

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
JANUARY 15, 2008**

Council President called regular meeting to order at 7:30 P.M.

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

All present stood for Salute to the Flag.

ROLL CALL

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

ABSENT: Mayor Maclearie

ALSO PRESENT: W. Bryan Dempsey, Administrator
James Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Maggie Pereira, Assistant to Borough Clerk
Stephen Pfeffer, Chief Financial Officer
Al Hilla Jr., Borough Engineer

APPROVAL OF MINUTES –

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

HOLIDAY AWARD PRESENTATIONS

Mr. Ford stated in the past, the process was each homeowner actually filled out an application if they wanted to participate. The last couple of years, it has changed a little bit. People actually recommended their neighbors or whoever they wished to recommend, we get a list and go around town and from there, the winners are drawn. One of the winners who happens not to be here tonight was Mayor Maclearie, which is outstanding. If you went by his house it was a beautiful sight.

Holiday Spirit

The Tote Family	10 Phipps Place
The Gober Family	10 Mayberry Drive
The Marron Family	142 Cannonball Drive

Winter Wonderland

The Briamonte Family	11 Flintlock Drive
The Gould Family	28 Neville Street

Best Decorated Firehouse

Wayside Fire House

Traditional Christmas

The Leather Family	31 Churchill Downs Drive
The Haran Family	4 Gallant Fox Drive

Santa's Workshop

The Michaels Family	2020 Wayside Road
The Sherman Family	111 Apple Orchard Drive
The Meredith Family	755 Sycamore Avenue

Colorful Christmas

The Segura Family	51 Howard Drive
The Morris Family	57 Wardell Road
The Kapuscinski Family	70 Roslyn Drive

White Christmas

The Powell Family	10 Hialeah Court
The Lannon Family	16 Wyncrest Drive

Most Festive Block

The Fisher Family	6 Columbia Drive
The Incantalupo Family	5 Columbia Drive

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The Mackin Family 1 Columbia Drive
The Smith Family 2 Columbia Drive

Sparkling Holiday

The Carlino Family 42 Leland Terrace
The Johnson Family 4 Stockton Street
The Ferber Family 500 Riverdale Avenue West

Tis the Season

The Clemetson Family 1 Harvard Drive
The Caizza Family 9 Liberty Drive
The Maclearie Family 58 Glenwood Drive

REPORT OF MAYOR/COUNCIL/ADMINISTRATION -

Mr. Morrill stated that we are going to start doing two walks a month with the Open Space. The first walk will be with the public to show off the plans that we already have and the progress that we are making. The second walk will be for the group to take and go around and find future acquisitions. The walks are going to be on Saturday mornings. We don't have them figured out as to what dates, and the public walks will be switched back and forth between members.

Mr. Baldwin, Planning Board Liaison, stated he would like to talk about the planning board action from the last board meeting which was on January 9, 2008. We had one application and it was Provident Investors, who were seeking a preliminary subdivision. It was an application that has been disapproved on a prior occasion approximately two years ago and was appealed. The judge remanded it back to the board for reconsideration based on new evidence. The applicant wanted to develop a piece of property on Silver Crest Drive and construct some homes in the back of it. In order to get to those homes it will require the building of a road and a very elevated covert, almost a bridge structure, 15 or 16 feet high that would be in the flood plain. Our ordinances clearly do not allow any fill, development or building at all in the flood plain.

Mr. Collins, our board attorney, did give us a complete review of the planning board's responsibilities of things we should and should not do. It was a good learning session for those due on the board and we appreciated that.

Mr. Tobin, Deputy Council President, stated although the January meeting is suppose to be set for this Thursday of the Monmouth County Solid Waste Advisory Committee, even though that has been cancelled, there is continuing work behind the scenes with the county engineers, Eatontown, Ocean Township and others to try and reduce the routing of trucks going to the landfill and other transfer stations in the county. There is an existing plan for the landfill and they were looking to expand it to the other two reclamation centers that have come on since this plan was first put in place. This caused some concerns that other towns are not going to be able to get their truck routes revisited so we are revisiting a bunch of things on that.

Mr. Tobin stated he will be attending New Jersey Clean Energy Program event on January 24, 2008. There has suddenly been a new round of grants and there is a new program brokered by Honeywell and others to come up with green energy grants to do things like put in the most efficient lighting, solar panels, wind energy and other things people are doing in other towns to generate income from nature or to save money on utilities. Mr. Tobin added that he will be reporting back on the next meeting.

Mr. Skudera, Council President, thanked Mr. Dempsey for putting the lock by the court system, the door for security. Council has put forth a lot of money to secure the court with bullet proof glass, chairs that are all together so they are not used for objects, etc., in order to make sure that the days here are protected.

Mr. Skudera also stated that he is happy to announce that the resolutions are posted online on our website. First, the Ordinances for Introduction were posted last year and now the complete set of Resolutions that council will take a vote on every meeting are posted in their entirety on the website. Thanks to our Borough Clerk, Karen Mount-Taylor, and our Webmaster, Claude Campbell, this is now possible. The process will become easier once the new website is redesigned but they are able to do this now working together so there is more public information out there. It does cut down on costs and phone calls.

Mr. Pfeffer stated regarding statutory report on a note sale that was held for special emergency notes, on December 28, 2007, maturing on December 19, 2008 for \$532,000.00, the winner was Central Jersey Bank at 3.5% out of four total bids.

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Secondly, Mr. Pfeffer stated he has gotten a directive from the State which has, at a minimum, pushed back the budget calendar by one month, possibly more.

We had a very good month of December. We brought in over one million dollars in revenue and ended up closing out our surplus only \$28,000.00 less than the prior year. The tax collection was \$98.48%. The new garbage fee for commercial users generated almost \$51,000.00. One thing that is out there and may hold up the budget is pending changes to the pension law. There was some information put out by the divisional local government services. However, the Division of Pensions has not weighed in yet so we are up in the air until we get some firm guidance or directive as to how we handle certain positions within the Borough. We have emailed back to the State, we have emailed to the League and we are looking for more guidance but it just isn't out there at this point in time.

Mr. Skudera asked Mr. Pfeffer if he could clarify why the budget has been pushed back, is that the date of the introduction by council or is that the date the State mandates that the budget be presented to council by the Mayor.

Mr. Pfeffer stated this will effect all budget dates including the January 15th Mayor Council transmittals of the proposed budgets of the governing body. The boards' action will also set dates for property tax levy and appropriation cap referendums. Normally, the budget introduction date is February 10th or 11th but currently everything is pushed back a month. (Example) Sitting here today, if January 15th were the date, you would get a budget where the main numbers of the budget have not been certified by any of the agencies that we get it from. Therefore, you would get a budget that basically is a lot of guesses and would have to be basically re-engineered when we got those numbers. We don't have State figures or health benefit figures and there is a lot of big numbers we don't have by January 15th or have had in any given year. To present something it would be a lot of guesses and for him personally, he would rather present it the right way. A lot of times what happens is this budget calendar gets pushed back by the State and what happens is, by the time the State finalizes their dates and numbers and gives them to us, we are in a situation where we have to introduce it right away in order to get the tax bills out or else we have a cash flow problem. We still have to meet the mandatory statutory dates to pay the Board of Education and the County.

