

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
FEBRUARY 6, 2007

Borough Clerk calls the meeting to order at 7:30 p.m.

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

All present stand for the salute to the Flag.

ROLL CALL:

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

ABSENT: Mr. Ford (Arrives at 7:49 p.m.)

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

APPROVAL OF MINUTES – None

REPORTS

Mr. Tobin introduces Tinton Falls Fire Marshall, Cary Costa. Mr. Costa introduces the Fire Inspector, Dave Boehning, to present the awards to the Fire Prevention Poster Contest winners. The four (4) divisions of schools in Tinton Falls each had three (3) winners. The first place winner from each division will advance to the county level, and then that winner will advance to the state.

Mayor Maclearie reads a proclamation proclaiming March 2007 as ARC Awareness Month.

Mr. Pfeffer reports that on January 23, 2007, the Borough sold bond anticipation notes to refund outstanding bond anticipation notes on the acquisition of properties. The winning bidder was Commerce Bank at 3.70%, and there were a total of three (3) bidders for those notes: Central Jersey Bank, Commerce Bank, and Summit Bank. The amount of the note was \$588,880.00.

Mrs. Barrett provides a report in regards to the Planning Board. There was a Master Plan hearing on Wednesday, January 31, 2007. It was stated by Mr. Collins, the Planning Board Attorney, that he had received a number of emails from Board members in regards to there being a possible conflict with him presiding over that hearing. The meeting was adjourned, and it was stated that the matter would go to Mr. Berube, to make a ruling on whether or not the concerns of the Board Member were valid or not. In addition, tomorrow evening's meeting, February 7, 2007, was also adjourned. Mrs. Barrett asks Mr. Berube if he can give a decision at this point.

Mr. Berube says that there was a letter request for an opinion as to whether a potential conflict of interest arose with Mr. Collins' continued representation of the Board for the Planning Board's consideration of the Master Plan. He understands that at the hearing, Mr. Collins indicated that since the question arose, he would feel more comfortable living without the existence of a conflict to avoid the appearance of a conflict by submitting the letter of request to Mr. Berube and investigating whether substitute council should be appointed for that purpose.

Mr. Berube has been talking to Mr. Hirsch, from the Zoning Board Adjusted Council, and states that he does not have it in written form for the Council, but a letter of opinion will probably be coming out tomorrow, and arrangements are being made to potentially reschedule and to recommence the Master Plan hearings. It is anticipated that a schedule with the Planning Board will be consulted with and approved as early as the end of this week.

Mrs. Barrett inquires of Mr. Berube as to whether there was any discussion as to why the second meeting, the one to take place tomorrow, was canceled. He replies that he does not know why it might have been canceled at last Wednesday's meeting, but perhaps the Chair believed that there would not have been sufficient time under the Land Use Law to re-notice, or restart the hearings if he thought that it did not prove to be necessary. He adds that to be safe, canceling the meeting would be the preferred method. Mrs. Barrett asks for clarification that Mr. Hirsch, the Zoning Board lawyer, is the conflict lawyer for the Planning Board, as well as Mr. Collins is for the Zoning Board. Mr. Berube states that is correct.

Mr. Allen presents a couple of items of interest with regard to the Open Space Committee. There was a request from Mr. Nick DeMicco, who is the Regional Superintendent from the State of New Jersey, to visit with us about the extension of the walking trails throughout the borough. The meeting will be in early March.

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Mr. Allen adds that one minute after 1 p.m. this afternoon passed the Assembly Bill, and therefore it is unchanged. A.1. – to allow for configuration of a twenty percent (20%) credit to taxpayers. In light of this, it will be necessary for the borough to push harder to get its budget together. According to our Chief Financial Officer, the borough has an extension from the State for the introduction and adoption of the budget from February 12, 2007 to March 12, 2007.

Mrs. Barrett states that she and Mr. Allen, both on the sub-committee for the municipal budget, have not received all of the documentation yet for all of the different departments. Mr. Pfeffer says that they should hopefully be receiving it by the end of the week for most of them. However, they are still waiting on the utility budget. They have energized some of the utilities for the new building and have to wait to see what some of the bills will look like before they can move ahead on the final budget.

Mr. Allen wants to schedule a meeting with Mr. Pfeffer next week with regard to the budget as time now is of the essence in light of the four percent (4%) municipal cap, which he believes is included in A.1. of the Senate Assembly Bill that was passed this afternoon. Mr. Pfeffer says he would not doubt that the State would push the budget deadline back even further because the Division of Local Services would have to review that statute and would have to come out with revised regulations concerning the capital. Because of this, he anticipates the budget deadline will be pushed back even further.

Mr. Tobin brings up the major fire in Sea Bright yesterday. Three (3) or four (4) fire companies from Tinton Falls were called in either to the scene or as backup for companies that were gone the entire day. Our firehouse was on standby all day for the rest of the town.

Also, Mr. Tobin mentions that two (2) of our canine officers were engaged in pursuit of two (2) suspects in a stolen motor vehicle. The pursuit also included state police and other jurisdictions of correction. The stolen motor vehicle left the road and went into the woods. The two (2) subjects got out and ran away, but the dogs were able to catch them. The suspects were taken into custody and found to have narcotic substances on them in quantity. Mayor Maclearie affirms that once again, dogs can do things that people cannot, including chasing the suspects on foot much faster.

Revaluation Presentation by Assessor and Realty Appraisal Corporation Representative – Mr. Scott Imbriaco, Tax Assessor, says that any questions or comments from the Council or Mayor are welcome, as well as any questions to him. For now he is turning the presentation over to Mr. Rubenstein, manager of Realty Appraisal Company.

Realty Appraisal Company was started by Mr. Rubenstein's grandfather in 1951. Since that date, Realty Appraisal has done more reevaluations in the state than any other company; over three hundred and thirty (330) solely in the State of New Jersey. Last year the company worked on fourteen (14) evaluations in four (4) different counties; three (3) of which in Monmouth County, in Howell Township, Keansburg, and Allenhurst. They are also working on two (2) reassessments in Long Branch and Red Bank. The last three (3) evaluations Realty Appraisal did here in Tinton Falls were in 1978, 1983, and 1989. Mr. Rubenstein himself personally worked on the 1989 reevaluation of Tinton Falls, which is the last reevaluation the borough has had.

Realty Appraisal will be working on reevaluations in Middletown, Matawan, and Avon during the same time as Tinton Falls.

Tinton Falls did not decide to do the reevaluation; it was mandated by the Monmouth County Board of Taxation. The Board of Taxation in every county monitors the assessments as well as the Division of Taxation at the state level. They have a set of criteria that they look at for every municipality every year. Based upon what they were looking at, the Board decided a year and a half ago that Tinton Falls needs to bring their assessments back up.

Realty Appraisal received an approval from the Division of Taxation. Everything done in the appraisal is accordance with the Division of Taxation's guidelines, rules, and regulations. A one-page letter will be mailed to all of the residents explaining the reevaluation, and it will include a flyer with answers to the most commonly asked questions from residents about the reevaluation. It will also provide the residents with the identification to look for that each worker will have when they come to do the reevaluations, and a number to call if there is any concerns about the legitimacy of the workers performing the reevaluation.

Each reevaluation inspection consists of both interior and exterior inspections. The interior portion takes no more than five (5) minutes, depending upon the size of the home. The idea is to keep it as quick and least evasive to homeowners as possible. The biggest part of the reevaluation is the exterior inspection because the dwellings have to be measured to calculate the size of each home.

The inspections will be the part of the reevaluation that takes the longest, with an anticipated six thousand (6,000) homes and three hundred (300) commercial properties. The process should take

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eight to ten (8-10) months from beginning to end. Near the tail-end of that process, the appraisals will be started.

The field inspector is not doing the appraisal; he is simply gathering the data for two people: Mr. Rubenstein and his brother. The data is gathered in a mass-appraisal format. The appraisals in Tinton Falls will be in effect as of the reevaluation date of October 1, 2007. The snapshot of each assessment will be the market value for each property as of the October 1st date.

At the tail-end of the reevaluation, a second letter will be mailed to all the residents containing the new assessment. It will also provide information for any resident that wants to make an appointment to sit down and discuss the appraisal with the Realty Appraisal Company.

The state has a new regulation that notification of value letters cannot be mailed before November 15th.

Mrs. Barrett asks what the timeframe would be for residents in the municipality that want to contest their reevaluation after receiving it. Mr. Rubenstein explains that there are three (3) steps to contesting. The first step is when Realty Appraisal Company mails out the evaluation letters. The residents can call to come in and sit down in the Municipal Building to go over their assessment. If the resident feels that their evaluation was not reduced enough, or at all, they can file a County Tax Board Appeal. Filing for this appeal is the second step, and it is a more formal process. The resident will have to go to Freehold and sit in front of one (1) or two (2) administrators. Mr. Rubenstein and Mr. Imbriaco will be there defending their assessments. The third and final step involves filing with the Tax Board of New Jersey.

If a resident's property is assessed for \$750,000 or higher, they can appeal directly to the State. If the assessment is below it, you must appeal to the County first. If you are not satisfied with the County Tax Board's decision, then you can take it up to the State Tax Court.

Update on the New Municipal Building and the Demolition of the Existing Building – Mr. Birdsall gives an overview of where the work on the building currently stands. The elevators are completed. Most of the painting in the basement is complete, and painting underway on the first floor of the Administration Wing. The contractor has completed the stairwell in the Administrative Wing and one of the two in the Police Wing. They are currently working to complete the second stairwell in the Police Wing by the end of the week. The bathrooms of the Police Wing are tiled, and the valves and fixtures are being set in the basement bathrooms. The week before last the gas was turned on in the building. There is now gas, water, and electric set in the building. He met with Verizon yesterday about bringing in the phone service, which is the last utility that needs to be brought in. He has had many meetings with the Tech Committee, in conjunction with the telephones and data. As a result of those meetings, improvements to the design of the data system were made, resulting in a credit due to new technology. Some of the wiring that was installed was not necessary, or can be changed for less-expensive wiring, which will be reflected in a change order credit that the Council will see tonight.

The exterior of the building is now complete. The siding is complete, the windows are in, and the gutters are on. The topsoil and seeding have been completed around the building. The outside is secured. The Public Works Department has done some landscaping around the building. The placed railroad tie walls and decorative stone placed in certain areas to provide positive drainage. This work was executed in a timely matter so not to hold up the landscaper from doing the top soiling.

In regards to the mechanical work, all of the air conditioning condensers have been plugged. Some of the radiators are now being set in certain locations around the building. The breaching on the boilers has been installed the past two or three days, and today the electricians were in wiring the boilers. Today also, the control contractor was in setting up the controls, and the boilers will be started up within the next week if possible so that there will be hot water in the building. Mr. Birdsall states that he is seeing things come to an end in the construction.

Mr. Allen inquires as to whether they are still on track for the set March 26, 2007 date. Mr. Birdsall replies that it appears that they are. He expects that within the next two (2) weeks, the parts of the basement will be finished off and completed.

