

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
JULY 17, 2007

Borough Clerk calls the meeting to order at 7:31 p.m.

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

All present stand for the salute to the Flag.

ROLL CALL:

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

ABSENT: Mr. Ford

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Administrator
James E. Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Kelly Johns, Deputy Borough Clerk
Bill Birdsall, Borough Engineer
Al Hilla, Jr., Borough Engineer

APPROVAL OF MINUTES – December 15, 2006, December 19, 2006, and December 27, 2006.

Mr. Brendan Tobin offers a motion to approve the December 15, 2006 minutes, seconded by Mr. Gary Baldwin.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

Mr. Brendan Tobin offers a motion to approve the December 19, 2007 minutes, seconded by Mr. Gary Baldwin

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

Mr. Brendan Tobin offers a motion to approve the December 27, 2006 minutes, seconded by Mr. Gary Baldwin.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

REPORTS

Mr. Dempsey states that we had a road reservation across the H. Builders property which we sent to the Planning Board. It is no longer needed, so we would have to put a resolution on at the next meeting vacating that. Basically that would have connected Lisa Drive to Honey Lane. However, the Planning Board and the planner do not feel that it is necessary at this time, so there needs to be a resolution at the next meeting giving up our reservation.

Mr. Dempsey reports that the revaluation is ongoing, and he believes that they have already inspected a little over a thousand (1,000) or fifteen hundred homes (1,500). The revaluation is on schedule.

Mr. Dempsey points out that tonight's agenda lists an agreement with the Board of Health. The agreement has expired and not been renewed. Basically, they are currently working without a contract. The Health Board's services are excellent and there is only a slight increase in their fees. He adds that there is also an agreement for the diesel fuel arrangement that we have. This is something that the Health Board has requested. We have always provided fuel for them and they

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have always paid us back. Now they just want a formal agreement which says that we can do this. In the past, the agreement was basically only a handshake.

Mr. Dempsey states that Oceanport wanted our trailers; our manufactured offices that our Building Department used. Oceanport went out to bid and the bids came in a little more expensive than they thought it would be to move them. Mr. Dempsey states that he is now waiting for a decision from Oceanport on what they will do with those office units.

Mr. Dempsey states that the front-end system is an issue under Mr. Birdsall's report that they will have to discuss. It is the control system for the HVAC system here in the Borough. It was part of our original contract, but was taken out. He has provided everyone with the proposal from the contractor on what this was going to be. He states that he is thankful that we have not had a real issue with the HVAC during this hot weather over the past couple of weeks. There are some areas where it is hot, but it has pretty much been able to be controlled.

Mr. Dempsey reports that the sidewalks are completed on West Park Avenue and Tinton Avenue. There are a couple of small areas that need curb replacements which will be done this week. The sidewalks on West Park Avenue look very nice. He and John Bucciero have discussed using our own Public Works Department to pave a section of Liberty Park connecting where the sidewalk stops to the existing walking trail. So now everyone that wants to go from Heritage Boulevard will be able to go there without having to walk on an unpaved surface.

Mr. Tobin says that he has waited four (4) years to see this and thinks that it is great. Mr. Dempsey adds that it actually looks nice and they did a good job.

Mr. Al Hilla states that the Council will see a resolution of an award for their consideration for the reward of the road program. He states that we have received excellent bids in comparison to our cost estimate.

In regards to the COAH restricted units, Mr. Berube reports that we have submitted a consent order on one (1) unit to preserve the affordability of that unit which had gone into foreclosure. He adds that there has been an order to show cause filed on another unit. He states that he has been in discussions with Affordability Services, the entity that we contract our affordable housing administrative services out to. They are reviewing both our processes and the notifications that have been made to all of the COAH units. We are entering into some discussions, both to identify and perhaps renew the restrictions that were placed in all of those units, to tighten the process.

Mr. Berube states that the representatives from CPG Group LLC are here, along with their council, Peter Falvo. Bill Northgrave is here to discuss the outlet mall and the redevelopment agreement associated with that. He states that they will be asking to table resolution R-07-206, which is the community service agreement for Fox Chase II. He states that at the last meeting, their council had requested recalculation of the community service amounts. Mr. Pfeffer has responded, but we have not received the response of their council yet. Because of this, he again asks that the resolution will be tabled.

Mr. Berube states that in Resolution No. R-07-239 for the credit card operations for the municipal court, there appears a typo. Where it says "48" it should be "40A." He also makes references to R-07-246, which is the resolution regarding the Earle housing and education of the children. He says that since the submission of the resolution, Senator Karcher has introduced a companion bill in the Senate. Mr. Berube states that he will be asking for an amendment at the time of that discussion to include Senate Bill 2828, as well as the noted assembly bill.

Mr. Skudera inquires if Mr. Berube wants R-07-206 to be tabled or carried. He states that if it is tabled, then it is finished. Mr. Berube responds that they may actually have a result in two (2) weeks with the indulgence of the Council. He hopes to have more information by the next meeting. He says that we are just waiting approval of Fox Chase II's association council.

Ms. Mount-Taylor states that she has passed out the 2006 annual audit report. She says that the Council is asked to review it, particularly the general comments and recommendations. A resolution will be placed on the August 21, 2007 meeting. Tonight she is passing around a signature slip for the Council to sign that they have received the 2006 annual audit report on this date.

Mr. Baldwin states that he met with Jennifer Beck this afternoon with regards to her resolution on the Earle housing and education of the children. He states that he totally endorses what Ms. Beck and Senator Karcher are trying to do. He also picked up copies of her letter and her petition, and he invites the public to sign the petition sometime this evening. The petition simply says to the government that we do not think those four hundred (400) homes should be leased out, period.

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This creates a threat situation. He asks that the public consider signing the petition and picking up a copy of the letter.

Getting back to the sidewalk program, Mr. Tobin wants to thank Al Hilla and everyone that worked to get this done. This project was a long time coming. We had children walking in the street because we did not have any sidewalks. He states that it made him feel really good to see the workers get this all done.

In regards to the website, Mr. Skudera reports that he met with the Technology Committee last Thursday. He has provided Council with two (2) proposals. One is from Civic Plus, and the other is from QScend Technologies. Mr. Skudera states that they can workshop this at the next meeting. Basically the pricing for a core system is starting at eight thousand (\$8,000), and for all of the benefits they have, such as online billing, there is a one-time fee of about seventeen (\$17,000) or nineteen thousand (\$19,000), and then monthly fees of a couple of hundred dollars a month after that.

Mr. Skudera reports that he met with the Historic Commission the prior week. They discussed Double A and Forgotson, and he has provided the Council with extra information on this. He adds that they also went over the non-profit design to help out the Historic Commission, the Crawford House. One (1) member volunteered to be on this committee, and we need two (2) other people to be trustees of this group. Once we have this non-profit going, the Historic Commission can partner with the town. In doing so, we can get more grants from the State and more corporate grants. This will help us raise money to restore the Crawford House.

Mr. Skudera states that the Open Space will be giving a presentation in August on the trail that is going in Tinton Falls. He will provide more information on this as he received updates.

Presentation to Tannu Singh – Monmouth Regional High School from Tinton Falls Police K9 Unit – Sgt. Gerry Turning, Jr. is the K9 Supervisor for the Tinton Falls Police Department. He states that since our inception, our K9 Unit has received quite a few donations from residents of the public as well as local business owners and non-profit groups. Earlier this summer, we received a donation that he thought was particularly extraordinary and merited acknowledgment in this form. He introduces the Council to Tannu Singh. Tannu will be starting her junior year at Monmouth Regional High School this fall. Last year, as a part of the Life Club at her school, she organized and initiated a fundraising drive specifically for the purposes of buying a bulletproof vest for one of our dogs. Tannu led the drive, and from his understanding, spend a lot of time raising the money through a bake sale, organizing flyers, and setting up stations outside of the cafeteria. She was able to raise five hundred dollars (\$500) from November to June. This was completed unsolicited on our part and we did not know about this until she called and told us that she had a check for us.

Sgt. Turning, Jr. presents Tannu Singh with a plaque that says:

Tannu Singh,

In appreciation for your amazing generosity and leadership, the Tinton Falls Police K9 Unit thanks you.

New Jersey American Water – Mr. Benjamin Daniel, Communication Manager with the New Jersey American Water, states that he is the liaison with Tinton Falls, and knows Mayor Maclearie from the Fort Monmouth Infrastructure Committee. Mr. Daniel states that they will be a public company probably later this year. They have received approval from the majority of the states of which they serve, and they are seeking approval in a couple of other states. Additionally, New Jersey American Water would like to be of any use to Tinton Falls that they can, whether through sponsorships or donations of water for events during the summer. He also states that they are also promoting their low-income payment plan. There are two (2) different plans. The H2O Help to Others Plan is a plan that offers a one- (1) time payment of up to five hundred dollars (\$500) for those that might have difficulty paying their water bills. The Low-Income Payment Plan is a recurring plan where once your eligibility as a customer has been established, you can continue in perpetuity. This is particularly useful for some of the elderly customers in some of the towns where they serve.

Mr. Daniel states that they are asking the towns in the shore areas to attempt to conserve water as much as possible this year. In the past they have had difficulty maintaining flow and pressure in some of the served communities, particularly in Atlantic County, and to a lesser extent Monmouth County. They have sent Use Water Wisely bill inserts to their customers which they will continue to mail through the summer. They have also placed water conservation ads in the Asbury Park Press and the Press of Atlantic City for their Atlantic County Customers. Finally, Mr. Daniel states that they wonder if there are any issues that he can take back with him that require resolution, either from anyone in the audience or from any of the Council Members.