Mr. Tobin asked Mr. Pfeffer if the \$51,000 for trash collection was just for the month of December.

Mr. Pfeffer stated no, that is year to date.

Mr. Ford stated in regard to the budget, his main concern is to make time to review the budget. In the Mayor's message he outlines some of his major initiatives that he has on his plate that he would like to introduce to the budget. The real purpose is to have some time and dialog on the council level. Knowing that the State runs late and that we have to have temporary budgets, maybe let us know what the time frame is so maybe we can have a meeting or two to discuss it beforehand.

Mr. Skudera stated there are two main statutes. First is today's deadline; if that gets pushed back by the State, it pushes back that introduction date by council. The second statute is if it gets pushed back under our form of government, then the mayor has to give us the budget 16 days before we can introduce it by law. Mr. Skudera added that he wants to make sure we have enough time.

Mr. Hilla stated the Squankum Pump Station is operational. There are a number of homes that are connected to it as yet. There are 30 or 40 homes that would tie into the pump station via gravity. Mr. Hilla stated he spoke with Ray Hughes last week, so far so good. The contractor does have a couple of small punch list items to complete which should be done in the coming weeks.

As you may have seen, the DOT 2008 awards came out and Tinton Falls was awarded \$160,000.00 for the Sycamore Avenue sidewalk project. This would expand from Delwood Lane to Tinton Avenue and it would be an infill project. There is sidewalk along probably 20% or 30% of it so far and we would complete it from Delwood Lane to Tinton Avenue.

The road program for 2008 is on for discussion tonight in the Workshop Meeting.

Mr. Demspey stated the Fox Chase II agreement is on tonight. Mr. Dempsey stated that he was down to Trenton yesterday and they had a meeting with Fox Chase II and their attorney last Thursday with Mr. Berube, himself and Andy Bear. He feels they worked out everything

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between them so hopefully we can get a resolution passed tonight and they will move forward with their improvements which will benefit everyone.

We have a Police Officer retiring which means that we are going to need to hire two new officers. Gary Wade who was released over a year or so ago was never replaced and the retiring is just another individual. With our new salary schedule the officers are coming in at a much lower salary so we will be able to put two individuals on.

RFP for professionals has been received. They will do recommendations and they will be on your February meeting. Professionals really haven't changed that much; they are about the same as we had in the past.

The new website is going to be up and running. The training will be in February. We are going to use the county facility because they have enough computers and they have a lab that we can use for an hour. It will cost \$100 and there will be 12 people sent out to the facilities on February 13th. Your contract provides training for 12 individuals so we have selected the most knowledgeable people with computer savvy to go out there and get the training and then they can come back and train the other employees.

Emergency notification system is up as we had our training last week on that and it appears to be working pretty well. We will get it out to the residents, hopefully next week. There will be a link on the website so residents can sign up. For individuals that do not have a computer, we will have someone here that will be able to put their information in and have them be able to be contacted as well.

The Somers property negotiations are ongoing and needs to be discussed in the executive session. There is a small issue that we have come about.

Fire District No. 1 received a letter from their attorney today regarding their request of a possible subdivision transfer that has been ongoing so we need to get a response back to them.

Mr. Dempsey also stated that the tax assessor informed him today that the reevaluation notices are going out tomorrow so that will generate some calls. Please refer everyone to the reevaluation company; do not answer these questions yourselves.

Mr. Tobin stated regarding hiring the police officers, we have discussed publicly before, over the last several years, with the amount of development that was approved since 2003 and 2004 including Avalon Bay, the outlets and so forth, we were talking upwards about adding five others. Mr. Tobin asked Mr. Dempsey if we have plans to add other officers due to the fact the outlet stores are going to be turned over in June and July and are planning on opening in November and it takes anywhere from six to nine months to train an officer after they have been through the academy.

Mr. Dempsey stated we have to discuss it with the chief. Currently he needs two officers. The outlet center will open in November and those decisions will be made mid summer but we will discuss it with the chief.

Mr. Baldwin asked for the reverse 911 to be elaborated on.

Mr. Dempsey stated the residents can go on the website and input their name and contact information. It will come to the Borough and be approved. Then they go onto the notification list. In case of an emergency, they will be notified via their home phone or their cell phone.

Mr. Baldwin questioned why we don't just notify everyone in the affected area or zone instead of making them sign up.

Mr. Dempsey stated that can't be done because we don't have the numbers for all the residents in Tinton Falls or their cell phone numbers. The phone system doesn't catch everybody like unlisted numbers, cell phones, etc. so if you want to be notified by your cell phone, that information would have to be inputted or if they don't have a computer they can call here or fax and we will have it inputted for them.

Mr. Skudera stated that the system collects information and it is a high speed transmission. We can call thousands of numbers in less than no time.

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Mr. Baldwin stated that we need to make sure residents understand that if you want to be notified and surely everyone does, it is up to you, the resident, to get a number to the Borough. We need to be aggressive in getting that information out.

Mr. Dempsey stated one of our reporters, Mr. Brown, has indicated that he is willing to run an article in the newspaper for us to help promote this so we can get the residents to sign up.

PETITIONS - None

ORDINANCES FOR INTRODUCTION – None

ORDINANCES FOR FINAL CONSIDERATION – None

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION OPEN -

Leo Christofili, 328 River Edge Road, stated there four items, if he has enough time, that he would like to go over: The Master Plan, The Construction Cost of a new, bigger, modern library, Operating Cost of such a library, and discuss the current budget of the Tinton Falls Library Association.

There are six articles, over a period of time, on libraries of which the latest one is the opening of the Eastern Branch Library. As you know, both the Red Bank Library and the Eastern Branch Library have been low in the attendance of the clients and so people have been going to other libraries. Mr. Christofili stated he called the Director of the Monmouth County Library and has called the Head of the Middletown Township Library and got data on construction and cost of operations. Mr. Christofili added maybe council can arrange a time when he can present this to the council in a more relaxed and unpressured time; stated he was under 10 minutes. He also suggested the council study the six articles as he is not going to waste his time referencing them. In one of the articles Corzine states that the State has \$143 billion in 2005 obligations when debt in public work retirement and benefits are combined. Mr. Christofili stated he is just trying to put in context the stress state of the New Jersey economy and the impacts on us. Mr. Christofili also stated that he hopes that the Borough of Tinton Falls doesn't do anything like that to us.

Mr. Christofili stated that the Eastern Branch Library gets a monthly "library journal" every December and each issue gets about 160 feedbacks from City and Township colleges. On Page 54 of that package of material on New Jersey it states that Parsippany and Somerset and, if you follow all the way to the right margin you will see the name Dennis Kowall and above his name you will see the name Harvey Beatty. Harvey Beatty works out of New York and you can see where he did work at two other libraries in the state of New York. When he comes into New Jersey, Harvey Beatty, you can see his cost per square foot is \$120 whereas, Mr. Kowall is \$196, which are both construction costs. Some body has to do some examination on this. Mr. Christofili stated he hasn't seen the libraries therefore, he doesn't know how they are similar or how they are different. Mr. Beatty has done libraries up to \$200 per square foot even in a large state. He also added that we, the council, should start looking into that figure and know about the best architect.

