

REGULAR/WORKSHOP MEETING  
BOROUGH COUNCIL

June 12, 2007

Borough Clerk calls the meeting to order at 7:35 p.m.

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

All present stand for the salute to the Flag.

ROLL CALL:

PRESENT: Mr. Allen, Mr. Ford, Mr. Skudera, Mr. Tobin

ABSENT: Mrs. Barrett (arrives at 7:36 p.m.)

ALSO PRESENT: W. Bryan Dempsey, Administrator  
James E. Berube, Director of Law  
Stephen Pfeffer, Chief Financial Officer  
Karen Mount-Taylor, Borough Clerk  
Kelly Johns, Deputy Borough Clerk  
Gerald Freda, Borough Engineer  
Bill Birdsall, Borough Engineer

APPROVAL OF MINUTES

Mr. Ford offers a motion to approve the minutes of November 13, 2006, seconded by Mr. Allen.

ROLE CALL:

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

NAYS: None

ABSENT: Mrs. Barrett

ABSTAIN: None

REPORTS

Ms. Mount-Taylor presents Mr. Allen and Mrs. Barrett with a small token of appreciation for their dedication and all of the meetings that they have attended.

Mrs. Barrett states that she appreciates the appreciation, and hopes in the future that she will be able to contribute in some way, shape, or form to the municipality.

Mr. Allen states that he has served in public office for a long time and has been a volunteer since he was seventeen (17) years old. He says that it has been an honor and pleasure to serve the Borough of Tinton Falls. He wishes all the best to the new officials that have been elected to office. He will be available in any way that he can be of support.

Mr. Tobin notes that both Mr. Allen and Mrs. Barrett stepped up to fulfill these rolls for their service to the Borough and that is commendable.

Mr. Ford states that he appreciates having served with both Mr. Allen and Mrs. Barrett. He recognizes Mrs. Barrett as being one of the hardest working Council members that he has known. She will truly be missed and has done a fantastic job. He adds that he has learned a lot from Mr. Allen in a short time. He thanks him for his wealth of knowledge.

Mr. Skudera states that it has been an honor to serve with both Mrs. Barrett and Mr. Allen. He hopes that they will stay around to help the Borough out with different things and they are always welcome back. He thanks them for serving the community.

In regards to the revaluation, Mr. Dempsey reports that they are currently out doing the inspections and the process is on schedule. We have had sixty five (65) County Tax Appeals that were filed, and there are still twenty five (25) that are outstanding and will go to the County Tax Board. The dates are scheduled for this June 19<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup>.

Mr. Dempsey states that we have received a request from Shrewsbury Township regarding an Interlocal with garbage collection. He states that at this time, John Bucciero feels that it is not feasible for us to do since we are just in the midst of changing over to our own collection. This may be something that we can look at in the coming years, but at this time it is not feasible for the Public Works Department.

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Mr. Dempsey says that he received a notice from the CDBG. We had applied for a grant last year through the County Community Development Block Grant Program to do the walking track around the Sycamore Park. At that time, we did not meet the funding leveling and were one (1) or two (2) applicants short. He has received a notification that the CDBG had some additional funding, and we will get funded roughly one hundred and twenty (\$120,000) or one hundred and twenty six thousand dollars (\$126,000). This will help the project. We were going to use our Public Works Department for the paving, but since it is a Community Development Bought Grant Program, we are going to have to bid this project out. However, the funding is still in place for it.

Mr. Dempsey states that videoconferencing will enter into an Interlocal services agreement with the Borough of Oceanport in the near future to share our videoconferencing. The judge will sit in the courtroom and be able to conduct the conferences with the inmates while they are in the jail. This will save Oceanport a substantial amount of money. He says that it currently saves us tons of money. He says that Chief Turning mentioned in court today that this was probably the best investment that he has even made in the Borough because you do not have to send the officers out to pick the people up at the jail.

Mr. Dempsey says that we are currently working with our phone vendor, Reynwood, to come up with a Reverse 911. We have discussed this and there are quite a few companies out there. He has spoken with Rich Kelly, the CEO of Reynwood, who feels that he is capable of doing a Reverse 911. Mr. Kelly is trying to put this together and will come to the Council probably within the next two (2) to three (3) weeks. Currently the phone system Mr. Kelly provides to us is excellent. Mr. Dempsey states that he has not had any problems with it, and anything that we do have, they are here within an hour tops to take care of. Hopefully Mr. Kelly will be able to help us solve the problem that we have during some emergencies.

Mr. Pfeffer states that on a memo dated June 5, 2007, the tax assessor had put out a preliminary report based on a request from Councilman Ford. He says that he hopes that everyone has received a copy of this, and if not, he will see that everyone does. This report is trying to estimate rateables over the next several years.

Mr. Ford says that he has received the sheet, he appreciates it, and it is fantastic. He noticed that with a lot of the properties though, we do not have an estimate at all. This is probably because none of the units are complete and we have no way to ballpark the figures. He asks if this is correct.

Mr. Pfeffer responds that the tax assessor has not seen any plans or heard of any specific building that they are talking about so he could not come up with a value. Mr. Pfeffer states that they are going to keep this as a moving project that will be updated as the information becomes available.

Mr. Ford states that he guesses as we go through the next budget cycle, we will continue to work on this and put it as a workshop item with the budget.

Mrs. Barrett inquires as to when Mr. Pfeffer says that the tax assessor has not seen any plans, does that mean that he just has not had the time to see them. She states that there are plans. Some of these plans have already been approved. There should be plans available thought he planning office. Mr. Pfeffer responds that the tax assessor has indicated to him that he did not have enough information to compile a value. He says that he will go back to him and ask him again, but this is what he initially came to Mr. Pfeffer for. Mr. Pfeffer states that he told the tax assessor to talk to the Planning Board, Mr. Dempsey, or anyone that might have some knowledge about any specific project that was on the list.

Mr. Dempsey states that he does not know if the tax assessor could see architectural from the Planning Board. He is not sure that all of the architectural are submitted to the tax assessor. So unless if he has that final book of what the materials are or what the bathrooms will be made of, it is kind of hard for him to give that estimate.

Mr. Freda provides an update on the road program. He states that they are planning to advertise the project by the end of this week. We will take bids in July and we anticipate the Council awarding this project at the July 17<sup>th</sup> meeting. The project will include two (2) cycles of the TTF Program for Hope Road, as well as a number of other streets in town. We will be looking for substantial completion dates by November 15 and December 15, 2007. The reason

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for the split dates is because of a DOT requirement. Normally, the DOT wants their paving done before the end of November. The hope is that if everything goes well with the bids and we have a good contractor, we should be able to complete the project this year.

Mr. Ford says that there had been talk about bidding this as one (1) project and then dividing it up because there were some requirements where we had to have paperwork in before a certain date in order to make sure that we could leverage the funds. He inquires if this will now be one (1) bid or two (2).

Mr. Freda responds that it will be bid as one (1) project, but it will be bid in parts because of the grant and the funding sources. It can actually be bid as one (1) project with one (1) contractor. The reason for the two (2) completion dates is because of the funding.

Just to make sure that they are clear, Mr. Ford inquires that it will be all of the roads that they talked about plus the walking/jogging track around Sycamore Park. Mr. Freda responds that he believes the track is in there, but he is not sure.

Mr. Dempsey says that the funding is in the ordinance, but it is not in the bid. The track was going to be done by the Public Works Department, but now the CDBG funds that we will receive from the County will be bid out as a separate contract, not as part of this. Mr. Ford says that it will be all of the roads, just not the walking track. Mr. Dempsey replies that that is correct. Mr. Ford inquires about a completion date. Mr. Dempsey replies he hopes by the end of the year as well.

Mr. Freda says for the record, the road project will include Squankum, Hockhockson, Cloverdale, Riverdale, Riverdale West, and Essex.

In regards to the sidewalk program that has been bid out, Mr. Dempsey states that they have had the preconstruction meeting and the sidewalks on West Park will begin within the next two (2) to three (3) weeks.

Mr. Skudera states that there is a Technology meeting scheduled for this Thursday. They will be discussing the website pricing and its features. If any member or Council or the administration has any hardware or software concerns at the new Town Hall, let him know so that they can discuss them at Thursday's meeting.

There is one (1) thing that Mr. Tobin has in regards to the technology. He says that Fort Monmouth is adding telephone and cell phone numbers as well as email addresses for alerts. A lot of the towns are talking about having a sign up for emergency notification in as many ways as possible.

Mr. Ford says that we have shared resources with the two (2) technology people from the schools. He asks that at some point we could have an update. We have a large building with a lot of networking for them and wants to know if needs are being met. He firmly believes that at some point in time we are going to need a network administrator, but if not, he just wants to know what the updates are with the schools and make sure that we are not overloading them. Mr. Skudera responds that he will bring this up at Thursday's meeting and get back to Council on this.

Mrs. Barrett reports that there will be a Planning Board meeting here tomorrow at 7:30 p.m.

Mr. Allen reports that three (3) members of the Open Space Committee met in this room last night to discuss a number of issues. One of which was the response to the Director from the Super Intendant of Parks for the State. He requested that we join with him to do some work on a local park. Mr. Allen states that he has spoken to the administrator about this and it seems to be looking forward. One thing that is on the top of the agenda for this committee are the trails that we have talked about. Mr. Guy Buck, of member of the Committee, has come up with an idea through his son in high school that is going to do the GSA. The reports will give us some insight into the land that is available, and continuous pieces that will allow us to get into recreational trails. We hope that by August the Committee will be able to come to the Council with a report on this, and perhaps dovetail it into the request from the County of Monmouth as it relates to the Open Space grant where they pursue purchases this year versus improvements. He hopes to meet with the administrator Friday morning to discuss this a little bit further.

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Mr. Allen also reports that the Restoration Advisory Board met again, this time spending two and a half (2 ½) hours going over the various sites. At this particular meeting, they looked at the Fort at its location here in Tinton Falls. There are probably seventeen (17) sites that were designated, of which there are about twelve (12) remaining that are being monitored. Some of these sites have some contamination, and the others of which have been remediated are closed entirely and signed off by the State of New Jersey. Charles Woods is not as bad as many people thought. He would be happy to share this information.

In regards to the project that Mr. Buck is working on with the trails, Mrs. Barrett questions if there is anything included in the way of access to waterways for canoeing. Mr. Allen responds that it is all blending in. Their problem has been that they do not know exactly what is available, what is owned and not owned, continuous to other pieces that we may obtain easement rights, and other things such as that. It would probably take money to buy some easement rights, and that is why we are looking to the effort with regards to the County which gave us two hundred thousand dollars (\$200,000) for 2006. for the 2007 bid, if we have this information available to them, he thinks it might work.