Mr. Allen asks if all the work will still be able to be done inside the building due to the inclement weather. Mr. Birdsall replies that all of the work is inside, and that the workers have about a dozen gas heaters running everyday. Even with yesterday and today being the coldest days of the year, the workers were able to do what they needed to without any problems. Mr. Allen questions if the heaters are left on all night, and Mr. Birdsall says that they are shut off. The heaters are started up at six o'clock in the morning so that when the workers get there at seven o'clock, they can begin working in the heat. The heaters are turned off when they are done working.

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Mrs. Barrett asks if there is a timeframe to figure out what part of the existing building would be salvageable. Is it a long process? Mr. Birdsall says that he could have an answer in two-three (2-3) weeks. Mr. Allen asks if they will have an answer by next meeting, and Mr. Birdsall replies "yes."

Mrs. Barrett also requests to find out a ballpark figure of how much it would cost to refit, or revamp the building, or what is salvageable, and what it would entail. Mr. Birdsall says that it is reliant upon what the end-use of the building would be. Mr. Dempsey questions what the end-use would be.

Mr. Ford proclaims that with all the money that is being spent on the building that is under construction now, the only use for the existing building is a library. The new building should fulfill all their needs. If it is decided that it will not be a library, the whole building should be bulldozed down.

The original amount discussed for the electrical contract was \$47,689.00, negotiated down from about \$90,000. There have been a couple of credits on the job from the electrical contractor which has reduced the amount to \$32,255. The contractor has taken no mark-up on this amount; it is just the bare cost of the increase and the copper wire. Mayor Maclearie says that he is definitely against the additional electrical work, and he is not happy about it. He says that the building looks great and he is looking forward to the March date, but he does not agree with the \$32,000 charge.

Mr. Tobin says that they have not exceeded the contingencies or anything else, and they have been very frugal in this project, adding in \$15,400 to what was already saved in other areas and the added savings doesn't count utilities. But anytime we change something, we cause a delay in the project and cause an increase in price and have to pay for it. The cost is down from \$90,000 to \$32,000, and the contractor didn't even take a markup in materials which the contractor is legally allowed to take. Also, there were stipulations in the contract that allow these things. The project was delayed by 156 days, due to water and other things, and the transition of government.

Mr. Hilla has taken bids for the entrance and exit driveway for the building.

The Fire Marshall, Cary Costa, was asked to come and explain the reason why the fire-proofing was necessary for the spray insulation by code. He understands that there was some confusion on the reasoning for covering foam-plastics. Foam-plastics are not new to the market as far as insulation, but it's now more readily being used. There are so many different products out, and so many different variables, and the mixing and using some of them are flammable. Worst case scenario is the Rhode Island night club fire. Everyone saw the news clip of what happened when the building caught on fire. The fire raced through the building due to the lack of fire protection.

Mr. Costa says that some of the new products are getting a lot better, but the problem is that the manufacturers have not done their full-scale testing to provide the documentation and engineering to show the codes. If they cannot show the I.C.C. (International Codes Council) that they are under the version of the New Jersey I.C.C. codes, then we cannot eliminate covering these items. Mr. Costa is not saying that the foam plastics are flammable, but there is no documentation that covers us legally to say that we can bypass that section of the code. It was researched thoroughly, but there was nothing that could be done to get around it. In his personal opinion, he thinks the product is excellent as far as insulation, and will save the borough tremendous in terms of utilities because it is a spray that has covered every "nook and cranny" of the building.

Mayor Maclearie points out that Mr. Costa claimed that the borough would be saving money. He inquires as to when we will recoup those costs. Will it be five (5) years? Ten (10) years? Mr. Costa says that an easy way of looking at foam-plastics is that you use it everyday as a styrofoam cup. You see the heat transmission when you put hot coffee in it, or something cold, and you can still pick up the cup. So, when the outside sun in the heat of the summer transmits heat into the attic, the closed-cell foam system does not let the heat pass through.

Mr. Birdsall says that he would think that the borough would realistically see a recovery savings to recover the costs in probably a five (5) or six (6) year period. There are other advantages than just the insulating aspect of it. Because this material is sprayed directly on the sheeting, you eliminate any chance of moisture being created on the inside of the wall, and eliminates any chance of mold or mildew in the building.

Mr. Costa states that this spray foam was the most economical solution that they could come up with to keeping costs low. Mr. Ford asks Mr. Costa if he is happy and okay with this solution. He understands the saving money, but he really cares about the fire aspect of it. Mr. Costa replies that this is totally fine and that everybody is covered.

This foam will save the borough on insurance, too.

R-07-028 Temporary Capital Budget – Mr. Tobin says that a motion needs to be made to introduce R-07-028. Mr. Ford offers the motion, seconded by Mr. Skudera.

R-07-028 RESOLUTION – Temporary Capital Budget

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WHEREAS, the Borough of Tinton Falls desires to constitute the 2007 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 2007 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 2007					
Project	Estimated Costs	Capital Improvement Fund	Open Space Trust	DOT Grants	Debt Authorized

2007 Road and Recreation Trail Reconstruction, Construction and Resurfacing Program	S-07-01 \$2,530,000	\$100,500	\$12,500	\$270,000	\$2,147,000

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 2007 Temporary Capital Budget, to be included in the 2006 Permanent Capital Budget as adopted.

Mr. Pfeffer introduces the Temporary Capital Budget R-07-028 for the road program. It is the 2007 Budget for the road and recreation trail reconstruction, construction, and resurfacing program. The resolution details the estimated cost and the funding sources that go into that estimated cost. The money will be coming from the Capital Improvement Fund, the Open Space Trust (with a portion that relates to the recreation trail), the O.T. grants, and debt.

Mayor Maclearie wants to make sure that there is some continuity, that money will not be bonded every year. He wants the borough to have a future going forward of having money in the budget where we can continue our road program.

Mr. Tobin says that this will be a future workshop after the public hearing on the ordinance. Mrs. Mount-Taylor says that one does not have anything to do with the other, and the next workshop can include this. Mr. Tobin agrees.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

PETITIONS – None

ORDINANCES FOR INTRODUCTION –

Borough Clerk reads Ordinance No.07-1215 entitled: "BOND ORDINANCE PROVIDING FOR THE 2007 ROAD AND RECREATIONAL TRAIL RECONSTRUCTION, CONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, APPROPRIATING \$2,530,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,147,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

For the record, there is a supplementary debt statement filed in the Clerk's Office.

Mr. Allen offers a motion to introduce Ordinance No. 07-1215, seconded by Mr. Ford.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Ordinance No. 07-1215 in full in Ordinance Book No. 3.

Borough Clerk reads Ordinance No.07-1216 Amending Chapter 7 of the General Ordinances of the Borough of Tinton Falls Prohibiting the Operation of Low Speed Vehicles

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Mr. Allen offers a motion to introduce Ordinance No. 07-1216, seconded by Mrs. Barrett.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Ordinance No. 07-1215 in full in Ordinance Book No. 3.

ORDINANCES FOR FINAL CONSIDERATION –

Borough Clerk reads Ordinance No.07-1211: An ordinance of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, amending and supplementing the revised general ordinances of the Borough – Chapter IV – entitled “POLICE REGULATIONS” to add a new section entitled “MOTEL/HOTEL GUEST REGISTRATION”

Mrs. Barrett offers a motion to open the public hearing, seconded by Mr. Skudera.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Carl Castagliola, General Manager of Red Roof Inn, Tinton Falls. On behalf of Red Roof Inn, wants to say thank you, and asks that the Council would please adopt this ordinance because it is important for hotels. He asks for clarification on paragraph four (4): If a guest does not have photo identification and they plan on using a credit card, but they are a college student with a paper college I.D., is that acceptable? Other than that clarification, he thinks that this is fantastic and a really good ordinance for Tinton Falls to enact.

Mr. Berube responds that State college I.D.'s, student identification cards, or I.D.'s from any accredited colleges would qualify under the stature. A major credit card with a student I.D., both void of photos, would be acceptable.

Paul Sampieri, New Jersey Hotel and Lodging Association. He would like to make several comments on the Hotel/Motel Guest Registration Ordinance. To sum it up in one brief sentence, the climates of this ordinance are abusive, unnecessary, and an invasion of privacy. When a person registers at a lodging facility, his/her name is recorded, their address, make and license number of the automobile, room number, and date of departure. In most cases, it is kept on a database. What is wrong with registering “Mr. and Mrs. Smith and Family” as opposed to the name of the husband and wife, as well as the names and ages of all of the kids? Or an engaged couple signing for a room have to give their names, ages, and addresses when a simple “Mr. Smith and Guest” would suffice. He does not agree with the section of having to be eighteen (18) to rent a room without parental permission. What if a college student is traveling home from Maine and needs a hotel room for the night? How can he get parental permission? It is up to each establishment to deny a room to anyone, and he feels that this part should not have been included in the ordinance.

Mr. Sampieri does not want to hurt anyone's feelings, but he feels it is a badly written ordinance, especially the section allowing police inspections of hotel registers at any time. This is against privacy rights. In summing up, he would like to say that if this became law and patrons resented it, they would go to other communities, and Tinton Falls would lose out on that business and the taxes involved. He hopes that the Chairman and members will reconsider the negative aspects of this legislator.

Mr. Ford introduces a letter from the General Managers signed by the Residence Inn, Sunrise Suites, and Courtyard by Marriott. Mr. Tobin asks him to summarize the letter for the record. The letter is dated February 6, 2007, addressed to the Borough Clerk, Ms. Mount-Taylor, requesting that it is presented to the Council at tonight's meeting in response to the proposed ordinance, and as it relates to the Residence Inn in Tinton Falls, Sunrise Suites in Tinton Falls, and Courtyard by Marriott in Tinton Falls. In short, it registers objections in four (4) areas, the first of which is the guest registration maintenance of sixty days (60) under the ordinance. The letter indicates that all of those member organizations keep a computer database for up to five (5) years, which would include the main guest registry to the room, but it does not address additional guests.

The letter states that Paragraph B of the objection is that the requirement for driver's license and the registration of license plates of guests' cars, or other personal information related to guests registered to the room would increase check-in time, perhaps cause confrontation between the

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associate handling the check-in and the guest, and put guests at risk for identity theft based on that information being provided. There is also an objection for age discrimination for those persons that may be under eighteen (18), as Mr. Sampieri has indicated. There is a conclusion that these restrictions may in fact cause people to go to hotels and lodging places outside of the Borough of Tinton Falls.

The third objection generally relates to the fourteen (14) day re-registration as proposed in the ordinance, particularly for extended stays. The extended stay requires guests to stay for ninety (90) consecutive days to be eligible for a refund of occupancy and state taxes, and that would make it impossible for guests to receive that refund.

The final objection is that they (the signers) believe the penalties of \$300 or imprisonment for sixty days (60), and a fine of \$500 or imprisonment for ninety (90) days are excessive, particularly as it might relate to an associate that fails to secure the information required under the ordinance, or guests that fail to provide it. They would respectfully request the updated work with law enforcements to develop and ordinance that they believe is workable.

Mr. Ford proclaims that he does not advocate the positions, but he is only summarizing the letter for the record.