Mr. Christofili gave examples regarding Middletown Library and the operating costs over a couple of decades. The figures and time periods he stated were inaudible.

Mr. Christofili stated that if the Borough of Tinton Falls has to bond for the library, he plans to petition it. He advises that our people find a way to slow down. He suggests that if we decide to build a library in the Borough of Tinton Falls we look into an old farm house, and old school, etc. and have a budget. There is a more conservative, responsible ways then to go after a brand new

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building that we will have to bond. There are libraries close by for the residents to use, therefore the need to build a brand new “modern library” is absurd.

Mr. Skudera stated that Mr. Chrstitofili can contact Karen Mount-Taylor or Steve Pfeffer for operating costs and what has been spent so far on the library. Mr. Skudera also stated that Mr. Christofili could attend the meetings when the committee starts up again, as the previous library committee has been dissolved, and maybe even actively participate because he has raised some good questions. The committee and the study that we are doing is to determine, once again, the cost of the library, what is going to be involved in the operating cost and to get that information out to the people so they can take a look and we can get some progress to decide what we are going to do.

Mr. Christofili stated that he does not want to be part of an evaluation committee. He wants to stay outside this committee so he can make a debate and if this is the only form he can use, he will use this.

Randi Dickman, 13 Woodchuck Court and Ed McCullough, Woodchuck Court, stated they would like clarification on whose going to do the recording fees for the mortgages and deeds.

Mr. Dempsey stated he will give them their request.

Chief Turning, Tinton Falls Police Department, stated each and every year around budget time he states a budget to the Borough; he requests to purchase four cars. Each year they are told that the budget will happen some time probably in July or September. Each year he asks to be allowed to order four cars, prior to the adoption of the budget, simply because it will take him six to seven months to get these cars. If we do not place our order in a timely fashion, we may not get them until December. We have additional personal coming on board and the fleet needs to be refurbished as it has every year for the past eight or nine years. What he needs is our approval to order four police cars. The contract price with the State is around \$19,200.00. The line item in the budget is approximately \$100,000.00 and that covers the expenses of transferring equipment, the striping of the cars and he is again asking for approval to place that order.

Mr. Pfeffer stated what we normally do is have an emergency temporally appropriation, we will put in on the first meeting of February as there is a 30 day requirement and Chief Turning will then be able to move forward on the cars.

Mr. Tobin stated we will then auction off the cars and will get approximately \$3,500 for each car. Mr. Tobin added that Mr. Morrill is an NYPD mechanic and he knows as well that every hour a police vehicle sits at idle is equivalent to 33 miles of additional wear.

Chief Turning stated that every year he provides a list of the mileage on all of the cars. Everything they get rid of will be in excess of 100,000 miles and will probably go to some other area that the Borough may need it, not necessarily for auction. There are road department uses, zoning issues, etc. We just gave the Zoning Board a prime Ford Bronco out of the last auction to use. We get every nickels worth for the vehicles. We may take the four cars we take out of service and replace the detective cars because they have 150,000 miles on them. We don't just simply stop using them, they go some place or we get cash.

Chief Turning added that if we are planning on hiring additional police officers, we have to understand that this requires additional police cars.

Being there are no further comments on the public discussion with the exemption of leaving it open for Mr. Palmieri to come back and report to council, Mr. Tobin offered a motion to close public discussion, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – None

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RESOLUTIONS -

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

R-08-001 RESOLUTION – 2008 TEMPORARY MUNICIPAL BUDGET

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

WHEREAS, the date of this resolution is within the first thirty days of January 2008: and

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

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

WHEREAS, 26.25% of the total appropriations in the 2007 budget, exclusive of nay appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2007 budget is the sum of:

2007 Municipal Budget	\$ 4,670,885.39
2007 Sewer Utility Budget	\$ 1,220,113.39

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

2008 TEMPORARY APPROPRIATIONS:

MUNICIPAL BUDGET

<u>Department</u>	<u>Salaries</u>	<u>Other Expenses</u>	<u>Totals</u>
"IN CAPS"			
Borough Clerk	54,000.00	20,000.00	74,000.00
Borough Council	4,501.00	10,000.00	14,501.00
Office of the Mayor	1,251.00	10,000.00	11,251.00
Tax Assessor	29,200.00	5,500.00	34,700.00
Administration	75,000.00	5,000.00	80,000.00
Human Resources	20,000.00	1,500.00	21,500.00
Historical Sites		2,000.00	2,000.00
Central Services	29,000.00	40,000.00	69,000.00
Group Insurance		600,000.00	600,000.00
Other Insurance Premiums		100,000.00	100,000.00
Workers Compensation		125,000.00	125,000.00
Engineering		75,000.00	75,000.00
Community Services Act			0.00
Law	26,000.00	100,000.00	126,000.00
Central Maintenance	105,000.00	80,000.00	185,000.00
Streets	125,000.00	75,000.00	200,000.00
Sanitation	275,000.00	10,000.00	285,000.00
Solid Waste Disposal		55,000.00	55,000.00
Buildings & Grounds	100,000.00	40,000.00	140,000.00
Parks	106,000.00	15,000.00	121,000.00
Shade Tree		500.00	500.00
Police	1,125,000.00	97,133.00	1,222,133.00
Emergency Management		1,600.00	1,600.00
Prosecutor	14,000.00	2,000.00	16,000.00
First Aid		0.00	0.00
Planning	13,000.00	15,000.00	28,000.00
Zoning	17,000.00	10,000.00	27,000.00
Code Enforcement	41,250.00	1,500.00	42,750.00
Fire Prevention	36,000.00	3,000.00	39,000.00
Finance	50,500.00	6,000.00	56,500.00
Revenue	39,000.00	6,000.00	45,000.00
Health			0.00
Health Services		30,000.00	30,000.00
Environmental Services		15,000.00	15,000.00
Animal Control		4,000.00	4,000.00
Social Services			0.00
Alliance Program		3,000.00	3,000.00
Recreation	70,000.00	50,000.00	120,000.00
Housing	5,000.00	5,000.00	
Uniform construction Code	82,500.00	4,500.00	87,000.00
Accumulated Leave			0.00

