

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
FEBRUARY 20, 2007

Mr. Dempsey calls the meeting to order at 7:31 p.m.

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

All present stand for the salute to the Flag.

ROLL CALL:

PRESENT: Mr. Allen, Mrs. Barrett, Mr. Skudera, Mr. Tobin

ABSENT: Mr. Ford (Arrives at 7:57 p.m.)

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Administrator, Acting in absence of Borough Clerk
James E. Berube, Director of Law
Stephen Pfeffer, Chief Financial Officer
Gerald Freda, Borough Engineer
Al Hilla Jr., Borough Engineer

APPROVAL OF MINUTES – None

REPORTS

Mr. Dempsey says that he was away last weekend when the big storm hit, but he has only heard good things about how the town really came. It was not a good situation, but he thinks that everyone did their best. He has not received any complaints when he came back today about the Borough having done anything wrong. We are looking in the Reverse 911. If we did already have it, he does not know that it would have been useful with this storm because most of the phones were out. Unless you had a copper line in your house, the Reverse 911 probably would not have worked.

Mayor Maclearie states that the Library Committee had their first kick-off meeting last Monday. They reviewed the current conditions of the existing library and reviewed the needs assessment prepared by the former Library Committee. As a group, they decided that they wanted more input from the residents, and they agreed to try and put a questionnaire together for the next newsletter so that they can get some feedback. This way the Council can gauge what the needs are determined by the community. The Library Committee has agreed to meet again in March with the meeting being held at the library.

Mayor Maclearie says that the Economic Revitalization and Planning Authority meeting for Fort Monmouth is scheduled for tomorrow at seven o'clock (7:00 p.m.) at the Eatontown Borough Hall. We went through the interview process this week and will be appointing our accountant. Some of the subcommittees have started, and they will begin some of the official reports tomorrow. They will also begin the process of seeking RFP's for a planner and attorneys on this project.

Mayor Maclearie says that Tinton Falls was one of the hardest hit places in the State with the ice storm that just occurred. There were over ninety thousand (90,000) JCP&L customers alone that were without power. The northern sections of the town were extremely hard hit. He wants to thank those that helped the Borough during this crisis. He thanks Chief Turning for his efforts Wednesday through Saturday. He constantly kept the Mayor updated on what was going on in the Borough, and he was the liaison for the Borough when dealing with JCP&L. He wants to thank Public Works for putting in countless hours to rid the streets of ice and debris. He thanks the Police Department for responding to the hundreds of calls they received. He also thanks the Tinton Falls CERT Team for establishing a shelter. He thanks the fire and first aid companies as well.

Mayor Maclearie says that this storm showed the Borough a need for Reverse 911, but he is not sure as to how effective it would have been with no phones and power in some places. He feels that we definitely do have a need for looking at this and including it in our budget. He also suggests that we may want to get some more interest in Community Watch where the individuals can help themselves and their neighbors.

The Mayor says the only disappointing thing that happened was that people were calling him during the storm complaining about what he would consider trivial things. He would ask them what they have done to help their neighbors and seek help in the Borough.

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Chief Turning states that he has provided a quick review today for the Council and the Mayor. When reading through that packet, the first section contains the report that he has to file with Monmouth County, in the State of New Jersey, that goes to FEMA. He tells everyone that they can probably ignore the first several pages until they get to the summary part. The summary will provide the chronological events of how things happened and why we ended up where we were.

Chief Turning has also provided a proclamation of this issue. He states that there is always confusion with a proclamation of who declares a disaster. He says that that falls under the authority of the Emergency Management Coordinate. This is not something that Chief Turning does, or chooses to do any time, but under law this is this authority. He consulted with the Mayor and with the Monmouth County Office of Emergency Management to make a determination as to where we are going and why that needs to be done. In this particular case it needed to be done simply because we were contemplating opening shelters. The storm started at seven o'clock (7:00 a.m.) and they closed the Borough by one o'clock (1:00 p.m.) because it was obvious that we were going to have a disaster, and we did not know how long it would take to repair. The first report that he had from JCP&L was that power was going to be back on at twelve o'clock midnight that night. This information was given to him by the Monmouth County Office of Emergency Management. He did not believe this, so he went out and spoke with one of the linemen. The woman at the Monmouth County Office of Emergency Management did not have all of the information that the lineman had. The lineman told Chief Turning that it would probably be two (2) or three (3) days. The Chief then reported back to the Mayor that this event was going to affect Tinton Falls for longer than one (1) day. He also informed the Mayor that the temperature was going to drop to ten to twelve (10-12) degrees. Shelter needed to be set up for those people in our population that have nowhere else to go in these events.

