear before the Zoning Board and allowed him to proceed with permit pending securing all outside agency approvals,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the refund of \$300.00 to Ansell, Zaro, Grimm, & Aaron.

**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. Baldwin.

**R-08-058 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEE SZULC KAZ –  
131 AUGUSTA ST - \$26.00**

WHEREAS, on January 30, 2008, a permit fee in the amount of \$269.00 was paid by Szulc Kaz for the installation of in ground pool at 131 Augusta St, and

WHEREAS, said monies were deposited by the Borough of Tinton Falls in accordance with law, and

WHEREAS, the applicant was over charged in the amount of \$26.00 and has requested a refund, and

WHEREAS, by Memorandum dated January 31, 2008 from Robert Corby has recommended a refund in the amount of \$26.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$26.00 be issued to Szulc Kaz.

**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. Baldwin.

**R- 08-059 RESOLUTION – REFUNDING RECREATION FEES**

WHEREAS, during the month of October 2007 fees totaling \$75.00 were paid by a resident of Tinton Falls for their child's participation in our Basketball Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of October 2007;

WHEREAS, during the month of January 2008 , the Recreation Superintendent was informed by the resident that the child due to a medical condition will be unable to participate in a program and a full refund in the amount of \$75.00 shall be issued for child Victoria Santaniello.

Jennifer- Robert Santaniello	\$ 75.00
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Total	\$75.00
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NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$75.00 be issued.

**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. Baldwin.

**R-08-060 RESOLUTION – REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2005 3<sup>rd</sup> quarter 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>
Keisha Rhoden 10 Terry Lane Tinton Falls, NJ 07724	4.01	17	\$661.40

and,

WHEREAS, said error has resulted in an overpayment of 2005 3<sup>rd</sup> quarter taxes in the amount of \$661.40, 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 \$661.40 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

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

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**R-08-061 RESOLUTION – REFUNDING TAX OVERPAYMENT TO BE APPLIED TO  
SEWER ACCOUNT**

WHEREAS, an overpayment of the 2005 3<sup>rd</sup> quarter taxes on the following property has been created in error by the Mortgage Company and Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, N.J. 07724	4.01	17	\$200.88

Re: Keisha Rhoden  
10 Terry Lane

and,

WHEREAS, 54:49 - 15 provides an overpayment shall be credited against any liability of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$200.88 is hereby approved for the aforementioned property. Said overpayment shall be applied to the 2006 3<sup>rd</sup> & 4<sup>th</sup> quarters and 2007 1<sup>st</sup> quarter sewers plus interest.

**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. Baldwin.

**R-08-062 RESOLUTION – REFUNDING SEWER OVERPAYMENT**

WHEREAS, an overpayment of the 2007 3<sup>rd</sup> quarter sewers on the following property has been paid in error in the year 2007 creating an overpayment by the homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	123	54.15	\$0.21

Re: Delfim & Yvonne Rodrigues  
16 Lakeview Drive

and,

WHEREAS, said error has resulted in an overpayment of the 2007 3<sup>rd</sup> quarter sewers in the amount of \$0.21, 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 \$0.21 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2008 sewers.

**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. Baldwin.

**R-08-063 RESOLUTION – REFUNDING SEWER OVERPAYMENT**

WHEREAS, an overpayment of the 2008 4<sup>th</sup> quarter sewers on the following property has been paid in error in the year 2007 creating an overpayment by the homeowner.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	129.03	2	\$189.50

Re: Peter Lawrence  
2 Dressage Court

and,

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WHEREAS, said error has resulted in an overpayment of the 2008 4<sup>th</sup> quarter sewers in the amount of \$189.50, 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 \$189.50 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2009 sewers.

**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. Baldwin.

**R-08-064 RESOLUTION – REFUNDING 2007 INTEREST & PRINCIPAL PAID ON TAXES**

WHEREAS, a payment of the 2007 taxes and interest on the following property has been paid in error on an incorrect account in the year 2007, by the property owner.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>INTEREST</u>	<u>PRINCIPAL</u>	<u>2007 TOTAL</u>
American Timber Company 611 Main Street, Suite B2 Belmar, NJ 07719	144	5.01	\$140.02	\$4,322.87	\$4,462.89

Re: 301 Commerce Drive

and,

WHEREAS, said payment has resulted in an error in payment of the 2007 Taxes and interest 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 for the 2007 taxes interest and principal totaling \$4,462.89, 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

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**CONSENT AGENDA**

Mr. Tobin offered a motion to approve the Consent Agenda, seconded by Mr. Baldwin

**R-08-065 RESOLUTION – 2008 TEMPORARY MUNICIPAL BUDGET #2**

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2008 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided:

and

WHEREAS, in accordance with Local Finance Notice 2008-2, the Borough Council may, by Resolution, adopted by February 29, 2008, increase its temporary budget appropriation to provide for the period between March 20, 2008 and the adoption of the 2008 budget.