Mrs. Barrett inquires if this is the application that would be submitted September 19, 2007. Mr. Allen replies that if the Governing Body and administrator agree, and if they have done their homework. He says that this is an idea that they came up with at their meeting, and it makes sense to get the people from the Open Space Committee involved. The young folks from the high school have worked hours carrying computers on their backs getting reports and so on from satellite dishes. He says that it should be an interesting effort to show the entire Borough, and to come up with some ideas for recreational paths as was the request from our survey.

Mr. Tobin informs Mr. Allen that he believes if we were to ask for public help to clear trails and get things out then we will have an army. It has come from every fire department that we have had people offer from every neighborhood saying that they want the trails and claimed to do whatever they could to help. Mr. Allen responds that this is very good news and he is happy to hear it.

In regards to the Recreational Department, Mr. Ford says that this past weekend was a fantastic opportunity to showcase the nice parks that we have here in Tinton Falls. He wants to highlight that there were close to two hundred (200) teens from towns all over and outside of Monmouth County. He received more comments about how beautiful our fields are. He adds that the police and public services did an outstanding job.

Mr. Tobin inquires as to how we are doing with the credit cards for the courts and the ATM machine that they had discussed for the new building. Mr. Dempsey responds that Ms. Donlon informed him that the judge has provided our resolution to the Judiciary and they are awaiting judiciary approval of that. The contract has been negotiated and is ready to go. We are going to get an ATM machine, but we just need to talk to some vendors.

Mr. Tobin states that he went to the last Environmental Committee meeting. They were also very interested in working on the trails idea because everyone has the same idea for the town. He says that this will work out quite well.

Mr. Tobin adds that last Thursday he was invited by FEMA to attend Timely Alert VI, which is the sixth (6<sup>th</sup>) in the series of tabletop emergencies response scenarios that are run by the surrounding towns. This one was a thirty (30) hour window for a hurricane that is going to hit the Jersey Shore. We have not had one of these hurricanes since 1944. We have the same home-rule situations that Louisiana has where everyone in every town decides that they are going to tell you what to do. He went in as an observer and was told that no one was there from Tinton Falls so he was in charge. This is a realistic scenario because it could happen. They did everything that they could to confuse things because that is what could happen, especially in a closing out whereas before a storm hits. He says that it was very interesting and there will be another one coming up in a couple of months.

Also at the Timely Alert, Mr. Tobin says that they have discussed Reverse 911. A number of the towns around here have already instituted a company called Code Red, which is out of Florida. They pay an annual fee for software and they have a set number of minutes which can be used for anything that they need to use it for. Towns have gone away from other systems and toward this one. He says that we might want to take a look at Code Red. Eatontown and Howell Township use this. Code Red does not have limitations on the number of calls that you can make, and it seems to be pretty reasonably priced.

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Mr. Skudera says that he can also try to bring a list of other towns that have Reverse 911 systems. By looking through all of the town websites, he jotted down what they were using.

Mr. Tobin adds that at the program he attended they were also talking about free government software that you can obtain from websites for text messaging people. You can send out massive texts messages. As they found out at Virginia Tech and other places, the information took too long to get out, and we cannot have that anymore. We need to make sure that we are up to speed.

Update on Municipal Building – Mr. Birdsall states that we really are in good shape. Tonight we are in the meeting room which was the last room to be occupied. There were some issues with the HVA system which we have been working through. There were some small failures of equipment which had to be repaired. This is typical on startup because you are going to have things that are not going to work properly in the beginning. There were a couple of electrical issues that had to be resolved, and we still have one (1) unit with a small problem that we are trying to work out. All of the other systems seem to be working properly. He has been through the building several times and has checked with the various department heads and has not had any major complaints. He says that he has not received any complaints about the space, the room or the layout. Everyone seems to have adapted very well and has made their modifications as they have gone along. We only had a few last minute change orders, but nothing extraordinary.

Mr. Birdsall says that we have a punch list that is still being dealt with as we get near the final days. So far the contractor has been very cooperative and things are getting done.

Mr. Tobin inquires about the request that was made by Mr. Ford and others in the Borough about putting up the same kind of sign on the back of the building so that people can tell what building this is. Mr. Birdsall replies that he has not received a price back yet. Mr. Dempsey adds that John Bucciero is going to do this. Public Works did the front sign and Mr. Bucciero will do the back sign. It is just a matter of getting the guys to do the sign. Then we will have the electrician mount it and put a light there so that you can see it from the parkway.

Mr. Tobin says that we do not have any bushes and asks Mr. Birdsall about the landscaping. Mr. Birdsall replies that the landscaping was not in the contract and is Borough responsibility. He says that he would wait until the fall because it is kind of late now to be dealing with it. He thinks that they should work up a plan during the summer and have someone come in and do it.

Mr. Dempsey responds that we have the funding for this. There is money in the contingency, but it is just a matter of going out, getting a plan, and having it done. He says that it might be something that we could have a local nursery help us with, or have the Public Works install the bushes. He is sure that the nursery could lay out a plan for the building.

Mr. Ford states that he is glad to see two (2) lanes going each way on the front road. He inquires if this is complete or if there is any work left to be done. Mr. Birdsall replies that he thinks it is all done, and that he saw the final paperwork go out on that. He says that he thinks that there are a few signs that we need to work with. Mr. Dempsey adds that Sgt. Scrivanic did an inventory of the whole layout and gave Mr. Bucciero a list today of what signs were needed. He states that he is sure that the signs will be made and put out there shortly.

Mr. Tobin inquires if they have any money to buy matching tables for the front of the meeting room. Mr. Dempsey replies yes, they will get tables.

Mr. Allen notes a document from Mr. Pfeffer dated June 11, 2007 that has to do with the analysis and contingencies. The document lists approved change orders as seven hundred and six thousand dollars (\$706,000). He inquires as to what this amount is, if it is change orders not overrun. Mr. Pfeffer says that the seven hundred six thousand, two hundred ninety three (\$706,293) are the change orders that have been approved by Council. Mr. Allen questions if this equates to the overrun on the entire construction or if it is just the net of the change orders. Mr. Pfeffer replies that this is the total amount of change orders on the project, for which the majority went to the contractor. He does not know if the others would be considered overruns, or if they were things that were completely left out of the contract. He says that you have to look at each one individually. Some of the things were left out and some were change orders to actual line items that were in the original contract.

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Mr. Birdsall says that that amount could be broken down into which were actual change orders and which were additions. He states that this could be done for the Council. Mr. Allen responds that he thinks that this would be appropriate for the taxpayer.

Mr. Allen asks Mr. Berube that in studying this, if there is any potential for recovery of those overruns if they were broken out into a proper format. Mr. Berube responds that there is a potential for recovery for potential errors and omissions that were either in the design or construction phase of this. He states that we are presently pursuing these. Mr. Allen asks if we are on the record for saying that these are being pursued. Mr. Berube replies that we are in the works of doing so.

Proclamation – Tinton Falls Fire House – 75<sup>th</sup> Anniversary

Mr. Tobin reads a Proclamation from Mayor Maclearie proclaiming June 23, 2007 as Tinton Falls' Fire Company #1 as its 75<sup>th</sup> Anniversary Day.

Presenting Plaque to Ed Breidenbach –

Mr. Breidenbach is not at the meeting and Mr. Tobin reads the plague honoring Ed Breidenbach as the Chairman of Memorial Day Services.

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PETITIONS – None

ORDINANCES FOR INTRODUCTION –

Borough Clerk reads Ordinance No.07-1223 Ordinance of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the "Borough") Providing for a Special Emergency Appropriation in an Amount not to Exceed \$100,000 to Fund the Preparation of a Revision and Codification of Borough Ordinance

Mr. Allen offers a motion to introduce Ordinance No.07-1223 seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing to be set for June 26, 2007.

Ordinance No. 07-1223 in full in Ordinance Book No.3.

ORDINANCES FOR FINAL CONSIDERATION –

Borough Clerk reads Ordinance No. 07-1222 Bond Ordinance Amending Bond Ordinance Number 07-1219 (Which Provides for the Construction of a Multipurpose Recreation Building at Liberty Park II) Heretofore Finally Adopted by the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, on May 1, 2007, to Amend the Description Set Forth Therein

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offers a motion to adopt Ordinance No. 07-1222, seconded by Mr. Allen.

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Mrs. Barrett states that she wants to recap this ordinance. Originally we were awarded two hundred and eight thousand (\$208,000), and the original figure came in over five hundred thousand (\$500,000). Mr. Tobin inquires if she is referring to the ballpark estimates to get the project rolling. Mrs. Barrett states that that is correct. She says that she thought we agreed to cap it at the request of the Open Space Committee at four hundred sixteen thousand (\$416,000). We had the Pop Warner group here stating that they believed that the original figure was.... Mr. Dempsey adds "slightly inflated." Mrs. Barrett agrees. She says that they felt that we could do more for less money. She questions if this project has gone out to bid yet. Mr. Dempsey replies that no it has not. Mrs. Barrett inquires if there are any plans. Mr. Dempsey responds that there are drawings for the snack-shack concession stand, the bathroom facility, and the storage area. These are the plans that Pop Warner has submitted to meet their needs as opposed to the original plan.

Mrs. Barrett says that the ordinance included bleachers and a press box. Mr. Dempsey replies "yes." He states that the original was just for the concession, and that is when Pop Warner felt that we could also do the bleachers and the press box for the same amount of money. This is when we decided to go to the County and change the description. Mrs. Barrett inquires that it is permissible with the County that we are changing this from the original application. Mr. Dempsey replies "yes." He has a letter from Faith Hahn and a new agreement that has been sent, signed, and returned to Freehold for the Board of Chosen Freeholders to sign. The amendment to the contract will allow the concession stand, the bathrooms, the storage facility, the bleachers, and the press box utilizing the County's two hundred and eight thousand dollars (\$208,000).

Mrs. Barrett commends the Pop Warner group for steeping up and saying that we can do this project for less than the original estimate. She states that her only caution is that she hopes that we have done the homework and are going to get what this organization wanted. She is cautious because she does not see a plan in front of her or any bids, and does not see a preliminary contract written up.

Mr. Tobin asks to be corrected if he is mistaken, but the idea of the changing of the language in this bond ordinance is to say that if we do have extra money outside of the budget figure, we can use it for more than just that one thing. If we were to do this for two hundred thousand (\$200,000) total, we do have the luxury to put other things in there if we chose to do so. It is not to say to exceed that amount, but now it is saying that if we budget right we can do other things.

Mr. Dempsey states that this project is going to be bid in two (2) phases. The bleachers will be bid separately from the concessions. One reason is to make sure that the money is there, the other reason is because of timing. We do not want to wait on the contractor for the concession or for the contractor on the bleachers. Once the bids are done, they will be out and awarded. The bleachers could be built simultaneously, or even before or after the concession.

