

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

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

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

All present stood for Salute to Flag.

ROLL CALL

PRESENT: Mr. Baldwin, Mr. Ford (*arrived at 7:38 pm*), Mr. Morrill, Mr. Skudera, Mr. Tobin

ABSENT: None

ALSO PRESENT: Mayor Peter Maclearie (*arrived at 7:56 pm*)
W. Bryan Dempsey, Administrator
James Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Maggie Pereira, Assistant to Borough Clerk

APPROVAL OF MINUTES – None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Council's Report

Mr. Baldwin spoke regarding an application approved on June 25, 2008 at the Planning Board meeting called the Meadows at Tinton Falls. They are going to put 17 single-family building lots and a remaining lot for storm water management on this 9.6 acre piece of property.

Mr. Baldwin also gave an update of the Planning Board meetings regarding the Master Plan.

Mr. Morrill stated this Saturday is their normal Open Space tour with the public. It will be the canoe and kayak tour of the waterways of Tinton Falls.

Mr. Morrill added that they are going to do a resending order for the last meeting where they put Petra Leonard on as Alternate #4. Due to personal issues, she will not be able to take and serve. Therefore, we will have to do a Resolution to resolve the current Resolution, R-08-161.

Mr. Skudera advised that Tuesday, August 12th, there will be a NOPE (Colts Necks organization that was formed about the Earl Housing issue) meeting at Seabrook Village at 7:00 p.m. in the auditorium which will feature a 45 minute presentation including the impact of the Tinton Falls taxpayers, the environmental impact, and all the hidden costs.

Mr. Ford spoke on behalf on the School Board and the possible implantations of having children from Earl attend our schools. Mr. Ford also spoke of the impacts on the taxpayers regarding the Fort property and our schools.

In regards to the Library, Mr. Ford reported on the vacation reading club that they offer which is a county wide program they have to encourage children to read for pleasure over the summer.

Engineer's Report - Al Hilla Jr.

Concession Building at Liberty Park II

The concession building is completed and Pop Warner has already started moving in equipment.

Road Program

This year's road program is substantially complete. The contractor was on a crash course to get these things done due to the price of asphalt. There are some minor things that still need to be completed but the bulk of the work is completed

Sycamore soccer Trails

The award is on the agenda for this evening.

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

Sycamore Sidewalk Project

This is the funded by the New Jersey Department of Transportation (DOT); the design is nearly complete and we are in the process of putting together notice letters to the individual property owners. We are hoping to be ready to go to bid by the end of the month.

Administrator's Report – W. Bryan Dempsey

The Borough received an award from the County Board of Chosen Freeholders for completing an Open Space project – Sycamore Soccer Fields. This is where they provided funding for the lights. Since that was completed, they presented the Borough with an award at the last meeting. They also presented an award for the Davidson family (the family who donated the additional playground equipment at Sycamore)

NOPE Presentation

There was a NOPE presentation down in Washington that Tamar of the School Board, Bill Hobacowski (a Tinton Falls resident), as well as two people from NOPE, the Mayor of Colts Neck and the Deputy Mayor, Jennifer Beck (our Senator), Freehold Director Lillian Burry and he attended. The presentation was given by a NOPE person that was stationed at Earl at sometime. The presentation was focused on privatizing the civilian housing there and how it doesn't make any sense to do so. It focuses on the potential that this could have on the surrounding neighborhoods and suggested the public view the presentation at Seabrook on the 12th.

COAH Issues

Mr. Dempsey stated he will have a report for the next meeting regarding our obligations and what we need to do in order to fill that.

Union Contracts

The contract negotiations with our Unions are over and hopefully we will have a Resolution on tonight's meeting.

Director of Law's Report – James Berube, Esq.

The Borough successfully recovered a COAH unit that had gone into foreclosure for which affordability restrictions were lost. We closed on that on Monday and we were able to recapture that unit. It will be offered as a re-sale unit with really no cost to the Borough. There are four others still pending.

Tax appeals at the County Board of Taxation were completed as of Friday of last week. There were approximately 200 hundred taxpayers that appealed their taxes through the County Board. Hearings were held before the commissioners. We will know their decisions as taxpayers will as well in four to six weeks. A vast majority of the appeals really concerned properties where individuals did not allow access into their home and we were able to secure accurate information on a number of rooms, finished basements, garages, etc. Those numbers were adjusted amicably. Where there were errors in numbers of measurements, those numbers were adjusted amicably and stipulations were executed at the Board as well. There were a number of parcels where wetlands were an issue as well as some legal issues, which were the vast minority.