Mayor Maclearie states that he has one (1) issue which he has brought up with the water company before. With the equivalent of a Reverse 911 when there is an emergency, there has been no resolution as to how the residents would be informed of a problem. He states that he has not heard

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anything. He has asked the water company for a plan and outside of three (3) days later saying that they would go door to door and hand out flyers, he has not had a response. If there is an emergency people do not know to boil the water. He inquires of Mr. Daniel has a response to this or if he can obtain one for us. Mr. Daniel replies that he will absolutely get mayor Maclearie a response. Mayor Maclearie asks for not just a response, but a solution.

Mr. Dempsey adds that they can make an offer for Mr. Daniel. He says that we are looking for a Reverse 911 system. He says that if New Jersey American Water wants to give a donation to the Borough to help offset the cost, then when an issue happens they can make a phone call to us and we can put it out to our residents. The cost would not be that much. Mr. Daniel asks that the request is put on Borough letterhead and sent to him either via fax or postal mail, and he will pass it along to whomever needs to get it.

Mr. Skudera inquires if the information about the payment plans will be mailed to the residents. Mr. Daniel responds that it is in the mail and is included as a bill insert. He states that he can also provide copies for posting here in the Borough Hall if they so wish. Mr. Skudera replies that that would be great and asks if they could provide an electronic copy for us to post on our website. Mr. Daniel replies that he can absolutely provide pdf and paper copies without a problem.

Mr. Baldwin states that he does not have a question, but he urges the supports that the Mayor has asked for. He says that at Seabrook they have had several occasions where the water has been flushed or the main has been broken. The next day they read that they should have been boiling water. He states that there are fourteen hundred (1,400) senior residents that really need a better advanced warning. This is something that New Jersey American Water really needs to look at.

Ms. Mount-Taylor states that she saw Mr. Breidenbach walk in this evening. He was supposed to receive a plaque at the last meeting, and even though it is not on tonight's agenda, she asks Mr. Skudera if he would be kind enough to present Mr. Breidenbach with the plaque tonight.

Mr. Skudera reads the plaque and presents it to Mr. Ed Breidenbach as Chairman of the Memorial Day services.

Mr. Breidenbach says that it was his pleasure to serve the Borough of Tinton Falls the way that they have served him. It has been an honor to be on a hallowed ground dedicating a Memorial Day service to our honored dead and for those who keep freedom alive. He thanks the Council.

Update on Municipal Building – Mr. Bill Birdsall reports that they are down to the final items in the building. A punch list was generated on June 26th by the architect for the contractor to address these last items that were found during inspections. On that same day, the contractor prepared a to-do list for all of his contractors that he has asked them to address.

Mr. Birdsall states that there is a Change Order on the agenda tonight for two (2) items that came up near the end of the project. One was for the material on the glass on the doors, and the second item was for a revision to the hot water heater flue that was required. The total of both of these was three thousand five hundred and one dollars (\$3,501) and he recommends that they are approved.

Mr. Birdsall says that before the project was awarded to the contractor for the HVAC front-end system, there apparently was some value engineering done. they decided that one of the ways to save costs was to take out the control system for the HVAC system. There are approximately fifteen (15) different air handlers in this building which combine about fifty-six (56) different zones. The idea of a front-end system is that it is a pc-based control system that allows an employee of the Borough to monitor that system at all times and make any necessary adjustments. Without that system it has been quite a chore getting all of the bugs worked out of the HVAC system in this building. For the past week we have not had any major issues. Up until then, there was a lot of running around and adjusting to be done, and we had to bring in a representative of Honeywell every time we needed to make an adjustment. They would have to come in with their computer and plug it into a particular air handler to read what was going on and make the adjustments. He adds that he was involved in another municipal building project where they took the front-end system out two (2) years ago, and are now looking to put it back in because they cannot control the system.

Mr. Birdsall states that he has asked the contractor for a price to put that system in so that they can operate it. He thinks that it is something that could be needed, but before he recommends that we move ahead, there are still some bugs in the system that he is not satisfied with and would like to get worked out. He would like these bugs to be resolved before they make any final decisions on that system. He at least wanted the Council to be aware that it is something that we are considering that might have to go back into the overall project. He knows that change orders have not been popular for this project, so he reiterates that with all considerations, we are looking at it very hard

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and thoroughly before we make the final decision. He just wanted to let the Council know where we were and what we were up against.

Mr. Tobin asks Mr. Birdsall to state for the record what the estimate is on this. Mr. Dempsey states that it is one hundred twenty six thousand and sixty three dollars (\$126,063).

Mr. Tobin says how is it that a guy can walk in here with a laptop and tune the system. He inquires as to why it is a hundred and twenty six thousand (\$126,000) when he could come in here with a laptop with that program and fix it. Mr. Birdsall replies that he wishes it was that easy. He says that the wiring that brings all of this to one (1) place would have to be run, and there are certain components that would have to be added to the system in order to bring it into a single point control system.

Mr. Tobin question if the person from Honeywell has to go to each individual location where something is screwing up when he comes in to repair something. Mr. Birdsall replies that he has to go to each individual one. There is not one (1) single place that he can go to to do this.

Mr. Skudera inquires as to how much it costs for each Honeywell visit and how long the visits are. Mr. Birdsall responds that we presently have not been getting charged because there have been problems and we are "on the contractor's nickel" at the moment. He states that one of the things he wants to find out is how much they would charge per visit so we can compare that with the overall cost and the response time. If you are waiting for a serviceman, it could be a day before they get here.

Mr. Baldwin says that these systems are generally monitored monthly and there is a cost to that. He inquires what the approximate ongoing monthly cost would be to monitor this. Mr. Birdsall replies that that is just an option and the system does not have to be monitored. If you have a problem with the system that your own technician cannot handle, then Honeywell can actually dial up the computer to read it themselves and try to diagnose the problem. Mr. Baldwin inquires if Mr. Birdsall would recommend this. Mr. Birdsall states that one of the benefits of a front-end system is that they can do this from offsite. Mr. Baldwin states that his experience has been that this is usually part of the package. Mr. Birdsall says that he understands what Mr. Baldwin is saying.

Mayor Maclearie inquires if we have to buy the hardware and then have a maintenance package on top of that. Mr. Birdsall replies "yes." Mayor Maclearie says that it will just be the hardware at one hundred and twenty six thousand (\$126,000), and then we will still have a monthly or annual fee on top of that. Mr. Birdsall replies that even if we did not do this system, we would have to have some type of a contract for service.

Mr. Dempsey states that he had someone in his office today in regards to Mr. Baldwin's question. He states that we are at a hundred dollars a month to monitor this system once it is up. This would be from an offsite location. We would call them saying that the air conditioning is too high and it is hot in the building and they would look up as to what it is and tell us exactly what it is going on with the system.

Mr. Baldwin responds that his understanding of the system is that they sense things going wrong early on and make the corrections. He asks Mr. Birdsall if this is so. Mr. Birdsall replies that this is part of it. He says that they can also be programmed to send warning signals of issues that are happening. This is a very sophisticated system. The HVAC industry has become a computer-based industry, even for home systems now.

Mr. Skudera inquires what the expected life would be of the purchased system and if it will be upgraded in ten years. He asks Mr. Birdsall for more information on these things. Mr. Birdsall responds that he would have to check and see if they upgrade their software automatically as they improve, and if it is part of their maintenance package. He states that we do not have everything worked out on this yet, but he wants to make everyone aware that we are looking into it and what the dollar figure is. He did not want to put a lot of research into this just to have the Council decide that we are not going this route.

Mr. Tobin states that if we pay one hundred dollars (\$100) a month, it would be a hundred and five (105) years before we pay for this system. He says that he could not believe the number, but he ran it three (3) times and it comes out to a hundred and five (105) years and change.

Mr. Dempsey states that we have to have the system before it is a hundred dollars (\$100) a month. You have to actually have the front-end system for them to dial into. The cost for them to monitor it is one hundred dollars (\$100) a month after you pay the one hundred and twenty six thousand (\$126,000).

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Mr. Skudera asks Mr. Birdsall to obtain the information on all of the different options and what we discussed, and then come before the Council again. Mr. Birdsall replies that he can do that.

On R-07-204, Authorizing Change Order #1 Increasing the Amount of \$22,687.25 Municipal Center Entrance and Exit Roads, Mr. Tobin states that he thought that this was already figured into the price. He questions if this is just us paying the bill. Mr. Hilla responds that this was additional base work that had to be completed on the entry. The work was done and the entrance is complete; this recognizes that.

Mr. Morrill inquires as to who did the specifications wrong the first time so that the flue was not long enough, did not fit right, or whatever the problem was that we had to change it. Mr. Birdsall replies that he thinks it was an issue that came up with the Fire Marshal. He states that he will find out the exact details on what this was.

Mr. Berube states that we are in the process of matching both punch list items with those items that we have accumulated during the course of construction in order to formulate an action list for legal proceedings. This is underway and he expects a meeting with out consultants within the next two (2) weeks. He states that he will report further to the Council at that time.

In regards to the punch list, Mr. Tobin questions if the doors will be fixed in every stairwell because the glass is on the wrong side. Mr. Birdsall states it is his understanding that the doors have been ordered. There is a long wait time on them, but they are coming. Mr. Tobin says that he cannot believe every door was done before someone noticed the problem.