WHEREAS, the total appropriations in the 2007 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance is the sum of:

2007 Municipal Budget	\$17,793,849.10
2007 Sewer Utility Budget	\$ 4,648,051.00

WHEREAS, 8.33% (one month) of the total appropriations in the 2007 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2007 budget is the sum of:

2007 Municipal Budget	\$1,482,227.63
2007 Sewer Utility Budget	\$ 387,182.65

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey that the temporary appropriations be made and a certified copy of this Resolution be transmitted to the Borough Chief Financial Officer for his records:

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2008 TEMPORARY APPROPRIATIONS

MUNICIPAL BUDGET

Department	Salaries	Other Expenses	Total
<b>“IN CAPS”</b>			
Borough Clerk	14,500.00	10,000.00	24,500.00
Borough Council	1,500.00		1,500.00
Office of the Mayor	500.00		500.00
Tax Assessor	8,700.00	2,000.00	10,700.00
Administration	23,500.00	1,700.00	25,200.00
Human Resources	6,650.00	200.00	6,850.00
Historical Sites			0.00
Central Services	9,600.00	5,000.00	14,600.00
Engineering		25,000.00	25,000.00
Community Services Act			0.00
Law	9,000.00	40,000.00	49,000.00
Central Maintenance	34,000.00	25,000.00	59,000.00
Group Insurance		160,000.00	160,000.00
Streets	30,265.00	11,000.00	41,265.00
Sanitation	88,500.00	4,000.00	92,500.00
Solid Waste Disposal		15,000.00	15,000.00
Buildings & Grounds	32,250.00	10,000.00	42,250.00
Parks	35,200.00	15,000.00	50,200.00
Shade Tree		100.00	100.00
Police	357,000.00	17,000.00	374,000.00
Emergency Management	4,000.00	1,600.00	5,600.00
Prosecutor	4,100.00	500.00	4,600.00
First Aid			0.00
Planning	4,800.00	38,000.00	42,800.00
Zoning	5,800.00	4,000.00	9,800.00
Code Enforcement	12,600.00	500.00	13,100.00
Fire Prevention	11,800.00	850.00	12,650.00
Finance	17,000.00	1,900.00	18,900.00
Finance-Audit		29,925.00	29,925.00
Revenue	13,000.00	1,800.00	14,800.00
Health			0.00
Health Services		27,000.00	27,000.00
Environmental Services		11,000.00	11,000.00
Animal Control		4,000.00	4,000.00
Social Services			0.00
Alliance Program		750.00	750.00
Recreation	27,000.00	35,000.00	62,000.00
Library			0.00
Housing		7,000.00	7,000.00
Uniform Construction Code	30,000.00	1,500.00	31,500.00
Accumulated Leave			0.00
Utilities:			
Electricity		35,000.00	35,000.00
Street Lighting		10,000.00	10,000.00
Telephone		10,000.00	10,000.00
Water			0.00
Gasoline		30,000.00	30,000.00
Natural Gas			0.00
Telecommunications		5,000.00	5,000.00
Deferred Charges:			
Social Security System		60,337.00	60,337.00
Municipal Court	41,200.00	2,500.00	43,700.00
Public Defender	600.00		600.00
P.E.O.S.H. ACT			0.00
<b>TOTAL INSIDE “CAP”</b>	<b>823,065.00</b>	<b>659,162.00</b>	<b>1,482,227.00</b>
<b>“OUTSIDE CAPS”</b>			
Group Insurance			0.00
<b>TOTAL OUTSIDE “CAP”</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>SUB-TOTAL APPROPRIATIONS</b>	<b>823,065.00</b>	<b>659,162.00</b>	<b>1,482,227.00</b>
Statutory Additions:			