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Utilities:			
Electricity		60,000.00	60,000.00
Street Lighting		30,000.00	30,000.00
Telephone		28,000.00	28,000.00
Water	2,450.00	2,450.00	
Gasoline		80,000.00	80,000.00
Natural Gas		60,000.00	60,000.00
Telecommunications		20,000.00	20,000.00
Deferred Charges:			
PERS		0.00	
Social Security System		175,000.00	175,000.00
PFRS		0.00	
Municipal Court	125,000.00	15,000.00	140,000.00
Public Defender	2,000.00		2,000.00
P.E.O.S.H. ACT		<u>2,000.00</u>	<u>2,000.00</u>
TOTAL INSIDE "CAP"	<u>2,565,202.00</u>	<u>2,095,683.00</u>	<u>4,660,885.00</u>
"OUTSIDE CAPS"			
Stormwater Management		10,000.00	10,000.00
Recycling Grant			0.00
DDEF			0.00
Body Armor			0.00
TOTAL OUTSIDE "CAP"	0.00	10,000.00	10,000.00
SUB-TOTAL APPROPRIATIONS	<u>2,565,202.00</u>	<u>2,105,683.00</u>	<u>4,670,885.00</u>
Statutory Additions:			
Payment of Board Principal		768,000.00	768,000.00
Interest on Bonds		432,700.00	432,700.00
Payment of Note Principal		36,540.00	36,540.00
Interest on Notes		215,965.00	215,965.00
Green Trust Principal & Interest	46,001.00	46,001.00	
Lease Purchase		416,655.00	416,655.00
SUB-TOTAL STATUTORY ADDITIONS	0.00	<u>1,915,861.00</u>	<u>1,915,861.00</u>
TOTAL TEMPORARY MUNICIPAL BUDGET	<u>2,565,202.00</u>	<u>4,021,544.00</u>	<u>6,586,746.00</u>
SEWER UTILITY:			
Operating:	112,500.00	1,075,113.00	1,187,613.00
Statutory Expenditures			
Capital Outlay		20,000.00	20,000.00
PERS			0.00
Social Security System		12,500.00	12,500.00
Unemployment Compensation Insurance			0.00
Sub-Total	<u>112,500.00</u>	<u>1,107,613.00</u>	<u>1,220,113.00</u>
Statutory Additions:			
Payment of Bond Principal			0.00
Interest on Bonds			0.00
Total Statutory Additions	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Sewer Utility Budget	<u>112,500.00</u>	<u>1,107,613.00</u>	<u>1,220,113.00</u>

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ROLL CALL

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

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

R-08-002 RESOLUTION – AUTHORIZING PETTY CASH FUNDS

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that petty cash funds be the same are hereby established for the following Departments in the amounts specified.

Department of Administration	\$500.00
Department of Audit, Accounts & Council (Administered by Tax Collector)	\$250.00

ROLL CALL

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

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

**R-08-003 RESOLUTION – AMENDING RESOLUTION R-07-351 PROFESSIONAL
PLANNING BOARD LEGAL SERVICES CONTRACT RFP #1-07C.**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-351 on September 18, 2007, wherein Collins, Vella & Casello, LLC, 1451 Route 34 South, Suite 303, Farmingdale, NJ 07727 was awarded a contract for Professional Planning Board Legal Services through June 30, 2008, for an amount not to exceed \$35,000.00 for legal services and \$10,000.00 for a retainer fee for a total contract in the amount for \$45,000.00 and

WHEREAS, the retainer fee should have been \$12,000.00 instead of \$10,000.00 for a total contract in the amount of \$47,000.00; and

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

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

1. The contract for Collins, Vella and Casello, LLC, 1451 Route 34 South, Suite 303, Farmingdale, NJ 07727, to provide Planning Board Legal Services described above through June 30, 2008 is hereby amended for an additional amount for the retainer fee not to exceed \$2,000.00 for a total contract not to exceed \$47,000.00.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognize profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

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

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

**R-08-004 RESOLUTION – AUTHORIZING COMPENSATION FOR CERTAIN
MUNICIPAL EMPLOYEES IN THE BOROUGH OF TINTON FALLS, COUNTY
OF MONMOUTH.**

WHEREAS, it is necessary to adopt a Resolution authorizing compensation for certain municipal employees in the Borough of Tinton Falls for the year 2008,

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

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Section 1

<u>A. Full Time Employees</u>	<u>Salary</u>
Business Administrator (Contractual)	\$120,123
Director, Department of Audit, Accounts & Control & Chief Financial Officer (Statutory)	127,061
Director, Department of Public Works	95,924
Borough Clerk (Statutory)	84,036
Deputy Borough Clerk	33,440
Director, Department of Public Safety (Contractual)	10,920
Tax Assessor (Statutory)	62,164
<u>B. Part Time Employees</u>	
Mayor	\$5,000
Borough Council President	4,000
Borough Council Member	3,500
Director, Department of Law	98,282

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-005 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT
REGARDING SETTLEMENT OF ACTION BEFORE COUNCIL ON
AFFORDABLE HOUSING REGARDING FOX CHASE II AT TINTON FALLS
CONDOMINIUMS AND TO ADVANCE REPAIR FUNDS TO THE FOX CHASE II
AT TINTON FALLS CONDOMINIUM ASSOCIATIONS, INC.**

WHEREAS, the Borough of Tinton Falls, in furtherance of implementation of its Affordable Housing Plan and in order to maintain and preserve the viability of the existing Affordable Housing Units contained in Fox Chase II at Tinton Falls Condominiums has undertaken efforts before the Council on Affordable Housing of New Jersey to assist the Fox Chase II at Tinton Falls Condominium Association Inc. (“The Association”), to meet its present and future maintenance obligations pertaining to units under the Borough’s Affordable Housing Plan, and

WHEREAS, the proposed Agreement details the significant efforts of the borough, the Association and the Council on Affordable Housing to devise a remedy to address the present and future needs of the Association to ensure the proper maintenance of structural elements of the Condominiums designated as Affordable Housing Units noted therein, and

WHEREAS, the Borough Council of the borough of Tinton Falls finds that it is in the best interest of the Borough and its residents to execute an Agreement memorializing the terms and conditions of the resulting from those efforts relating to the proposed grant to be provided to the Association from the Borough’s Affordable Housing Trust Fund, the potential increase in common area element charges related to Affordable Housing Units identified herein, the proposed fee subsidies for qualifying affordable housing unit owners, the increase in potential maximum sale price of involved affordable housing units and the remedies available to the parties upon certain occurrences,

WHEREAS, Special Borough COAH Counsel Andrew Bayer and the Director of Law have reviewed the attached agreement and recommend its execution in form substantially similar to the attached subject to the execution of all parties,

NOW, THEREFORE, BE IT RESOLVED that the Mayor, Administrator, Borough Clerk, Special Counsel Andrew Bayer, Esq. and other appropriate Borough representatives of the Borough of Tinton Falls are hereby authorized to execute the Attached Agreement or such agreement in form substantially similar to the attached as may be directed by Special Counsel or the Director of Law, together with all such stipulations of settlement or other documents as may be deemed necessary by the Director of Law to accomplish the within purposes and intents, and the Chief Financial Officer is directed and authorized to disburse the sum of \$139,050 representing repair grants there under from the Borough’s Affordable Housing Trust Fund pursuant to the terms and conditions of the Agreement herein.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-006 RESOLUTION – APPOINTING MUNICIPAL COURT JUDGE

BE IT RESOLVED that the appointment of the Honorable Richard B. Thompson, Esq. as Municipal Court Judge made by the Mayor be and the same is hereby confirmed, said term effective January 1, 2008 to expire December 31, 2010.