R-07-255 – Authorizing Change Order #26U –

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-255 RESOLUTION – Authorizing Change Order #26
Increasing Contract #04-03 in the Amount not to Exceed
\$3,501.00 – Tinton Falls New Municipal Center**

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

WHEREAS, Change Orders #1 through #25 have been adopted at previous meetings increasing the contract to date to the amount of \$9,631,515.97; and

WHEREAS, Change Order #26 dated May 18, 2007 from Kaplan, Gaunt, DeSantis Architects for G & P Parlamas, annexed hereto and part hereof, requests an increase in the amount not to exceed \$3,501.00 for installation of a 6” barometric damper on hot water heater flue as requested by MIA as well as provide obscure glass in building entry doors to court room as described therein;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #26, not to exceed \$3,501.00 is hereby authorized for the above contract awarded to G & P Parlamas, Inc., for a total contract in the amount of \$9,635,016.97.

I hereby certify funds are available from: Capital Account #06-1181-4575 \$3,501.00

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Correspondence 2007 County Tax Appeal Update – Mr. Berube tells the Council that they have received the report given to them by Mr. Scott Imbriaco as to the disposition of both residential and commercial appeals, both in terms of the numbers and his assessments of what will be the impact on the reductions or refunds that are due. One of those items will be an item for Executive Session, and that will be the CECOM building. The balance are verily accurately reported to the Council. What we had feared in terms of the number of residential appeals that were taken or the disposition of those appeals fortunately is not as significant as the exposure could have been. These were minimized either through negotiation of Mr. Imbriaco or the actual trial. Many of those that filed an appeal did not actually show at the County Board, so those appeals were dismissed.

PETITIONS – None

ORDINANCES FOR INTRODUCTION – None

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ORDINANCES FOR FINAL CONSIDERATION –

Borough Clerk reads Ordinance No. 07-1224 Authorizing the Guaranty by the Borough of Tinton Falls, New Jersey of Payment of Principle and Interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Tinton Falls Project), of the Monmouth County Improvement Authority

Mr. Tobin offers a motion to open the public hearing, seconded by Mr. Baldwin.

ROLL CALL:
AYES: ALL IN FAVOR
NAYS: None
ABSENT: Mr. Ford
ABSTAIN: None

There being no comments from the public, Mr. Tobin offers a motion to close the public hearing, seconded by Mr. Baldwin.

ROLL CALL:
AYES: ALL IN FAVOR
NAYS: None
ABSENT: Mr. Ford
ABSTAIN: None

Mr. Tobin offers a motion to adopt Ordinance No. 07-1219, seconded by Mr. Baldwin.

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

PUBLIC DISCUSSION

Mr. Tobin offers a motion to open the Public Discussion, seconded by Mr. Baldwin.

ROLL CALL:
AYES: ALL IN FAVOR
NAYS: None
ASBSENT: Mr. Ford
ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Al Sager, H. Builders. He wants to get a clarification of the procedure for the H. Builders matter that was reported to the Council earlier by Mr. Dempsey. He states that his understanding is that it is anticipated that the Council will adopt a resolution to approve the signing of a quick-claim deed to vacant any claims that the Borough might have to the restricted area of the property that his client owns. He says that he forwarded a proposed quick-claim deed to Mr. Berube a week or so ago. He understands that this has been circulated to Mr. Hilla for his review, and Mr. Dempsey had stated that this matter would be put on the agenda for action at the next meeting. He states that he wants to make sure that his understanding of the process is correct. They have been working on this for over a year and he would like to see it come to a conclusion. He inquires if what he said is correct.

Mr. Berube responds that this is what we anticipate will be the case. He states that Ms. Mount-Taylor has correctly indicated a question as to whether there was an actual reservation that has to be done by ordinance or resolution. Mr. Berube states that in either event, we will resolve this and have it on the agenda for the next meeting. Mr. Sager inquires as to when that meeting will be. Ms. Mount-Taylor replies August 7th.

Denise Catalano, 11 Alpine Trail. She inquires if this was regarding the extension of Lisa Drive to Honey Lane. Mr. Berube replies "yes." He states that there was a technical option to the Borough to acquire and reserve the rights to extend Lisa Lane in the Planning Board approvals. This has technically since expired, and the applicant now wants to make sure that the Borough is not going to exercise any option to do that.

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Ms. Catalano inquires if they are going to be hearing this at another meeting or if there will be more discussion on this tonight. Mr. Dempsey replies that there will be no more discussion tonight and it is on the agenda for the next meeting.

Mr. Catalano says that no one in the four (4) houses on Lisa Drive was informed by mailing or any normal Planning Board issue by registered mail, that this was going through. The people who live adjacent to the property are a little concerned about fire and emergency safety. The bottom of the resolution addresses the issue because there are houses adjacent to the property on both sides of the road. He says that the driveways are kind of back to back. If there was a fire there or if someone needed an ambulance, it would be very difficult for the emergency vehicles. The neighbors would like to address the issue of what to do in case of a fire. He states that they would also like to see a cul-de-sac put in there. Living on the corner, he does not have any issues as to his safety if there were to be a fire in his or the house opposite. So rather than seeing a large paved area which would create more and more storm water problems, he would like to see a situation where the center of it is grass or some other type of permeable material. He states that he and his neighbors think that fire and police officials should probably take a look at this. He adds that the distance from the fire hydrant is quite far away from the other houses on this street. He assumes that his neighbors did not have any notice for tonight's meeting, or else they would be here.

Mr. Berube states that this issue was not on the agenda tonight so that is why he and his neighbors did not receive any public notice. Mr. Catalano says that his neighbors did not receive any notification from the Planning Board when they were addressing it. Mr. Berube explains that it was not an application before the Planning Board. He says that there is probably a two-(2) step process here and he should talk to Mr. Sager directly. He says that they have not yet made application to the Planning Board for any development of that property. What is presently encumbering the property is a clause in the prior subdivision many years ago that said that the Borough reserved an option, in effect, to take reservation if they decided to in the future. Mr. Berube says that it is Mr. Sager's request of the Council was to determine if the Council was ever going to exercise that option to put a street in as necessary. This is what was referred to the Planning Board because it was the Planning Board that put that clause in the original resolution. The Planning Board sent this back saying that they did not see any reason not to waive the option, nor did their planner. The Borough planner is also in accord. What is before us and will be on the calendar for August 7th is an application to formalize the fact that the Borough is not going to be exercising that option. This will not have anything to do with the development of the property. Regards to the development of the property will be by a subsequent application before the Planning Board, at which point all of the adjacent property owners (within 200 feet) would be noticed. He states that the concerns that Mr. Catalano has as to drainage, hydrant placement, and fire safety turnarounds are certainly issues that he would want to raise with the Planning Board.

Mr. Catalano states that what threw him was that this resolution included a direction toward police, fire, and safety. He says that he has never seen anything like this before in this type of resolution, and thought that maybe things had changed since he used to do real estate development. He adds that as far as it is he supports this because his neighborhood does not want to see that kind of traffic come through their area.

Ed McCullough, 15 Woodchuck Court. He tells Mr. Dempsey that he reread Keith Henderson's email and all of Mr. Henderson's concerns were addressed in the proposal that was put together for him. He inquires if Mr. Dempsey will be there Monday. Mr. Dempsey replies that he will see what his schedule is. He says that he did not plan on going to COAH, and knows that they had a conference call. Mr. McCullough says that they are on the schedule for Monday. Mr. Dempsey replies that he will be there. Mr. McCullough says that they need to stress to Council how important this is. They may need to go over the proposal and their needs so that this problem is resolved.

Mr. McCullough states that the sidewalk on West Park Avenue looks very good.

Bernie Youronowitz, Seabrook Village. He inquires as to what the status is of the straightening and resurfacing of Essex Road. He also would like to know if it will be the responsibility of the County, Tinton Falls, or the owners of the upscale stores. Mr. Dempsey responds that he thinks that they have all three (3) parties involved. The Jersey Shore Premium Outlets has a piece as part of their planning. The Borough has a piece as part of our road program that will be awarded tonight. Also, the County has a piece of the road down at the end at the end from where the realigning of Pine Street comes in. As for the status, Mr. Dempsey states that he has

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actually called the County today to set up a meeting with the three (3) parties, as well as a land owner on Pine Street from whom we will require an easement from. This meeting will be set up shortly. Joe Ettore has acquired a property on the east side of the Garden State Parkway. The County has acquired that and Mr. Dempsey believes that this comes into play in this whole project. He hopes that we will be able to sit down and move forward with this within the next couple of weeks.

Mr. Youronowitz inquires if there is a target date for the start. Mr. Dempsey replies that he does not know what the target date is, but he believes that they are going to do it in two (2) phases. One phase is realigning Pine Street and the other is doing the improvements and raising the roads to the culvert so that it does not flood there. He is not sure as to which one comes first. He adds that the issue with the culvert is a DEP permeating issue as well. he does not have a target date but claims that he will get one.

Mayor Maclearie states that he had a conversation with Joe Ettore last night. He says that he specifically asked about this project. The property that the County has acquired will be turned over to the Borough because we have to make some deals with one of the other property owners and where their sign is. The County is basically ready to move forward. Mr. Ettore claims that he wants to go to bid for his part of this in the next two (2) months. The Mayor says that the County is aiming for September.

Jeffrey King, 44 Plum Street. He would like to add to the people that are saying that they are glad to have more sidewalks and he appreciates the progress. He looks forward to seeing more pedestrian and bicycle safety in the future.