Lastly, the Council has been provided with Resolutions for amendments to each of the collective bargaining agreements for each of the unions that are represented in the Borough as well as a potential contract for Police Chief Turning for Council's review. If the Council wishes to ask additional questions or seek additional information, that is available for executive session under state statutes because it does involve terms of collective bargaining. If after executive session Council wishes to make a decision or take action, they can in the public portion. Mr. Berube advised that it would be practical to have executive session out of order on the agenda and after the presentation – County Communications.

Council President's Report

Mr. Tobin requested items for the next meeting, which will be placed on the agenda as well as a report on permit violations.

Mr. Tobin commended Mr. Dempsey and the Department of Public Works for upgrading many of the offices with proximity switches.

Mr. Tobin also requested that Mr. Dempsey give up his Borough vehicle and give it to the Construction Department. He also requested we remove the emergency lights and other technically unnecessary equipment inside two of our vehicles used by our Construction Department.

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

Lastly, Mr. Tobin stated he would like a report on what was done to vet the backgrounds of the people that are using our technology systems in Borough Hall.

Mayor's Report

Last Thursday there was a meeting with the other mayors and he received a draft of the plan that will be submitted tomorrow to the Board. As far as the Shared Services Study, that will be formally delivered to the public.

Last night there was a subcommittee here to go through what the Fort Monmouth affects are in Tinton Falls. Next Monday night there will be a formal hearing of the Fort Monmouth Economic Revitalization Planning Authority. They have to present to each of the three towns, a formal public hearing of what will be done. If anyone has an interest on what is going to be done with the Fort as a whole, it will be discussed Monday at 7:30 p.m.

Presentation – Monmouth County Sheriff Kim Guadango (County Communications)

Mr. Tobin advised that Ms. Guadango was unavailable tonight and in her place is under sheriff, Shawn Golden.

Mr. Golden briefed Council and the public on some of the upcoming projects with regards to communications and 911.

EXECUTIVE SESSION

Mr. Baldwin offered a motion to amend the agenda to take the executive session portion of the meeting out of order and place it before petitions, seconded by Mr. Ford.

Mr. Berube stated for the record that the executive session would be for the purposes of terms that may be contained in collective bargaining agreements and/or agreements for employment with Borough employees

ROLL CALL

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

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

R-08-236 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE SESSION

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

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

Council moved into executive session at 8:22 p.m.
Council reconvened at 8:41 p.m.

PETITIONS – None

ORDINANCES FOR INTRODUCTION

Borough Clerk read Ordinance No. 08-1248 entitled: AN ORDINANCE AMENDING CHAPTER 23 OF THE BOROUGH ORDINANCES TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL) FOR THE PURPOSE OF ADMINISTERING THE

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

BOROUGH OF TINTON FALLS' AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

Mr. Baldwin offered a motion to introduce Ordinance No. 08-1248, seconded by Mr. Morrill.

Mr. Skudera stated he had a point of order on this Ordinance and inquired who sponsored this Ordinance as Council has not discussed this.

Mr. Berube replied that this was presented to Council at his recommendation. Affordable Housing mandates it as part of the third round regulations. They are now requiring every municipality to establish a position and designate a Municipal Housing Liaison.

Mr. Berube added that in our form of Government, the appointment would be made by administration with ratification by the Council.

ROLL CALL

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

Council President stated the Public Hearing will be set at the convenience of the Borough Clerk.

Ordinance No. 08-1248 in Full/Ordinance Book #3

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk read Ordinance No. 08-1245 entitled: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS 2040 WAYSIDE ROAD FOR OPEN SPACE PRESERVATION PURPOSES IN THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROPRIATING \$575,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$575,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mr. Skudera offered a motion to open the Public Hearing, seconded by Mr. Ford.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING OPEN

John McCarthy, 143 Riveredge Road, spoke regarding bonding issues pertaining to the above Ordinance.

Leo Christofili, 328 Riveredge Road, asked if this was a proper proposal request that this particular considered Ordinance be tabled until Mr. Pfeffer is able to give a full, verbal report on this matter. Mr. Christofili also commented on purchasing this property through cash flow rather than bonding it as it only creates more debt for the Borough.

Stanley DeLage, 199 Hockhockson Road, referred to Section 3 and Section 7 of the Ordinance and asked the following questions: what the asking price is for this property, what negotiations took place, who negotiated and what were their qualifications for negotiating this land deal. Mr. Berube answered said questions.

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

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

PUBLIC HEARING CLOSED

Mr. Skudera offered a motion to adopt Ordinance No. 08-1245, seconded by Mr. Morrill.

Council spoke regarding purchasing through cash flow rather than bonding.