Mrs. Barrett questions that they have looked at preliminary costs for this project and that they feel safe knowing that this is where we are going to be. Mr. Dempsey replies that he feels safe. He adds that the Pop Warner has done basically all of the research with regards to the cost.

Mr. Skudera states that he thought it was Council's intention for this project to not go over the four hundred sixteen thousand dollars (\$416,000). He inquires if there is anything that they can add in the language when this goes out to bid to protect the Borough to make sure that this is all that we spend for the complete project, and the contractor has to complete the project within that scope of amount of work. Mr. Berube says that if the bids come in too high for the amount of money, the bids can be thrown out.

Mr. Skudera says that if the bid comes in at four hundred and ten thousand (\$410,000) or four hundred and sixteen thousand (\$416,000), is there anything that they can add saying that the contractor has to complete all of the work for that amount and cannot come back with a change order. Is this something that can be added to help protect the Borough? Mr. Berube responds that they have talked about a couple of different scenarios, including alternate add-items. For example, if portions came in higher than expected, you then pick and choose on which alternate items you wanted to construct. The contractor has to stay within that overall bid and complete the work based on the performance guarantees that they place. There are protections in place even at the initial bid amount.

Mr. Dempsey says that if the bid came in a little bit over the four hundred and sixteen thousand (\$416,000), he is sure that the Pop Warner organization would put in some of their funds to make sure that this happens. At the last meeting either Mr. Neis or Mr. Farra indicated that this was our field of dreams and he is sure that they are not going to let this go for a couple thousand dollars. They have fundraisers and moneys in their coffers. He says he is not speaking for them, but he is sure that if the time comes and their funds are needed, they will put them forward.

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Mr. Allen inquires of Mr. Berube that because this ordinance is on its second reading, if we were to change it we would have to go back out and advertise it. Mr. Berube replies that for a material change that would change amounts discussed, then yes that would be necessary. Mr. Allen states that he would consider this material. He tells Mr. Skudera that he personally thinks that they are covered, and with all the people that are coming into play on this, it will get done. He is ready to vote on it.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**PUBLIC DISCUSSION**

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ASBSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION NOW OPEN**

Stacey Slowinski. She would like to provide a quick update on some things. First of all, on May 30<sup>th</sup>, we had a preconstruction meeting for the Crawford House for our New Jersey Historic Trust Grant work. The contractor will be ready to begin work as soon as his building permits are issued by the Borough. This process is underway and we will hopefully see construction being at the Crawford House very soon. Secondly, last night she and Mike Ruther attended a Fort Monmouth Historic Preservation Committee that they had been asked to be a part of. They have begun the process of formulating recommendations to the larger Fort Monmouth Committee. They were looking at a historic researcher's report that was put together in 1996 by the Historic Preservation Office and the Army Core of Engineers. They are working with this document on an ongoing basis to make recommendations to the Committee. Lastly, after the Open Space Committee meeting last night, Guy Buck and Frank DeViti came to their meeting and they had a very productive conversation about the trail. This is a project that the Historic Commission has been talking about with the Environmental Commission for many years. They were discussing how the Crawford House could become and serve as a hub for a number of different trails. They were also discussing the possibility of putting a trail in through the area of the Pinebrook Cemetery.

Charles Lomangino, 3 Helena Street. He states that he has a few questions in regards to the new building. He questions if there are any plans to finish the sign that is half there and half not there when coming in off of Tinton Avenue to make it look nice. It is a nice sized sign that is already there and someone could just paint it to make it look good.

Mr. Dempsey responds that a new sign will be installed, and there is a possible discussion regarding what kind of sign will go there. He states that Council President Tobin, Chief Turning, and some others have indicated that they would like to see a digital sign for better indication throughout the Borough. Mr. Tobin inquires as to when he said that. He says that they have one at his firehouse and does not recall asking for one here. Mr. Dempsey responds that he thought it was Mr. Tobin.

Mr. Lomangino says that there used to be a plaque in the old meeting room that said "Borough of Tinton Falls." He inquires if anyone knows where it went and if they are planning to put it up in the new building. Mr. Dempsey says that we do have the plaque. Ms. Mount-Taylor says that she thinks they have to check with the judge because there are certain things that cannot be hung on the wall. We need to make sure that it is OK with the Court before we can hang anything. She adds that Mr. Dempsey is trying to make sure that when we go to put things on the wall, everything will be hung at one (1) time instead of piecemeal.

As to the infamous telephone pole that is sitting in the middle of the driveway, Mr. Lomangino says that it cannot be left like that. Mr. Dempsey responds that it will be pulled out, patched, concrete will be put in, and it will be paved. It was just a timing issue with getting the utility here to disconnect the service and pull the pole out.

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Mr. Lomangino said that when he first moved here there were signs that said that you could not put brush and other things out on Heritage Boulevard in Park Place. Technically they are supposed to put this stuff in front of their house and in the back, behind their fence on Heritage Boulevard. Those signs had disappeared for years until just recently after the storm. Now the signs are out there in buckets and leaning over. He says that this needs to be looked at. Also, someone had a dump truck load of mulch dumped on the side of the street for a guy to bring into his yard. We have gone from allowing brush to be out on a main road like that to someone having a dump truck load of mulch dumped for someone to wheelbarrow into their backyard through the backside of the fence. He inquires if Mr. Bucciero or someone from the DPW to properly put the signs in saying that there is no discarding of brush on Heritage Boulevard.

Mr. Dempsey replies that they will take care of it.

Rosemarie Kalanowski, 52 Garrison Drive, Park Place. In regards to the litter on Cannonball Drive, there should be some signs that say "no littering." She says that over the past few years she has noticed that people who drive the development either throw their Burger King trash, or whatever else they eat. She has noticed that Heritage Boulevard has signs against litter and was wondering if it were possible to look into this.

Mr. Tobin says that the signs will have to go up to let people know what the law is so that if they get fined they will know what the fine is.

Ms. Kalanowski says that it looks quite dirty and is quite embarrassing living in that part of town now between the overdevelopment and the trash. She also inquires if perhaps something would be done about the light in the new strip mall on Asbury Avenue. She states that it looks more like a Las Vegas prostitute strip with how bright the lights are. She thinks that the residents in the southern part of the town would really appreciate something being done about this. She states that most of the residents were taken aback by this strip mall, and says that it was quite since Tinton Falls Center served their needs. She asks if the lights could be lowered down.

Mr. Tobin says that they will take a look at the legalities on the amount of lighting that was approved and what the ordinances said. Light pollution has come up in other meetings as well.

Ms. Kalanowski says that it is not just the lights, but also the traffic. She says that we will probably have a major accident sometime soon because of how the traffic is diverted from that strip mall to Asbury Avenue, and the crossing from one strip mall to the other.

Tom Kendra, 45 Surrey Lane. He states that he is representing the Tinton Falls Soccer Club and would like to take a couple of minutes to thank some people for the tournament that they ran over at Sycamore and Atchison this past weekend. Between us and Ocean County, there were one hundred and ninety (190) teams that played. This turned out to be a great event for the town. Mr. Dempsey did a fantastic job getting them help and pulling this together. He thanks the police, particularly Chief Turning and Sgt. Scrivanic, for being on the scene in a matter of seconds. Unfortunately there was one (1) fight during the weekend and the police were right on top of it. He also thanks Sherri Eisele and the Recreational Department for doing a great job. There were a couple of injuries, and he thanks the First Aid Squad for showing up in a matter of minutes. He thanks Pine Brook for being one of their vendors and hopes that they did well. He thanks the Board of Education for the use of their fields and parking. He appreciates Public Works picking up the garbage and keeping the place clean. Finally, he would like to thank Mayor Maclearie and the Council. He states that he has received nothing but good remarks back about this terrific event.

Mr. Tobin says that he lives directly across the street from this event. He states that the people in his neighborhood could not have been happier with the way that things were handled. Speaking for the thirty (30) or so houses in his neighborhood, everyone was quite pleased. It was really well done and he cannot believe the number of teams that were there. The only question that he has is why they did not stay into the night with that many teams. Did it run that well that you did not need to do that?

Mr. Kendra replies "yes," and says to just leave it at that.

Leo Lomangino, 93 Colonial Drive. He states that it is only fair to thank everyone that worked so diligently to bring this building to life. Before the change in the Council, he thinks that they did a fine job that they did to serve this town and made sure that this building got to this point. He says that hopefully we will all enjoy it as much as we are tonight. He states that he is very interested to understand about the seven hundred and six thousand dollars (\$706,000), or whatever the final number was. He is surprised and amazed that this building is as beautiful as it is, and he is proud to be a resident in this town with this building. He also wants to know if

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Mr. Dempsey will be giving an update somewhere along the line about how the trash collections are going. He thought that it was approved that we would look into it and see if it was working for us, the town, the DPW, and everybody else. It was never formally resolved when and how it would formerly be related to the public.

Mr. Tobin responds that it would be within six (6) months of the start time, which was in May. There was a six (6) month window to revisit this. He asks Mr. Dempsey if this is correct. Mr. Dempsey replies "yes." Mr. Tobin states that he thought it would be six (6) months and then reevaluate after a year if we are going to continue.

Mr. Lomangino inquires if the formal evaluation would be open to the public for comment, or if it were just an operation of the Borough Administrator. Mr. Dempsey responds that the public can comment on anything that they want to. They will provide a report with the number of how many collections they doing, and any input that we receive from the businesses that the Borough picks up from. He states that he thinks that some of the businesses that the Borough had picked up for free before and currently are not now might eventually come back. Currently he can give an update on how each quarter of the Borough is bringing in for this, and what the tipping fees are.

Chief Turning, Chief of Police. He states that Karen Mount-Taylor requests that he would get someone here to take a photograph of all of them. This is a historic moment for all of them as they hold their first (1<sup>st</sup>) Council meeting in the new building. If the Council does not mind, he asks that the meeting can be interrupted for a moment to take the photograph once Lieutenant Boeltram arrives. He says that the photo can be taken at any time, but it would be best to wait until Mayor Maclearie arrives.

Chief Turning reports that their Rude Awakening Program was held in May at Monmouth Regional High School to try to keep the children from drinking and driving on prom night. He states that as far as he is concerned, it as a very successful day. He says that the success is measured by prom night, and we did not have any injuries or deaths. He wants to thank everyone for their support in this program.