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ROLL CALL

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

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

**R-08-007 RESOLUTION – RELEASE PERFORMANCE GUARANTEES
WILLOWBROOK PHASE IV, BLOCK 62.01 LOTS 10-25 & BLOCK 62.03, LOTS
1-7**

WHEREAS, the developer has requested the release of Performance Guarantees, and
WHEREAS, by letter dated December 7, 2007 (said letter hereby attached and made part of this Resolution) the Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released upon the posting of Maintenance Guarantees and upon the payment of any outstanding engineering and inspection fees.

ROLL CALL

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

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

**R-08-008 RESOLUTION – RELEASE PERFORMANCE GUARANTEES
WILLOWBROOK PHASE II, BLOCK 62.01 LOTS 1-9, BLOCK 62.02, LOTS 1-6 &
12-17, BLOCK 62.04, LOTS 1-8**

WHEREAS, the developer has requested the release of Performance Guarantees, and
WHEREAS, by letter dated December 7, 2007 (said letter hereby attached and made part of this Resolution) the Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released upon the posting of Maintenance Guarantees and upon the payment of any outstanding engineering and inspection fees.

ROLL CALL

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

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

**R-08-009 RESOLUTION – DENYING RELEASE OF PERFORMANCE GUARANTEES
WILLOWBROOK BOX CULVERT, BLOCK 62, LOT 1.01 BLOCK 64, LOT 2**

WHEREAS, the developer has requested the release of Performance Guarantees for Willowbrook Box Culvert, Block 62, Lot 1.01 & Block 64, Lot 2
WHEREAS, by letter dated December 10, 2007, (said letter hereby attached and made part of this Resolution) Engineer, Leon S. Avakian, Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance guarantees,
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer, Leon S. Avakian, Inc.'s letter of December 10, 2007, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL

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

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

**R-08-010 RESOLUTION – RELEASE PERFORMANCE GUARANTEES
WILLOWBROOK PHASE 1, BLOCK 64.01 LOTS 1-13, & BLOCK 64.02, LOTS 1-15**

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

WHEREAS, by letter dated December 10, 2007, (said letter hereby attached and made part of this Resolution) the Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-011 RESOLUTION – DENYING RELEASE OF MAINTENANCE GUARANTEES
PARK PLACE II SECTION 2 (AMENDED) BLOCK 124.50, LOT 1001**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Park Place II – Section 2 (Amended) Block 125.50 Lot 1001, and

WHEREAS, by letter dated December 14, 2007, (said copy hereby attached and made part of this Resolution), Engineer, Leon S. Avakian, Inc. has supplied the developer with a punch list outlining items which need to be addressed prior to the release of Maintenance Guarantees,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineers, Leon S. Avakian, Inc.'s letter of December 14, 2007, that the developer's request for a release of Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-012 RESOLUTION – DENYING RELEASE OF MAINTENANCE GUARANTEES
PARK PLACE III – TOPEKA COURT BLOCK 124.50, LOT 252**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Park Place III – Topeka Court Block 124.50, Lot 252

WHEREAS, by the letter dated December 14, 2007, (said copy hereby attached and made part of this resolution), Engineer, Leon S. Avakian, Inc. has supplied the developer with a punch list outlining items which need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineers, Leon S. Avakian, Inc.'s letter of December 14, 2007, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-013 RESOLUTION – APPOINTING REGULAR MEETING TO ZONING BOARD
OF ADJUSTMENT – UNEXPIRED TERM OF MATT DIAMOND**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that George Rickert is hereby appointed as a Regular Member to the Zoning Board of Adjustment to fill unexpired term of Matt Diamond. Term to expire June 30, 2009.

**REGULAR/WORKSHOP MEETING
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Mr. Ronald Palmieri, Chairman of the Zoning Board, stated as the council already knows, we have an appointment due to the stepping down of Matt Diamond. We have three individuals who have been asked to be appointed to the Zoning Board and were given to the council. Of the three members, he has only spoken with one, John Roche. Mr. Palmieri stated he has known Mr. Roche for a long time. Mr. Roche has been a town member for 20+ years and has been involved with the town Little League and a while back was also involved with the reclamation center. Mr. Palmieri stated he feels Mr. Roche would be a good candidate to have on the Zoning Board because he knows the town very well and is involved with the town. The other two people that were requesting to be appointed, he has not spoken to. One of the reasons he wanted to do this is to let the potential members of the board know what is involved with being a member of the Zoning Board. As a chairman of the Zoning Board he would like to recommend that the council approve John Roche for position.

Mr. Palmieri stated that he feels there should be a procedure put forward that if there are members that are going to be appointed, the chairman of that board should at least have the opportunity first to talk to that individual, to evaluate that individual, and then report back to council.

Mr. Baldwin stated he believes that this governing body ought to put every resume in the hands of the presence of the Zoning Board before we make any selection. He believes the value of that is: Mr. Palmieri is a man that understands the board, understands its activities and can better convey what the board does than any of us. And, he feels we have to have Mr. Palmieri's input on his feeling of that applicant. Mr. Baldwin stated he would appreciate having that from the Chairman of the Board of Adjustments. Secondly, regarding increasing the membership, he feels we have to defer that to the chairman and listen to what he has to tell us with regard to his ability to do to the job.

Mr. Baldwin added if Mr. Palmieri doesn't see the resume, he is not going to endorse the individual. He wants to hear his comments and weigh that with what he sees on the resume and then make the best decision he can.

Mr. Tobin asked Mr. Palmieri how long he has been the Chairman of the Zoning Board and why is this coming up all of a sudden.

Mr. Palmieri stated he has been the chairman since 2000. Like anything else when you take on a position, you mature with the position. In the beginning when he started as chairman, we knew there were issues about showing up or reminders, even with the new board secretary. As time goes on, we are coming up with better ideas moving forward and this is one of the better ideas that evolved due to the lack of communication between the council and the Zoning Board except when extreme issues come up.

Mr. Palmieri added that there should be communication and he should have the opportunity to interview or talk to the people who want to be on the Zoning Board so this way they at least know what they are getting involved with.

Mr. Ford stated we want to make sure we give the chairman every opportunity to make that group or board very successful.

Mr. Morrill stated one of the things he would like to see happen is: this is a regular member that stepped down. He would rather see one of the alternates moved up because they have already put their time in and then open up an alternate spot instead of opening up the regular spot. These guys already put in their time as alternates and he would rather move one of them up.

Mr. Skudera stated that council usually moves up alternates to regulars but since everyone is pretty much new, he wasn't aware of what council wanted. Mr. Skudera stated to Mr. Palmieri that if he wanted to move up the alternate to fill Matt Diamond's spot and then appoint someone for alternate we can do so, or we can appoint someone else to fill Matt's unexpired term.

Mr. Tobin stated he feels someone with 10 meetings under their belt is better than someone with zero meetings under their belt to fill the spot.

Mr. Skudera stated that the alternates are George Rickert and Steven R. Porzio. George Rickert was appointed to alternate first so if we are going to move anyone up it would be this person.

Mr. Palmieri said he was content with that decision.

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ROLL CALL

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

Mr. Morrill offered a motion to appoint George Rickert to Matt Diamond's spot, Mr. Tobin seconded.

ROLL CALL

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

Mr. Ford asked how many alternate spots we have open now.