Carl Castagliola, General Manager of Red Roof Inn. He says that it is easy to sit here and say that it is hard to register someone in, and that it will take a lot of time. He states that it will only take an extra minute; it is not a lot of time. He loses rooms on a weekly basis, due to not having proper I.D.'s. If this ordinance is passed, which he hopes it is, he knows that it will cost him revenue. He does not care if he loses the revenue; he says it is not worth it. He spends money on labor and materials every weekend. Unfortunately, he has had two police incidences in 2007 already. One of them had two forms of identification and it helped out. The other incident involved a woman who was assailed, and the hotel was not required to see her second form of identification, so they did not know who she was. This made the police officers' jobs a little harder, and it made his company a little leery because of any future lawsuits.

Cary Costa, 23 Fennec Court. In regards to patrons going to another town, he claims that they have received model ordinances from Neptune, and several other communities that have some form of an ordinance already in place addressing the same issues.

After reading the letter from Courtyard Marriot, Police Chief Turning would like to state that the police department is not looking to invade anyone's privacy. He does not care who registers in a hotel, but he can state that over the past several years, there have been so many instances where the police have had to go to that register to find out who is living there.

Chief Turning refers to the incident a week ago that Mr. Castagliola of the Red Roof Inn spoke of. The people in the room, and the young lady that was accosted, were not registered to that room. The only way they found out who was in that room, was to go to the registered owner. That was the only way of knowing who was in the room. These hotels and motels have become what they are not meant to be; overnight stays, a guest room, something to gun.

Chief Turning directs a question to Mr. Berube as whether or not this ordinance that they are planning on passing unconstitutional? If not, the only reason the ordinance is being presented here tonight is to make the Borough of Tinton Falls safer. Our roll in government is to make the Borough of Tinton Falls safer, nothing else.

Chief Turning does not see what the problem is in with showing photo identification when registering. He points out that credit card companies have more information on you than the hotel asks for. They simply ask for a photo identification to confirm that you are indeed the one registered to the credit card. Also, to verify identity in case they have to investigate a crime. Those are the only reasons. There is no way the police are going to go to hotels and check on registers for no reason; they simply do not have the time. But if the need arises, the information is readily available to them. Hotel revenue is not factored in the equation: health and safety are the factors in the equation. He asks that the Council support and vote for the ordinance.

Paul Sampieri, New Jersey Hotel Association. He admits that there are a few bad models, but the police have the authority to go in and close them down if there are problems. The whole group of hotels should not be penalized. Some of the biggest name hotels are here in this town, and we should be proud of it. But if there are any bad motels, just get rid of them. It can be done, and it was done in other towns.

Mr. Allen offers a motion to close the public hearing, seconded by Mr. Skudera.

ROLE CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

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ABSTAIN: None

Mr. Tobin offers a motion to adopt Ordinance No. 07-1211, seconded by Mr. Ford.

Mrs. Barrett says we unfortunately live in a dangerous time. She likes the idea of no one under twenty-one (21) years old being able to rent a motel/hotel room, rather than the stated eighteen (18) years. She questions how we are in fact really enforcing the permission from a parent or legal guardian. Mrs. Barrett states that in her opinion, she would like to amend the ordinance to the age of twenty-one (21).

Mayor Maclearie states that the legal age majority is eighteen (18) years of age. At eighteen, contracts are enforceable, and you are theoretically invested with full citizenry rights. For legislation purposes, in changing the ordinance to twenty-one (21) years of age, you would be subjecting yourself to a significant challenge for not recognizing the rights of a full person of majority.

Mr. Allen comments that whoever rewrote the ordinance did a good job this time and he is ready to vote.

Mr. Skudera would like the Council to amend the ordinance to include a court order to access these records. In New Jersey you cannot obtain library information or information about your ISP without a court order. New Jersey has this right of privacy, and he thinks there should be amendments to make this ordinance a court order.

Mr. Tobin proclaims that they need to tighten up the area that says "peace officer." There is a fire police officer in the Borough of Tinton Falls. Tinton Falls fireman number one under peace officer means that anyone fined can stay in the hotels. There is no paper trail; there is no audit to say how it can be done. The next one can say that I was called to by so-and-so, and they can say no, I didn't tell you. There is nothing to show that there was probable cause. An investigation is fine; if they believe something is going on they can get written authorization to investigate this information. However, we need to tighten this up if there is to be a court order.

Mr. Berube adds that when there is evidence of a criminal activity, for which a police officer is undertaking the investigation, and for which materials are not available in the public record, then to secure that, generally a request for a warrant and a court order for the release of the information is accomplished. This is generally done through the Superior Court, and there is a twenty-four (24) hour person on call for these purposes. This may not be the situation here. If called to a hotel or motel, then this is merely an identification process that a policeman is undergoing to see who might be registered to that room. The process to secure a court order may be more cumbersome than the chief would request for the purpose of this ordinance. In the event that they believe there is criminal activity afoot for which they intend to prosecute, the police will have to resort to a warrant situation for any nonpublic information.

Mr. Tobin says that he would like to see an auto trail of something, just to say that there has to be somebody to authorize this so to cut out abuses and abuses of power. We need to safeguard against that.

Mr. Ford said he was prepared to support this ordinance weeks ago before it was rewritten, but he is ready to support it in the context it is written today.

Mr. Ford asks to call for a vote. Mr. Tobin comments that two people asked for amendments to the ordinance.

Mr. Tobin motions to amend the ordinance to include a written authorization by the Chief of Police, or his designee.

Mr. Berube says that the amendment would go in paragraph A of the first section. The suggested line would go three lines down and read: "...the State of New Jersey pursuant to N.J.S.A. 29:4-1 et seq., and shall permit inspections of said register by a police officer, with the filing of an appropriate report with the Chief of Police within forty-eight (48) hours thereafter."

Mr. Tobin offers the amendments to Ordinance No. 07-1221, seconded by Mr. Ford.

ROLE CALL:

AYES: Mr. Allen, Mr. Ford, Mr. Tobin

NAYS: Mrs. Barrett, Mr. Skudera

ABSENT: None

ABSTAIN: None

Mrs. Barrett asks for clarification on the second amendment that was discussed adding. Mr. Tobin replies that it was to just add the fact that there needs to be a paper trail. There was a second amendment originally discussed, but that was about changing the age to twenty-one (21). But he does not think that it is something that did not have any support.

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Mrs. Barrett asks to rescind her vote due to a misunderstanding of adding a second amendment.

Mr. Tobin offers a motion for re-voting on the amendment as placed on the record by the Director of Law, seconded by Ford.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Tobin

NAYS: Mr. Skudera

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a motion to adopt Ordinance No.07-1211 as amended.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Tobin

NAYS: Mr. Skudera

ABSENT: None

ABSTAIN: None

Mrs. Barrett apologizes to the Council for her misunderstanding.

Borough Clerk reads Ordinance No.07-1212: Ordinance Repealing Ordinance No. 03-1090 in its Entirety and Re-establishing the Provisions of Ordinance No. 99-985 Open Space Committee

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

There being no questions from the Public, Mrs. Barrett offers a motion to close the public hearing, seconded by Mr. Allen.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Mrs. Barrett offers a motion to adopt Ordinance No. 07-1212, seconded by Mr. Allen.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: 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

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Randi Dickman, 13 Woodchuck Court; Ed McCullough, 15 Woodchuck Court. Ms. Dickman wants to say that she thinks that is a fabulous ordinance, and the safety of everybody is wonderful, and she thinks that it is a good thing. Mr. McCullough questions if Mr. Dempsey found out anything on the dump. Mr. Dempsey replies that he has not heard anything. He is still waiting for them to get back to him.

Mr. McCullough had a visitor from a sectional supervisor for the Environmental Compliance. He stopped by on a day that it was not smelly, but he said that he would be going back and forth. The supervisor said that if the numbers were correct, the pile was two hundred by four hundred feet (200x400ft) and fifty feet (50ft) high. However there was a lot more there than there was supposed to be and they are trying to get rid of it.

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Mr. Dempsey asked if this was at Mazza's, and Mr. McCullough replied yes. Mr. Dempsey said that that is the regulation by the D.E.P., and the were trying to take the height down, but there were some issues that their regulations caused the increase in the height because there were fire roads that had to be cut in there, and so they allowed them to push the piles up higher. He says that they are working on clearing them out.

Mr. McCullough asked if the piles will be cleared up by spring because they will not be able to open their windows or sit outside because the odors are that bad at times.

Mr. Dempsey does not know if it will be done by springtime, he said it is an enforcement of D.E.P. regulations more than it is a borough ordinance. The pile will be taken down by the demand of the public, or unless the D.E.P. pushes them to get it down below the thirty-five feet (35ft) in height. Once it is lowered to the thirty-five feet in height, there is nothing that can be done. Mazza actually has an attorney that is working with the borough to try and get a lot of the issues resolved.

Chief Turning, Tinton Falls Chief of Police. Chief Turning begins by thanking the Council for the ordinance. About a week and a half ago there was a homicide in the Borough of Tinton Falls. He apologizes for not being able to give anyone any information. What Mayor Maclearie said in the newspaper is absolutely correct. The Chief of Police cannot discuss an active investigation with anyone. All press releases are made by the Monmouth County Prosecutor's Office when this happens. The homicide is being investigated thoroughly, every single minute of every single day. Having said that, he asks that everyone bears with him for a little while, and the police will do the best that they can.

Mr. Ford offers a motion to close the Public Discussion, seconded by Mr. Allen.

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

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – Ed Breidenbach has addressed a letter to the Mayor and the Council to inform that he will no longer be able to perform his volunteer chairman duties of the Memorial Day Services. He has made arrangements for Ron Neis and Larry Neis to take it over for him. Note that their father turned this over to him before he passed away. He has enjoyed doing the service for over twelve (12) years, it has been a great honor, and as a World War II veteran it meant a lot to him to honor his fellow guardians of freedom. He asks if the Council could do something for his volunteerism, such as a resolution or proclamation or something.

Mr. Tobin says absolutely to doing something for Ed Breidenbach's volunteerism, and not only for what he has done as chairman of the Memorial Day Services, but also because he is an eighty (80) year old fireman for the borough.

Ms. Mount-Taylor says that she will be out of the country from February 15 until March 3, 2007.

Mr. Ford, in regards to the Master Plan, questions as to what is going on with meetings being canceled. Mr. Berube said the meetings were placed on hold last Wednesday night. At the meeting a Board Member asked an opinion as to whether there might be a potential conflict of interest for Mr. Collins, who is the appointed attorney, to continue assisting Mr. Davies in the presiding of the continued meetings because of his representation of persons who might have a challenge to the Master Plan.

Mrs. Barrett interjects for clarification to say that the question was not raised at the meeting. One individual made a phone call, and there were several other Board Members that voiced an opinion via email to the Chairman. These concerns were voiced prior to last Wednesday's meeting.

Mr. Berube says the question had arisen and was dealt with by Mr. Collins at the meeting, who indicated that based on the fact that the question had been presented, in whatever form, he and Mr. Davies felt that it inappropriate to continue the meetings until those issues were resolved. On February 2, 2007, Mr. Davies wrote a letter to Mr. Berube detailing the issues that he believed were presented as to whether there might be a conflict of interest in the continuation, or whether substitute Council should be employed to continue the hearings.

Mr. Berube has had conversations with Mr. Collins, with the Conflict Council, Thomas Hirsch, and with Mr. Davies. He had not yet rendered the opinion to the Board, and does not want to present

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that tonight, but everyone is vitally interested in getting those hearings back on track, and a timetable is being worked out to do so. He expects an announcement will be made within this week as to the restart of the Planning Board hearings, and the likely substitute Council that will handle those meetings.