Mr. Berube stated the adoption of this Ordinance does not require the bonding; it merely facilitates the issuance of bonds if Council chooses to do so. After an analysis of cash flow, market conditions, return on your investment for the money that is in the Open Space Trust, Mr. Pfeffer would then make a recommendation whether to purchase with cash or issue bonds. As to the 2040 Wayside Road, the contract has just been signed and is subject to a Phase I evaluation and approval via court so we are easily 60 – 90 days out from even setting a closing date on this. His suggestion would be to offer this for approval to give the option to do that if in 90 – 120 days it is appropriate to bond for it, he will recommend that and we will have already done the work. If it is appropriate to purchase for cash, he will recommend that and Council would give him the authority to do that as well. Adoption does not mean you are required to bond; it just gives you the option to issue bonds.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Borough Clerk read Ordinance No. 08-1246 entitled: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS 246 HOCKHOCKSON ROAD FOR OPEN SPACE PRESERVATION PURPOSES IN THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROPRIATING \$525,000 THEREFORE AND AUTHORIZING ISSUANCE OF \$525,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mr. Skudera offered a motion to open the Public Hearing, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING OPEN

Stanley DeLage, 199 Hockhockson Road stated he had the same questions he asked on Ordinance No. 08-1245.

Mr. Berube stated this is not under contract at present; we are in negotiations at present. The introduction of this Ordinance was Mr. Pfeffer's attempt to provide the Council with an option to have bonding authority in place if and when a deal was reached.

Mr. DeLage gave Council a background on the mentioned property and the downfalls of purchasing same.

Leo Christofili, 328 Riveregde Road discussed parking and water basin issues. Mr. Christofili also discussed the issue of a private citizen owning this property verses the Borough.

Jeffrey King, 44 Plum Street stated our name and reputation would be impacted whether it is preserved or developed. You can have the stream running clear without segmentation, pesticides, etc. or we can have it possibly degraded and like the Garden State, Tinton Falls in now a sludge pit.

Gina Barrella, 200 Hockhockson Road, advised that she is familiar with the property as well and discussed how environmentally sensitive this piece of land is.

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

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to carry Ordinance No. 08-1246 to August 19, 2008, seconded by Mr. Ford.

Mr. Skudera and Mr. Morrill stated they do not agree with setting a number before negotiations are made.

ROLL CALL

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

Borough Clerk read Ordinance No. 08-1247 entitled: AN ORDINANCE AMENDING SECTION 5-8 OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS (TOWING & STORAGE)

Mr. Skudera offered a motion to open the Public Hearing, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING OPEN

There being no comments from the public, Mr. Baldwin offered a motion to close the Public Hearing, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Baldwin offered a motion to adopt Ordinance No. 08-1247, seconded by Mr. Ford.

ROLL CALL

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

PUBLIC DISCUSSION

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION OPEN

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

Leo Christofili, 328 Riveredge Road, stated when someone addresses him in a comment he made he would like the parliamentary right to request a personal privilege or a point of order and requested Council consider doing a Resolution or Ordinance permitting same.

Mr. Christofili also suggested potential transfer of development rights for Borough liability reasons.

Mr. Christofili also discussed the Somers property.

A majority of Mr. Christofili's discussion was inaudible.

Guy Buck, Sam Drive, corrected Mr. Christofili's statement he reported from the Open Space meeting he attended regarding the Somers property. Guy Buck stated the value of the property was never questioned as it has already been purchased and is a done deal.

Guy Buck also gave a brief overview for the public on how Open Space goes about acquiring specific pieces of property and for what reasons.

Gerald Turning, Chief of Police, stated on July 28th they are starting their sixth Police Cadet Class. There are 24 students and Chief Turning invited everyone to Ranney School between the 26th of July and 15th or 16th of August for the opportunity to stop by and see the kids.

Stanley DeLage, 199 Hockhockson Road, advised Council that he feels if everyone could get a along, we could work better which not only goes for Council but with the employees as well.

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Ford and Mr. Tobin discussed recycling matters.

Mr. Baldwin requested the Gypsy Moth matter be placed on a Workshop for Council's discussion. Karen Mount-Taylor, Borough Clerk advised that her office usually passes that on to the administrative office and they automatically do the Gypsy Moth spray every year.

RESOLUTIONS

Mr. Baldwin offered a motion to amend the agenda to include Resolutions R-08-237, R-08-238, R-08-239, R-08-240, R-08-241, R-08-242, R-08-243, R-08-244 (Karen Mount-Taylor asked Council in the fifth paragraph to put a period after August 1, 2008 and cross out "and therefore withdraw" as we are not withdrawing from anything) , and R-08-245, seconded by Mr. Ford.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Berube stated this Resolution had been carried on various occasions and stated he does not believe this is necessary in light of the balance of Resolutions that Council has now put on the agenda so if it is not moved then it fails.