Chief Turning would like to discuss the Reverse 911 system that the Borough is looking for. Yesterday he received a letter from the New Jersey State Police Office of Emergency Management. We received credit for having an actual exercise during the ice storm that we had. This means that we received credit to fulfill our mission that we are planning and staging and doing everything that we are supposed to do with regards to emergency management for an actual exercise. There are two (2) other things that you can do during the year. There are tabletop exercises and functional exercises, but nothing surpasses an actual event occurring. He hopes that we never have to have one again, but one of the flaws that we had in our system was the ability to communicate with the populous. The letter of acceptance of his report to the New Jersey State Police Office of Emergency Management, recommends that we acquire something of the Reverse 911 nature. It would require funding, but whatever the funding will be, Chief Turning states that it is well worth it. For the first (1<sup>st</sup>) time in years, we are currently putting together an OEM office. The OEM office is being put together downstairs as a sub-office of the police department. It will have radio and CB communications and it has eight (8) staging areas. When we were designing this building with the architects, we purposely put the OEM Office in this section of the Borough, away from the police department. The reason for this was redundancy; we did not need to have the police department go down and have no way to communicate. The break room was put there to be used as a shelter. Everything was well-thought out in the design of this building with that purpose in mind. He strongly suggests that the Borough look into the Reverse 911 systems; it is the only way that we can communicate to the citizens in the Borough of Tinton Falls.

In reference to the soccer tournament this past weekend, Chief Turning says that we had over seven hundred (700) cars that we parked anywhere and everywhere. He did not receive a complaint form anyone about parking and/or traffic. This is phenomenal. He says that if you want to have a soccer park like that, this is the type of stuff that you will want to bring to the Borough of Tinton Falls.

Chief Turning wants to thank Mrs. Barrett and Mr. Allen for their service. He says that it was a pleasure dealing with both of them. He appreciated Mrs. Barrett coming to him and asking the questions that she did because he loved answering them. He wishes Mr. Allen the best for volunteering his time, and thanks him for coming in and asking the questions that he did. Chief Turning states that it is nice being able to present answers to everyone, even in this form of government. He wishes Mr. Allen and Mrs. Barrett all the best.

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Chief Turning adds that he is very satisfied with the Reynwood system that was purchased. Because of this system, he currently transfers all of his desk telephone calls to his cell phone. He states that he does not like returning phone calls; he likes answering the calls when people call him. This telephone system is excellent and saves him a lot of time.

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

**PUBLIC DISCUSSION NOW CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER** – Mr. Tobin states that a couple of weeks ago we met with someone from Jennifer Back's office. Ms. Beck is on a Transportation Committee. Tom Fitzsimmons came out from her office and met with us at the intersections of Essex and Pine to try and get that area straightened out. We have heard for a while about a property owner downstream from where all of the extra water would go. This property owner is being difficult about giving approvals to allow the extra water flow because of the way that the water pattern would change. We walked down to find out who this property owner is, and it may actually be the State of New Jersey. He received a call from Mr. Fitzsimmons saying that when they pointed it out to them, the State said that they did not realize that they were the factor that was holding the situation up. They are looking to move the process ahead to try and get the two (2) phases done, and we have seen some progress on this for the first time in a while, which Mr. Tobin says is nice.

Mr. Skudera inquires as to what it was that was being held up. Mr. Tobin replies that there was a need for approval for a DEP permit because of the change in the water flow. They looked and found that there was no owner down the stream except for the Parkway. He received a call from the County Engineer's Office that said people were calling them all of a sudden and wanted to know what was going on. We now at least have people realizing that there is nothing in the way over there and we can begin moving things ahead.

For the purpose of the record, Mr. Berube states that Mr. Tobin has jogged his memory. Last week Mr. Allen, Mayor Maclearie, Mr. Dempsey, Mr. Bucciero, Mr. Pfeffer, and he met with the FMERPA reps and the planners that have been hired by FMERPA. They are in their first (1<sup>st</sup>) stage of meeting with all of the local officials in the three (3) towns, to discuss where we were in terms of progress; our vision for what may come to the Borough as part of the BRAC proceedings. They also wanted to get input on both their progress and their purpose. Mr. Berube thinks that they were quite surprised and happy to see as to how far along our Borough had gone in terms of the Master Plan revisions that will be presented to the Council and have been approved by the Planning Board. They also seem surprised that the demographic information that has already been provided by our planners, as well as the overall vision that the Borough of Tinton Falls has proactively developed for that portion. He states that they cautioned us again because they are the overall planners and are going to assess market conditions, and they are going to advise the Army as to, in effect, the highest best use of the overall. They cautioned us that our vision may not be the same as the overall vision for the three (3) towns. However, we were able to deliver significant resources to them to get them started. Since they are under a time deadline, they were very amendable to the materials that we gave them. He states that he would not be surprised if members of the Borough Council are again consulted as we draw closer to them providing their overall conclusions for the Army.

Mr. Allen wants to comment that Mr. Berube's statement is correct. He states that the organization that has been hired has subcontracted about eight (8) subcontractors and they are very busy at work. From this meeting, he was able to get them together with the Restoration Advisory Board. This meeting will take place within the next two (2) weeks, and we will be able to tell them what our progress has been and what we are doing. They are moving along quite well. He adds that he believes their presentation to FMERPA is December 8, 2007. They have a lot of work to do, but states that he thinks that they hired the right people. Out of all the Base closings in the United States and its properties, these people have probably taken on about forty percent (40%) of those closings and know how to do it. He states that this will work well for this area, as well as the people that live in this area. They were surprised at the work that

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had been done on our Master Plan and the proposals, and how recent it was. He thinks that it is a leg-up on the other municipalities, since he has attended all of the other municipality meetings.

In regards to the meeting that was mentioned by Mr. Allen, Mrs. Barrett inquires if there was a more finite detailed report that was given as to the intentions of the Borough and the Fort Property. She states that she was under the impression that the municipality had hired the firm of Heyer & Gruel for a more definitive plan for the section of Fort Monmouth other than what was in the last plan that they received.

Mr. Berube responds that there was not a more definitive document given to FMERPA outside of our own initial "visioning." We presented them with copies of that Master Plan that was adopted by the Planning Board as well as additional copies of all of the Notices of Interest that have been filed on behalf of the Borough. These were located on an overall aerial map to give them a better sense of position for each of the properties that we were interested in, but there was no more formal document or presentation done. He thinks that if it warrants it, or if they are interested, we will continue along this way to do that.

Mr. Dempsey states that Heyer & Gruel is going to go to the FMERPA meeting and give a presentation. This will be put on the record as opposed to the planners for FMERPA doing the presentation. Mrs. Barrett asks if this will be at the December meeting. Mr. Dempsey replies that Heyer & Gruel is going to attend the next FMERPA meeting and give a presentation on behalf of the Borough during the public session.

Mr. Allen adds that it was the offer of the Mayor to have Heyer & Gruel available for that meeting as he serves on that committee.

Mr. Tobin states that he has received a request out of a couple of senior residents in the Borough. Seabrook and The Pines have asked him why they are not allowed to apply for their two hundred and fifty dollar (\$250) tax credit and said that it was a local law. He asks if Mr. Berube or Mr. Dempsey could find out about this for him because these people were able to apply in other places that they have lived and not here.

Mr. Berube responds that he knows that Mr. Scott Imbriaco has dealt with that question with the County Tax Board. Generally for those residences that are set up not as a real estate interest, but rather as a share in a cooperative arrangement, the real estate property tax exemption has not been deemed to apply.

Mr. Tobin says that they were looking for the Veteran's Benefit. Mr. Berube responds that the Veteran's Benefit generally can be up to a full exemption depending on the status, but if there are no real estate taxes assessed, then there theoretically cannot be an exemption that you would get. Mr. Tobin states that we need to get this information out to the management of the two (2) facilities because they have been wanting to know.

**RESOLUTIONS**

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

**R-07-177 RESOLUTION – Resolution Petitioning COAH for Substantive Certification**

**WHEREAS**, the Planning Board of Borough of Tinton Falls, Monmouth County, State of New Jersey, adopted the Housing Element of the Master Plan on May 9, 2007; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on May 9, 2007; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Borough Council of Borough of Tinton Falls, Monmouth County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Tinton Falls Planning Board; and

**BE IT FURTHER RESOLVED** that the Borough Council of Borough of Tinton Falls, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan

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and all supporting documentation shall be made available for public inspection at the Borough of Tinton Falls municipal clerk's office located at 556 Tinton Avenue, Tinton Falls, NJ 07724, during the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-182 RESOLUTION – Authorizing Mayor, Administrator, and  
Director of Public Works to Execute TWA-1 Forms –  
Project: Parkview Estates**

**BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 forms on behalf of the Borough of Tinton Falls for the Parkview Estates project:

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

Mr. Allen questions what a TWA form is. Mr. Dempsey replies that this is a sewer permit that is submitted to the Sewer Authority and also endorsed by the DEP.

Mr. Ford inquires if Parkview Estates is off of Shafto Road. Mr. Dempsey replies that yes it is, and it is also known as the Barnes Property. Mr. Ford inquires if this is the sewer facility of Neptune, and if we have any issues. Mr. Dempsey replies that it is the sewer facility of Neptune and there are no issues that they have made him aware of. This is a small amount of capacity.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-183 RESOLUTION – Granting Approval of Certain Deeds of  
Easement for Road Widening, A Deed of Sanitary Sewer Easement and  
Agreements Related Thereto From Belle Theobald – Block 106.7,  
Lots 3.01, 3.02, Squankum Road**

**WHEREAS**, the Borough of Tinton Falls, a municipal corporation of the State of New Jersey, is desirous of establishing the rights of way of Squankum Road and securing a sanitary sewer easement on the property of the Owner located on Squankum Road, all in the Borough of Tinton Falls, County of Monmouth in the State of New Jersey and

**WHEREAS**, Belle Theobald is the sole owner of certain properties known as Block 106.7, Lots 3.01 and 3.02, in the Borough of Tinton Falls, County of Monmouth in the State of New Jersey and

**WHEREAS**, Theobald is desirous of granting certain Deeds of Easement for Road Widening Purposes for Squankum Road along both properties noted above in the Borough of Tinton Falls as well as granting a certain Deed of Easement for the placement of a sewer pump station upon the lot known as Block 106.7, Lot 3.01 as described above upon certain terms and conditions and

**WHEREAS**, the parties have agreed to certain terms and conditions for the grant of the Deeds of Easement for Road Widening Purposes as to Block 106.7, Lots 3.01 and 3.02, and a Deed of Sanitary Sewer Easement as to Block 106.7, Lot 3.01 as more fully contained in a certain Agreement for same attached herewith,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are hereby authorized to execute the Agreement for the Provision of Easements for Road Widening as to Block 106.7, Lots 3.01 and 3.02 and a certain Deed of Sanitary Sewer Easement as to Block 106.7, Lot 3.01 in form attached hereto and to execute said deeds of road widening and sanitary sewer easements indicating acceptance thereof.

Mr. Skudera states that there are three (3) blanks on the last page of the agreement. He inquires if we have a dollar amount for those figures.