Mayor Maclearie adds that having sat through last Wednesday night's meeting and following the chain of events, the issues and concerns that were raised were already addressed by the Chair, and they knew there would not be any conflict that night because they knew there was no applicant coming that would have created a conflict. That was documented, known, and there was no need for Council that night.

Mrs. Barrett, in representing only herself and not any other Board Member, states that the issue that she brought up was not that particular issue in regards to a possibility of a conflict. Just for clarification, her conversation did not have to do with a letter.

Mayor Maclearie says that the secretary of the Planning Board has been contacting everybody to find out when they will be putting in the extra nights to continue the process. There is a meeting scheduled for February 14, 2007, and they are trying to add another one on February 21st.

Mrs. Barrett says that the Planning Board Secretary asked what Wednesday nights they were available for rescheduling the meeting, but she questions if the meeting can be put on another day other than the regular Wednesday night meeting. Mayor Maclearie says he thinks the secretary asked for any night, and the meeting does not have to be held on a Wednesday.

Mr. Ford states that at every meeting for the past six (6) months he has been asking about the Master Plan. He is very disappointed that they are at this lull, or standstill, because every Council has put such focus on getting this done. We need to get this back on track and do whatever we can to get a meeting set up, even if it is a special meeting, and notice the public, but it is important to do it pronto; as soon as possible. He thinks it is important that Councilman Jim Allen brought up an idea to have a presentation before the Council and the Planning Board at the same time. Even though Mr. Allen did not think that it could be done, Mr. Ford does not see as to why it would not work. It would be a regular public meeting special just for the Master Plan, for the Council and the Planning Board to hear at the same time.

Mr. Ford concludes that he would like to see a copy of the Master Plan. Mr. Tobin says that both his name and Mr. Ford's name are on it.

For the record, Mrs. Barrett states that she did ask the Council before Mr. Ford arrived if anyone had received this document and she was told no.

Mr. Berube wants to address a couple of concerns. He understands Mr. Ford's disappointment, and he knows that the Council has been vigorous in moving this along. In dealing with the issues that were dealt with on Wednesday by the Borough Council, not the Planning Board Council, he had to commend the Planning Board Attorney on the way that he handled the situation. He commends the Attorney for the mere fact that when the issue was raised, to keep the integrity of the Planning Board, he immediately recognized the issue and said that they would seek another opinion and suggested that perhaps Conflict Council become involved. The issues that were being dealt with, and the potential delay that was caused, was really only in an effort to become more open and transparent. To air this on the side of conservative is probably a benefit to the Borough.

Mr. Berube adds that in a joint meeting, the Borough Council and Planning Board Council are two separate bodies. The statute calls for the Planning Board to be the planning agency in the Borough, such that they should have the right to independently review what has proffered by the planners, and amend as they see fit before recommending it to the Council. While it seems like a common sense idea that both Boards would deal with it at the same time, the sequence is such as to allow the Planning Board the independence to in effect change their mind from what might be presented by the planners before they recommend it to the Borough Council, so probably a joint meeting would not be helpful in that regard. But as quick as it can be brought to the Council and the Council can have its public meeting on it, certainly the better.

Mr. Allen respects to disagree to the counsel. When a document is prepared by the people that were hired, and it is presented with his name on it, he thinks that it is appropriate that a copy is given to him as a sworn member of the Board. This is where he has a problem today. He thinks that it is important that they move on with this, and any unnecessary delays that he has read and heard about are improper. This needs to get passed, the sooner the better, and let the chips fall where they may. If people had the right to their properties prior to the introduction and passage of this new Master Plan, they still have those rights going forward; they will not be taken away. But there is a document that was presented to the Borough that he did not get a copy of, and it is displeasing to him as a sworn member of this Board.

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Mr. Berube states that for the purpose of the record, that is a draft Master Plan that has been proposed to the Planning Board. What he will see will be the Planning Board's recommendations.

RESOLUTIONS

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

**R-07-029 RESOLUTION – 2007 EMERGENCY
TEMPORARY APPROPRIATIONS #1**

WHEREAS, due to the expected delay of the adoption of the 2007 municipal budget and contractual obligations and no adequate provision has been made in the 2007 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2007 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

CURRENT FUND APPROPRIATIONS:	\$ 872,816.00
MUNICIPAL SEWER UTILITY:	\$ 500,000.00
	\$ 1,372,816.00

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations:
 CURRENT FUND:
 See Attached Sheets \$ 872,816.00
 SEWER UTILITY:
 See Attached Sheets \$ 500,000.00
2. That said emergency temporary appropriation will be provided for in the 2007 budget under the following titles:
 CURRENT FUND:
 Capital Improvement Fund \$ 872,816.00
 SEWER UTILITY:
 See Attached Sheets \$500,000.00
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

/s/ BRENDAN P. TOBIN, Council President

2007 EMERGENCY TEMPORARY APPROPRIATIONS:		# 1	
Department	Salaries	Other Expenses	Total

"IN CAPS"			
MUNICIPAL BUDGET			
Police		90,000.00	90,000.00

TOTAL INSIDE "CAP"	0.00	90,000.00	90,000.00

"OUTSIDE CAPS"			
Pensions:			
PERS		542,222.00	542,222.00
PFRS		160,594.00	160,594.00
Capital Improvement Fund		80,000.00	80,000.00

TOTAL OUTSIDE "CAP"	0.00	782,816.00	782,816.00

B-TOTAL APPROPRIATIONS	0.00	872,816.00	872,816.00

Statutory Additions:			
Payment of Bond Principal			0.00
Interest on Bonds			0.00
Payment of Note Principle		0.00	0.00

B-TOTAL STATUTORY ADDITIONS	0.00	0.00	0.00

TOTAL TEMPORARY MUNICIPAL BUDGET	0.00	872,816.00	872,816.00
=====			

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	MUNICIPAL SEWER UTILITY	#1
Operating:	500,000.00	500,000.00
Statutory Expenditures:		
Capital Outlay		0.00
		0.00
		0.00
Sub-Total	0.00 500,000.00	500,000.00
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	0.00 500,000.00	500,000.00

Mr. Ford asks what the timetable is for getting the budget so we do not have to keep doing these appropriations. Mr. Berube says it is left at the State level for changes that they are going to have to make in relation to the new law that was just adopted by the Senate. He really does not have a timeframe, and he feels that the State does not either. They have already pushed the deadline back one (1) month, and from what he can see from reading in the paper, they will have to do a complete rewrite of the budget capital, so they are not sure as to where they are going to be coming from and how long it is going to take them.

The State has given permission to extend the temporary budget calendar. In the paperwork that he has received from the State, they have now extended that extension also, and allow another one-twelfth (1/12) of the budget to be adopted by the Council as a regular temporary budget. Lots of things are in flux in Trenton, and the State has extended the temporary budget calendar as well as the regular budget calendar, but he cannot give an answer as to what is going to happen.

Mr. Allen states, just so that the record is clear, he does not think that Mr. Ford was present when he gave his report, but he now gives him a copy of the document that he received from Mr. Berube the previous day, as it relates to the timing and the corrections of the proposed budget. The introduction and adoption has been put off for a month.

Mr. Berube says that in light of the bill passing today, there could be more delays. Mr. Allen states he has the same theory.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-030 RESOLUTION – APPROPRIATION RESERVE TRANSFER

WHEREAS, N.J.S. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls (not less than two thirds of the governing body affirmatively concurring) that transfers between 2006 Budget Appropriation Reserves be made as follows:

Municipal Budget	FROM	TO
-----	-----	-----
Landfill Solid Waste Disposal Costs	\$ 10,000	
Gasoline	10,000	
Social Security	15,000	
Engineering:		
Other Expenses		\$ 10,000
Police:		
Salaries & Wages		25,000
	-----	-----
	\$ 35,000	\$35,000
	=====	=====

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

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ABSENT: None
ABSTAIN: None

Mrs. Barrett offers the following Resolution and moves its adoption, seconded by Mr. Allen.

**R-07-031 RESOLUTION – AMENDING R-01-033
AUTHORIZING CASH MANAGEMENT PLAN**

WHEREAS, R-01-003 Authorizing Cash Management Plan was adopted by the Borough Council of the Borough of Tinton Falls on January 2, 2001, and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Tinton Falls, and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

Central Jersey Bank	Sun National Bank
Commerce Bank	Two River Community Bank
Sovereign Bank	N.J. Cash Management Fund

WHEREAS, the banks listed above with the exception of State of N.J. Cash Management Fund have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

In addition, all banks protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Resolution R-01-003 be amended as stated above, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer and/or designated Borough Officials are hereby authorized to execute any documents and/or contracts as required by the individual depositories, and

BE IT FURTHER RESOLVED, that the Borough's authorized signatories are the Mayor, Borough Administrator, Chief Financial Officer and Tax Collector.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-032 RESOLUTION – AUTHORIZING PURCHASE UNDER
STATE CONTRACT**

WHEREAS, the Tinton Falls Police Department is in need of four (4) new police pursuit vehicles; and

WHEREAS, Warnock Motor Sales, Inc., d/b/a Warnock Chevrolet GEO, 175 Route 10, East Hanover, NJ 07936 has valid State Contract #67129 for 2007 Ford Crown Victoria Police Interceptor Pursuit vehicles in the amount of \$20,625.69 each for a total amount not to exceed \$82,502.76 for four (4) 2007 Ford Crown Victoria Police Interceptor vehicles; and

WHEREAS, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Chief Gerald Turning, Sr., recommends this purchase;

NOW, THEREFORE BE IT HEREBY RESOLVED that the Borough Council authorizes the following purchase under the valid 2007 State Contract:

Four (4) 2007 Ford Crown Victoria Police Interceptor Pursuit vehicles	\$82,502.76
Roof wiring hole in roof for 2 vehicles	<u>390.00</u>
	\$82,892.76

I hereby certify funds are available from:
Account #1606-5050 \$82,892.76

/s/ STEPHEN PFEFFER, Chief Financial Officer

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Allen

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

**R-07-033 RESOLUTION – AUTHORIZING CHANGE ORDER #23
INCREASING CONTRACT #04-3 IN THE AMOUNT OF \$32,255.00
TINTON FALLS NEW MUNICIPAL CENTER**

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WHEREAS, Contract #04-3 for the Tinton Falls New Municipal Center was awarded to G & P Parlamas, Inc., P.O. Box 189, Allenhurst, NJ 07711 by Resolution R-05-095 in the amount of \$8,924,850.00 at a meeting held on April 5, 2005; and

WHEREAS, Change Orders #1 through #22 have been adopted at previous meetings increasing the contract to date to the amount of \$9,573,749.00; and

WHEREAS, Change Order #23 dated February 1, 2007 from Kaplan, Gaunt, DeSantis Architects for G & P Parlamas, annexed hereto and part hereof, requests an increase in the amount of \$32,255.00 for electrical wiring changes as described therein;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #23, totaling \$32,255.00 is hereby authorized for the above contract awarded to G & P Parlamas, Inc. for a total contract in the amount of \$9,606,004.00.

I hereby certify funds are available from: Capital Account #05-1159 4575 \$32,255.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

Mr. Ford says the amount was discussed and it looks like it is market rate and there is no mark-up.