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

Mr. Baldwin offered a motion to adopt the following Resolution.

**R-08-219 – RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY
STATE HEALTH BENEFIT PROGRAM ACT OF THE STATE OF NEW JERSEY**

Resolution fails due to lack of second.

Mr. Berube stated this Resolution had been carried on various occasions and stated he does not believe this is necessary in light of the balance of Resolutions that Council has now put on the agenda so if it is not moved then it fails.

**R-08-108 – RESOLUTION ACCEPTING PROPOSAL FROM AMERI-HEALTH NEW
JERSEY FOR HEALTH BENEFITS COVERAGE FOR ELIGIBLE EMPLOYEES**

Resolution fails due to lack of motion

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

**R-08-175 – RESOLUTION OF AWARD CONTRACT #08-4 – REBID STAMPED
CONCRETE FOR SOCIETY HILL CENTER ISLAND**

WHEREAS, bids received on April 9, 2008 for the above project were rejected on May 6, 2008 by Resolution #R-08-133, as they were all over the budget appropriation for the project; and

WHEREAS, this project was rebid on Thursday, June 5, 2008 and four (4) bids were received as listed on the attached tabulation sheet; and

WHEREAS, Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065 submitted the lowest responsible bid in the amount of \$67,867.00 for the above contract; and

WHEREAS, the Purchasing Agent has found the bid to be in order, and John Bucciero, Director of Public Works, has checked references for this contractor and recommends award to Berto Construction, Inc. in the amount of \$67,867.00;

NOW, THEREFORE BE IT RESOLVED that Berto Construction, Inc., 625 Leesville Avenue, Rahway, NJ 07065 be awarded a contract in the amount of \$67,867.00 for the Stamped Concrete for Society Hill Center Island; and

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

Mr. Skudera asked for a Point of Order and questioned if the Borough had received the letter and if the agreement is done.

Mr. Berube stated that we have received email confirmation from Society Hill Homeowner's Association. After consultation, their Board is in agreement with maintenance of certain areas. We have also received verbal approval of the changes to the Community Association Agreement that was forwarded to them by the individual unit owners along Society Hill Way and Churchill Downs Road. Mr. Berube advised he recommends going forward with the contract.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-220 - RESOLUTION OF AWARD CONTRACT #08-7 - WALKWAY AT
SYCAMORE AVENUE SOCCER COMPLEX**

WHEREAS, seven (7) bids were received on Thursday, July 3, 2008 for Contract #08-7 for the Walkway at Sycamore Avenue Soccer Complex; and

WHEREAS, Lucas Construction Group, Inc., submitted the lowest responsible bid in the amount of \$114,245.00 for the above contract; and

WHEREAS, the Director of Law has 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 attached dated July 8, 2008; and

NOW, THEREFORE BE IT RESOLVED that Lucas Construction Group, Inc., 173 Amboy Road, Morganville, NJ 07751 be awarded a contract in the amount of \$114,245.00 for the Walkway at Sycamore Avenue Soccer Complex;

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.

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

ROLL CALL

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

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

**R-08-221 - RESOLUTION AUTHORIZING FINAL CHANGE ORDER #1 FOR A ZERO
NET CHANGE - CONTRACT #07-14 - CONCESSION BUILDING AT LIBERTY
PARK II**

WHEREAS, Contract #07-14 for the Concession Building at Liberty Park II was awarded to Authentic Construction, Inc., 1433 Lakewood Road, Manasquan, NJ 08736 by Resolution R-07-450 in the amount of \$311,570.00 at a meeting held on December 11, 2007; and

WHEREAS, Final Change Order #1 (annexed hereto and made a part hereof) decreases and increases Final As-Built quantities for a zero net change in the contract for a total contract in the amount of \$311,570.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Final Change Order #1 for a zero net change in the contract for a total contract in the amount of \$311,570.00 is hereby authorized for the above contract awarded to Authentic Construction, Inc.

ROLL CALL

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

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

**R-08-222 RESOLUTION AUTHORIZING FINAL CHANGE ORDER #1 DECREASING
CONTRACT IN THE AMOUNT OF \$12,420.00 CONTRACT #07-4 SQUANKUM
ROAD PUMP STATION AND FORCE MAIN**

WHEREAS, Contract #07-4 for the Squankum Pump Station and Force Main was awarded to D & D Utility Contractors, Inc. by Resolution R-07-154 in the amount of \$189,835.00 at a meeting held on May 15, 2007; and

WHEREAS, Final Change Order #1 (annexed hereto and made a part hereof) decreases the contract in the amount of \$12,420.00 for a total contract in the amount of \$177,415.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Final Change Order #1, which decreases the contract in the amount of \$12,420.00, for a total contract in the amount of \$177,415.00, is hereby authorized for the above contract awarded to D & D Utility Contractors, Inc.