Mr. Berube asks if that could be offered as an amendment for their approval of the agreement. He states that those numbers have just been confirmed as acceptable today by Ms. Theobald's

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Council. The first amount on the second (2<sup>nd</sup>) to last page of the agreement would be up to a maximum of six thousand dollars (\$6,000) for the removable or abandonment in place of the existing septic system at 67 Squankum Road. In paragraph E, the Borough reimbursing for additional screening of the above-grade improvements is in an amount not to exceed five thousand sixty four dollars and thirty cents (\$5,064.30) as per the estimate that we received. Finally, in the third (3<sup>rd</sup>) paragraph, Ms. Theobald asked to fix the value of the easement that she has been given as a donation to the Borough. We have received an appraisal of thirteen thousand six hundred dollars (\$13,600) line two (2) of the third (3<sup>rd</sup>) paragraph.

Mr. Berube asks if this is acceptable and if one of the Council Members will offer this as an amendment to this resolution.

Mr. Allen offers a motion to amend R-07-183 as placed on the record by Mr. Berube, seconded by Mr. Skudera.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Allen offers a motion to adopt R-07-183 as amended, seconded by Mr. Skudera.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-184 RESOLUTION – Special Item of Revenue –  
Clean Communities Program**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount;

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the year 2007 in the amount of \$1,861.55 which is now available from the N.J. Department of Environmental Protection.

**BE IT FURTHER RESOLVED** that a like sum of \$1,861.55 is hereby appropriated under the caption of:

N.J. Department of Environmental Protection:	
Clean Communities Program	\$1,861.55

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

Mr. Ford inquires as to what the funds will be used for.

Mr. Pfeffer responds that Clean Communities is a grant program provided by the State. It is a cleanup/beautification grant that can be used for a variety of different reasons having to do with cleaning with the environment and the town. You could have it for educational programs, actual cleanups, or purchase equipment with it.

Mr. Ford states that six (6) or eight (8) months ago there was a group of kids that came to the Mayor wanting to do some type of community service cleaning up where Shafto Road is. They also discussed Asbury Avenue and a few others. They spoke about the safety in regards to the police. Mr. Ford inquires if the grants could be tied in with some type of community project for cleaning up. The southern end of the Borough is a mess and he does not know if it is from the garbage trucks going down Cannonball and some of the other roads, but it is definitely bad on Asbury Avenue and Wyckoff.

Mr. Pfeffer responds that they can pass this along to the Clean Communities Coordinator, but normally every year they do have a program like that. He says that the program involves the

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kids in town and buys t-shirts for them. The program tries to make it a very fun day for everyone.

Mr. Ford inquires as to who the coordinator of Clean Communities is. Mr. Pfeffer replies that the coordinator is Jill Pegosh.

Mr. Skudera says that this resolution is to accept the money and put it in the budget. He inquires if it will come back to Council for its purpose of use. Mr. Pfeffer responds that no it will not. He states that the program has specific guidelines on how to use the money. These guidelines are set by the State. Once this is put in the budget, it follows the guidelines of the grant agreement.

Mr. Allen inquires if this is commingled or if it is part of the general revenue. He questions if this is a separate line item. Mr. Pfeffer responds that it is a separate appropriation within the budget, and then it is transferred over to the grant fund which is a separate accounting of all of the grants.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-185 RESOLUTION – Special Item of Revenue –  
Click It or Ticket 2007**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount;

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the year 2007 in the amount of \$4,000 which is now available from the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety.

**BE IT FURTHER RESOLVED** that a like sum of \$4,000 is hereby appropriated under the caption of:

State of New Jersey	
Division of Highway Traffic Safety:	
Click It or Ticket 2007 Grant	\$4,000

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Ms. Mount-Taylor asks if Council would be kind enough to remove liquor license number 1336-33001-007 for Twinbrook at Tinton Falls, Inc. They have not placed all of their paperwork in order, and she asks for this particular one to be carried to the Jun 26<sup>th</sup> meeting.

Mr. Ford offers the following Resolution and moves its adoption with the exception that the Borough Clerk has outlined with Twinbrook, seconded by Mr. Allen.

**R-07-186 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

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**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>
JULIA MICHAEL, LLC	1336-33-002-010	\$993.00	(Aleo Pizza Cafe)
CHARLIE BROWN'S OF TINTON FALLS, INC.	1336-33-003-003	\$993.00	(Charlie Brown's)
TINTON FALLS HOTEL, LLC	1336-36-007-010	\$993.00	(Holiday Inn)
PORTOFINO, INC.	1336-33-008-005	\$993.00	(Portofino Ristorante)
MIMOZA L.L.C.	1336-33-009-007	\$993.00	(Tally Ho Restaurant)
MENDITTO, INC.	1336-33-010-003	\$993.00	(Luigi's Tavern)
TINTON FALLS RESTAURANT, INC.	1336-33-011-005	\$993.00	(Palumbo's)
GSPH RESTAURANTS	1336-33-012-002	\$993.00	(The Pour House)
APPLE FOOD SERVICE OF TINTON FALLS INC.	1336-33-013-006	\$993.00	(Applebees)
STARK ENTERPRISES LLC.	1336-33-014-007	\$993.00	(The Grist Mill)
COURTYARD MANAGEMENT CORPORATION	1336-36-015-003	\$993.00	(Courtyard by Marriott)

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-07-187 RESOLUTION – Renewal of Certain Plenary Retail  
Distribution Liquor License for the Year 2007/2008**

**WHEREAS**, the holder of certain plenary retail distribution licenses 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 distribution 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>
F & T SPIRITS ENTERPRISES, INC.	1336-44-004-013	\$734.00	(Spirits Unlimited)
3-QUEENS, INC.	1336-44-005-003	\$734.00	(Tinton Falls Buy Rite)
REVA ENTERPRISES LLC	1336-44-006-006	\$734.00	(Pinebrook Liquor & Deli)

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-07-188 RESOLUTION – Renewal of Certain Club Liquor  
Licenses for the Year 2007/2008**

**WHEREAS**, the holder of certain club licenses 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 distribution licenses be renewed for the year commencing July 1, 2006 and expiring June 30, 2007.

<u>NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>LOCATION</u>
Seabrook Village Resident's Association	1336-31-018-001	\$180.00	(Seabrook Village)

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ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-189 RESOLUTION – Award of Contract #07-3 – Rebid  
Manufacture and Install Police Radio Communications Tower**

**WHEREAS**, bids received on April 4, 2007 for the Contract #07-3 were rejected on April 10, 2007 by Resolution R-07-136; and

**WHEREAS**, this contract was rebid and bids were received on June 6, 2007; and

**WHEREAS**, Morrison Tower Co., Inc., 1 Main Street, Fairton, NJ 08320 submitted the sole responsible bid in the amount of \$20,743.00 for one 75 foot MTC-GS-120-50 self supporting radio tower; and

**WHEREAS**, the Purchasing Agent has found the bid to be in order and Gerald Turning, Chief of Police, recommends award to the sole responsible bidder, Morrison Tower Co., Inc.;

**NOW, THEREFORE BE IT RESOLVED** that Morrison Tower Co., Inc., 1 Main Street, Fairton, NJ 08320 be awarded a contract in the amount of \$20,743.00 to manufacture and install the police radio communications tower.

**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 04-1125-4575 \$20,743.00

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-190 RESOLUTION – Award of Contract #07-2  
Two (2) Front Load Refuse Vehicles**

**WHEREAS**, seven (7) bids were received on Wednesday, March 21, 2007 for Contract #07-2 for two (2) 2007 Front Load Refuse Vehicles; and

**WHEREAS**, Hunter Jersey Peterbilt, , 524 Monmouth Road, P.O. Box 729, Clarksburg, NJ 08510 submitted the lowest responsible bid in the amount of \$184,000.00 each or \$368,000.00 for two (2) 2008 Peterbilt trucks Model 320, equipped with a 36 Yard Whitke Starlight Frontload Body; and

**WHEREAS**, the Purchasing Agent has found the bid to be in order and John Bucciero, Director of Public Works recommends award;

**NOW, THEREFORE BE IT RESOLVED** that Hunter Jersey Peterbilt, 524 Monmouth Road, P.O. Box 729, Clarksburg, NJ 08510 be awarded a contract in the amount of \$368,000.00 for two (2) Peterbilt Models 320, equipped with a 36 Yard Whitke Starlight Frontload Body;

**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 04-1115-4530	\$165,000.00
Account #7000-7002 Recycling Trust	19,000.00
MCIA 2005 Lease Purchase 0003/0373A	\$184,000.00

Mr. Ford inquires if there any other outstanding funds that are encumbered for any other capital equipment besides these two (2) trucks that are on the motion for tonight.

Mr. Pfeffer responds that the only one (1) off the top of his head is that there is money set aside for another automated garbage truck, but there is money set aside for capital purchases which Public Works is in the process of working on for bid specs.

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Mr. Ford asks Mr. Pfeffer if he could be a little more specific. Mr. Pfeffer states that there is one (1) bond ordinance in place and one (1) lease purchase in place. He does not have the particulars in front of him to be able to tell what the particular items are on the list. He does know that the list contains an automated garbage truck and a dump truck that John Bucciero mentioned today.

Mr. Ford states that he remembers discussing these two (2) trucks, but he would really like a list of any money that they have set aside, and any capital improvement. He would also like the date as to when the bond for this was actually approved so that we can anticipate what else there is. Mr. Pfeffer responds that this is not a problem.

Of the seven (7) bidders, Mr. Tobin inquires if there were any questions, problems, or appeals filed on this. He questions if there is anything open right now that could raise any challenges on this. Mr. Berube responds that there were letters of concern by other bidders. We had meetings to address those other concerns. He states that the Public Works Director is satisfied that the low bidder met or exceeded the specifications as recommended. He adds that a notice to anyone else that has filed an indication of concern has been made too.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-191 RESOLUTION – Award of Contract #07-6  
Supply and Install (2) Filing Systems**

**WHEREAS**, four bids were received on Wednesday, June 6, 2007 for Contract #07-6 to Supply and Install Two (2) Filing Systems;  
and

**WHEREAS**, Commercial File of N.Y., Inc., 444 Park Avenue South, Suite 602, New York, NY 10016 submitted the lowest responsible bid in the amount of \$18,265.00 for the Building Department Basement File System and \$7,474.00 for the Tax Assessor filing system for a total bid award in the amount of \$25,739.00; and

**WHEREAS**, the Purchasing Agent has found the bid to be in order and W. Bryan Dempsey, Borough Administrator recommends award,

**NOW, THEREFORE BE IT RESOLVED** that Commercial File of N.Y., Inc., 444 Park Avenue South, Suite 602, New York, NY 10016 be awarded a contract in the amount of \$25,739.00 to supply and install the Richards Wilcox Inc., Aurora Low Profile Mobile System and Times Two Speed Files as described in the bid specifications.

**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 06-1181-4540 \$25,739.00

Mr. Skudera inquires where the placement of these will be since it says that it will be in the building department basement.