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

ROLL CALL:
AYES: ALL IN FAVOR
NAYS: None
ABSENT: Mr. Ford
ABSTAIN: None

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – Mr. Tobin states that it was nice to see one of our canine dogs was sent to another municipality. This happens regularly. On a traffic stop in another municipality the officers were suspicious and the dog found a large amount of marijuana hidden in the car. Just to let people know, these dogs find things as UPS, FedEx, and the find things in cars. They are brought all over the place and can catch criminals that have left a scent from the night before, and then go back and get them. He says that thinks that it is great when we can go out with another town and take somebody out with a dog that has greater abilities than any of us do. He asks if this can be passed along to the canine unit.

In regards to the Council agenda resolution that he sent, Mr. Skudera says that we can have that for a vote at the next meeting. He adds that setting an actual deadline will help Ms. Mount-Taylor's office out and will help the agenda to be prepared on time. This will also allow the public to know what the Council is doing in a greater amount of time with official postings.

Mr. Tobin inquires if the deadline that exists now only exists as practice and is not part of the law. Ms. Mount-Taylor responds that it was just a memorandum from her office.

Mr. Skudera states that he was talking to Ms. Mount-Taylor who wished him to talk to Council about the agenda being emailed. He asks the Council if they prefer emails and also the dropping in the mailbox. Mr. Skudera says that it was done before and they can start doing this again. Ms. Mount-Taylor explains that it would be emails with hyperlinks to the entire document. It was her understanding when she was away in February that Council did not want to do the agendas this way anymore. Mr. Tobin says that it was not him or Mr. Skudera, and they both agree that they like the email. So does Mr. Baldwin.

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RESOLUTIONS

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-218 RESOLUTION – Renewal of Certain Plenary Retail
Consumption Liquor License for the Year 2007/2008**

WHEREAS, the holder of certain plenary retail consumption license set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects, and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations, and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following plenary retail consumption licenses be renewed for the year commencing July 1, 2007 and expiring June 30, 2008:

<u>NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>
<u>LOCATION</u> TWIN BROOK @ TINTON FALLS, INC (Twin Brook Recreation Center)	1336-33-001-007	\$993.00

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-198 RESOLUTION – Authorizing Mayor and Municipal
Clerk to Execute a Redeveloper's Agreement with Chelsea
Property Group – (Route 66 Outlet Mall)**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a Redevelopers Agreement with Chelsea Property Group – (Route 66 Outlet mall) upon the approval of the Director of Law.

Mr. Tobin inquires if all of the paperwork and everything that we need in on this now.

Mr. Berube responds that there have been a couple of minor scribbles' changes just to clarify which exhibits were attached and which were not. In all other respects, the agreement is as the Council saw at the last meeting. He says that this included some changes to the bonding mechanism and the placement of some initial cash deposits and bonds for clearing operations which were allowed to proceed as well. at this point it is all in order.

Mr. Tobin inquires if it normally takes this long to get to this point with a developer's agreement. Mr. Berube responds that there have been certain third parties that have caused this delay, and he is sure that Chelsea would have liked to have been here much earlier than they are. This relates to the onsite construction and not necessarily to the overpass or any of the other things that have gone on beforehand. This is an appropriate time to suggest this. Chelsea had been in discussions through Mr. Northgrave for over a year on this agreement itself.

Mr. Tobin inquires if Mr. Northgrave is representing the Borough. Mr. Berube replies that yes Mr. Northgrave is. Mr. Tobin asks if Mr. Northgrave is OK with everything going ahead, and if it is appropriate to ask this. Mr. Berube replies that Mr. Northgrave is our special counsel and has made himself available to answer any questions that the Council or public has, provided they open this issue up to the public.

Mr. Tobin directs the question to Mr. Northgrave, inquiring if he feels comfortable going ahead with this and if everything is in order. Mr. Northgrave replies "yes." He states that there were some minor changes as late as today. He says that he reviewed them with the counsel to Chelsea. He has reviewed the changed and he and Mr. Berube have had a brief opportunity to discuss this. these changes are essentially scribbler issues of how to deal with the wind down of bonds and those types of things. He states that he would recommend that the agreement is approved.

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Mr. Skudera states that he was talking to Mr. Berube about the agreement. The discussion at the last meeting was about what towns usually do and working with a developer to find out what expenses there are at the cost of the town, etcetera. He inquires if there is anything that Mr. Northgrave can follow up on this about. He asks as to what the overall impact would be for Tinton Falls in terms of what is coming in as taxes versus what will be going out for extra police, fire, and road repair. Mr. Northgrave states that he cannot comment as to what will be coming in terms of taxes, but from his experience with other towns that are looking for development; the most desirable would be warehouse or some type of retail. This type of retail is especially desirable where it is tucked away in the corner and would not provide a lot of traffic impacts. You will be adding measurably to your bottom line in terms of rateables. It is a negotiation as to what are you putting in as opposed to what are you taking out. Chelsea is the owner of this property and most of the cost of this development has been on them and they have agreed to certain concessions that we have asked. One of them was the prepayment of the sewer connection fee which normally would have come in over a longer period of time. Chelsea has taken on any of the impacts on the town to make sure that Tinton Falls does not bear any of those impacts. As Mr. Northgrave understands it correctly, in addition to the impacts this development will have, there are additional capacities that were being constructed by Chelsea on their dime which will benefit the Borough in general, not just on this project. Chelsea has put quite a bit forward considering what they needed from the Borough to get the project done. Relative to other projects that Mr. Northgrave has worked on throughout the State, he thinks that Chelsea gave more than their fair share.

As far as the sewer is concerned, Mr. Morrill inquires if we have the capacity in those stations to handle this. He states that he remembers reading something about the sewer station not being able to handle any more. Mr. Dempsey responds that we have the capacity. He says that Mr. Northgrave mentioned an upfront payment of the sewer connection fees. A couple of months back the Borough got into a scarce resource litigation where we did not have enough sewer capacity and had to go out and purchase capacity from the Borough of Avon to the tune of seven hundred and fifty thousand dollars (\$750,000). This money came out of the sewer funds, so this money from Chelsea is going to help replenish this a little sooner than it normally would. As far as capacity, there should be a TWA already approved by the DEP.

Mr. Morrill asks Mr. Hilla if he believes that the drainage areas are at the right capacities. In the past we have run into problems with not having the drainage areas set up properly and areas getting flooded such as Essex. Mr. Hilla responds that he was not involved with the site review on behalf of the Planning Board, and believes that it was Leon Avakian's office. We will be inspecting it on behalf of the Borough, but the actual design for the sizing of the basins and so forth were not part of his review. He has essentially inherent the project as it was designed and approved by the Planning Board.

Mr. Baldwin states that that is the engineer's and the Planning Board planners' responsibility and should have been met thoroughly. Also, since the public has made an issue to this topic this evening, he has a question. It was said that Chelsea made a contribution to the area of Essex Road, but what that just the area that borders their property between the two (2) entries or from Jumping Brook down to the large bend in the road. Is this the only area that they have made a commitment to repair, or does it go beyond. He states that he sat through the Planning Board meetings on this and did hear mention of the contribution extending northward on up toward Essex Road. There was a question about whether this would be considered and he believes the answer was yes, we would consider that, but he never heard anything beyond that. He would like to know where the obligation that they agreed to ends with regards to resurfacing and repairing the road.

Mr. Hilla responds that their limit of resurfacing would be across the frontage on Essex Road of the Chelsea property to the curve that is most near the Parkway. Then the Borough's road program would pick up from that curve through to the most recently part paved by Seabrook. Mr. Baldwin inquires if this will include curbing and sidewalks on either side. Mr. Hilla replies no it does not.

Mr. Berube states that Mr. Hilla is correct that Exhibit D2 to the agreement indicates sidewalk contributions for sidewalks both along their frontage and along Essex Road north to Seabrook Village. This is part of the calculation for contribution as well.

Mayor Maclearie states that he had a conversation with Paul Ford and Stephen Pfeffer. Some of the questions were what we are going to get back in tax dollars out of the project and what were the costs to the Borough. Mr. Ford was interested in the costs to the Borough and asked

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where we would be if there was a profit/loss situation. Mayor Maclearie states that he is going to pull these numbers out of his head because he does not have the figures in front of him. He says that according to Mr. Pfeffer, the schools were going to get an excess of a million dollars (\$1,000,000) estimated from the property. Mr. Pfeffer did not have the exact values. There was a benefit on the school side, and on the municipal side, Mr. Pfeffer had an estimate of two hundred fifty (\$250,000) or three hundred thousand (\$300,000) that the Borough would receive. The offset would be that we would not have to worry about their trash and their roads. The only service that we performed that Mr. Pfeffer could readily identify was police support, and the question remains if that will be two (2) or three (3) officers. Again, if a new officer is hired and trained for that position, what would that cost be over time? He states that this is roughly where we are at. The only real cost the we would have is the police force that we would be providing.

Mr. Skudera asks Mr. Berube to go over when the town will get the tax money, and when exactly the process starts: when they build, when they get the C.O. . Mr. Berube responds that the property is currently valued as vacant land. Until the first C.O. is issued, the assessor is not allowed to put it on as an approved property. He imagines that the C.O.'s on this property would be applied for as the individual units of the structures themselves are completed. Technically the benefit to the Borough really begins when the C.O.'s are issued. This is the timeframe Chelsea is looking for.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Ms. Mount-Taylor states that this is the resolution that Mr. Berube has asked to carry to the August 7, 2007 meeting.

Mr. Tobin offers a motion to carry the following Resolution to the August 7, 2007 meeting, seconded by Mr. Baldwin.

R-07-206 RESOLUTION – Authorizing Mayor and Municipal Clerk to Execute a Community Service Agreement with Fox Chase II

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-207 RESOLUTION – Authorizing Mayor and Municipal Clerk to Execute Deeds of Historic Preservation Easement for Double A (Block 69, Lot 4.01) and Forgotson (Block 66, Lot 4.01) Properties

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby authorizes the Mayor and Municipal Clerk to execute a Deeds of Historic Preservation Easement for Double A (Block 69 Lot 4.01) and Forgotson (Block 66 Lot 4.01) properties.