Chief Turning tries to explain a disaster as best as he can. A disaster occurs when readily available resources cannot handle the problem that they are faced with. For example, our disaster resulted in JCP&L having to go out of state to bring in other crews to help fix the problems in the town, and we had to go through the American Red Cross for the shelter care because they are the only ones authorized to open a shelter. We were fortunate in Tinton Falls because only forty percent (40%) of the Borough was hit. From Tinton Avenue south, the damage was very minor as opposed to from Tinton Avenue north, where the damage was abominable. As JCP&L started putting power back on, more trees fell. Everything that they did on the first day came crashing down as the day went on. One hundred and six (106) people called to report wires down on the first day of the storm alone. This number does not include the calls reported by the police department or the fire department.

During this period of time, the police department answered four hundred and eighteen (418) calls. To put that in context, on an average month the police department responds to approximately eight hundred (800) calls. Basically the police department did fifteen (15) days worth of work in only these three (3) days. Chief Turning adds that these four hundred and eighteen (417) calls were only the ones that were logged in. When the police were out on the road and the tree limbs were falling, the officers would get out of their cars to remove the debris while other trees were crashing down next to them. These are not logged in as calls to service; it is just the police doing their jobs.

The police officers and fire department are on scene for every downed wire call that they receive. There was a tragic incident on Thursday night. Police officers were trying to close the road when the wire came down. The fire department and JCP&L were already on the scene. In the five (5) minute window where they were trying to shut the power down, a gentleman drove his car over the wire. If the man survives, and they hope and pray that he does, the police officers on the scene saved his life. He was on fire. Because of the wire they could not get close enough to him, but they were able to use a fire extinguisher to put out the fire on his body. Chief Turning thinks that this gentleman will survive.

Chief Turning says that if you read JCP&L's blurb, it says that they may require electrical inspection before turning power on to private homes. To the Chief, this blurb always meant that it was an option. It became apparent to him that it was not an option, but rather it became mandatory right after that electrocution. They had to do electrical inspections for the citizens that had their private service taken down.

Chief Turning adds that when you go to count on these people that you have listed in your plan for a situation such as this, you have to count on their alternates as well. He says in this case the alternates took over and did a nice job.

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Chief Turning says that the Communications Desk has logged in well over thirteen hundred (1,300) calls for Tinton Falls alone on just the first day. To be able to get any information at all from the Communications Desk during a disaster is absolutely remarkable. He says that they did a great job for him. As far as he knows, every call went out and every call was answered.

Chief Turning says that he would be more than happy to answer any questions that anyone has for him, either in public or private. He would also be more than happy to listen to any complaints. He would also love to hand out more CERT applications to anyone that wants to volunteer.

Mr. Pfeffer reports that he has had an update from Trenton on the Budget. They will be issuing a Local Finance Board notice once the governor signs the new legislation. The levy cap will not affect the 2007 Budget. They said that we can proceed with 2007 as far as the planning stage goes, as usual. It appears that there is going to be another cap exception for group health insurance. This cap will come into place with the new legislation for 2007. For now, they are on hold until the governor signs off on the new law, and then they will issue guidance to the municipalities. We hope that this will be soon.

Mrs. Barrett says that tomorrow evening the Planning Board is having a hearing in regards to the Master Plan. The meeting will be held here at 7:30 p.m.

Mr. Berube adds that this hearing will be the restart of the Master Plan hearings before the Planning Board. He says restart because there was an original hearing on January 24, 2007. When the hearings were to continue on January 30th and 31st, in the interest of the Planning Board, Mr. Collins had decided to separate himself from this. At that point the Chair took a very bold and correct move to adjourn the balance of the Planning Board hearings on the Master Plan, and to set new dates to restart. They were supposed to restart last Wednesday, but that was about the time the storm hit. Tomorrow night's meeting will be a restart, from the beginning, of the Planning Board hearings on the Master Plan recommendations.

Mr. Allen states that he has been appointed to the Fort Monmouth Restoration Advisory Board. The first meeting will be held on March 6, 2007, at Gibbs Hall.

PETITIONS – None

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION – None

PUBLIC DISCUSSION

Mr. Skudera offers a motion to open the public discussion, seconded by Mr. Allen.

ROLL CALL:
AYES: ALL IN FAVOR
NAYS: None
ASBSENT: None
ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Randi Dickman, 13 Woodchuck Court, and Ed McCullough, 15 Woodchuck Court. Ms. Dickman asks Mr. Berube if he put the draft together. Mr. Berube responds that he sent him the specimen draft that we have been using with all of the other community associations. He was initially modifying it to eliminate those years for which he was a phase-in. He says that Mr. Pfeffer caught him in the act and indicated that he was incorrect. In fact, some of the years that we will be talking about, will be reimbursing the Fox Chase II for to include those phase-ins. The document was actually recreated today and will be going out as corrected to Mike. He states that the long answer to Ms. Dickman's short question is that it is in the works.