Mr. Dempsey replies that one (1) is in the basement for the storage area for the Building, Planning, and Zoning Department. The other is in the Tax Assessor's Office.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-192 RESOLUTION – Award of Contract #07-7  
School Bus Transportation for Summer Recreation Program**

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**WHEREAS**, two (2) bids were received on Wednesday, June 6, 2007 for Contract #07-7, School Bus Transportation for Summer Recreation Program; and

**WHEREAS**, Murphy Transportation, Inc., 49 Kanes Lane, Middletown, New Jersey 07748 submitted the sole responsible bid in the total amount of \$21,860.00 which includes utilizing two (2) mini-buses, field trips and busing between campsites from July 9, 2007 through August 10, 2007; and

**WHEREAS**, this is a more or less bid and totals can change depending on trip cancellations, etc.; and

**WHEREAS**, the Purchasing Agent has found the bid to be in order and Sherri Eisele, Recreation Superintendent recommends the award,

**NOW, THEREFORE BE IT RESOLVED** that Murphy Transportation, Inc. be awarded a contract for an estimated amount of \$21,860.00 for the School Bus Transportation for Summer Recreation Program;

**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:

Account 2006-3805    \$21,860.00

Mr. Skudera notes that this says that it is a "more or less bid" and inquires if we have a range on this.

Mr. Pfeffer replies that the only thing that he can comment on is the 2006 bid. This bid is slightly less than it was last year. For example, regular bus transportation, which is two (2) buses for twenty five (25) days for the north and south route was ten thousand five hundred and thirty dollars (\$10,530). This year the bid is nine thousand seven hundred and fifty (\$9,750). Minibus transportation, which was two (20 buses for twenty five (25) days for the north and south route was eight thousand forty six dollars (\$8,046) for 2006, and seven thousand four hundred and fifty (\$7,450) for this year. The fieldtrips came in as the exact amount as last year, except they are going from twenty two (22) trips in 2006 to seventeen (17) trips this year. The busing between the campsite came in the same at one hundred and twenty four dollars (\$124) an hour. Busing to Borough Hall and etcetera went from one hundred and twenty four dollars (\$124) per bus to one hundred eighty six dollars (\$186) per bus.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-193 RESOLUTION – Refunding Registration Fees –  
Brendan P. Tobin (2006)**

**WHEREAS**, fees were received from Brendan P. Tobin for his son, Alex to be registered for the 2006 Summer Camp Program on May 18, 2006, in the amount of \$240.00, and

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

**WHEREAS**, by Ordinance No. 97-956 which allows for an exception of fee waiver, and the fee should have been waived.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$240.00 for the year 2006 be and the same is hereby authorized for Brendan P. Tobin.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

**R-07-194 RESOLUTION – Canceling Unexpended Balances**

**REGULAR/WORKSHOP MEETING  
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Of the General Capital Fund**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the following unexpended and dedicated balances of the General Capital appropriations be canceled:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		FUNDED	UNFUNDED
93-829/ 00-1027	Installation of New Signals and Reconstruction Wardell Road & Route 33	\$	\$316,861.85
		\$	----- \$316,861.85

Mr. Allen inquires what happens to the funds when we say "cancelling."

Mr. Pfeffer responds that it depends on the type of funds that we are talking about. In the capital improvement fund you can have several different types, but the most common are referred to as "funded" and "unfunded." "Funded" means that we have either issued debt on the ordinance or that we have funded it through a budget appropriation. "Unfunded" means that we have had the authorization to issue debt but did not have to. In this case, this is an unfunded cancellation meaning that this is just a housekeeping cancellation. There is no cash involved, and it is just canceling debt that had been authorized but never issued.

Mr. Allen questions that there will be no bond anticipation note or anything like that which will be extinguished or partially extinguished. He asks if this is just a line item transfer. Mr. Pfeffer responds that that is correct; this is just a line item cancellation.

Mr. Ford questions as to why we are cancelling this. Mr. Pfeffer responds that this was an ordinance that was put in place in 1993 for the Wardell Road project which had run into various problems with the DOT along the way. Avakian was able to finally resolve the DOT problems and came up with new estimates. We decided that a cleaner way to go was to come up with a brand new ordinance, go through the process, and then cancel this ordinance out once we were all established. This has taken place so we are now just doing the housekeeping of cancelling it out.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-195 RESOLUTION – Canceling Unexpended Balances  
of the Sewer Utility Capital Fund**

**WHEREAS**, certain Sewer Utility Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the following unexpended and dedicated balances of the Sewer Utility Capital appropriations be canceled:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		FUNDED	UNFUNDED
01-1059	Installation of Sanitary Sewer Mains	\$	149,480.02

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Mr. Allen inquires as to when this money was put aside. The other one was 1993, but he would like to know about this one.

Mr. Pfeffer replies that this one was done in 2001. You can go by the first part of the ordinance number, which is 01.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-196 RESOLUTION – Waiving Raffles Fees Payable to the  
Borough of Tinton Falls – Applicant – Tinton Falls Fire Company #1**

**WHEREAS**, the Tinton Falls Fire Company #1 has requested that the Borough waive their portion of the raffle license fees for the licenses issued for the 75<sup>th</sup> Anniversary Celebration to be held on June 23, 2007, and

**WHEREAS** it is the intention of the Borough Council to waive the Borough's portion of the raffle fees and not to waive any fees which are required statutorily by the State of New Jersey, and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the Borough's portion of the Raffle License fees amounting to \$80.00 dollars is hereby waived.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Tobin

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Mr. Dempsey asks that this resolution be carried to a future meeting. Ms. Mount-Taylor suggests the July 17<sup>th</sup> meeting, and Mr. Dempsey agrees.

Mr. Skudera offers a motion to carry R-07-197 to the July 17, 2007 meeting, seconded by Mr. Ford.

**R-07-197 RESOLUTION – Award of Contract –  
Green Grove Sewer Project**

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Berube states that this is a proposed developer's agreement and the sentiments of the members of Council have indicated to him that owing to his inability to get this to them before last night, they may not feel comfortable voting on this tonight. He has invited Mr. Northgrave from the firm of McManimon & Scotland who represents the Borough and these negotiations, to discuss this with the Council and answer any questions that they may have. He would suggest that this could be placed on the agenda and opened up so that questions could be answered. If thereafter if it is the Council's wish to carry it to the June 26<sup>th</sup> meeting as well.

Mr. Ford offers a motion to have Mr. Northgrave come before Council to discuss this, seconded by Mr. Skudera.

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

ROLL CALL: ON ALLOWING Mr. Northgrave to speak on R-07-198

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

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NAYS: None  
ABSENT: None  
ABSTAIN: Mr. Allen

Mr. Allen states that he does not understand how they can have someone explain this sixty (60) and some odd page document to them tonight.

Mr. Tobin inquires if time is of the essence on this or if it can go to another meeting in July. Mr. Berube responds that they have been asked by the developer to place this on the agenda before the end of June. Construction is almost complete on the overpass and they have started the other offsite improvements as well. He says that time is not necessarily of the essence, although because we only originally intended one meeting in June, that is why it was placed on this agenda. He states that Mr. Northgrave is here as a resource to the Council, and he does not anticipate that they want to vote tonight, but they can certainly ask him anything. Mr. Berube presages this by saying that this is a redeveloper's agreement written by lawyers for lawyers. Mr. Northgrave's council will be very helpful in summarizing what the Council is about to read.

Mr. Ford states that he would like to hear what Mr. Northgrave has to say, but he has not read this yet. He has read probably forty five (45) articles in the Asbury Park Press about this outlet mall throughout the past two (2) years and he would like to learn some more. He states that he is comfortable to carry this to the next meeting to let it stew for a little while.

Mr. Tobin inquires if anyone else would like to hear from Mr. Northgrave. Mrs. Barrett replies yes. Mr. Skudera states that he would agree with Mr. Ford and would like it if Mr. Northgrave could give a brief presentation and highlight some things so that when we finish reading we can have questions prepared when we come back to discuss this. At this time he has not read the entire document.

William W. Northgrave, firm of McManmion & Scotland. He states that his firm serves as redevelopment council to the Borough of Tinton Falls in this matter for well over three (3) years now on this project. They were first called in to consult with the Borough both as to the redevelopment agreement and possible methods of financing the various improvements that are going to be needed. He says that eventually the redeveloper was able to identify other sources of financing and that there was not going to be any financing needed from the Borough.

Mr. Northgrave states that the Asbury Park Press was not enamored with this project from the beginning. They in fact brought suit to stop the project and we were successful in initially having the case dismissed. The Asbury Park Press then made an appeal which was also dismissed.

Mr. Northgrave states that the redevelopment agreement covers the development of what has been referred to as the Chelsea Outlet Mall. The redevelopment agreement is the exercise of the Borough's power under the Local Redevelopment and Housing Law. The Borough had adopted a redevelopment area and despite numerous efforts over the years, this land was not developed. He states that he is pretty sure that the first (1<sup>st</sup>) draft of the redevelopment agreement that is before the Council now is something that he did over three (3) years ago and it has continued to evolve. This is a very complex project between the overpasses and the change in the DEP regulations in terms of stream encroachment. This is the final product that only addresses their obligations.

Mr. Northgrave states that the highlights are the time periods within which to start and complete the project, insurances that are in place, certain representations, and warranties made to the Borough on how this is going to occur. There are commercially reasonable efforts to minimize the noise, traffic, and other impacts on the community while this is going on. Some of the things that they have discussed with Mr. Dempsey and Mr. Berube is access to the site since there will be a number of large vehicles accessing the site and they want to minimize the traffic impacts.

Mr. Northgrave states that as Mr. Berube had indicated, it is a dense document. He has prepared a memo that outlines or summarizes in about seven (7) or eight (8) pages what this sixty six (66) page agreement does.

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Mr. Ford inquires as to what liabilities this document discusses in regards to the Borough. Mr. Northgrave replies that the Borough has no liability. Mr. Ford inquires if there are any tax implications. Mr. Northgrave responds that the initial concept going back over three (3) years ago was that there was going to be a long-term tax exemption on the project. As he recalls the deal, they were looking at them paying ad valorem taxes, but then we would utilize the provisions of the Redevelopment Area Bond Financing Act which would allow the Borough to contribute to securitize some of that those payments which would contribute to the overpass and some of the other improvements outside of the actual mall itself. This was scuttled one and a half (1 ½) or two (2) years ago so this is now completely gone. There was actually an entire section in the document that dealt with the contingency about the financial agreement long-term tax exemption. This is gone and is one of the most recent and dramatic rewrites of this document. He had to go through and cull all of this out of the agreement because it was interspersed throughout it.