ROLL CALL:

AYES: Mr. Allen, Mr. Skudera, Mr. Tobin

NAYS: Mrs. Barrett, Mr. Ford

ABSENT: None

ABSTAIN: None

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

**R-07-034 RESOLUTION OF REWARD
CONTRACT #07-1
TINTON FALLS MUNICIPAL CENTER – ENTRANCE & EXIT ROADS**

WHEREAS, eleven bids were received on Thursday, January 25, 2007 for Contract #07-1 for Tinton Falls Municipal Center – Entrance & Exit Roads; and

WHEREAS, Lucas Construction Group, Inc., 1696 Englishtown Road, Old Bridge, NJ 08857 submitted the lowest responsible bid in the amount of \$265,431.35 for the above contract; and

WHEREAS, the Director of Law and the Purchasing Agent have found the bid to be in order, and Alan P. Hilla, Jr., P.E., C.M.E., Birdsall Engineering, Inc. recommends award in his bid report dated January 30, 2007;

NOW, THEREFORE BE IT RESOLVED Lucas Construction Group, Inc., 1696 Englishtown Road, Old Bridge, NJ 08857 be awarded a contract in the amount of \$265,431.35;

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

I hereby certify funds are available from:
Capital Account 8505-4500-05-1159-4575 - \$90,000.00
Capital Account 8505-4500-06-1181-4575 - \$175,431.35

/s/ STEPHEN PFEFFER, Chief Financial Officer

Mr. Ford asks as to when they are going to start this.

Mr. Hilla replies that they do not have a date started, but by the end of the month.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-035 RESOLUTION – AUTHORIZING SALE OF PERSONAL
PROPERTY AT TWO (2) PUBLIC AUCTIONS ON
SATURDAY, MAY 5 AND NOVEMBER 3, 2007**

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities will join together to bring surplus vehicles and miscellaneous equipment to one location for two (2) municipal auctions at 10:00 AM on Saturday May 5, 2007 and Saturday, November 3, 2007, rain or shine; and

WHEREAS, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ 07724 will conduct the auction at a commission rate of 7.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of sale of said property via the adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold; and

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WHEREAS, the list of vehicles and items for sale will be published in the Asbury Park Press no earlier than 14 days nor later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment and any other miscellaneous items through the process of two (2) public auctions to be held at 10:00 AM on Saturday, May 5, 2007 and Saturday, November 3, 2007; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract of Stephan J. Miranti Liquidation Services for the Borough of Tinton Falls as specified herein above.

/s/ BRENDAN P. TOBIN, COUNCIL PRESIDENT

Mayor Maclearie says that these have been successful over the years, but questions if they have ever considered using the internet as a source for auctions. Minimal thresholds will be set for bids, and it would widen the participation. Are we clad-in-stone by having this on these dates, or can we do something before that? We could still have two (2) set dates for the auction, but maybe we could do something with the internet before those auction dates to sell the cars. Mr. Dempsey says to check with the Purchasing Agent to see what she says.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-036 RESOLUTION – APPOINTING MEMBERS OF
TECHNICAL ADVISORY COMMITTEE**

BE IT RESOLVED that the appointment of the below listed persons made by the Mayor be and the same is hereby confirmed, said terms to be effective as listed below: hereby confirmed:

Paul Hughes to fill the unexpired term of Peter Karavites, said term to expire December 31, 2008, and

Andrew Mayer as Alternate #1 to fill the unexpired term of Paul Hughes, said term to expire December 31, 2007.

/s/ BRENDAN P. TOBIN, Council President

Mr. Skudera comments that they have an excellent Technology Committee. The members are very intelligent and they know what they are talking about. Paul Hughes is an excellent Chairman, and he is glad he is moving on to a full member. He adds that Andy Mayer has a perfect attendance record even though he is not on the committee, so now having him on the committee is very good.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-038 RESOLUTION – AMENDING RESOLUTION R-06-440
INCREASING PROFESSIONAL GENERAL ENGINEERING SERVICES AN
ADDITIONAL \$10,000.00 NON-FAIR AND OPEN CONTRACT PS#1-06**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-06-051 on February 21, 2006, wherein Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724 was awarded a Non-Fair and Open contract for General Engineering Services for an amount not to exceed \$147,500.00; and

WHEREAS, the contract was increased an additional \$40,000.00 by Resolution R-06-440 on November 13, 2006; and

WHEREAS, the contract requires another increase for the final bills received in December for an amount not to exceed an additional \$10,000.00 for General Engineering through December 31, 2006; and

WHEREAS, the total award for this contract is not to exceed \$197,500.00; 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;

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

1. The contract for Birdsall Engineering, Inc., 611 Industrial Way, Eatontown, NJ 07724 is hereby increased an additional \$10,000.00 for general engineering services for a total contract not to exceed \$197,500.00.
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.

I hereby certify additional funds are available from:
Current Fund: Engineering: \$10,000.00

/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

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

**R-07-039 RESOLUTION – APPROVING RAFFLE LICENSE
APPLICATION RA#07-02
RANNEY SCHOOL PARENT’S ASSOCIATION ON PREMISE 50/50**

WHEREAS, the Tinton Falls PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 07-02, 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 and 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# 07-02 be and the same is hereby approved as follows:

NAME:	Ranney School Parent’s Assoc.	Identification No. : 343-5-28707
LOCATION:	235 Hope Road, Tinton Falls, N.J.	
DATE: May 19, 2007	11:00 A.M. – 3:00 P.M.	

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

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

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

**R-07-040 RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
DRAINAGE IMPROVEMENTS AT RIVEREDGE ROAD AND
WOODLAND MANOR CONTRACT PS# 1-07**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for Drainage Improvements at Riveredge Road and Woodland Manor 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, N.J. 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, the term of this contract is for one year from date of award; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$39,200.00 plus miscellaneous reimbursables for engineering services described on proposal attached dated December 22, 2006; and

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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 described above for an amount not to exceed \$39,200.00 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.

I hereby certify funds are available from: Capital Account 06-1206-4505 \$39,200.00

/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

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

**R-07-041 RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES
CONTRACT PS#2-07**

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

WHEREAS, such professional legal 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 James E. Berube, Jr., Esq., 12 Reckless Place, Red Bank, NJ 07701 is so recognized; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, this contract is to be awarded at \$110.00 per hour for an amount not to exceed \$47,000.00 plus miscellaneous reimbursables for professional legal services from January 1, 2007 through December 31, 2007; and

WHEREAS, James E. Berube, Jr., Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that James E. Berube, Jr., Esq. 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 him 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 James E. Berube, Jr., Esq. is hereby authorized to provide professional legal services through December 31, 2007 for an amount not to exceed \$47,000.00 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.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget:

General Legal & Sewer Accounts: \$47,000.00

/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

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

**REGULAR/WORKSHOP MEETING
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R-07-042 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR
AND OPEN CONTRACT FOR RFP #1-07B 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 Tuesday, December 5, 2006 the solicitation for receipt of proposals from legal firms for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received five (5) 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, 2007 through December 31, 2007; and

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 as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-043 RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR PROFESSIONAL SPECIAL LEGAL
SERVICES CONTRACT #4-07**

WHEREAS, the Borough of Tinton Falls has a need for professional special legal services for ongoing cases for the Borough of Tinton Falls as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional special legal 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 Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors, 620 West Lacey Road, Forked River, NJ 08731 is so recognized; and

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

WHEREAS, this contract is to be awarded for \$125.00 per hour for an amount not to exceed \$25,000.00 plus miscellaneous reimbursables for professional special legal services from January 1, 2007 through December 31, 2007; and

WHEREAS, Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors 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 Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors 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 Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors is hereby authorized to provide professional special legal services described above through December 31, 2007 for \$125.00 per hour, not to exceed \$25,000.00 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.

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I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget from:
Acct. #1406-3755 \$25,000.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-07-044 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR
AND OPEN CONTRACT FOR RFP #1-07E 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

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

WHEREAS, the Borough received three (3) 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, 2007 through December 31, 2007; 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;

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 for the hourly rates listed in their proposal as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Account 1406-3792 \$17,500.00

/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

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

**R-07-045 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR AND
OPEN CONTRACT FOR RFP #1-07A PROFESSIONAL LABOR
COUNSEL SERVICES**

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

WHEREAS, such professional labor counsel services can only be provided by licensed professionals, and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, NJ 07071-0790 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 Tuesday, December 5, 2006 the solicitation for receipt of proposals for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received four (4) proposals for Labor 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 labor counsel services that the Borough may require during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$30,000.00 plus miscellaneous reimbursables for professional labor counsel services;

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

1. The firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, NJ 07071-0790 is hereby retained to provide professional labor counsel services for an amount not to exceed \$30,000.00 plus miscellaneous reimbursables for the hourly rates listed in their proposal as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJS 19:44A-20.5 et seq. and in accordance with NJS 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Acct. #1406-3786 \$30,000.00

/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

Mrs. Barrett offers the following Resolution and moves its adoption, seconded by Mr. Allen.

**R-07-046 RESOLUTION – AUTHORIZING THE AWARD OF A "POOL"
OF PRE-APPROVED ATTORNEYS THROUGH A FAIR AND OPEN PROCESS FOR
VARIOUS ALTERNATE PROFESSIONAL LEGAL SERVICES
CONTRACTS: RFP #1-07A, RFP #1-07B, RFP #1-07E, RFP #1-07H**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved "pool" of qualified attorneys to provide various alternate legal services as may be required by the Borough for matters that may arise during the contract year of January 1, 2007 through December 31, 2007; 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 Tuesday, December 5, 2006, the solicitation for receipt of proposals from legal firms for said services and the proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received 21 proposals for various professional legal services from firms which have been reviewed, and it was determined the following firms have satisfied the requisites contained in the request for proposals for legal services and amendments thereto to be considered for various alternate legal services that the Borough may require during the coming contract year:

RFP #1-07A – Labor Counsel

1. Apruzzese, McDermott, Mastro & Murphy, P.O. Box 112, Liberty Corner, NJ 07938

RFP #1-07B – Bond Counsel

1. Dilworth Paxson, LLP, 1305 Campus Parkway, Suite 201, Neptune, NJ 07753
2. Gibbons, DelDeo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5496; and

RFP #1-07E – Affordable Housing Legal Services

1. James E. Berube, Jr., Esq., 12 Reckless Place, Red Bank, NJ 07701

RFP #1-07H – Special Counsel for Conflict Issues

1. Hiering, Gannon & McKenna, 29 Hadley Avenue, Toms River, NJ 08753
2. Andrea I. Bazer, P.A., 90 W. Main Street, Freehold, NJ 07728

WHEREAS, the Borough Administrator has recommended these firms be included in the 2007 Attorney's pool for various alternate professional legal 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

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NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of an attorneys' pool for various alternate professional legal services 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 as amended.

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

/s/ BRENDAN P. TOBIN, Council President

Mrs. Barrett questions why it is necessary to have an alternate in this instance since these were already rewarded with previous resolutions. She is just curious as to why they have alternates.