Mr. Morrill states that he has walked around both of these properties. He inquires of Double A is even going to be able to be rebuilt. It is in such disrepair and there are holes in the side of the house. He questions if there is any way that we could condemn it and keep the whole property as open space.

Ms. Stacey Slowinski responds that it is a contributing structure in the historic district, so demolition is not an option that we would really like to explore.

Mr. Tobin asks what would happen if it falls down. Ms. Slowinski replies that it could fall down. Mr. Morrill says that we might not be able to sell it. The garage is termite-ridden and collapsing. He says that part of the roof is starting to collapse and he almost fell through the front porch by merely stepping on it.

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Ms. Slowinski states that we will not be able to sell this for a really high price, and we have not had it appraised in several years. The house has been empty for five (5) years, and the sooner we get it sold the sooner we will receive any money in return for it. It is possible to rebuild it and to renovate and rehab it. It is not beyond doing that and it will very quickly get to that point, so that is why we have to act on it as soon as we can.

Mr. Morrill adds that he agrees with putting the easements in to protect the property from more development. But if the house were to be knocked down, he did not know if we were able to keep the property and just add the easements along with the property to keep it all open space. Ms. Slowinski states that she would prefer not to explore the option of demolition. If we attempt to sell it and do not have a buyer, then that is a bridge that we will have to cross at that time.

Mr. Morrill inquires if at this point we are just looking to put in the easements and protecting our interest in the rear property. Ms. Slowinski says that when the State came out a year ago, in the fall, to examine the property, the easement that they were going to place on the house was not for the entire house because there had been additions. Anyone that buys the house will be able to make certain kinds of alterations to it in the course of renovating it.

Mr. Skudera states that he hopes someone buys this property and rebuilds and makes it look great, but inquires what the plan will be if no one wants to buy it. How long are we going to wait to sell this? Ms. Slowinski responds that we will only wait as long to sell it as it takes to get the paperwork put through. We need the easements to be approved first, and then our application will go to the State. The State has sixty (60) or ninety (90) days to respond to our application, and then we can go through with our procedures for putting the auction together. The quicker we can do this, the quicker we can find out where we stand. In the meantime we need to have appraisals done to find out what kind of price we can set for it. Her guess is it we set the price, or the base bid, at the right spot, then we will find a buyer.

Mr. Skudera inquires as to how long it would generally be on the market for. Ms. Slowinski responds that she thinks Ms. Mount-Taylor can address it, but she thinks that it is an auction situation via closed-bid auction.

Ms. Mount-Taylor states that they would have to put through an ordinance authorizing the sale of the property. Then sealed bids will go to Mr. Berube. She presumes that it may take up to forty five (45) days for the introduction, public hearing, and adoption of the ordinance and setting a date for a sealed bid.

Mr. Berube says that we want to redo the ordinance and provide a minimum bid as well.

Mr. Tobin states that on the one (1) property on Sycamore there was a resident that has expressed interest for a very long time. It has been about a year since he last spoke to the resident. He does not know if this interest is going to continue, but if we are going to do this then we really need to get moving on it.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Berube publicly commends and thanks Ms. Slowinski for assisting him through this process. She has put three (3) year of volunteer effort into this. She pretty much as acted all on her own as the whole committee and we appreciate her efforts.

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-232 RESOLUTION – Honoring Eagle Scout Achievement of
Doug Phillips**

WHEREAS, Doug Phillips has been involved in scouting since 1996, and

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WHEREAS, Doug, has earned 26 merit badges, hiked 161 miles, camped out 81 nights and volunteered over 77 hours of community service, and

WHEREAS, Doug, as a member of Troop 124 achieved many honors; elected Order of the Arrow member 2003, served as, Order of the Arrow representative, Troop Guide, Chaplain Aide, Assistant Patrol Leader, Den Chief, Scribe.

WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting, and

WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Doug for his achievement in reaching a goal that a few Scouts acquire.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Doug Phillips be congratulated for receiving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 124.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-233 RESOLUTION – Honoring Eagle Scout Achievement of
Kurt Campanile**

WHEREAS, Kurt Campanile has been involved in scouting since 1996, and

WHEREAS, Kurt, has earned 26 merit badges, hiked 21 miles, camped out 53 nights and volunteered over 88 hours of community service, and

WHEREAS, Kurt, as a member of Troop 124 achieved many honors; elected Order of the Arrow member 2003, served as, Patrol Leader, Assistant Patrol Leader, Den Chief, Scribe

WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting, and

WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Kurt for his achievement in reaching a goal that a few Scouts acquire.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Kurt Campanile be congratulated for receiving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 124.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-234 RESOLUTION – Honoring Eagle Scout Achievement of
Matt Dobies**

WHEREAS, Matt Dobies has been involved in scouting since 1996, and

WHEREAS, Matt, has earned 26 merit badges, hiked 39.5 miles, camped out 56 nights and volunteered over 170 hours of community service, and

WHEREAS, Matt, as a member of Troop 124 achieved many honors; elected Order of the Arrow member 2003, served as, Senior Patrol leader, Patrol Leader, Assistant Patrol Leader, Den Chief.

WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting, and

WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Matt for his achievement in reaching a goal that a few Scouts acquire.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Matt Dobies be congratulated for receiving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 124.

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ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-235 RESOLUTION – Renewal of Membership in
Monmouth Municipal Joint Insurance Fund**

WHEREAS, the Borough of Tinton Falls is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2007 unless earlier renewed by agreement between the Municipality and the Fund; and

NOW THEREFORE, be it resolved as follows:

1. The Borough of Tinton Falls agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-236 RESOLUTION – Award of Contract #06-9 –
Improvements to Wardell and Shark River Roads**

WHEREAS, nine (9) bids were received Thursday, August 31, 2006 for the above contract for Improvements to Wardell and Shark Rivers Roads; and

WHEREAS, Stavola Contracting Co., Inc., P. O. Box 182, Red Bank, NJ 07701, submitted the lowest responsible bid in the amount of \$392,020.00 for Improvements to Wardell Road and bid has been revised eliminating improvement of roadway area fronting the "Traditions" development parcel for a total bid award in the amount of \$347,795.00; and

WHEREAS, Stavola Contracting Co., Inc., also submitted the lowest responsible bid in the amount of \$162,160.00 for Improvements to Shark River Road; and

WHEREAS, Stavola Contracting Co., Inc., agreed to hold their bid prices until spring of 2007 in their letter dated October 12, 2006; and

WHEREAS, the Purchasing Agent has found the bid to be in order and Peter R. Avakian, P. E., recommends award in their bid report attached dated March 12, 2007;

NOW, THEREFORE, BE IT RESOLVED that Stavola Contracting Co., Inc., P. O. Box 482, Red Bank, NJ 07701 be awarded a contract for a total amount of \$509,955.00 for Improvements to Wardell and Shark River Roads.

I hereby certify funds are available from:

Capital Account #05-1167-4575 \$347,795.00
Capital Account #05-1165-4575 \$162,000.00

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

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**R-07-237 RESOLUTION – Release Performance Guarantees
Fox Chase IV, Phase II, Block 129.15, Lot 32**

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

WHEREAS, by letter dated June 29, 2007 the Engineer (Birdsall Engineering, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr.Morrill.

**R-07-238 RESOLUTION – Denying Release of Performance Guarantees
Fox Chase Iv, Phase I, Block 129.14, Lot 30**

WHEREAS, the developer has requested the release of Performance Guarantees for Fox Chase IV, Phase I, and

WHEREAS, BY LETTER DATED July 9, 2007, Borough Engineer, Birdsall Engineering, Inc., has supplied the developer with a punch list outlining items which need to be addressed prior to the release of performance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer, Birdsall Engineering, Inc.'s letter of July 9, 2007, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-239 RESOLUTION – Amending Resolution R-07-176
Authorizing the Acceptance of Credit Card Payments for the Collection of
Municipal Court Fees in Accordance with the Provisions of N.J.A.C. 5:30-9.1
Et Seq. – to Correct Typographical Error in Paragraph No. 3 – Which
Should read (N.J.S.A. 40A:11-1 et seq.)**

WHEREAS, Municipalities are authorized to accept electronic payment of certain funds under provisions of N.J.A.C. 5:30-9.1 et seq;
and,

WHEREAS, the Department of Community Affairs, Division of Local Government Services has promulgated regulations, N.J.A.C. 5:30-9.1 et seq, authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative code and in regard to transactions related to their Municipal Court, pursuant to the Rules of Court promulgated by the New Jersey Supreme Court; and

WHEREAS, in order for a municipality to accept credit card payments, a Resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipts that will be permitted; and,

WHEREAS, it is the desire of the Mayor and Council to authorize the payment of Municipal Court fees, costs and fines and such other charges as may be authorized by the Rules of Court; and,

WHEREAS, it is the intention of the Mayor and Council to authorize the Municipal Court Office to accept payment by credit card for those items; and,

WHEREAS, the utilization of credit cards for payment of these fees, costs or fines must be in accordance with the provisions of N.J.A.C. 5:30-9.1 et seq, and in regard to the Municipal Court, in compliance with the Rules of Court adopted by the New Jersey Supreme Court:

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

1. That the Mayor and Council of the Borough of Tinton Falls authorize the Municipal Court Office to accept credit card payments for the payment of municipal Court fees and fines.