Mr. Skudera stated it depends if we want to expand the board or not. We can have two additional alternates.

Mr. Morrill asked if we need an ordinance in order to have more people.

Mr. Plamieri asked if we have additional alternates, are we going to open the idea of people not showing up. He also stated lets just work with what we have going forward. If it comes to a point where he thinks we need additional alternates, he will come back to council. From what he understands, if a member misses four or six meetings in a row, the member is considered to vacate the spot and would automatically be removed from that position.

Mr. Ford stated now there is an alternate spot to be filled and particularly, if we are not expand the pool of alternates perhaps the council would want to obtain an additional resolution to name an alternate.

Mr. Ford offered a motion to amend the agenda to have an alternate R-08-019, seconded by Mr. Tobin.

ROLL CALL

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

Mr. Ford offered a motion to appoint Mr. John Roche as an alternate member, seconded by Mr. Baldwin.

**R-08-019 RESOLUTION – APPOINTING ALTERNATE #1 TO ZONING BOARD OF
ADJUSTMENT – UNEXPIRED TERM OF GEORGE RICKERT TO EXPIRE
6/30/09**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that John Roche is hereby appointed as Alternate Member #1 to the Zoning Board of Adjustment to fill unexpired term of George Rickert. Term to expire June 30, 2009.

ROLL CALL

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

Mr. Baldwin stated we apparently set a policy tonight for us to follow going forward on these appointments and he would really like to see that followed.

Mr. Skudera stated we could make it a written policy and it wouldn't limit anyone from nominating any person in particular. He feels the policy we agreed on would simply state

**REGULAR/WORKSHOP MEETING
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that any interested candidates would be sent over to the Chairman of the Zoning Board for comment.

Mr. Morrill stated the boards are an extension of this board and while we can delegate our responsibility, we can not delegate our authorities. What he would rather do is forward these resumes to Mr. Palmieri and pretty much have him tell us who he doesn't want and for whatever reason. We would then pick from the people that are left ourselves.

Mr. Skudera stated whether this policy is written or not, the main intent is that it is not for the Zoning Board to tell us who to pick or not to pick, it is just to have input and say on who the potential candidates are.

Mr. Palmieri stated any resumes that came to him he would never come back with a negative response to anyone, he would just say how he felt about the people and he would pick the best candidate out of the group.

Mr. Berube stated just so the record is cleared and doesn't get misconstrued, understand that the Bonding, the Zoning Board of Adjustment, the Planning Board and the Council are independent bodies. In fact, while you appoint all the members of the Zoning Board of Adjustment, they do have a measure of independence as such that, while you may want their input into the nomination process, you are entitled to make your own choices. There are matters that they might hear in their traditional capacity that can be appealed to the council. It is important that separation, that independence, and that ability to make their own decisions are available as well. Secondly, in the nomination process, both Mayor and Council have both been very open in soliciting volunteers for the Borough and so those names can probably arrive at various people's desks throughout the Borough including council members, Council President, Borough Clerk and perhaps the mayor as well. We will want to make sure we have a cooperative process to centralize those interested in resumes and then provide, under your policy, to forward for comment as well.

Mr. Skudera stated if anyone receives a resume it should also be forwarded to the Borough Clerk because the Borough Clerk's office retains all the records for the town.

Karen Mount-Taylor, Borough Clerk, stated she will forward everything on to council and also to Mr. Palmieri. If it goes to another department, for instance the Mayor as volunteered, there could be a possibility that the person didn't depict on that application that they filled out that they wanted to be a Zoning Board member, however, the mayor will pass it on to Mr. Palmieri and say "here is an interested volunteer" but he didn't say that he/she didn't want to be that member. We have to make sure, as Mr. Berube stated, that all departments know to pass it on to the Zoning Board.

Mr. Dempsey stated the council might want to consider this third and fourth alternate to the Ordinance and not fill in the spots until Ron Palmieri indicates it is needed. By doing that, you aren't going to wait the month to get the Ordinance through.

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

R-08-014 RESOLUTION – COMPENSATED ABSENCE – RETIREE

WHEREAS, Gerald Dolan has been employed by the Borough of Tinton Falls as Police Officer since January 15, 1983, and;

WHEREAS, on February 1, 2008, Gerald Dolan will retire with 25 years of dedicated service, and;

WHEREAS, Gerald Dolan will be entitled to compensated absence benefits according to Borough Ordinance #9-8.1c and 9-7.3c. The benefits are not to exceed to be \$38,000.00 and;

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that subjected to the certification of funds availability by the Chief Financial Officer, that Gerald Dolan receive the aforementioned compensated absence benefits.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-015 RESOLUTION – RESCINDING RESOLUTION R-07-490 AND R-07-497

WHEREAS, a duplicate of Resolution R-07-490 and R-07-497 was adopted on December 27, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Resolution R-07-490 and R-07-497 is hereby rescinded.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-016 RESOLUTION – AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, there is an emergency condition at the Hance Avenue Pump Station requiring immediate emergency repairs; and

WHEREAS, provisions of NJSA 40A:11-6 permit the Borough to award contracts without public bidding when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, John Bucciero, Director of Public Works has declared this situation an emergency condition in his memo attached;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that authorization be and is hereby given to award contracts for the repairs necessary for the safe operation of the Hance Avenue Pump Station.

Mr. Christofili stated he would like a “Point of Order”

Mr. Skudera stated that there is no Point of Orders from audience members and stated to council this is an emergency appropriation to fix a pump station and this is why it was awarded without public bidding.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-017 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA#08-01 – MONMOUTH REGIONAL HIGH SCHOOL PTSA – ON PREMISES RAFFLE

WHEREAS, the Monmouth Regional High School PTSA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#08-01, and

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

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

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

NAME:	Monmouth Regional High School PTSA	Identification No. : 343-5-35212
LOCATION:	1 Norman J Field Way, Tinton Falls, N.J.	
DATE:	February 10, 2008 – 1:30 p.m. – 4:00 p.m.	

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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R-08-018 RESOLUTION – APPROVAL OF BILLS – JANUARY 15, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending January 15, 2008,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	\$ 78,755.20
SEWER	6,121.38
CAPITAL	9,547.09
GENERAL TRUST	16,000.00
DEVELOPERS ESCROW	11,356.63
TTL ACCOUNT	28,044.44
ADDITIONS	<u>3,382,530.64</u>
	\$ 3,532,355.38

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera stated that there is a need for an executive session and asked Mr. Berube to state the purpose.

Mr. Berube stated the executive session is for the purpose of discussion of acquisition of real property with Borough funds and it will remain in executive session item until such time as it is appropriate to release the details of our discussion.

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

R-08-020 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to N.J.S.A. 10:4-13, the Council shall adjourn to Executive Session for the purpose of acquisition of real property.

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

Mr. Christofili stated he would like a personal privilege to make a correction of his record tonight.

Mr. Skudera stated there are no points of orders from the audience. The audience is allowed to participate in an open session.

Mr. Christofili stated he would like to request a privilege according to Robert's Rules.

Mr. Baldwin asked for a legal opinion.