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Payment of Bond Principal	0.00		
Interest on Bonds			0.00
Payment of Note Principal	0.00		
Interest on Notes			0.00
Green Trust Principal & Interest			0.00
Lease Purchase			0.00
<hr/>			
SUB-TOTAL STATUTORY ADDITIONS	0.00	0.00	0.00
<hr/>			
TOTAL TEMPORARY MUNICIPAL BUDGET	823,065.00	659,162.00	1,482,227.00
<hr/>			
SEWER UTILITY:			
Operating:	40,000.00	343,182.00	383,182.00
Statutory Expenditures:			
PERS			
Social Security System	4,000.00		4,000.00
Unemployment Compensation Insurance			0.00
Sub-Total	40,000.00	347,182.00	387,182.00
<hr/>			
Statutory Additions:			
Payment of Bond Principal			0.00
Interest on Bonds			0.00
Total Statutory Additions	0.00	0.00	0.00
Total Sewer Utility Budget	40,000.00	347,182.00	387,182.00
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**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Berube stated there was no need for an executive session

Mr. Tobin offered a motion to move to workshop, seconded by Baldwin.

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offered a five (5) minute recession.

TIME: 10:06 P.M.

**WORKSHOP MEETING**

**UNFINISHED BUSINESS-**

Jerry McPherson, 6 Charles Drive, President of Fire District No. 1 and Jim Farrell, 79 Garretson Drive, Commissioner, came before council to discuss Fire District No. 1 due to the fact that their lease runs out with the Borough in 2010. They also discussed the option of leasing verses the Fire District owning the building and property.

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They referred to a letter written by their Borough Attorney

Mr. Tobin asked if their Resolution was adopted.

Mr. McPherson stated yes, before they could sign the lease the Resolution had to be adopted.

Mayor Maclearie stated when this came before council several years ago, council's concern was: what is wrong with the Borough owning the building and property and Fire District No. 1 continuing to lease the property since no problems have occurred over the previous years.

The President and Commissioner stated they agree, they only reason they are coming before the board is because they were stated to do so. They are here because they forgot to do so and now that their lease is up in 2010 they decided they should come before the Borough to discuss same.

Mayor Maclearie asked what the benefit to them to transfer title is. It is Borough owned and no one is going to chase them out of that.

Mr. Tobin asked Mr. Berube what benefit is it to the Borough to keep the property, is their a liability we would get out it, is there any savings and is there is any benefit besides the minimal rent we get that might make it worth while for us to unload it.

Mr. Berube stated it is a benefit to the district if the Borough owns it because of the torte immunity that applies to the Borough that might not apply to the district. It is not a benefit to the Borough not to hold title to this property because it is tax exempt in any event and it will always be restricted for use for public purposes. Theatrically, if the fire district were to go out of existence, the statutes would have title to real property revert back to the municipalities and where municipality would be required to provide that service into the future anyway. From a legal standpoint, there is no benefit to the Borough to convey it but there is no real liability because it is there or because it is leased. The lease agreement contains an indemnification so that if someone is injured on the property the districts policy indemnifies the Borough and then the Borough has the total immunity on top of that.

Mr. Tobin stated benefits of the fire company owning there own property and he gave examples of the three of the four other fire districts that do own their own buildings and own their own property. Mr. Tobin also stated he would like to know if there is a benefit for us to keep it as far as exposures.

Mayor Maclearie stated for them to decide what they would like to do and if they would like the land to remain the Borough's, then they are done.

Mr. Baldwin asked Mr. Berube in order to convey this property, are there any expenses.

Mr. Berube stated the company has probably already incurred all the engineering fees to draw and redraw the lot lines. The Borough's fees will be minimal.

Mr. Tobin asked for it to be on the next meeting or one there after so we may get a public hearing on it.

Mr. Skudera stated on March 18<sup>th</sup> we will have an Introduction of an Ordinance and on March 4<sup>th</sup> we would have to review this again with more information from engineering and the Director of Law.

**NEW BUSINESS FOR DISCUSSION –**

Ms Mount-Taylor stated if administration is kind enough to give the budget to the council at the next regular council meeting, would council be kind enough to not introduce it at that time since she will be out of the country.

Council stated that would be fine, they would just issue a draft in the meantime.

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**ADJOURNMENT**

Mr. Tobin offered a motion to adjourn the meeting, seconded by Mr. Baldwin.

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BOROUGH COUNCIL  
FEBRUARY 19, 2008**

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT: 10:35 P.M.

Respectfully Submitted,

Karen Mount Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: APRIL 1, 2008