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2. That the use of credit cards for payment is subject to the provisions of N.J.A.C. 5:30-9.1 et seq, as well as the Rules of Court adopted by the New Jersey Supreme Court, and such guidelines at the Supreme Court may adopt in regard to the acceptance of credit card payments for municipal Court obligations.
3. That this Resolution is subject to passage of a Resolution authorizing a bid opportunity for advertising for the contract with an organization that makes or processes electronic receipt transactions and the awarding of a contract to an organization in accordance with local public contracts law (N.J.S.A. 40A:11-1 et seq.).

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-240 RESOLUTION – Authorizing Change Order #1 Increasing
Contract #07-1 in the Amount of \$22,687.25 Municipal Center
Entrance and Exit Roads**

WHEREAS, Contract #07-1 for the Municipal Center Entrance & Exit Roads was awarded to Lucas Construction Group, Inc. by Resolution R-07-034 in the amount of \$265,431.35 at a meeting held on February 6, 2007; and

WHEREAS, Change order #1 dated June 29, 2007 from Birdsall Engineering, Inc., (annexed hereto and part hereof) requests an increase in the amount of \$22,687.25 for reasons described therein, for a total contract in the amount of \$288,118.60.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #1 increasing Contract #07-1 in the amount of \$22,687.25 for a total contract in the amount of \$288,118.60 is hereby authorized for the above contract awarded to Lucas Construction Group, Inc., 1696 Englishtown Road, Old Bridge, NJ 08857.

I hereby certify funds are available from:
Capital Account 06-1181-4575 \$22,687.25

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-241 RESOLUTION – Authorizing Mayor and Municipal
Clerk to Execute a Smart Growth Planning Grant Project Agreement with
Association of New Jersey Environmental Commission**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk be and are hereby authorized to execute a Smart Growth Planning Grant Project Agreement on behalf of the borough of Tinton Falls with Association of New Jersey Environmental Commission upon the approval of the Director of Law.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-242 RESOLUTION – Rejecting Bid Contract #07-9
Proposed Bleachers and Press Box – Liberty Park II – West Park Avenue**

WHEREAS, bids were advertised to be received on Tuesday, July 10, 2007 for the above contract for Proposed Bleachers & Press Box for Liberty Park II – West Park Avenue; and

WHEREAS, one bid was received from Landsite Construction Co., 252 West Westfield Avenue, Roselle Park, NJ 07204 in the amount of \$177,850.00 which exceeded the cost estimate for the project; and

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WHEREAS, according to NJSA 40A:11-13-2(a) a contracting unit may reject all bids if they substantially exceed the cost estimates for the goods or services; and

WHEREAS, recommendation is attached from Birdsall Engineering, Inc. dated July 11, 2007 to reject this bid as it exceeds the cost estimates and this project will be rebid.

NOW, THEREFORE BE IT RESOLVED that the bid received be rejected at this time.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-243 RESOLUTION – Performance Guarantee reduction –
The Pines II at Tinton Falls, Block 123, Lot 49.05**

WHEREAS, the developer for The Pines II at Tinton Falls has requested the reduction of Performance Guarantees, and

WHEREAS, by letter dated June 6, the Borough Engineer (Birdsall Engineering) recommends that the Performance Guarantee be reduced based on the amount of work completed, (said letter hereby attached and made part of this Resolution) and,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees for The Pines II at Tinton Falls, be reduced in accordance with said letter from the Borough Engineer.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Fod

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-244 RESOLUTION – Authorizing an Interlocal Services
Agreement with the Monmouth County Regional Health Commission
for the Purchase of Gasoline and Diesel Fuel**

WHEREAS, N.J.S.A. 40:8A-1 authorized a municipality to enter into a contract with any other municipality or instrumentally for the joint provision of services: and

WHEREAS, the borough of Tinton Falls desires to enter into an agreement with the Monmouth County Regional Health Commission (said agreement hereby attached and made part of this Resolution) whereby the borough of Tinton Falls fuel dispensing facility is made available to the Monmouth County Regional Health Commission for a reasonable fee: and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth , State of New Jersey that the Mayor and the Borough Clerk be and are hereby authorized to execute and deliver an agreement with the Monmouth County Regional Health Commission for the provision of fuel dispensing services at the Tinton Avenue Public Works garage facility, which agreement shall be on file in the Office of the Borough Clerk and available for inspection during regular business hours.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-245 RESOLUTION – Authorizing an Interlocal Services
Agreement with the Monmouth County Regional Health Commission
for Environmental Health Services at the Reclamation Center –
6000 Asbury Avenue, Tinton Falls**

WHEREAS, N.J.S.A. 40:8A-1 authorized a municipality to enter into a contract with any other municipality or instrumentally for the joint provision of services: and

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WHEREAS, the borough of Tinton Falls desires to enter into an agreement with the Monmouth County Regional Health Commission (said agreement hereby attached and made part of this Resolution) for the Environmental Health Services Agreement at the Monmouth County Reclamation center 6000 Asbury Avenue, Tinton Falls, NJ

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the Mayor and the Borough Clerk be and are hereby authorized to execute and deliver an agreement with the Monmouth County Regional Health Commission for the Environmental Health Services Agreement at the Monmouth County Reclamation Center 6000 Asbury Avenue, Tinton Falls, NJ be on file in the Office of the Borough Clerk and available for inspection during regular business hours.

Since the Reclamation Center is a client of his, Mr. Tobin asks Mr. Berube if he should abstain on this resolution. Mr. Berube replies that he would because this contract covers services that would be provided there.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: Mr. Tobin

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-246 RESOLUTION – Tinton Falls School District –
Earle Naval Weapon Base**

WHEREAS, the Borough of Tinton Falls has become aware of the potential for liability of educating non-military dependents upon certain areas within the Naval Weapons Station Earle; and,

WHEREAS, the Tinton Falls Board of Education has faithfully educated Navy military dependent children living on Naval Weapons Station Earle for the past eighteen years at costs exceeding the funding from the Federal government; and,

WHEREAS, the taxpayers of Tinton Falls and Shrewsbury Township have subsidized the education of these children with their property taxes in full support of their parents' military mission and sacrifices; and,

WHEREAS, the Tinton Falls Board of Education has indicated that the present agreement is limited to the education of children of the military assigned to Naval Weapons Station Earle; and,

WHEREAS, the Department of the Navy has indicated its intention to lease available housing at Naval Weapons Station Earle to civilians and under current law the dependents of these residents of these civilians would be educated by the Tinton Falls School System commencing on or about 2010; and,

WHEREAS, the Borough of Tinton Falls would have no jurisdiction to tax, receive impact aid, plan, or provide appropriate zoning for the houses of these civilian tenants, as the property is physically located in the Township of Colts Neck; and,

WHEREAS, the influx of any civilian students from Federal property located in Colts Neck would inequitably overburden the facilities and resources of the Tinton Falls Board of Education and increase taxes on its residents,

NOW THEREFORE, BE IT RESOLVED AND KNOWN: that the Mayor and Borough Council of the Borough of Tinton Falls do hereby support the efforts of the Tinton Falls Board of Education in their on-going advocacy to fully provide for the continuing education of Naval dependent residents of Naval Weapons Station Earle within the Tinton Falls School System and to exclude the education of civilian tenants who may reside upon the Naval Weapons Station Earle and call upon the elected state representatives to assist the Borough of Tinton Falls and the Borough of Tinton Falls Board of Education in securing passage of Assembly Bill 4272 and Senate Bill S-2828, in order to more equitably adjust the costs of the education for those involved.

Mr. Berube asks that the Council considers an amendment to be added to the title to support the identical bill S-2828, which is the companion bill of Senator Karcher.

Mr. Dempsey adds that there was some language change at the School Board. Tamar Sydney-Gens, the Business Administrator, called in regards to a language change that they were looking for because it was a little inconsistent. In the fifth (5ht) "Whereas," it indicates "Whereas the Department of Navy has indicated its intention to lease available housing at Naval Weapons Station Earle to civilians and to send the dependents of these civilians to the Tinton Falls School System commencing on or about 2010." Mr. Dempsey says that the Navy really does not care whether these kids will be educated in Tinton Falls or Colts Neck, so the School would like to see it read: "Whereas the Department of Navy has indicated its intention to lease available housing at Naval Weapons Station Earle to civilians, and under current law, the dependents of these residents of these civilians would be educated by the Tinton Falls School System commencing on or about 2010."

Mr. Dempsey adds that the last "Whereas" states "Whereas the influx of any civilian students from Colts Neck." He says that it really should indicate "Whereas the influx of any student form Federal property located in Colts Neck..." and then continue with the rest of the sentence.

Mr. Skudera asks if the Council would make a resolution for the amendments.

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Mr. Tobin offers a motion to amend R-07-246 as stated by Mr. Dempsey, seconded by Mr. Morrill.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Skudera reads something from Councilman Paul Ford who could not be at today's meeting, but sponsored this resolution:

"Since I'm not at the meeting today and have pushed for this resolution, I want to state for the record that I am in 100% favor of this resolution. I personally want to thank Peter Karavities, Tinton Falls Board of Education President for brining this to the forefront and making sure we are protecting the rights of the Tinton Falls taxpayers.

I don't understand how any elected official can advocate that civilian children living in their own town should be sent to a neighboring district at the neighboring district's taxpayers expense.

It's imperative that our state elected officials fully understand these issues and what's at risk for the Tinton Falls taxpayers. I would like to thank Assemblyman Michael Panter and his support to the Tinton Falls community in his fight to clarify that Tinton Falls School District is only responsible for educating the children of Navy personal who reside and work at NWS Earle (Bill A-4272)."