ROLL CALL

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

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

**R-08-223 - RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL
CERTIFICATE OF SALE**

WHEREAS, Tax Sale certificate #2479 was issued to the Borough of Tinton Falls for sewer charges on Block 129.08, Lot 42 (10 Basset Court), assessed to Frank Pullano, Jr., at a tax sale held on June 25, 2008; and,

WHEREAS, the mortgage company, Mortgage Services, on behalf of Wells Fargo Mortgage Company, has redeemed Certificate #2479 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2479 for cancellation.

ROLL CALL

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

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

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

**R-08-224 - RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL
CERTIFICATE OF SALE**

WHEREAS, Tax Sale certificate #2193 was issued to the Borough of Tinton Falls for delinquent taxes on Block 139.05, Lot 24 (Off Wardell Road), assessed to David J. Sartor, at a tax sale held on October 17, 2001; and,

WHEREAS, an attorney's office, Cleary,Alfieri & Jones, has redeemed Certificate #2193 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2193 for cancellation.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-225 - RESOLUTION APPOINTING MEMBERS OF HISTORIC COMMISSION

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:

Michael Reuther, to fill the term of Charlotte Lovekin, said term to expire February 2, 2012.

Kathy DeAngelo, Alternate #1, to fill the unexpired term of Michael Reuther, said term to expire July 14, 2009.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-226 RESOLUTION - DENYING RELEASE OF MAINTENANCE GUARANTEES
MARATHON DATA SYSTEMS, LLC BLOCK 122, LOT 9.01**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Marathon Data Systems Block 122, Lot 9.01, and

WHEREAS, BY LETTER DATED June 9, 2008 (said copy herby attached and made part of this resolution), Engineer, Birdsall Engineering, Inc. has supplied the developer with a punch list outlining items which need to be addressed prior to the release of 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 Birdsall Engineering Inc.'s letter of June 9, 2008, 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. Skudera, Mr. Tobin

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-227 RESOLUTION - RELEASE PERFORMANCE GUARANTEES ASSOCIATED
HUMANE SOCIETY, INC. BLOCK 143 LOTS 14, 15.01 & 17.01**

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

WHEREAS, by letter dated July 8, 2008 (said letter hereby attached and made part of this Resolution) the Engineer (Birdsall Engineering, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

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

ROLL CALL

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

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

R-08-228 RESOLUTION - APPOINTING A MUNICIPAL HOUSING LIAISON

Mr. Berube requested Council offer a Resolution amending this slightly to indicate that this will be effective upon the adoption of the underlying Ordinance 08-1248 that was offered and introduced tonight.

Mr. Dempsey stated this is at no additional cost to the Borough.

Mr. Skudera offered a motion to carry Resolution R-08-228 to August 19, 2008, seconded by Mr. Ford.

ROLL CALL

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

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

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

R-08-229 RESOLUTION – APPROVAL OF BILLS – July 15, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 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	\$ 105,909.61
TRUST	29,372.27
CAPITAL	1,344.60
DEVELOPER ESCROW	25,781.50
DOG TRUST	43.80
SEWER UTILITY	30,268.75
ADDITIONS	<u>567,347.04</u>
	\$ 760,067.57

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Tobin
NAYS: None
ABSENT: None
ABSTAIN: Mr. Skudera (due to page 3 of bill list)

CONSENT AGENDA

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

R-08-230 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2008 fees totaling \$210.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Busing option.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of June 2008, the Recreation Superintendent was informed by the resident that the child will be unable to utilize our bus service and desires to use our pre/post camp program option. The fee for this option is \$100.00 plus a \$10.00 processing fee; a refund in the amount of \$100.00 shall be issued for child Christina Mazzoni

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

Patricia Mazzoni	\$ 100.00
<hr/>	
Total	\$ 100.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$100.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-231 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2008 fees totaling \$300.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of June 2008 , the Recreation Superintendent was informed by the resident that the child due personal reasons was unable to participate in a program and a full refund in the amount of \$300.00 , deducting the \$10.00 processing fee shall be issued for child Daniel Gu.

Junyang Gu	\$ 290.00
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Total	\$ 290.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$290.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-232 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2008 a deposit in the amount of \$100.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of June 2008 , the Recreation Superintendent was informed by the resident that the child to an illness will be unable to attend the camp program for the summer. A refund in the amount of \$90.00 shall be issued for the child Noah Collier.