Mr. Berube says that as part of the process to migrate to the Fair and Open Process regarding to the statute, they solicited a request for proposals from a number of firms so that in the event of a conflict in any one area, they could fill in with another. This creates the pool from which then the administration can hire in the event of a conflict without the Board having to reconsider, they would have to re-advertise and then re-award the contract every time that there might be a conflict at a particular location.

Mrs. Barrett questions if the wording should be changed for "conflict" professional legal services?

Mr. Berube says that they would only use these people in the event of a conflict from your primary, designated statute.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-047 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR
AND OPEN CONTRACT FOR RFP #5-07 PROFESSIONAL PLANNING
SERVICES FOR PLANNING BOARD, ZONING BOARD OF
ADJUSTMENT AND GENERAL PLANNING SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional Planning services to the Planning Board, Zoning Board of Adjustment and general planning services as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional Planning services can only be provided by licensed professionals, and the firm of Heyer, Gruel & Associates, P.A., 63 Church Street, 2nd Floor, New Brunswick, NJ 08901 is so recognized; and

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

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

WHEREAS, the Borough received five (5) proposals for Planning services from various 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 Planning services to the Planning Board, Zoning Board of Adjustment and general planning services that the Borough may require during the contract year January 1, 2007 through June 30, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$23,500.00 plus miscellaneous reimbursables for professional Planning services described above through June 30, 2007;

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

1. The firm of Heyer, Gruel & Associates, 63 Church Street, 2nd Floor, New Brunswick, NJ 08901 is hereby retained to provide professional planning services to the Planning Board, Zoning Board of Adjustment and general planning services for an amount not to exceed \$23,500.00 plus miscellaneous reimbursables for the hourly rates listed in their proposal as amended through June 30, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Planning, Zoning & Housing \$23,500.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

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BOROUGH COUNCIL
FEBRUARY 6, 2007

Mr. Dempsey says that this Resolution may have to be pulled because there is an issue that Borough Council cannot appoint the Planning Board Planner or the Board of Adjustment Planner. All of these resolutions were taken at one time, and it was a mistake on our part where we put them all together. We can appoint the Planner for the administration side, but the Planning Board and the Zoning Board appoint their own professionals.

Mrs. Barrett says she was going to address this herself. Usually in June the Board awards the contracts for July. On the paperwork received previous to this resolution, it said it was for administrative uses. She questions if this is because they are working on the Master Plan.

Mr. Dempsey replies that the Master Plan is a separate contract. If there was a planning issue that we wanted to look at as the Borough Council, aside from the Planning Board and aside from the Zoning Board, you need a planner to do that and it would come out of a separate budget. So they would be the planner for the Borough Council or for the administration to look at it.

Mrs. Barrett thought the Planning Board's contract was listed as having expired on December 31, 2006. Is that an open-ended contract?

Mr. Dempsey replies that they will continue the contract until the Planning Board selects a new planner and engineer.

We have our elections, and theoretically our municipal year starts July 1st. all of our professional contracts run on a calendar year. Generally whoever is appointed by whatever Board serves until someone else is appointed before ratified again at the July 1st reorganizations.

Mrs. Barrett states that she needed a little clarification in the fact that we are in a planning process with them regarding the Master Plan, so she wanted to make sure that they are still contracted for that. She understands that it is a separate contract for the Master Plan. Does that include the land use ordinances that they will be writing up?

Mr. Dempsey says that it does not, and that is what is on the workshop.

Mr. Ford offers a motion to carry the resolution to the March 6, 2007 meeting, seconded by Mr. Skudera.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-048 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR
AND OPEN CONTRACT FOR RFP #4-07 PROFESSIONAL SERVICES**

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

WHEREAS, such professional Environmental services can only be provided by licensed professionals, and the firm of Viridian Environmental Consultants, P.O. Box 3009, Upper Montclair, NJ 07043-3009 is so recognized; and

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

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

WHEREAS, the Borough received nine (9) proposals for Environmental services from various firms which have been reviewed, and it was determined the following firm has satisfied the requisities contained in the request for proposals to be considered for professional Environmental services that the Borough requires during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,000.00 plus miscellaneous reimbursables for professional Environmental services;

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

1. The firm of Viridian Environmental Consultants, P.O. Box 3009, Upper Montclair, NJ 07043-3009 is hereby retained to provide professional environmental services for an amount not to exceed \$15,000.00 plus miscellaneous reimbursables for the hourly rates listed in the proposal as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.

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BOROUGH COUNCIL
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3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Account #1908-3758 \$15,000.00

/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

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

**R-07-049 RESOLUTION – AUTHORIZING THE AWARD OF A
“POOL” OF ENVIRONMENTAL PROFESSIONALS THROUGH A FAIR
AND OPEN PROCESS FOR RFP #4-07 PROFESSIONAL ALTERNATE
ENVIRONMENTAL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need to establish a pre-approved “pool” of qualified environmental professionals to provide alternate environmental services as may be required by the Borough for various matters that may arise during the contract year of January 1, 2007 through December 31, 2007; and

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

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

WHEREAS, the Borough received nine (9) 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 alternate environmental services and amendments thereto to be considered for alternate environmental services that the Borough may require during the coming contract year:

1. Brilliant Lewis Environmental Services, LLC, 1195 Airport Road, Unit 10, Lakewood, NJ 08701
2. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213; and

WHEREAS, the Borough Administrator has recommended these firms be included in the 2007 pool for environmental 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

WHEREAS, Local Public Contracts Law NJSA 40A:11-5 (a) (i) et seq. requires that notice with respect to contracts for professional services must be publicly advertised; and Borough administration during the contract year with participation by Brilliant Lewis Environmental Services, LLC and Birdsall Engineering, Inc. for the hourly rates listed in their proposals as amended.

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls hereby authorizes the establishment of a pool for alternate environmental services as may be required and authorized by the

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

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-07-050 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR AND
OPEN CONTRACT FOR RFP#06-07 PROFESSIONAL APPRAISAL SERVICES**

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

WHEREAS, such professional Appraisal services can only be provided by licensed professionals, and the firm of Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 07702 is so recognized; and

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

**REGULAR/WORKSHOP MEETING
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FEBRUARY 6, 2007**

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

WHEREAS, the Borough received three (3) proposals for Appraisal services from various 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 Appraisal services that the Borough may require during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,000.00 plus miscellaneous reimbursables for professional Appraisal services;

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

1. The firm of Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 7702 is hereby retained to provide professional appraisal services for an amount not to exceed \$15,000.00 plus miscellaneous reimbursables for the hourly rates listed in the proposal as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Account #1106-3753 \$15,000.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

Mrs. Barrett offers the following Resolution and moves its adoption, seconded by Mr. Allen.

**R-07-051 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR AND OPEN
CONTRACT FOR RFP#6-07 PROFESSIONAL ALTERNATE APPRAISAL SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional alternate Appraisal services for such cases as the need may arise 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 Tuesday, December 5, 2006 the solicitation for receipt of proposals for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received three (3) proposals for appraisal services from various firms which have been reviewed, and it was determined that J. L. Guyer, Inc., 2 Hartford Drive, Suite 206, Tinton Falls, NJ 07724 has satisfied the requisites contained in the request for proposals to be considered for professional alternate appraisal services that the Borough may require during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, the Borough Administrator has recommended that J. L. Guyer, Inc. be considered for alternate Appraisal services as the need may arise; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification J. L. Guyer, Inc. has acknowledged that he complies with the Ordinance and has not made any political contributions that would bar him 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 J. L. Guyer, Inc., 2 Hartford Drive, Suite 206, Tinton Falls, NJ 07724 for alternate Appraisal services as may be required and authorized by the Borough administration during the contract year January 1, 2007 to December 31, 2007 for the hourly rates listed in the proposal as amended.

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

/s/ BRENDAN P. TOBIN, COUNCIL PRESIDENT

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

Mrs. Barrett offers the following Resolution and with a question, seconded by Mr. Skudera.

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**R-07-052 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR
AND OPEN CONTRACT FOR RFP #5-07 PROFESSIONAL ALTERNATE PLANNING
SERVICES**

WHEREAS, the Borough of Tinton Falls has a need for professional alternate Planning services for such cases as the need may arise 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 Tuesday, December 5, 2006 the solicitation for receipt of proposals for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received five (5) proposals for Planning services from various firms which have been reviewed, and it was determined that Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724 has satisfied the requisites contained in the request for proposals to be considered for professional alternate planning services that the Borough may require during the contract year January 1, 2007 through June 30, 2007;

WHEREAS, the Borough Administrator has recommended that Birdsall Engineering, Inc. be considered for alternate Planning services as the need may arise; and

WHEREAS, all contractors awarded professional service contracts are required to comply with Borough Ordinance #05-1146 and by signed certification, Birdsall Engineering, Inc. 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 Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724 for alternate planning services as may be required and authorized by the Borough administration during the contract year through June 30, 2007 for the hourly rates listed in their proposal as amended.

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

/s/ BRENDAN P. TOBIN, Council President

Mrs. Barrett asks if this resolution is going to be dropped, being that the other one was.

Mr. Dempsey says that you do not have to, but you can. You do not have to because this is addressed as Planning Services; it is not for the Planning Board or the Zoning Board. Unless Birdsall Engineering was made the planners for the Planning Board and the Zoning Board, then you could make them planners for the Borough if you wanted, but you are not making Birdsall Engineering the planners for the Planning or the Zoning Boards. The assumption is that Heyer and Gruel would be made the planners with Birdsall as the alternate planner.

Mrs. Barrett addresses that her problem with this resolution is that she does not see as to how there could be a conflict should the Planning Board stick with the other firm. She asks for an explanation how there could be a conflict. Also, her personal plan is to stick with a firm that just does planning, and not a Planner that is with an engineering firm.

Mr. Tobin offers a motion to carry the R-07-052 Resolution to the March 6, 2007 meeting date, seconded by Mr. Ford.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-053 RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR PROFESSIONAL GENERAL ENGINEERING
SERVICES CONTRACT PS #3-07**

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; and

WHEREAS, this contract is to be awarded in accordance with the 2007 Municipal Hourly Rate Schedule for an amount not to exceed \$115,000.00 for professional general engineering services and sewer engineering services plus miscellaneous reimbursables through December 31, 2007; and

**REGULAR/WORKSHOP MEETING
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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, N.J.S.A. 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, 2007 for an amount not to exceed \$115,000.00 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.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget:
General Engineering and Sewer Accounts: \$115,000.00

/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

Mr. Allen offers the following Resolution and moves its adoption, seconded by Mrs. Barrett.

**R-07-054 RESOLUTION – AUTHORIZING THE AWARD OF A “POOL”
OF PRE-APPROVED ENGINEERS THROUGH A FAIR AND OPEN PROCESS
FOR VARIOUS PROFESSIONAL ENGINEERING SERVICES
CONTRACTS: RFP #2-07C, RFP #2-07D, RFP #2-07E**

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, 2007 through December 31, 2007; 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 Tuesday, December 5, 2006, the solicitation for receipt of proposals for said services and the proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received 22 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 for various special engineering services and amendments thereto to be considered for those special engineering services that the Borough may require during the coming contract year:

RFP #2-07C Traffic Engineering Services

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724
2. T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792
3. Abbington Associates, 922 Route 33, Freehold, NJ 07728

RFP #2-07D Tax Map Services

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

RFP #2-07E 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. Abbington Associates, 922 Route 33, Freehold, NJ 07728
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 2007 Engineering pool for various professional engineering services described above, 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 as amended.