Mr. Berube stated the rules of decorum are set forth in the Ordinance and while it may customary to referral to a point of order it is not provided under our Ordinance outside of the public discussion. Mr. Berube stated to Mr. Christofili if he would like to speak afterwards, maybe he can resolve what ever the problem is.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Skudera offered a 5 minute recession.

TIME: 9:42 P.M.

WORKSHOP MEETING

UNFINISHED BUSINESS -

Mr. Skudera stated the first item is the 2008 Road Program. We have \$1.5 million left over in the current Road Program bonding. Al Hilla went out to the roads, got us a list, and got us a cost estimate that breaks down the costs for each road.

Mr. Hilla stated the roads that we have for this year were developed as either leftovers from last year's Road Program that didn't get implemented or additional roads that either Bryan Dempsey or John Bucciero came up with as candidates. Now we have the award from DOT, which dictated what the DOT project would be for the year because we actually submitted two applications. One was for Knollwood, which you will see on this list. That is what really precipitated even preparing our proposal because if we weren't awarded Sycamore, in all likelihood we would have gotten Knollwood which would have changed what the Road Program looks like, at least from what would be funded by the Borough. The proposal follows the construction costs set forth in the more detailed estimate that you received tonight. Mr. Hilla stated he apologizes for not given it to us sooner; he wasn't aware it was going to be on this agenda for consideration.

The construction cost is approximately a million dollars for the various roads as well as the Sycamore Soccer Field pathways. Because all the bulk of that work is paving, it is advantageous to the Borough to put this out as a single project in hopes that we get one of the larger pavers. There would seemingly be a remainder of possibly \$100,000 - \$200,000. Mr. Hilla stated he feels this is prudent to have possibly as a buffer as we saw even in our last Road Program there were some changes and some emerging conditions. What we need to talk about with the sidewalk program is how we are going to further fund the implementation of that project. This could be a possibility. We have to look at the balance between using the sidewalk funds or amending this Bond Ordinance to and for the completion of that project as well because that is an all or nothing project on Sycamore Avenue and we were only partially funded for that.

Mr. Skudera stated he will make sure the agenda is sent to Mr. Hilla directly. We did make a mention of it last week about the Road Program. Mr. Skudera stated he would like to see this move forward deciding how much we are going to spend each year but particularly this first bonding is money we had left over and these are the roads that are most in need of repair. Even if we do all these roads, we will still have \$500,000 and that is for anticipated changes or just in case.

Mr. Hilla stated it wouldn't be \$500,000 because those bonds would have to also cover the implementation fees as well as any changes that we might have. The contract with Earl is still open, there are other charges that will go against that 1.49 million so it is actually going to be less than that but certainly there is enough out there that he can cover all of these roads and those anticipated changes on that job as well.

Mr. Skudera stated all these roads are in very bad shape.

Mr. Tobin asked Mr. Hilla is Parmly Road heavily damaged based on pipes and stuff going in.

Mr. Hilla stated yes, the gas company did that main extension a year or two ago.

Mr. Tobin asked if they are going to put any money into this as well; is it a possibility.

Mr. Hilla stated he is going to defer this to Mr. Dempsey.

Mr. Dempsey stated they will contribute money. We met out there with the gas company back in November to discuss that. The issue they had is that the road is in bad shape. They admitted they did some of the damage but the road is probably 25 or 30 years old so at the time they were willing to pay some of the cost but not the whole rate. Mr. Dempsey stated he is sure, since this is on the list, we can go back to them and they can help pay some of the costs but he is sure we aren't going to get \$140,000 out of them.

Mr. Tobin stated since half the road is damaged from them, maybe they can pay half the money. Anything we can get is better.

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Mr. Ford asked Mr. Pfeffer if we already proved the ordinance to bond this.

Mr. Pfeffer stated the ordinance is approved, the only thing we would have to do is go back and look at the streets that are named in the ordinance and probably amend it to add any street that are on this list that might not be in that ordinance.

Mr. Ford stated we originally thought the money would be all used two years ago and now we have money leftover. The Road Program is something that is very important to the Borough and maybe something that hasn't had proper attention in the past. It is expensive but the reality is that if you don't keep up on it, it cost a lot more money in the long run.

Mr. Ford asked regarding these last two Road Programs that we had, how are we doing overall from Borough perspective and from a budgetary standpoint? Mr. Ford added that this is something we didn't want to bond money going forward for; we wanted to actually build the money into our budgets.

Mr. Pfeffer stated with the new Budget Cap Law, capital improvements are not exempted from the cap. The Mayor's goal was to build a fund of cash up instead of bonding it. Under the new budget law you don't get an exception for capital improvements which are going to basically make it virtually impossible to build cash and basically force you to bond. The division sent out a note delaying the budget. One of the main reasons that they are delaying the budget is because in the fiscal year towns who had the first go around with this new cap law, there was about 34 waver requirements to the local finance board. It is possible that they may change their mind on the capital improvements. We are waiting to see what happens and that is probably one of the things that is driving this delay; they are looking at these wavers and probably saying well maybe we need to adjust what we originally said was the regulations. As of right now, the capital improvements are not excluded from the cap. They are considered in this particular cap, an operating expense and he feels that is going to make it impossible to build money that way.

Mr. Hilla stated it was great that we were able to stretch the funds that were initially envisioned to well beyond the roads that we anticipated. We were able to add probably three or four roads here that were not anticipated originally and they truly were the roads of greatest need. As far as he knows these were the most striking. The Borough should want to keep doing at least some roads each year because 81 miles is a lot of area to cover and a lot of it is going to come due all at one time; you think of the developments such as Fox Chase and some of these were built all around the same time and they are all going to come due about the same time. These roads were almost like emergency roads and now maybe we can get into a more rhythmic type Road Program where we don't have to do a million dollars every year.

Mr. Ford stated with the Sycamore Fields we made a choice a couple of years ago not to pave the parking and to use those funds for field improvements rather than the paving. Have we had any feedback from the recreation? Is that something that should be on our radar or is it fine the way it is?

Mr. Dempsey stated he will check with Sherry. He hasn't heard any complaints but it is setup for pavement.

Mr. Hilla stated that project had some DEP approval involved in it. They may have kept the gravel for a reason so he isn't sure if that area was setup to be paved or not.

Mr. Skudera stated that council would like to move forward and asked Mr. Dempsey to please let him and/or Karen know when we can expect to have this on the agenda.

Mr. Pfeffer stated they will have a bond ordinance for the next meeting.

Mr. Tobin asked Mr. Dempsey where we stand with the Double A and Fergusson Properties.

Mr. Berube stated Ms. Lewinski emailed him last week for additional copies of both resolutions we passed as well as the final descriptions and he believes she is assembling the final packet for the Historic Trust approval. It is in the works according to Ms. Lewinski.

Mr. Baldwin asked why we let Mr. Sitar's construction in the strip mall and the work that he performed on the west end of Essex Road continue to be a swamp. There is collection of trash and debris rolling down to that road which has never been corrected. Mr. Sitar did come out and repave the area that he dug up to tie in his sewer line because it sunk immediately and the council requested they come out and do that. The rest of the area is left in terrible condition. Maybe we

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are waiting for the county to straighten Essex Road and then that will all be hidden because the road will be taken out of service. Mr. Baldwin stated he would like to ask the engineer to go out and take a look at it and maybe when he is out there looking at the roads he can take a peek at what he is talking about.