Jacqueline/Milton Holmes	\$ 90.00
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Total	\$ 90.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$90.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-233 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of May 2008 fees totaling \$12.00 were paid by a resident of Tinton Falls for their child's participation in our Summer Camp Trip to the Belmar Sand Castle Contest.

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

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of May 2008;

WHEREAS, during the month of June 2008 , the Recreation Superintendent informed the resident that the child due to his age was unable to attend the trip; and a full refund in the amount of \$12.00 shall be issued for child Dominick Palmieri.

Ron/Alyssa Palmieri	\$ 12.00
<hr/>	
Total	\$12.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$12.00 be issued.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-234 RESOLUTION – REFUNDING CONSTRUCTION PERMIT FEE BROWNS
HEATING & COOLING, 88 BIRCH - \$135.00**

WHEREAS, on May 28, 2008, a permit fee in the amount of \$142.00 was paid by Browns Heating & Cooling for an oil to gas conversion at 171 Cloverdale Circle, and

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

WHEREAS, the applicant has since decided to cancel the job and has requested a refund, and

WHEREAS, by Memorandum dated June 13 2008 from Robert Corby has recommended a refund in the amount of \$135.00 less DCA fee.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$135.00 be issued to Browns Heating & Cooling.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-235 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2008 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company paying twice.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Dovenmuehle Mortgage 1216 St. Charles Rd 2 nd Floor Elgin, IL 60120	105	17	\$3,265.92

Re: John & Josephine Scrivanic
29 Phipps Place

and,

WHEREAS, said error has resulted in an overpayment of 2008 2nd quarter taxes in the amount of \$3,265.92, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$3,265.92 is hereby approved for the aforementioned property.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

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

**R-08-237 RESOLUTION OPPOSING S-1137 WHICH INCREASES MANDATORY
EMPLOYEE COLLECTIVE BARGAINING NEGOTIATION SUBJECTS AND
ISSUES**

WHEREAS, governing bodies are concerned about their ability to manage their employees using methods in the most appropriate and efficient manner possible; and,

WHEREAS, governing bodies further believe that it is in an employer's right to hire, promote, transfer, assign or retain employees in positions deemed necessary and appropriate; and,

WHEREAS, Senate Bill No. 1137 would redefine the New Jersey Public Employment Relations Commission (PERC) law by adding new mandatory collective bargaining subjects and issues, which have been historically non-negotiable; and,

WHEREAS, S-1137 will diminish the authority of municipalities over their day to day operations and severely impair the ability to manage personnel in an effective manner; and,

WHEREAS, these changes are imposed on governing bodies, while under severe financial stress and with the State's plans to substantially reduce or eliminate State Aid to many municipalities; and,

WHEREAS, S-1137 would increase the time and cost of negotiations, which costs will ultimately fall on our beleaguered property taxpayers;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls adamantly opposes adoption of S-1137, which impinges on local management prerogatives and would potentially result in protracted costly negotiations and advanced encroachments by public unions;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to Governor Jon Corzine, Senator Jennifer Beck, Assemblywoman Caroline Cadagrande, Assemblyman Declan O'Scanlon, the New Jersey State League of Municipalities and all Monmouth County Municipal Administrators.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-238 - RESOLUTION OF THE BOROUGH OF TINTON FALLS AUTHORIZING
PARTICIPATION IN THE AUTOMOBILE AND HOMEOWNERS COVERAGE
WITH TRAVELERS INSURANCE COMPANY (BOYNTON & BOYNTON)**

WHEREAS, The Borough of Tinton Falls is a governmental unit within The State of New Jersey; and,

WHEREAS, an organization called Travelers Insurance is being, or has been formed to offer personal automobile insurance and homeowners insurance coverage to the employees of certain public entities within the State of New Jersey; and,

WHEREAS, the municipality has received a request to cooperate with Travelers, at no cost or obligation to the municipality, so the personal automotive insurance and homeowners insurance coverage will be available to its qualified employees through Travelers.

NOW, THEREFORE BE IT RESOLVED that the Borough of Tinton Falls agrees to be a participating municipality in Travelers Insurance subject to the following express limitations:

1. The municipality does not endorse or recommend the participation in Travelers Insurance Company.
2. Participation shall be completely optional by individual employees.
3. Agreement to participate shall not cause the municipality to incur any costs or responsibility.
4. This Resolution may be revoked at any time, for any reason.

BE IT FURTHER RESOLVED that in adopting this Resolution the Municipality agrees solely to the following:

1. At the convenience of the municipality Travelers may conduct one or more employee meetings to disseminate literature concerning Travelers to said employees (if possible through payroll distribution process).
2. To provide an opportunity for employees to pay their insurance premiums through payroll deductions, if feasible.