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

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
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/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-055 RESOLUTION – AUTHORIZING THE AWARD OF A FAIR
AND OPEN CONTRACT FOR RFP #8-07 PROFESSIONAL SERVICING &
MAINTENANCE OF SEWER SYSTEM**

WHEREAS, the Borough of Tinton Falls has a need for professional servicing and maintenance of 11 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, 1129 Broad Street, Shrewsbury, NJ 07702 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 has, through a “fair and open” process, advertised on its website and in the Asbury Park Press on Tuesday, December 5, 2006 the solicitation for receipt of proposals for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the 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, 2007 through December 31, 2007; and

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

\$6,650.00 per month or \$79,800.00 per year for servicing 11 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 \$89,500.00 per year plus miscellaneous hourly rates and additional pump stations 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 \$89,500.00 plus miscellaneous hourly rates for emergency callouts described in the proposal as amended through December 31, 2007.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Account #4005-3725 \$89,500.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

Mr. Ford says they have been through a lot of RFPs. The Council has to vote on them, but the administration has to actually go through all the applicants, and the whole process of everyone's bids. He wants to tell Bryan Dempsey and the administration that he really appreciates it.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-07-056 RESOLUTION – RELEASE PERFORMANCE GUARANTEES
SICILIANO SUBDIVISION (WINDSOR MANOR) BLOCK 90, LOTS 3.01-3.05**

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

WHEREAS, by letter dated December 4, 2006 the Borough Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-057 RESOLUTION – AMENDING R-06-500 DESIGNATING
MEETINGS OF THE BOROUGH COUNCIL FOR THE YEAR 2007**

WHEREAS, the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-8a, et seq.) requires the governing body of a municipality to designate and disseminate schedules, meeting dates and times, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following dates are hereby designated as scheduled meetings of the Borough Council for the Year 2007:

**Regular Meetings of Borough Council where Formal Action
may be taken with Workshop Meetings to follow:**

Tuesday	January 2, 2007	7:30 P.M.	Tuesday	July 17, 2007	7:30 P.M.
Tuesday	January 16, 2007	7:30 P.M.	Tuesday	August 7, 2007	7:30 P.M.
Tuesday	February 6, 2007	7:30 P.M.	Tuesday	August 21, 2007	7:30 P.M.
Tuesday	February 20, 2007	7:30 P.M.	Tuesday	September 4, 2007	7:30 P.M.
Tuesday	March 6, 2007	7:30 P.M.	Tuesday	September 18, 2007	7:30 P.M.
Tuesday	March 20, 2007	7:30 P.M.	Tuesday	October 2, 2007	7:30 P.M.
Tuesday	April 10, 2007	7:30 P.M.	Tuesday	October 16, 2007	7:30 P.M.
Tuesday	May 1, 2007	7:30 P.M.	Tuesday,	November 27, 2007	7:30 p.m.
Tuesday	May 15, 2007	7:30 P.M.	Tuesday	December 11, 2007	7:30 P.M.
Tuesday	June 12, 2007	7:30 P.M.	Tuesday	December 18, 2007	7:30 P.M.
Monday	July 2, 2007	7:30 P.M.			
	Thursday – December 27, 2007	5:00 p.m.		End of Year Meeting	

BE IT FURTHER RESOLVED, that this Resolution shall supersede any and all Resolutions previously adopted by the Borough specifying meetings of the Borough Council, and

BE IT FURTHER RESOLVED, that the Borough Clerk shall post a copy of this Resolution in Borough Hall and that copies of this Resolution shall be forwarded by the Borough Clerk to the official newspapers, The Asbury Park Press, The Coaster and the Newark Star Ledger as previously designated by the Borough and to individuals requesting same under the New Jersey Open Public Meetings Act.

/s/ BRENDAN P. TOBIN, Council President

Mr. Ford wants to tell the Council that he appreciates their letting him show up late to these three (3) meetings, and for the next one, due to a conflict in his schedule.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-058 RESOLUTION – AUTHORIZING W. BRYAN DEMPSEY
TO ACT IN THE ABSENCE OF THE BOROUGH CLERK**

BE IT RESOLVED, that W. Bryan Dempsey is hereby authorized to act in the absence of the Borough Clerk as Deputy Borough Clerk for the Borough Council meeting to be held on February 20, 2007.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
FEBRUARY 6, 2007

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

**R-07-059 RESOLUTION – DENYING RELEASE OF
PERFORMANCE GUARANTEES FOXCHASE IV, PHASE II BLOCK 129.1, LOT 32**

WHEREAS, the developer of Fox Chase IV, Phase II has requested the release of Performance Guarantees for Block 129.15, Lot 32,
and

WHEREAS, by letter dated January 5, 2007, the Borough Engineer (Birdsall Engineering, Inc.) has advised that punch list landscaping items and concrete low flow channel are still not complete and must be completed prior to the release of the 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 Borough Engineer's letter, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-060 RESOLUTION – RELEASING CERTIFICATE OF
OCCUPANCY BOND POSTED FOR 29 PHIPPS PLACE – BLOCK 10,
LOT 17 – JOHN SCRIVANIC**

WHEREAS, John Scrivanic has requested the release of Certificate of Occupancy Bond posted for soil stabilization and curb and apron installation on the above lot, and

WHEREAS, by letter dated January 12, 2007 the Engineer, Birdsall Engineering, Inc. has certified that John Scrivanic has completed the required improvements and recommends that the Certificate of Occupancy Bond be released.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Certificate of Occupancy Bond be released.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-061 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 6, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending February 6, 2007,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	4,330,562.97
TRUST	5,010.46
CAPITAL	3,699.95
DEVELOPER	37,191.21
DOG TRUST	997.35
GRANT	321.87
SEWER UTILITY	329,519.89
ADDITION	<u>1,749,503.64</u>
	6,456,807.34

CERTIFICATION

/s/ STEPHEN PFEFFER, Chief Financial Officer

REGULAR/WORKSHOP MEETING
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FEBRUARY 6, 2007

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Dempsey recognizes that R-07-055 has a typo in it. The wrong responding party is named. The resolution indicates that the license professional that will render the services is Gagliano Appraisal. It does not affect the award, but for the purpose of the record, please reflect that in R-07-055, the second "Whereas" should read "such professional services can only be provided by licensed professionals, and the firm of Hughes Environmental Services, Inc."

Mr. Ford motions to amend the agenda to include two (2) raffle licenses: 07-065 and 07-066, seconded by Mr. Allen.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

CONSENT AGENDA

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

**R-07-062 RESOLUTION – REFUNDING RECREATION FEES
- BURNER \$85.00**

WHEREAS, during the month of November 2006, fees totaling \$85.00 were paid by a resident of Tinton Falls for their child's participation in youth basketball program.

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

WHEREAS, during the month of January, the Recreation Superintendent was informed by the resident that the child due to a medical condition has been unable to participate in the program and a refund in the amount of \$85.00 shall be issued to the resident, for their child Carlie Burner .

Sandra Burner	\$85.00
<hr/>	
Total	\$ 85.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$85.00 be issued.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-063 RESOLUTION – REFUNDING STREET OPENING BOND –
ROBERT HARRIS - \$200.00**

WHEREAS, on November 8, 2006 Robert Harris posted a \$200.00 street opening bond for street opening for expanding width of driveway and apron at 7 Marissa Lane; and

WHEREAS, said money was deposited by the Borough of Tinton Falls; and

WHEREAS, Robert Harris has completed the driveway and apron and has requested the release of the cash bond held by the Borough; and

WHEREAS, by memo dated January 12, 2007, Alan P. Hilla, Jr., P.E, Borough Engineer, has inspected the location and finds the site to be in accordance with Borough requirements and recommends the release of the cash bond in the amount of \$200.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the street opening bond posted by Robert Harris for 7 Marissa Lane the amount of \$200.00 be released.

/s/ BRENDAN P. TOBIN, Council President

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ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-064 RESOLUTION – REFUNDING AUTOMATED/SEMI
AUTOMATED CONTAINER FEE - \$50.00**

WHEREAS, one automated container was leased for 31 Stratford Road, Tinton Falls from the Department of Public Works on October 17, 2006 for the sum of \$55.00, and

WHEREAS, the container was returned to the Department of Public Works on January 10, 2007, and

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

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$50.00 taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that a refund in the amount of \$50.00 be and hereby is granted to John King, 20 Hidden Meadows Drive #143, Ocean, N.J. 07712.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-065 RESOLUTION – APPROVING RAFFLE LICENSE
APPLICATION RA#07-03 – MONMOUTH REGIONAL HIGH SCHOOL PTSA**

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# 07-03, and

WHEREAS, the 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#07-03 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: March 29, 30, 31 2007 – 9:30 p.m.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-066 RESOLUTION – APPROVING RAFFLE LICENSE
APPLICATION RA#07-04 – NJALS – THE ASSOCIATION FOR
LEGAL PROFESSIONALS**

WHEREAS, the Tinton Falls NJALS has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 07-04, and

WHEREAS, the 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.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA#07-03 be and the same is hereby approved as follows:

NAME: NJALS **Identification No.:** 113-5-34482
LOCATION: Holiday Inn, Hope Road, Tinton Falls, N.J.
DATE: May 5, 2007 12:30p.m. - 3:30 p.m.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-067 RESOLUTION –PURSUANT TO N.J.A.S. 10:4-13
- EXECUTIVE SESSION**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to N.J.S.A. 1:4-13, the Council shall adjourn to Executive Session for the purpose of discussing litigation.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Director of Law.

ROLL CALL:

AYES: Mr. 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. Ford.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:20 p.m.

RECONVENE at: 10:29 p.m.

ADMINISTRATORS REPORT

Wayside Firehouse – Cary Costa, Fire District No. 1, Fire Commissioner of the Borough of Tinton Falls provides a synopsis. For a long-standing time there was a fire station on Asbury Avenue that was part of the 1983 major site plan for West End Plaza, which was the Tinton Pines Development. At that time all the land from Open Space Lance was left in the homeowners names, and there was an association that was designated for a fire station left by the developer. When the First Aid Squad approached the borough in reference to also building an EMS Station in the south end of the Borough, the Borough came to the Fire District asking about a ninety-nine (99) year option for the Borough to buy the land for a dollar (\$1.00) from West End Plaza back from the original site plan and subdivision of the property. The Borough came to the Fire District asking if they could share the property to use for both EMS and Fire. The District replied that they had no problem with the idea, only they would have to acquire the piece of land next to it in order for it to be big enough for both projects.

The Borough negotiated with Mr. Hovnanian to exchange this piece of property and other properties for the construction of the senior citizen building on Shafto Road. This was part of the deal of the "land swap" from 1989 or 1990.

When the Fire District came before the Borough, it was always intended for them to transfer the property. Mr. Costa refers to the Minutes from July 18, 2000 explaining the reference to the property being subdivided. At that time, Rick Maher was very adamant about the Fire District putting it in their name because he did not want any liability or responsibility for what the fire company or the Fire District does. At that time, the Fire District asked if they could lease the property for a short term because it would be quicker for them to build because they had

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received approval from the Borough, and then they would subdivide it later. This is why they had a short, ten (10) year lease agreement, in anticipation of subdividing.