Mr. McCullough asks Mr. Dempsey if there is anything more to come on their situation. Everything has been fine in the cold weather, but it will be getting warmer again. Mr. Dempsey replies that he saw that the created a flyer that they are going to send out to all of the residents. He says that there are some things that he is going to change in the flyer.

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Mayor Maclearie says that they got a letter that went to Mazza indicating exactly what Mr. McCullough is referring to, and saying that they are responsible for the smell. The D.E.P. was there and sent that letter to Mazza just recently.

Ms. Dickman asks Mr. Dempsey if he had heard from Keith Henderson. Mr. Dempsey responds that he has not, and that Jo-Ann is trying to schedule a meeting.

There being no further comments from the public, Mr. Allen offers a motion to close the public discussion, seconded by Mr. Skudera.

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

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – Mr. Pfeffer states that Resolution 07-061 needs to be corrected to read February 20, 2007 and not February 6, 2007. The amount should be \$245,985.88. The resolution is correct; it is just listed on the agenda incorrectly.

RESOLUTIONS

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

**R-07-061 RESOLUTION – Approval of Bills –
February 20, 2007 – \$245,985.88**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 20, 2007,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY	
GENERAL	68,873.47
TRUST	1,040.00
CAPITAL	29,261.91
DEVELOPER	6,233.50
DOG TRUST	1,174.20
GRANT FUND	1,912.90
SEWER UTILITY	12,572.60
ADDITIONS	<u>124,917.30</u>
	245,985.88

CERTIFICATION
/s/ STEPHEN PFEFFER, Chief Financial Officer

ROLL CALL:
AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: None

WORKSHOP MEETING

Mrs. Barrett offers a motion to move to the Workshop portion of the meeting, seconded by Mr. Skudera.

ROLL CALL:
AYES: ALL IN FAVOR
NAYS: None
ABSENT: None
ABSTAIN: None
TIME: 8:09 p.m.

ADMINISTRATORS REPORT

Heyer & Gruel – Mr. Dempsey states that he is working on another proposal from another company in regards to a revision of the Land Use Ordinance. He should have the proposal to the Council by the next meeting.

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Mrs. Barrett questions if they are only getting one (1) proposal.

Mr. Dempsey says that the last time the accreditation company did the proposal as opposed to Heyer & Gruel. He does not know of anyone else that they would use because your code books are coded by Coded Systems. Heyer & Gruel would take care of the ordinances and put them into a Land Use manual. He does not know if you would want to get another company because the code book only names two code companies: General Code and Coded Systems. The code book is now codified by Coded Systems. He does not know if you should go out and change because the general ordinances are done by Coded Systems and the Land Use Ordinance done by a different code company. He does not know if any town does this because it is not typical. This is why he went with Coded Systems to be the company to provide a recommendation on codifying the book.

Mr. Dempsey continues that the planner would still have to do some of the ordinances. However, when it came to codifying the ordinance, it would not be done by the planner, it would be done by the code company.

Mrs. Barrett asks what the advantage of this would be. She is under the impression that most of the code companies just give you a "broiler plate" ordinance, whereas with a planner, they are going to get into the finite details that need to be written up to support the plan as it is presented.

Mr. Dempsey responds that their proposal was to give the Council the ordinances, plus something similar to the development ordinance. They would write the ordinances, but the code company would codify the ordinances into this format, as opposed to them handing you a book that they have done upon their behalf for you to utilize. Heyer & Gruel's proposal is to give you the ordinances and a nice shiny book. He does not know if you need that from Heyer & Gruel since they are planners. You need them to write the ordinances, and you need your attorney to review them, but he does not know if you need to spend the money on their on fee to have them put this together.

Mayor Maclearie asks that if we do not ask Heyer & Gruel for the pretty book, just the work product, then that fee should go down substantially. Mr. Dempsey replies "yes." Mrs. Barrett then asks if that fee, or more, could be applied to the coded book. The answer is yes.

Mr. Ford asks what the proposal for seventy thousand dollars (\$70,000) from Heyer & Gruel would include. Mr. Dempsey states that it would include the ordinances and putting them in a readable manual. Mr. Ford wants to clarify that we would want to break that proposal into two (2) pieces, using the people we have in the past for doing the codified book. His concern is that he does not want to be sitting here a month from now with the Master Plan done but having to have the ordinances revised. The ordinances are quite confusing and a disaster. He thinks that we should get Heyer & Gruel to dig in and make sure that they are correcting the problem.