Mrs. Barrett states that she has several questions in regards to this. She inquires as to how this project qualified as a redevelopment project. Mr. Northgrave responds that there are about (8) criteria in the law. This qualified as land that had lain fallow for over ten (10) years. Mrs. Barrett questions if this land is owned by one (1) property owner or several. Mr. Northgrave responds that he thinks that it has now been condensed into one (1) property owner. Mrs. Barrett inquires if it was being prohibited to be built on by other projects or if it just sat there because there was no interest in the land. Mr. Northgrave responds that the criteria that was found by the Planning Board and ultimately by the predecessors on the Borough Council. The then-Borough Council found that despite numerous efforts at rezoning the property, the market never really acted to it. As he recalls, the impediment was largely due to ingress and egress to the project because if you were coming on Rte 66 East, you could not access the project.

Mrs. Barrett states that once this was established by the Planning Board and adopted by Council, it was deemed a redevelopment project. Having spoken to other municipalities, she is under the impression that once the term redevelopment enters the picture, it gives a municipality a leg-up to negotiate as far as different needs and assessments that the Borough has. She inquires if this process was done with the previous administration. Mr. Northgrave questions if Mrs. Barrett is referring to the designation process. Mrs. Barrett responds she is referring to the fact that there are different issues that were possibly addressed by the municipality as far as things that they may need. For example the fire district in that area may need or require more equipment to respond to a fire in this facility. She has heard that other municipalities do this and it is perfectly permissible. She states that as a member of this Council for the past eighteen (18) months, she has not heard anything either publicly or in an executive session as to what was negotiated for the municipality of Tinton Falls while they were discussing this project. Mr. Northgrave inquires if Mrs. Barrett is asking as to what they Borough got in exchange. Mrs. Barrett replies "yes." Mr. Northgrave responds that it depends on the project. Some projects where the municipality puts a lot into a project, they can expect to get more out. This agreement contains a number of concessions from the redeveloper. They are doing the Essex Road improvements and some of the sewer improvements requested from the Borough. The Borough is not paying for the overpass. In terms of fire trucks and those sorts of things, he does not know if they were requested. It is not too late because this has not been approved yet. If they chose not to approve it because they want to have something, we can certainly ask for it.

Mr. Berube injects stating that the concessions that they are speaking about generally happens within the Planning Board and the conditions were approved by the Planning Board back when that application was brought up. Initially the Borough was going to take the lead as lead agency for the construction of the overpass to alleviate traffic congestion at the bottom of Essex Road. As part of the DOT project, the Borough has been relieved of all liability under that project and the developer has taken it over. Also, instead of the Borough exercising some bonding capacity, the developer has done so out of pocket.

Mrs. Barrett states that she can understand that and appreciates it, but her thought process is that this is to the developer's advantage. It may alleviate some traffic within the municipality, but wants to know if it is too late for this administration to negotiate something that would be to the advantage or possibly fill a greater need that is going to be created as a result of this retail establishment. She sees the overpass as an advantage to the Chelsea property owners. She does not know that it is necessarily a plus for the Borough of Tinton Falls. She inquires if there was a tax abatement given to this establishment.

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Mr. Northgrave responds that no there is not. He says that it was initially under discussion because they thought that they would need help paying for the overpass. This is called the Redevelopment Bond Financing Act. Essentially you would take a portion of tax exemption payments as an income stream and dedicate them to a fund that gives you an amount today that would be paid off over twenty (20) or thirty (30) years. This was the original discussion, but it was abandoned over two (2) years ago. The Council that came in at the time that the Mayor first came into office was not interested in pursuing the long-term tax exemption.

Mrs. Barrett states that this is where she needs some clarification. She states that it is almost a contradiction in the response to her initial comment that giving us something falls the Planning Board. Mr. Northgrave responds that He thinks that Mr. Berube was saying that the negotiation occurs early on as to what the benefits are that might flow to the municipality. The benefit that he and Mrs. Barrett were discussing is a benefit that would flow to the project. His professional opinion is that long-term tax exemptions can be very beneficial to a community, but some communities feel that they are not and that the downsides are greater than the benefits.

For the record, Mr. Tobin states that those tax exemptions went away under the old administration before the election. They suddenly popped up as being gone.

Mr. Ford states that before he approves this, he would like to know what the impact would be to the Borough in having that mall there. He is for the mall, but thinks that it would be in everyone's interest to work together. He wants to make sure that we are not just building to build, but make sure that it is good for the community.

Mrs. Barrett inquires of the Council as to what the sole purpose of this resolution is in spite of the sixty six (66) pages in conjunction to this. Mr. Berube responds that the resolution that has been offered is to allow the Mayor and Borough Clerk to endorse the agreement as drafted in the present document. Mrs. Barrett inquires if it is for the current document as is without amendments. Mr. Berube responds that it is subject to any amendment that the Council might offer in the course of the discussion.

Mrs. Barrett questions as to when they will be starting the construction of this project. Mr. Northgrave responds that it depends in part on when this agreement is executes. Mrs. Barrett inquires what the timeframe is in which it is supposed to be completed. Mr. Northgrave replies that he thinks that they have a twelve (12) month buildup. Mr. Berube adds that they have a very aggressive program.

Mrs. Barrett states that there will be two (2) new Council Members at the next meeting that should be apprised of this before making a decision. This is a huge decision! She also inquires as to how this came so late in the game.

Mr. Berube explains that Mr. Northgrave and other members of the administration have been working on this and had a series of meetings with the developers over the last four (4) months. It is a work in process, and you can see that the last draft date on it is May 11, 2007. There are still some concessions under discussion that are not necessarily material to the agreement. The difficult part about these kinds of things is that you are never sure when you are done. Because we really only have one (1) meeting in June, we put in on the agenda, but it had not evolved to the point where we were able to give it to the Council. he states that he asked Mr. Northgrave to send this document electronically to him so that he could pass it on to the Council electronically. This occurred on Monday.

Mr. Allen says that he appreciates Mr. Northgrave's time. He thinks that the pros and cons of the project should be attached to this so that this governing body can make a true decision in a timely fashion. He will not be here to vote on it, but he has had dealings with redevelopment contracts. If there are benefits in these documents for the Borough, they need to find out what they are so that people will understand. This in not only for the people on Council to understand, but also for the people that pay taxes. His recommendation is that if pros and cons were attached, this would go a lot quicker.

Mr. Skudera states that Mr. Northgrave mentioned Essex Road. He asks him to explain what would be done to that road. Mr. Northgrave responds that there are going to be improvements that will be done to Essex Road, but candidly he has been leaving that to the engineer to make sure that it is properly expressed. His understanding is that it is being widened and certain infrastructure improvements below the road that will be taken care of. Mr. Dempsey adds that

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this project is only going to be for a portion of Essex Road and not the entire length. They will be doing a portion and the Borough will do a portion in the road program.

Mr. Berube suggests that this resolution is moved to be carried to the July 17<sup>th</sup> meeting.

Mr. Ford offers a motion to carry R-07-198 to the July 17, 2007 meeting, seconded by Mr. Allen.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Tobin asks Mr. Northgrave if he will be available on July 17<sup>th</sup>. Mr. Northgrave responds that he will be.

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

**R-07-199 RESOLUTION – Approving Continued Interlocal Agreement for the Maintenance and Storage and Use of Forestry (Bucket) Truck with the Borough of Eatontown**

**WHEREAS**, pursuant to the Interlocal Service Agreement N.J.S.A 40:8-1 et seq. Eatontown and Tinton Falls are desirous of continuing an Interlocal agreement between municipalities entered January 16, 2002, for the use, maintenance and storage of a Forestry (Bucket) Truck with each municipality being entitled to the use of the truck on a shared basis; and

**WHEREAS**, each of the municipalities is in need of a vehicle such as the one being purchased and each agrees to share the responsibility for the continued maintenance, storage and use of such vehicle as well as sharing in the use of such vehicle; and

**WHEREAS**, the Chief Financial Officer of the Borough of Tinton Falls hereby certifies the availability of funds for the anticipated maintenance costs for the vehicle in the amount of Two-Thousand-five-Hundred dollars (\$2,500) per year under a budgetary line item entitled "Public Works". A true copy of said certification availability of funds is attached hereto and made a part hereof as Exhibit A.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that the Borough Council hereby authorizes the mayor to execute an Interlocal Service Agreement for the continued maintenance, storage and use of one (1) 2002 Sterling Acterra M7500 Forestry (Bucket) Truck, previously purchased by Agreement between the parties on January 16, 2002.

**BE IT FURTHER RESOLVED**, that the Borough Council authorizes that the Borough under this Agreement will allow Eatontown to store the vehicle on its property and maintain said vehicle, with the Borough of Tinton Falls reimbursing Eatontown for fifty percent (50%) of the cost of maintenance and storage though the total maintenance costs shall not exceed Five-Thousand (\$5,000.00) dollars without obtaining prior consultation and consent of the Borough of Tinton Falls.

**BE IT FURTHER RESOLVED**, that the Agreement shall also provide that Eatontown shall be responsible for maintaining all records in connection with the prior purchase and maintenance and/or repair of the subject vehicle and will provide Tinton Falls with copies of such cost records within ten (10) days of receipt by Eatontown.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer has certified by attached Certification of availability of funds for the continued and anticipated maintenance costs not to exceed Two-Thousand-five-Hundred dollars (\$2,500) dollars per year under the line item entitled "public Works".

**BE IT FURTHER RESOLVED**, that this Agreement shall continue for a three year period, in which case the Agreement may be renewed under the same terms.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-200 RESOLUTION – Raffle License RA#07-13 Off Premise Raffle – Ranney School**

**WHEREAS**, the Ranney School Parent's Association has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 07-13, and

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

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

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NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 07-13 be and the same is hereby approved as follows:

NAME: Ranney School Parent's Association Identification No.: 343-5-28707  
LOCATION: 235 Hope Road, Tinton Falls, NJ 07724  
DATE: September 29, 2007 10:00 a.m. - 2:00 p.m.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-201 RESOLUTION – Authorizing the Mayor and Municipal Clerk to Execute Deed of Utility Easement and Right of Way Agreement with CJS Investments Incorporated ("CJS") – Parkview Estates**

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 401) and Forgotson (Block 66 Lot 401) properties.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-202 RESOLUTION – Release of Performance Guarantee Upon the Posting of Maintenance Guarantee Greenwood Estates (Phipps Place) Block 105**

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

WHEREAS, by letter dated April 30, 2007 the Engineer (Leon S. Avakian, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-203 RESOLUTION – Denying Release of Maintenance Guarantee – Park Place III – Topeka Court**

WHEREAS, the developer has requested the release of Maintenance Guarantees for Park Place III, and

WHEREAS, BY LETTER DATED May 10, 2007, Engineer, Leon S. Avakian, Inc. has supplied the developer with a punch list outlining items which need to be addressed prior to the release of maintenance guarantees,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that based on the facts as set forth in the Engineer, Leon S. Avakian, Inc.'s letter of May 10, 2007, that the developer's request for a release of the Maintenance Guarantees be and hereby is denied.