Mr. Costa had spoken to Mr. Collins, the Planning Board Attorney, and was told that he would need permission from the Mayor, or the Council, or whoever the parties would be, that they do not have to schedule a Planning Board or a full-scale subdivision because the buildings are already built, the project is already there, and all that needs to be done is a subdivision, or a deed. To perfect that deed, he could do something simple that does not require going to the Planning Board meetings, or hiring professionals and doing a full-scale application because it is already there.

Mr. Costa states that they are here tonight for the Council to obtain the O.K. so that the Planning Board, or Mr. Collins, or whoever does takes care of these deeds, can perfect and subdivide the property.

Mr. Ford states that he does not know that much about whether the town or the volunteer organizations such as the fire company, own their property. This is brand new for him. He wants to make sure that what is done, and the decision he makes is appropriate, so he will need more information. He questions as to why they would want to have the property.

Mr. Costa replies that the property would still be owned by the taxpayers, or the Fire District #1; it is not owned by the fire company. Fire District #1 covers from Tinton Avenue all the way to the south end of Pearl. It would still be owned by the people and the town. However, in terms of bonding purposes and financing, it would eliminate a middleman. This would be the only firehouse in town that would be owned by a district, whereas the other three (3) are owned by the fire companies themselves.

Mr. Allen questions if the existing land is taxed in any way, shape, or form. The answer is no. The deed is in the Borough's name, so therefore no tax is assessed; neither County nor State tax.

Mayor Maclearie asks Mr. Costa as to what it is that has gotten in his way that has required him to come back in front of Borough Council. If it is Borough property today and will stay Borough property for the next hundred years, it still belongs to the people. He does not understand what additional problems Mr. Costa is running into that are asking him to go through this step.

Mr. Costa responds that there have not been any problems, but there could be in the future. The thing is, they were completing a project that the Borough Council told them back in 2000 that they wanted the project subdivided.

Mayor Maclearie states that he was there in 2000 and he is not sure that the Board was all on the same page.

Mr. Costa says that they continue the project so that they can complete it. They have extended funds already to come to this point. They feel that they were very cooperative and they shared the property with the First Aid and the Borough, and they felt it would be best to put it in the Fire District's name. If any issues were to come up, it would be dealt with going through the Fire District, not the Borough.

Mrs. Barrett questions as to what type of problems might arise. Mr. Costa replies that it could be with bonding or refinancing. If the property is not in the Fire District's name, then it would require having to go back to the Council for these things.

To address what the Mayor was saying, Mrs. Barrett adds that that this was not done in a resolution or ordinance form. It was just a discussion. Mayor Maclearie states that he did not think that it would pass at that time.

Mrs. Barrett also inquires how the other firehouses acquire their land. Jerry McPherson, President of the Board of Fire Commissioners, says that they were autonomous organizations all chartered by the State of New Jersey. They bought their land.

Mr. Tobin directs a question to Mr. Berube. If the Fire District has the land instead of the Borough, are liabilities a clear and present issue, or is that just a possibility of an issue? Mr. Berube responds that with any ownership of land by the Borough, technically it is the Borough that has liability for maintenance of hazardous conditions and other such things. If the Borough were to convey the property completely, technically not being the landowners, they would not be named in any lawsuit for any of those purposes.

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Mr. Dempsey provided a copy of the lease that contains the provision where the Commissioners of Fire District #1 agree to maintain and keep all required insurances, and be responsible for the maintenance, and indemnify and hold harmless the Borough from any claims. They would still be liable, but theoretically they would rely on the indemnifications of the lease of the Fire District right now. If they were to go through with the change and turn over the property, the lease would no longer be in effect and the Borough would no longer be liable.

Mr. Dempsey adds that the Fire District cannot make an application to the Planning Board without the Borough's consent because the Borough is the property owner. The subdivision could not be done unless the Borough Council says it is ok to go ahead with it.

Mr. Ford makes a recommendation that this is moved to another workshop. He wants to be fair to both the Borough and the Fire District, but as of today he does not support this. He wants time to understand what other fire companies do.

Mrs. Barrett agrees with Mr. Ford. She says that they were aware of this presentation tonight, but to have the documentation from the 2000 Borough Council meeting is not fair.

Mr. Allen agrees to continue this at another meeting. He says that it has been going on for quite some time, and in order to give a fair shot to the public, it is worth taking a look at it a little while longer. He would suggest having it appraised to see what the value is. The fire company is a service to our public, and they are funded by the same public, and he needs time to think about this for awhile.

It is agreed upon to have this workshopped again at the March 20th meeting.

Heyer & Gruel – Mr. Dempsey provides the Council with a memo from January 25, 2007 in regards to the Land Use Development Ordinance revision by Heyer & Gruel. With the Master Plan, there are some ordinance revisions that will have to be done. Heyer & Gruel provided an estimate of \$70,000 to redo all of the ordinances. Currently if you look at the development ordinance, it is very rough and very hard to understand. Heyer and Gruel are looking at a two prong approach where they would move forward with the issues that urgently need to be done in those ordinances, and move forward to develop a Land Use Ordinance that is able to be comprehended and read very well.

Mayor Maclearie states that that was the only document that they saw as a group. When they left the Planning Board meeting after receiving a copy of this memo there as well, Dennis Collins suggested getting somebody such as Coded Systems, and seek alternate quotes from other services.

Mr. Berube says that you can obtain other quotes, but the Borough needs to be prepared to spend money to do the ordinances on the Master Plan. This was not included in the original cost of the Master Plan.

Mrs. Barrett states that she was under the impression that when Heyer and Gruel came and provided the draft Master Plan, she thought their original approach was to take the existing ordinances and rework them with what was proposed on this document. She agrees with Mr. Tobin that there is a need for this, but she thinks that these ordinances and the interpretations of them began so complicated, that now we basically have to start all over with the ordinances.

Mr. Dempsey says that there is only a need to start over with certain ordinances. There are certain zones in certain ordinances that need to be corrected. Heyer and Gruel will take care of these right off the bat. Other issues having to standards or putting things into other classifications and such would be done at a later date. The immediate ordinances will be done right away. Once the Planning Board approves this, it goes to the Council for approval, and the ordinances are put on either that meeting or the next one, and then you take your two (2) meetings.

Mr. Allen states that we need Heyer & Gruel to get them a document that this governing body approves of so that they can move forward. The sooner this gets done, the better we are equipped to get the ordinances in the binder.

Shared Services – Mr. Dempsey says that they will skip Shared Services at this meeting and bring it in at the next meeting.

ENGINEER'S REPORT

Sidewalks West Park Avenue – Mr. Hilla reminds the Board that there is an overlapping right of way issue on the sidewalks of West Park Avenue. He says that they have come to a preliminary

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agreement on what they can and cannot do within the confines of the Highway Authority's recommendations. They have put together a plan that they will be submitting to the Highway Authority within the next week or two. It is not clear as to who has the ultimate right of way, so they are looking to work with the Highway Authority to the extent that it will not make the project any longer than it needs to be for the municipality. They are trying to address as many of the concerns as possible and resubmit them.

UNFINISHED BUSINESS – Mr. Tobin asks for the status update from the Director of Law, Firearms Ordinance. Chief Turning has made contact with the Division of Fish and Game. The woman there is willing to come before the Council at their leisure. He will remind the Council of two (2) things: hunting season is over and the budget is coming up. He says if the Council tells him what day they want her to come, he will have her come to present. Her presentation is only about fifteen to twenty (15-20) minutes. It is agreed that he will make the arrangements for the March 20th meeting.

NEW BUSINESS

H. Builders – Albert Sager, the Attorney representing H. Builders, says that H. Builders is the owner of a piece of property on Lisa Drive. It is subject to a reserve right by the Borough, based on a Planning Board resolution in 1994. Mr. Hilla, the last of the subsequent owners, has been subject to this reservation. According to Mr. Sager, Mr. Hilla is now asking the Council as to whether they are interested in exercising their rights to this reservation, at which point they would begin discussions about what the value of that reservation is. If the Borough is not interested in the reservation at all, then please direct him to entertain discussions to release that reservation. The property owner has only asked the Council to consider and provide direction.

Mr. Allen said that they are not in a position to give a decision tonight.

Mr. Sager says that this is in the Master Plan right now. Back in June, H. Builders went to one of the neighborhood meetings to ask the planners to consider removing this from the circulation element of the Master Plan. After waiting two (2) or three (3) months to find out if they had a reaction to their request, they were told that they were not going to act on it at all. The planners said that the review of the Master Plan that they were hired to do, did not include a review of the circulation element, so they could not address H. Builders' concern.

Mr. Sager said the next step that they took was scheduling a meeting with Mr. Dempsey. Mr. Dempsey suggested that they go to the Planning Board. They then requested a meeting with the Technical Review Committee, which graciously met with them. H. Builders explained what the situation was. Mr. Sager says that it was their impression that the Committee is inclined to approve a two-lot subdivision, which is what they are ultimately seeking. However, there is a problem of prior subdivision, having closed this reservation. The Committee suggested that they go the Council to request the Borough to vacate any claim that they might have to this land that has been reserved. Please understand that if they want to use this land for the possible extension of Lisa Drive, they have to pay for the land. Unless the Borough sees a real need and a reason to extend Lisa Drive, they request that the Borough gives up this reservation because it is not in the Borough's interest to use it. The reason the reservation is on this property and not the others, is because this property actually was a bit larger in 1994. The then owners, Mr. and Mrs. Tainter, subdivided the vacant land from their house which fronted on Hope Road. They sold their house, but they kept their parcel. However as part of that subdivision, the Planning Board said that they would approve the subdivision on condition that there is a reservation put in the subdivision deed.

Mr. Sager said that it is a problem that has been there for about twelve (12) years, and they have been taking every step that they understood that they should take to seek to have it done away with, and that is why they are in front of the Borough Council tonight.

Mrs. Barrett questions that the reservation for this roadway is only on this property, not the adjoining pieces of property. This is correct.

Mr. Berube says that question that they are all missing is that there is a reservation on Lot 1202. If you let them move forward and you want to run this road to Honey Lane, you are using eminent domain to go across those other properties because you do not have a reservation. You can use it on this property and you will use it to purchase it, but if there is not a willing seller for the other properties, then you are going the eminent domain route.

Mr. Sager says that his planner's report, and the Borough's planner concurs, states that if this road did go all the way through, there is a potential for about fifteen (15) new lots on all of the

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property that would be affected. If the road does not go through, there is a potential for about ten (10) lots. If the road is not expanded, there would be fewer potential lots than if the road did go through.

Mrs. Barrett says that the way the lot is currently zoned, she does not know what will happen on the Master Plan.

Mr. Allen says that he sympathizes with Mr. Sager and his client, but this is not an issue that this Board can resolve here tonight, or perhaps even in the future.

It is agreed that this matter will be moved to another workshop.

Mr. Sager thanks Mr. Tobin and the other members of the Council. He states that they did not expect them to make a decision on this matter tonight, and they appreciate the Council thinking this over.

Mr. Ford offers a motion to adjourn to the executive session, seconded by Mr. Allen.

ROLL CALL:

AYES: Mr. Allen, Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 11:20 p.m.

Reconvene at: 11:36 p.m.

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 11:36 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

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