Mr. Dempsey says that the ordinances cannot be done until the Master Plan is approved by the Planning Board. Once that is done, it will be a two (2)-prong approach. For the areas that need to be done immediately, those ordinances would be introduced at the next meeting. The other ones that can take a little time can be delayed.

Shared Services – Mayor Maclearie says that he has some information for which he would need to sit down and prepare a PowerPoint presentation. This would include some of the information that was shared on what they were doing with the police force in the southern half of Monmouth County. The southern half of Monmouth County is thinking about combining eight (8) police forces. This information would just be "food for thought" and provide us with an idea of how long it may take to get there as well.

Mr. Ford comments that he has been reading in the newspaper about all of the towns that are working on shared services. He inquires if anything has come out of those studies.

Mayor Maclearie says that preparing Shared Services takes time. He says that when he shows the Council the study that they are putting together in the southern part of the county, they will see that there are good facts, but you also realize all of the hurdles that you have to get over. If you think it is a good project, you start moving forward. However, it may take years to get there. At this point there are only discussions amongst the towns; nothing firm or concrete.

ENGINEER'S REPORT

Sidewalks West Park Avenue – Mr. Hilla reports that they are finishing up the plans to respond to the issue from the Highway Authority, and they should be submitted back to the Highway Authority by the end of this week. He says that he will provide an update at the next meeting if

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they have gotten anything back from the Highway Authority.

UNFINISHED BUSINESS – None

NEW BUSINESS

Recreation Committee – Mr. Ford reports that he has the committee structure and that he has to work with Mayor Maclearie to come up with members. They have identified that they want to do this, but it is a little early and he does not know if they need to have any other discussion except that they support it. He will however be working with the Mayor to get people on the Committee.

H. Builders – Mr. Berube says that they were approached by the owner of this property on Lisa Drive who has asked the Borough to vacate a portion of the property in order to potentially extend Lisa Drive. It has not been formalized since 1994, and there is a statute that requires that the town act within one (1) year of reserving these kinds of rights, which we did not do. The only indication of the Borough's intention was its inclusion on the stipulation clause in the former Master Plan.

Mr. Berube said that the applicant came to the last meeting. He was not asking for a decision from the Council right then, and neither is Mr. Berube tonight, but rather a sense of the Council as to whether or not they are at all desirous of exercising its option to extend Lisa Drive at least through this property, and potentially others. If not, would the Council provide Mr. Berube with some sense to direct this back through the planner to the Planning Board to have a recommendation as to whether to amend the circulation plan or not.

The circulation plan shows that the extension of Lisa Drive would encompass other properties to the south where there is no set reservation, and would actually have to be required through eminent domain. It has been considered by their planner, and recommended to our planner, not to be in the best interest of traffic circulation because of its impact on both Hope Road and the Industrial Way intersection. It would also open up certain of those properties to the south to further development that is not anticipated, including the WHTG property.

Mr. Berube reiterates that the applicant voted to the Council's attention, primarily at the request of the Technical Review Committee for the Planning Board. The members of the Technical Review Committee said that if the Borough is not interested in acquiring that portion, paying money for that portion, or exercising its option to reserve that portion, then they can send it back to the planners and make the proper amendments to the circulation.

Mr. Tobin asks that since they have not acted on it in years, is it a dead issue.

Mr. Berube replies that no, it is not necessarily a dead issue. Since the applicant has not moved to bar us, we would still have the right to do this; however that right would come at certain costs. If nothing else, the costs would be the value of that right of way in today's prices.

Mr. Berube says that he has spoken to Ms. Gruel about this center of the Planner's report. She was not interested in rendering an opinion as to whether it made any sense to do this or not to do this as part of the circulation plan. Their recommendation was that if the Council was not inclined to reserve this right, then they will send the whole matter back to the Planning Board for them to direct Ms. Gruel to make a recommendation.

Mr. Skudera states that if nobody can bring up any good reason as to why they would need this road, then we do not need it.

Mrs. Barrett says that it should probably go to the Planning Board and the planner in light of the fact that they are looking at that circulation issue in the Master Plan.

Mr. Allen says that since there would be a cost to the Borough to acquire this, it should be sent back to the planner.

Mr. Ford states that we would have a lot of hurdles if they even wanted a road there, especially the eminent domain issue. He says that his gut is telling him that it is in the best interest of the Borough to not hold those rights. He too, would like to send this back to the Planning Board for their interpretation of it.

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

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ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT: 8:20 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

Approved at a meeting held on: August 21, 2007.