Mr. Tobin states that we would also like to thank Assemblywoman Jennifer Beck and Senator Ellen Karcher for their continued support on this, in addition to Assemblyman Panter who has been terrific.

Mr. Skudera asks for a roll call to adopt R-07-246 as amended.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-247 RESOLUTION – Award of Non-Fair and Open
Contract for PS#9-07 – Coded Systems – Revision and Codification of
Borough Ordinances**

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

WHEREAS, such professional codification services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Coded Systems , 120 Main Street, Avon, N.J., 07717 is so recognized; and

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

WHEREAS, the term of this contract is for one year from date of award; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,700.00.00 plus miscellaneous reimbursables for codification services described on proposal attached dated May 11, 2007; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Coded Systems is hereby authorized to provide professional codification services described above for an amount not to exceed \$15,700.00 plus miscellaneous reimbursables; and

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

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

I hereby certify funds are available from: 0001-1101A \$15,700.00

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-248 RESOLUTION – Award of Non-Fair and Open
Contract for PS#8-07 – Professional Planning Services –
Heyer, Gruel, & Associates**

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

WHEREAS, such professional planning services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Heyer, Gruel & Associates , 63 Church Street, 2nd Floor, New Brunswick, N.J. 08901 is so recognized; and

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

WHEREAS, the term of this contract is for one year from date of award; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$62,000.00 plus miscellaneous reimbursables for planning services described on proposal attached dated May 2, 2007; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Heyer, Gruel & Associates is hereby authorized to provide professional planning services described above for an amount not to exceed \$62,000.00 plus miscellaneous reimbursables; and

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

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

I hereby certify funds are available from: 0001-1101A \$62,000.00

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Tobin.

**R-07-249 RESOLUTION – Award of Non-Fair and Open
Contract for PS#7-07 of Professional Engineering Services –
Liberty II Park Concession /Restroom Building & Bleachers/Press Box**

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Liberty II Park Concession/Rest Room Building and Bleachers/Press Box project as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Birdsall Engineering, Inc. , 611 Industrial Way West, Eatontown, N.J. 07724 is so recognized; and

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

WHEREAS, the term of this contract is for one year from date of award; and

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WHEREAS, this contract is to be awarded for an amount not to exceed \$27,000.00 plus miscellaneous reimbursables for engineering services described on revised proposal attached dated June 19, 2007; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Birdsall Engineering, Inc. is hereby authorized to provide professional engineering services described above for an amount not to exceed \$27,000.00 plus miscellaneous reimbursables; and

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

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

I hereby certify funds are available from: Capital Account 07-1219-4505 \$27,000.00

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-250 RESOLUTION – Award of Contract #07-8
Improvements to Hope Road Phases 1 and 2 – Earle Asphalt Co.**

WHEREAS, eight (8) bids were received on Friday, July 6, 2007 for Contract #07-8 for Improvements to Hope Road Phases 1 & 2; and

WHEREAS, Earle Asphalt Co., P.O. Drawer 556, Farmingdale, NJ 07727 submitted the lowest responsible bid in the amount of \$987,013.13 for the above contract; and

WHEREAS, the Purchasing Agent 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 11, 2007; and

NOW, THEREFORE BE IT RESOLVED that Earle Asphalt Co., P.O. Drawer 556, Farmingdale, NJ 07727 be awarded a contract in the amount of \$987,013.13 for Improvements to Hope Road Phases 1 & 2 contingent upon approval of the contractor by the New Jersey Department of Transportation;

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

I hereby certify funds are available from:
Capital Account – 06-1186 and 07-1215 \$987,013.13

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-251 RESOLUTION – Authorizing the Mayor and Municipal
Clerk to Execute Agreements for Food Service Refuse Collection**

WHEREAS, the Borough of Tinton Falls provides commercial refuse waste collection for commercial establishments in the Borough; and

WHEREAS, it is necessary to enter into an agreement for the commercial refuse collection;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that then Mayor and Municipal Clerk are hereby authorized to execute the agreements between and Borough and the commercial establishments.

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

Mr. Tobin offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-252 RESOLUTION – Approval of Bills –
July 17, 2007 – \$1,934,291.02**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending July 17, 2007,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY	
GENERAL	184,830.11
TRUST	11,618.75
CAPITAL	11,929.24
DEVELOPER	2,660.00
DOG TRUST	27.60
GRANT FUND	22,425.46
SEWER UTILITY	28,239.52
ADDITIONS	<u>1,672,560.34</u>
	1,934,291.02

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

CONSENT AGENDA

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Tobin.

**R-07-253 RESOLUTION – Refundung Recreation Fees –
Vega - \$70.00**

WHEREAS, during the month of May 2007 fees totaling \$100.00 were paid by a resident of Tinton Falls as a deposit for their child's participation in summer camp program.

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

WHEREAS, during the month of May, the Recreation Superintendent was informed by the resident that the family will be moving to the Carolina's and will not be participating in our summer camp program and a refund in the amount of \$70.00 shall be issued to the resident, for their child Taylor Vega.

LuAnn Vega	\$ 70.00
Total	\$ 70.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$70.00 be issued.

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

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Tobin.

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**R-07-254 RESOLUTION – Refunding Recreation Fees –
McMullen – \$13.00**

WHEREAS, during the month of May 2007 fees totaling \$13.00 were paid by a resident of Tinton Falls for their child's participation in summer camp program for a trip to the Eatontown Playhouse.

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

WHEREAS, during the month of June, the Recreation Superintendent was informed by the resident that the child will be unable to attend the trip as she will be performing in the said play; a refund in the amount of \$13.00 shall be issued to the resident, for their child Haylee McMullen.

Sandee McMullen	\$13.00
<hr/>	
Total	\$ 13.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$13.00 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Mr. Berube states that there is a need for an Executive Session tonight.

Mr. Baldwin offers a motion for the following resolution, seconded by Mr. Tobin.

Ms. Mount-Taylor states for the record that this resolution will be known as R-07-256.

**R-07-256 RESOLUTION – Pursuant To N.J.S.A. 10:4-13 –
Executive Seeion**

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

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. Morrill, Mr. Tobin, Mr. Skudera

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

WORKSHOP MEETING

Mr. Tobin offers a motion to move to the Workshop portion of the meeting, seconded by Mr. Baldwin.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

TIME: 9:05 p.m.

ADMINISTRATOR'S REPORT

Liberty Park II – County of Monmouth – Mr. Dempsey reports that this is the issue with the bids for the press box, and it will be on the next agenda. We need to go back out to bid and will hopefully be able to award at the next meeting. The bid will be advertised in the paper on Thursday.

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LOSAP Update – Mr. Berube states that there has been an inquiry by a Borough employee that is also an EMS and fire service volunteer. The Council may recall at the end of last year we amended our LOASP ordinance to allow the change for qualification for LOSAP purposes to members who might not in fact ride the rigs for the EMS services or go to fire calls. However, this will provide support services in both houses. The request by EMS and Fire Services work to expand that definition so that those other volunteer hours would count as well. The Council amended the ordinance, but for a problem with quorum. The ordinance was voted on and approved in December, but due to our ordinances, it became effective twenty (20) days after publication. That effective date then became January 12, 2007. A question arose within the last three (3) weeks as to which standards to apply, the old standards for qualification or the standards that they had intended to adopt by the end of the year. He says that the Council has to discuss whether it is their desire to amend that ordinance to make it retroactive and to December 31, 2006, and apply the new standards to the year of 2006 as opposed to going forward. He states that he is told that there is one (1) individual who would qualify under the new standards. It was his determination that since the new standards did not become effective until January 12th of this year, the old standards had to be used for 2006. This can be cured if it is the desire of the Council to make the new standards retroactive to the year 2006.

Mr. Tobin would like to state for the record so that there is no question of him or Mr. Morrill's comments, the action that was taken by this Council was for First Aid. Anything done with LOSAP through the Fire District is done in a different manner. If he is not mistaken, they only voted on EMS, because if not he and Mr. Morrill cannot participate in this conversation because it would not directly benefit them. He states that he believes the Council only acted for EMS because the districts are set up differently and things are voted on by the public.

Mr. Berube responds that that is correct.

With that in mind, Mr. Tobin says that he believes it was the intention of this Council to have it take effect for that time period and not to hold up anyone else. He thought that it was going to take effect for 2006. The LOASP program that was put together by the State has had the desired effect of getting substantially more people out to volunteer, especially for the EMS night shift which is one of the more difficult time shifts to find people. He wants to make sure that we do not do anything that is going to end up "sticking it" to anyone when they put the effort in thinking that they were going to be part of this program when they became involved in it. We need to take care of the people that do this work. He states that if we need to change it, he's fine with it.

Mr. Skudera states that it is his recollection that Council wanted what Mr. Tobin was talking about. he inquires what further action is needed by Council at this point.

Mr. Berube states that they are going to do an ordinance amendment that will make the prior ordinance retroactive to December 31, 2006 so as to apply those standards.

Mr. Skudera inquires if this is OK with Mr. Baldwin and Mr. Morrill. Mr. Baldwin replies that it is OK with him. Mr. Morrill questions as to why he has not seen any of the standards. He does not know what was set up in the past or in the present.

Mr. Tobin responds that it was a language change. Before it said if you missed the rig for a call, you stayed and did the support work but were not getting credit for it. If we change it back to 2006, there were a lot of people that would get credit because they showed up, loaded the rigs, took care of the essentials, and cleaned the tools. These things were not actually being credited, but under the Fire Service it is.