BE IT FURTHER RESOLVED that this resolution is adopted with the express understanding and agreement that no policies shall be issued to any employees of the municipality until the New Jersey Department of Banking and Insurance has authorized Travelers Insurance Company to issue said policies.

BE IT FURTHER RESOLVED that the Borough of Tinton Falls has entered into an "Employer Agreement" with Travelers Company to facilitate this activity. The terms and conditions of the "Employer Agreement" are incorporated herein by reference. And the Administrator is authorized to execute the aforementioned Employer Agreement with Travelers Insurance Company to facilitate the payroll deduction program.

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

ROLL CALL

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

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

**R-08-239 RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND
DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS PROJECT: 5S
REALTY (WAWA)**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 forms on behalf of the Borough of Tinton Falls for the 5S Realty (WAWA):

Mayor.....Peter Maclearie
Administrator.....W. Bryan Dempsey
Director of Public Works.....John Bucciero

ROLL CALL

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

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

**R-08-240 RESOLUTION - AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO
EXECUTE AN AMENDMENT TO THE COLLECTIVE BARGAINING
AGREEMENT WITH THE TINTON FALLS P.B.A. LOCAL 251**

WHEREAS, as a result of negotiations, the Borough of Tinton Falls has amended its agreement with the Tinton Falls P.B.A. Local 251 to establish the terms and conditions of a Collective Bargaining Agreement for January 1, 2007 through December 31, 2010.

WHEREAS, said amendment is annexed hereto and made a part hereof as if set forth at length herein entitled "Memorandum of Understanding – dated May 6, 2008."

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Collective Bargaining Agreement with the Tinton Falls P.B.A. Local 251 for January 1, 2007 through December 31, 2010 be ratified as amended and annexed hereto, and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to execute said amendment on behalf of the Borough of Tinton Falls upon approval of Special Labor Counsel and the Director of Law.

ROLL CALL

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

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

**R-08-241 RESOLUTION - AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO
EXECUTE AN AMENDMENT TO THE COLLECTIVE BARGAINING
AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 177 – PUBLIC WORKS EMPLOYEES**

WHEREAS, as a result of negotiations, the Borough of Tinton Falls has amended its agreement with the International Brotherhood of Teamsters Local 177 – Public Works Employees to establish the terms and conditions of a Collective Bargaining Agreement for January 1, 2007 through December 31, 2010.

WHEREAS, said amendment is annexed hereto and made a part hereof as if set forth at length herein entitled "Memorandum of Understanding – dated May 6, 2008."

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 177 – Public Works Employees for January 1, 2007 through December 31, 2010 be ratified as amended and annexed hereto, and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to execute said amendment on behalf of the Borough of Tinton Falls upon approval of Special Labor Counsel and the Director of Law.

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

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-242 RESOLUTION - AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 177 – CLERICAL EMPLOYEES

WHEREAS, as a result of negotiations, the Borough of Tinton Falls has amended its agreement with the International Brotherhood of Teamsters Local 177 – Clerical Employees to establish the terms and conditions of a Collective Bargaining Agreement for January 1, 2007 through December 31, 2010.

WHEREAS, said amendment is annexed hereto and made a part hereof as if set forth at length herein entitled “Memorandum of Understanding – dated May 6, 2008.”

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 177 – Clerical Employees for January 1, 2007 through December 31, 2010 be ratified as amended and annexed hereto, and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to execute said amendment on behalf of the Borough of Tinton Falls upon approval of Special Labor Counsel and the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-08-243 RESOLUTION – RATIFYING COLLECTIVE BARGAINING AGREEMENT WITH TINTON FALLS SUPERIOR OFFICERS ASSOCIATION FOR JANUARY 1, 2007 THROUGH DECEMBER 31, 2010 AND AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE SAME

WHEREAS, as a result of negotiations, the Borough of Tinton Falls hereby ratifies the agreement with the Tinton Falls Superior Officers Association to establish the terms and conditions of a Collective Bargaining Agreement for January 1, 2007 through December 31, 2010.

WHEREAS, the final contract is subject to the approval of the Borough Council.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Collective Bargaining Agreement with the Tinton Falls Superior Officers Association for January 1, 2007 through December 31, 2010 be and hereby is ratified, and

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute said Collective Bargaining Agreement on behalf of the Borough of Tinton Falls.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Morrill offered the following Resolution and moved its adoption with the amendment of the fourth paragraph wording to be changed from “secured the intent” to “has secured the consent”, seconded by Mr. Skudera.