Mr. Hilla stated he will do so.

NEW BUSINESS –

Mr. Skudera stated they have a discussion regarding electronic format for documents in lieu of paper.

Mr. Tobin stated he took advantage of the week after Christmas to go through the ridiculous piles of paperwork that are given to him that we can get on disk or through electronic format. When it was done, after 5 years, he has less than 100 pounds of stuff that he needed to keep and well in excess of 260 pounds of paperwork that was just public record stuff, fax alternates, etc. that we are required to see. Mr. Tobin stated we have taken a stand on this before and he would like to see this stand taken again that we don't want a print out of 8 million copies of everything. It takes time out of the Borough Clerk's office, printer ink, paper, manpower and everything else for stuff we can get on electronic correspondence. He has taken it upon himself to go and speak to different departments and request things like planning board minutes be sent to him electronically. It cost a tremendous amount of money to make all these copies and it is a tremendous waste. Any dollar that we can keep and either give to salaries or just to cut the budget, he would like to do it. Mr. Tobin added he would like to request items be sent to him electronically instead of in paper form because it is absurd and asked Mr. Berube for a statement on this.

Mr. Berube stated the only things we need to see and sign in legal form are the budget, the disclosure statements required under State Ethic Laws, Oaths of Office and there are certain hard paper requirements but they are minimal. Mr. Berube stated to Mr. Tobin that he is able to make that request.

Mr. Tobin stated he would like to request this. Mr. Tobin added that 41% of paper we are given is public records items that can be done on disks. It is a disservice to the taxpayers and he is one of them. Maybe this would make things more efficient.

Mr. Skudera stated this has crossed his mind before. The only limitation to why he shied away was because our email system is always down and he wants to make sure the information that is suppose to go to council, does go to council. Mr. Skudera asked council what information they would want sent electronically and what information they would want in paper format, if any. He has been working on getting more information on electronic format. One of which was electronic fax system and information was sent over to Karen Mount-Taylor. Right now when someone sends a fax it has to get printed out and then Karen has to go scan it, email it, etc. There are systems that will automatically convert faxes to emails and then you can just email a document out and that saves time and money right there. Mr. Skudera stated he asked Mr. Dempsey and he talked with the technology committee about this several months ago to survey each department and find out what information can make their jobs more productive and how they can save money by using more electronic documents. We should start thinking about what we would like electronically verses email.

Mr. Ford asked Mr. Tobin if his point is that he would like everything electronic or that he is getting stuff he shouldn't get.

Mr. Tobin stated he would like to get as much stuff electronically that he is now getting put in printed paper form in his mailbox. He is getting stuff that the Borough Clerk stated is required for us to receive. However, it does not state how it has to be received and therefore, he would like to request it be received in electronic format.

Mr. Ford stated that personally he would like as much information as possible and he doesn't want to miss any information. He wants to make it quite clear from his perspective; he appreciates all the collating and all the actual getting of the data into his mailbox. He really would like to stick with the paper format; he does not want to change that and he wants to receive the same amount of information that he has been receiving.

Karen Mount-Taylor stated she and Mr. Skudera had a lengthy conversation. Mr. Skudera came in the office and did a survey. It takes time to copy and it takes time to scan. The clerk's office has no problem with doing it electronically but as Mr. Ford stated we don't want to pick and choose who is going to get what because that is only going to add more burden on our office. As

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far as cost is concerned, she hasn't really done any investigation but it would still require an employee standing at the copier to scan the documents to make them electronic. Perhaps with this needs assessment, where they might give us some type of contribution, we might be able to buy a scanner that all departments can use. Currently, when the assessor, or anyone else for that matter needs something scanned, they come to the Clerk's office as we have the most sophisticated scanner, however she stated she understands that requires only purchasing a scanner. It might be more of a burden for the clerk's office where things have to be scanned electronically. She has no problem with however council wants her to send it - whether that would mean scanning, emailing, etc., she just needs some direction. The cost might be exactly the same with the exception of how much paper is produced.

Mr. Tobin stated, for example, take the agenda and generate it in electronic format, there is now way that taking this, printing it out, going down to the copier, making 5 or 6 copies, sticking them in the stapler and putting them in the mailbox doesn't cost us more than taking this, scanning it, putting it into a pre-set email list, click once and sending it.

Most of the stuff in Borough, we have been told, is done electronically now. With the faxes that are now coming in, we can switch that over easily. You can get a copier/scanner/fax that does the whole OCR System for about \$160.00. Overtime, these items start to make us more efficient and that is why computers have made us more efficient and made companies more efficient. Mr. Tobin stated if it can be sent to him electronically he would like it sent to him electronically; if it can't, then fine. Anything that can be sent to him electronically do so, the only thing he requests are the budgets and the agenda packet be in paper format rather than electronic format due to the fact that items get added at the last minute in the agenda quite often.

Mr. Skudera stated he would like to see more information sent electronically but there are certain things that we need for our council meetings such as copies of the agendas or certain documents so maybe we should at least specify what information we do want printed out verses electronic format. For instance, we get the planning board minutes sent to us which can be electronic as we do not need them for a council meeting per say. Maybe we can decide on something like this but if we don't have any automated system in plays they are really going to be of cost of scanning documents and emailing, what ever that cost may be.

Mr. Baldwin stated he is in between on this decision. There are items he receives now that he doesn't even bother reading because they are so thick however, he doesn't particularly like to read documents on the computer because it is tiring and you can't make notes on the screen so paper is better for some things. What he would say in summation is if somehow, the Borough Clerk and her staff could say "Mr. Baldwin doesn't need that" and not submit it, he would appreciate it. If the Borough Clerk has to distribute items "just in case", make a judgment.

Mr. Pfeffer stated the only thing he sees as a problem is for example, he generates a document on word or in some cases the Bond Council sends it to him in pdf format and when the Bond Council sends it to him in pdf, he can then send it along to Karen Mount-Taylor to put on the agenda. When he generates something in word and doesn't have the capability to convert it to a pdf file, he can't send it out electronically because it can be altered. It is an official statutory report that he is making to the council and he can't allow it to be potentially altered. Out there in the internet, anyone can change the numbers.

Another problem Mr. Pfeffer stated he has cam across is a document that has to be notarized. It is an electronic document in his computer and he could have sent it to someone he knows who could have stamped his signature on it but it wouldn't have had the notary information on it. There are some quirks but we will work through them. We need equipment as we have only one scanner here.

Mr. Skudera stated first we need to get the email system in order which should be happening within the next couple of weeks and then from there take one step at a time and start with something such as the minutes and go from there.

ADJOURNMENT TO EXECUTIVE SESSION

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

Mr. Skudera stated at this point there will be no further action taken by council after executive session.

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ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:23 P.M.

ADJOURNMENT

Mr. Ford offered a motion to adjourn the meeting, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT: 10:50 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: MARCH 4, 2008

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