Mr. Morrill inquires if this is the only change that was made. Mr. Berube responds that most of it had to do with volunteer hours put in for either the support or maintenance of the rigs. He thanks Mr. Tobin and states that he stands corrected because it was primarily EMS related. The ordinance does cover different standards for EMS and Fire. He also acknowledges that it was the Council's intention to make that effective and to be applied for 2006, but Mr. Ford had a death in the family, we did not have a quorum, and we had to reschedule the meeting. This is what pushed all of the effective dates back. He did not realize that this would push the effective date into 2007, so this would correct that.

Mr. Morrill states that he does not have a problem with this.

UNFINISHED BUSINESS – Mr. Morrill states that Mr. Dempsey was going to check as to what is going on with the drainage for him.

Mr. Dempsey says that he was checking on the drainage on Parmly Road and behind Mr.

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Breidenbach's area. He states that he was talking with the County to see what they are doing to resolve that issue, but we are looking at this.

NEW BUSINESS –

Open Space Committee Discussion – Mr. Skudera states that there are four (4) people on the Committee right now, and they are doing a fantastic job with the trails. They are working very hard and are looking to make a presentation in August. We have to appoint a Council Liaison for this as well as the other members of the Committee. There are four (4) alternates.

Mr. Tobin says that he believes that Guy Buck, one of the alternates, was interested in being moved to a permanent position. He states that he thinks that Mr. Buck deserves it for all of the work that he has done.

Mr. Skudera responds that he was talking to Mr. Buck after the Historic Commission meeting and he must have had twenty (20) pounds of maps and papers and information, and he is doing a fantastic job being in the Open Space Committee with this trail documenting the information. He says he knows that this will be a great presentation.

Mr. Tobin says that we has heard from a number of people that Mr. Thomas Hayes is referred by John Seth Murphy. Mr. King and others have asked to be on this Committee. He does not believe that we will have any trouble filling these spots. He inquires if this can be put on for the next meeting.

Mr. Skudera says that we should post on the website to get the word out that we are looking for resumes.

Mayor Maclearie states that some of the alternates have not attended the meetings so we are going to write them letters asking them to step off so that we can get active members to participate.

As far as the appointments go, Mr. Skudera says that it is his understanding that the Council makes the appointments for Open Space. In the ordinance that was presented in 1999 and the ordinance in 2007 it says Borough Council appointment. It was put before two (2) mayors and two (2) attorneys and there were no vetoes.

Ms. Mount-Taylor says that she believes that although it says the Council, the past administration when they appointed the Open Space, Mayor Maclearie looked at the resumes and offered names. Council then did a resolution. Mayor Maclearie gave them everything, but he was a part of it as well as Ann McNamara.

Mr. Skudera says that no one has any problem working with Mayor Maclearie and getting his input, but it is a Council appointment so he wants to follow the rules on that.

Mayor Maclearie replies that he will follow whatever the rules are.

Mr. Berube says that he will look into the rules from those ordinances.

Mr. Morrill inquires if they will be looking to appoint the Board Liaison at that time. Mr. Skudera says "yes." He says that he knows Mr. Morrill expressed interest in this, and he thinks that he would be a great Council Liaison for Open Space.

Mr. Baldwin states that he knows that the appointments to the Planning Board are Mayor Maclearie's responsibility. In view of the problem they had the other night with insufficient members to have a quorum, he inquires of Mayor Maclearie if we are getting close to filling the remaining positions. Mayor Maclearie responds that we only have one (1) open spot. We have not have a quorum issue in two (2) years, and the quorum issue is created because three (3) of us had to step off. We only have one (1) open spot for someone we can find that does not have any connections to Seabrook. There is one (1) gentleman that is pondering that position and the Mayor is waiting for his response.

As a follow up, Mr. Berube would like to commend Ms. Mount-Taylor as our Borough historian. The resolution that was referred to was February 7th, and it did in fact repeal the prior ordinance No. 03-1090, and reinstate the 1999 ordinance, No. 99-0985 which had already been removed from everyone's ordinance books. He will do the research and report back to the Council providing the prior ordinance that has been repealed.

Mr. Tobin says that several years ago we were discussing police cars. He spent about ten (10) years in automotive safety. He has made people aware of the fact that odometer statements are not always accurate as to the wear-and-tare of a vehicle. Every hour a car sits idle is equivalent to thirty

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(33) miles of wear. You can get two hundred and sixty (260) miles in a day of sitting on traffic duty and not driving more than a mile. Mt. Tobin consults a list of the remaining crop of police SUVs that we have. This past winter during the ice storm, which is said to only happen every fifty (50) years, it was noticed that we were shy on 4-wheel drive vehicles. Several years ago we had replaced several of the SUVs and Mr. Tobin stated that he thought we would need more. He says the time has come for us to replace some of these ancient vehicles. He had asked for this to be included on the ordinance that was done today for the County program, but was not due to a miscommunication. Mr. Pfeffer had asked the Chief and the Chief thought that Mr. Tobin had taken care of it he did not say anything and it fell by the wayside. Mr. Tobin states that he is notoriously cheap and does not like to spend money unless he feels it is a safety factor or something that would behoove us. He thinks that we need to look at replacing the vehicles that run between twenty three and twenty four thousand dollars (\$23,000-24,000). For SUVs, the County just added a 6-cylinder Dodge Charger as a police vehicle and that is twenty thousand (\$20,000) and change. If we have the budget, we should look to replace the vehicles with all SUVs or partial and then a couple of other vehicles as unmarks. We need to get some of these things going without putting ourselves in a situation where we try to save some money and end up with a problem.

Mr. Skudera says that this can be a workshop item at the next meeting since the Police Chief and Mr. Pfeffer will be here. All of the information that he and Mr. Tobin have received from the Police Chief has already been forwarded to the Council. we can see as to how many cars we want to replace, and we can go forward from there.

Mr. Baldwin states that he would appreciate that. He says he has a question about getting new vehicles all at once and would like to hear why all of a sudden we would need this and what the impact would be to the Mayor's budget. He does not object to doing this, but some phasing might make sense. He would like to Chief to provide an explanation for replacing all at once, and would like to Mayor to provide confidence that this can be done within his budget.

Mr. Tobin adds that he has talked to Mr. Pfeffer on this point who said if we bonded it as we did for the last batch of vehicles, and we keep them for longer than the five (5) bonded years, it would be within the budget numbers without breaking the bank by bonding over five (5) years.

Mr. Baldwin states that he is not a financial wizard, but bonding is borrowing and borrowing takes money. He inquires if that makes the vehicles more expensive doing it that way. The answer is "yes." Mr. Baldwin questions if we want to do it that way.

Mr. Tobin responds that there is only person who would supply a police vehicle who would lease. As he understands it, it is not a state bid, but they offer a low rate. They could supply SUVs at low rates. However, even with a lease, you are paying a fee on it too, but this is why he wants Mr. Pfeffer to go over the difference in numbers.

Mr. Baldwin inquires if the cars are bought with the County. Mr. Dempsey responds that we buy them through State contract. There is a State bid that goes out. This is where we normally buy the police cars. Every year there is money in the budget for which they buy cars out if so that they do not bond for them. However, you can bond for 4-wheel drive vehicles. He has spoken to the Chief before in regards to that and the Durangos that were purchased for the canine were bonded, but the regular patrol cars were paid for out of the budget.

Mr. Baldwin states that he does not think that bonding as precedence is the right guidance.

Mr. Morrill inquires if we have a replacement program in place for the cars as far of mileage and years of age that we would tend to want to replace them. Mr. Dempsey replies "yes" and that is why there is money in the budget every year for this. This year we are replacing four (4), and every year we replace so many. Those vehicles are then handed down to the Public Works Department or another department within the Borough to utilize them for another couple of years, and the vehicles that they were using would be turned over to auction and sold.

Mr. Morrill asks if these vehicles are being replaced as part of that replacement program or are they being replaced on top of the four (4) vehicles. Mr. Dempsey replies that they will be purchased on top of those four (4). We have already purchased the four (4) for this year, and they were delivered at the end of June or the beginning of this month. These additional vehicles probably would not be delivered until January or so.

Mr. Skudera states that the Council has to start looking at the Master Plan. We have already started the process with the resolutions today. He questions if we should have Heyer & Gruel come in at the next meeting to discuss this. we should start thinking about questions that we have for this process. At the meeting they had, he remembered them saying that it takes about six (6) months to get all of the ordinances in order.

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Mr. Tobin states that he would like Heyer & Gruel to explain what our powers and limitations are because he has had a couple of people contact him on how they do not like the way their property was zoned and what we can do about it. He would like to find out if this is done and how it is done.

Mr. Skudera asks if anyone has any questions in advance to please forward them to Mr. Dempsey. He asks if Mr. Dempsey if he can see if Heyer & Gruel will be able to come in for the next meeting. Mr. Dempsey replies that he will do that.

As a new member of the Council, Mr. Baldwin asks Mr. Skudera if it is possible to obtain a copy of the final approved Master Plan. Neither he nor Mr. Morrill have one and we not allowed to have a copy as a member of the public.

Mr. Skudera says that Mr. Baldwin and Mr. Morrill will receive copies of the Master Plan.

Mr. Skudera advises the public that there will be no further business at this time and the Council will be moving into Executive Session.

Mr. Baldwin offers a motion to adjourn to the Executive Session, seconded by Mr. Morrill.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Time of Adjournment: 9:28 p.m.

Reconvene at: 10:30 p.m.

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: Mr. Ford

ABSTAIN: None

Time of Adjournment: 10:31 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

Approved at a meeting held on: November 27, 2007.