R-08-244 RESOLUTION – ACCEPT PROPOSAL FROM HORIZON BLUE CROSS BLUE SHIELD FOR HEALTH BENEFITS COVERAGE FOR ELIGIBLE EMPLOYEES

WHEREAS, the Borough of Tinton Falls has investigated alternate health benefits programs for the Borough’s active and retired employees with the goal of reducing expenses; and

WHEREAS, proposals were solicited by Grinspec Consulting on behalf of the Borough; and

WHEREAS, Horizon Blue Cross Blue Shield of New Jersey submitted a proposal, Direct Access Design 7 Public 10, which will result in a savings to the Borough; and

WHEREAS, the Borough has secured the consent of all involved collective bargaining units for the implementation of the proposal as an amendment to their respective collective bargaining agreements; and

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

WHEREAS, the Borough of Tinton Falls has reviewed said proposal and has determined that it is in the best interests of both the Borough of Tinton Falls taxpayers and the Borough employees to accept said proposal from Horizon Blue Cross Blue Shield of New Jersey, on or about August 1, 2008.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Tinton Falls, that the Mayor and Clerk are hereby authorized to execute the necessary paperwork to begin health benefits coverage for eligible employees through Horizon Blue Cross Blue Shield, on or about August 1, 2008; and

BE IT FURTHER RESOLVED, that Grinspec Consulting is hereby designated as the Borough's broker in connection with this transaction; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Clerical, PBA, DPW and S.O.A. and any bargaining units the Borough of Tinton Falls is contractually obligated to provide health benefits.

Mr. Skudera stated for the record they discussed this insurance would save the Borough \$16,000 a month and it is the same company we are already with. Mr. Skudera confirmed that this was equal to or better coverage and the unions have all agreed to this.

Mr. Dempsey stated it is not equal to or better coverage to what we currently have but it is an agreed upon plan that all the Unions have agreed to. The Unions are as happy as they can be considering the options. It is a Horizon plan; it matches the State Health Benefits Plan. It is not what we had before but concessions were given and it benefits the Borough because it does drastically reduce the health insurance costs. It also gives the ability in the future, when you shop your health insurance, to get much better rates because you no longer have traditional coverage.

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-08-245 RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO
EXECUTE EMPLOYMENT AGREEMENT FOR GERALD TURNING, CHIEF OF
POLICE**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute an Employment Agreement for Gerald Turning, Chief of Police (hereby attached and made part of this resolution).

ROLL CALL

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Baldwin offered a motion to move into Workshop, seconded by Mr. Morrill.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

TIME: 10:28 P.M.

Council took a five-minute break; recessed at 10:28 P.M.

Council reconvened at 10:35 P.M.

WORKSHOP MEETING

Unfinished Business

Wayside Firehouse

Claude Campbell came before Council and stated he was on the Planning Board when the Borough came before the Planning Board with a capital project, the building of the firehouse. At the time it was the engineer that stated the intent was that the firehouse would be turned over to the firemen.

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

Mr. Campbell stated for the record it was in the history of the Planning Board, not of the Council and it is in the minutes of the meeting.

Mr. Tobin stated that by keeping the firehouse verses letting the fire department have it, it creates additional expenses to the Borough including possible litigation. Mr. Skudera requested Mr. Tobin provide a list of expenses that this costs the Borough by not handing it over.

Health Benefits

Mr. Tobin stated there are three members of Council who are currently taking health benefits. Mr. Ford and Mayor Maclearie have taken them in the past.

Council had a lengthy discussion on the issue of Council loosing their option of taking health benefits through the Borough.

New Business

Open Space Tax

Mr. Ford stated there is additional revenue on Open Space, which is a good thing because there are some properties that we are looking to purchase. We approved, by Ordinance, three cents. When we did the re-evaluation, it changed the actual rate per hundred. Essentially, what happened is, by the re-evaluation we doubled our revenue for our Open Space money that we have. It puts us in a position where we have additional monies to purchase properties.

Mr. Tobin stated if we continue to keep it at the same rate, based on the re-evaluation, we add another \$492,565,000. Based on our budget and the tax increases, we really need to look into this. This is a large amount of money for one particular area, when every other area is hurting.

Mr. Skudera suggested since the change of this would be by voter referendum, he would like to give the voters all the options of this as some people may feel it is too much money whereas others may feel it is going towards a good cause.

Mayor Maclearie stated he fears that if the three cents is taken back, we can tell everyone that we are maxed out and there is nothing available to do anything. There is going to be no future softball complex, no future Open Space acquisitions, etc. All of that bonding will be committed to still paying off the bonds for the other properties that we have whether it be the facility be just put over on Liberty Park or finishing some of those other parcels.

ADJOURNMENT

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

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: Mr. Morrill
ABSTAIN: None

TIME: 11:05 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: SEPTEMBER 2, 2008