ROLL CALL:

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

NAYS: None

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ABSENT: None  
ABSTAIN: None

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

**R-07-204 RESOLUTION – Denying Release of Performance Guarantees – Fox Chase IV, Phase II**

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

WHEREAS, BY LETTER DATED May 25, 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 May 25, 2007, that the developer's request for a release of the Performance Guarantees be and hereby is denied.

ROLL CALL:

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

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

**R-07-205 RESOLUTION – Authorizing the Mayor and Municipal Clerk to Execute Hold Harmless Agreement with the Monmouth County Mosquito Extermination Commission**

WHEREAS, a potential for mosquito breeding problem exists at the northern curb line of Shafto/Wyckoff Road and Hope Road; and

WHEREAS, the Monmouth County Mosquito Extermination Commission has been asked to correct said mosquito breeding problem; and

WHEREAS, as standard procedure the Monmouth County Mosquito Extermination Commission requests the municipality to enter into a Hold Harmless Agreement with the County;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the Mayor and Municipal Clerk are hereby authorized to execute said Hold Harmless Agreement.

Mr. Ford inquires as to who would hold this harmless agreement. Mr. Berube responds that we are indemnifying the Mosquito Commission for their activities in effect holding them harmless. They are doing this service for us, so they are theoretically held harmless by us.

ROLL CALL:

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

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

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

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 Community Service Agreement with Fox Chase II upon the approval of the Director of Law.

Mr. Berube apologizes to the Council. Subsequent to their placement on the agenda, there have been additional issues raised, so he asks that a motion is made to carry this to the July 17<sup>th</sup> meeting.

Mr. Allen withdraws his second to approve and offers a motion to carry R-07-206 to the July 17, 2007 meeting, seconded by Mr. Skudera.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-207 RESOLUTION – Authorizing Mayor and Municipal Clerk to Execute Deeds of Historic Preservation Easement for Double A (Block 69, Lot 40.1) and Forgotson Properties (Block 66 Lot 40.1) 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. Skudera inquires as to when the received this paperwork. He would like some time to review this.

Mr. Berube states that the Council has seen this historic preservation easement in April when Ms. Slowinski delivered the bad news that New Jersey would not accept the deed of easement that we had proffered prior. There was a period in time in which the Borough sought exemption from New Jersey's Historic Preservation. New Jersey declined to do this and said that we had to use a certain form. Mr. Berube states that he reported back to the Council that the form that they then saw contained some affirmative easements and some more restrictions on the Borough in terms of reporting conditions and those kinds of things. There was a debate by the Council and a straw-pull at the last Council meeting authorizing us to provide this easement. This too was an electronic document, but when he realized that it was electronic garbage in their package, he reprinted it and put in their mailboxes on Friday. This is the actual agreement that the DEP requires us to use to declare the Double A and Forgotson Properties that contain to the structures to restrict for historic purposes.

Mr. Tobin inquires if this affects in any way any of the other discussions that we had about whether we keep or sell the properties. Mr. Berube says that the two (2) vacant properties that were subdivided away are not affected by these restrictions.

Mr. Ford states that he is not comfortable with this. Mr. Skudera agrees that he would like some time to review this and would like it if it could be carried to the next meeting.

Mr. Berube apologizes and says that this seems to be confusing. He says that they call it a deed of easement at restriction for DEP with the Historic Preservation Office in effect to manage the historic properties on each of those two (2) parcels. This does not affect the vacant parcels that were subdivided away. For example with the Double A property, we have an access easement (that is not governed by this agreement) that leads to a vacant property in that back (which also is not governed by this agreement). These easements are put on the homes in order to secure any grants for preservation, and in effect renovation, and to preserve them.

Mr. Dempsey states that without these easements the houses cannot be sold. The easements are needed to sell the homes. We are either doing the easements, selling the homes, and keeping the open space properties, or we are not and are maintaining two (2) more homes in the Borough.

Mr. Ford states that he would vote "no" on this if they had to vote today because he is really confused. He inquires if there is any way to quantify this into a position statement or something saying that this is what we want to do and workshop it to get it done with.

Mrs. Barrett offers a motion to carry R-07-207 to the July 17, 2007, seconded by Mr. Allen.

Mr. Ford states that someone still needs to sell him on the idea that we need to sell those properties. We bought property and have Open Space property behind these properties, and then we are going to sell them. Mr. Dempsey replies "no." He says that you would be selling the house. Mr. Ford inquires what will be done with the property in the back. Mr. Dempsey responds that it is open space and he does not know if you have to do anything with it. You do not have to build a park with it. He thinks that the intention of the Borough Council at the times

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was to buy it to prevent further homes from being developed back there. If you were to start putting parks or recreation fields back there, you may have some people sitting in this room opposed to that. Just because we have open space does not mean that we have to build recreation facilities. the property can remain in a dormant state just to have the open space.

ROLL CALL: to carry R-07-207 to July 17, 2007

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-208 RESOLUTION – Amending R-07-083 Authorizing the Extension of Non-Fair and Open Contracts for Professional Engineering, Legal and Planning Services to the Borough, Planning and Zoning Boards an Additional Two Months Contracts PS #4-06, #5-06, #14-06**

**WHEREAS**, the Borough of Tinton Falls has a need to increase and extend contracts for professional engineering, legal and planning services for the Planning and Zoning Boards an additional two months through June 30, 2007 as non-fair and open contracts pursuant to the provisions of NJSA 19:44A-20.5; and

**WHEREAS**, such professional engineering, legal and 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 firms listed below are so recognized; and

**WHEREAS**, the Director of Law has determined and certified in writing that the value of the acquisition may exceed \$17,500.00 and recommends the extension through June 30, 2007 for additional funds; and

**WHEREAS**, the term of the contracts below are for an additional two months through June 30, 2007 for additional amounts not to exceed as follows:

**Contract PS #4-06:** Remington, Vernick & Vena Engineers - Not to exceed an additional **\$2,000.00** for professional engineering services to the Planning and Zoning Boards as well as various escrow services.

**Contract PS #5-06:** Collins, Vella & Casello, LLC – Not to exceed an additional **\$10,000.00** for professional legal services to the Planning Board and an additional **\$1,666.66** annual retainer fee as well as various escrow services:

**Contract PS #14-06:** Heyer, Gruel & Associates – Not to exceed an additional **\$3,500.00** for professional planning and housing services to the Borough, Planning & Zoning, as well as various escrow services; 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 that the above firms are hereby authorized an additional two month extension of their 2006 contract to provide professional services described above to the Borough, Planning and Zoning Boards and escrow accounts through June 30, 2007 for the above additional not to exceed amounts;

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

I hereby certify funds are available as follows:

Remington, Vernick & Vena	Engineering Planning/Zoning	\$ 2,000.00
Collins, Vella & Casello, LLC	Planning Board Legal	\$11,666.66
Heyer, Gruel & Associates	Planning, Zoning, Housing	\$ 3,500.00

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-209 RESOLUTION – Amending Resolution R-07-044 Increasing Fair and Open Contract for Professional Affordable Housing Counsel Contract RFP #1-07E**

**WHEREAS**, the Borough of Tinton Falls adopted Resolution R-07-044 on February 6, 2007, wherein Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 was awarded the above contract for an amount not to exceed \$17,500.00; and



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ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-212 RESOLUTION – Refunding Recreation Fees –  
Lisa Nelson - \$614.00**

**WHEREAS**, during the month of May 2007 fees totaling \$614.00 were paid by a resident of Tinton Falls for their children 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 children due to a scheduling conflicts will be unable to participate in the program and a refund in the amount of \$614.00 shall be issued to the resident, for their children Kristoffer and Lindsey.

Lisa Nelson	\$ 614.00
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Total	\$ 614.00
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ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-213 RESOLUTION – Refunding Recreation Fees –  
Reganklint - \$60.00**

**WHEREAS**, during the month of May 2007 fees totaling \$60.00 were paid by a resident of Tinton Falls for their child's participation in youth instructional tennis 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 informed the resident that the child would be unable to participate since she was not age appropriate and a refund in the amount of \$60.00 shall be issued to the resident, for their child Sammi Ragenkint.

Carl/Michel Ragenkint	\$ 60.00
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Total	\$ 60.00
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**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$60.00 be issued.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-214 RESOLUTION – Refunding Recreation Fees –  
Lindeman - \$175.00**

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**WHEREAS**, during the month of May 2007 fees totaling \$175.0 were paid by a resident of Tinton Falls for their child's participation in our horsemanship 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 child due to a scheduling conflict will be unable to participate in the program and a refund in the amount of \$175.00 shall be issued to the resident, for their child Rachael Lindeman.

Dirk and Jennifer Lindeman     \$175.00

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Total                                     \$175.00

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$175.00 be issued.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-07-215 RESOLUTION – Refunding Escrow Fees –  
\$500.00 – Appledore Engineering**

**WHEREAS**, the following listed applicant has posted consultant escrow fees in conjunction with a conceptual review of a proposed hotel in accordance with the Borough of Tinton Falls Land Use Ordinance, and

**WHEREAS**, the Planning Board Secretary, Erin Swartz, has certified the following listed applicant's account is deemed closed and no additional funds for consultants will be required, and

**WHEREAS**, the Director of the Department of Audit, Accounts & Control has certified said funds are available for release.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees are hereby authorized to be released for the following applicant:

APPLEDORE ENGINEERING   HOPE ROAD             1350-5239 \$500.00

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-07-216 RESOLUTION – Refunding Sewer Payment –  
Block 53.04, Lot 47 - \$98.00**

**WHEREAS**, a payment received in 2006 was credited to an incorrect lot's 2007 1<sup>st</sup> quarter sewers.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	53.04	47	\$98.00

Re: Donald & Yonna Hall  
16 Surrey Lane

and,

**WHEREAS**, said payment has resulted in an incorrect posting of 2007 1<sup>st</sup> quarter sewers in the amount of \$98.00, as certified by the Borough Tax Collector.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$98.00 is hereby approved for the aforementioned property. Said refund shall be applied to the 2006 4<sup>th</sup> quarter with a small portion also being applied to the 2007 1<sup>st</sup> quarter sewers on Block 26.01 Lot 98, owned by Justin Hall at 96 Players Circle.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$98.00.

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ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**WORKSHOP MEETING**

Mr. Skudera offers a motion to adjourn to the Workshop portion of the meeting, seconded by Mr. Allen.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:53 p.m.

Mr. Allen asks Mr. Dempsey what the status is on the meeting minutes completed. Mr. Dempsey replies that they had one (1) tonight and the other ones will be done for the next meeting. Jane Gillespie, the previous Deputy Clerk, is working on them for us. She had some issues but they will get done.

Mr. Tobin inquires as to how we are really progressing on these. He has heard for some time now that we have a solution and then we do not see anything. The one (1) set of minutes that we saw was done by a Borough employee, the Deputy Clerk. He just wants to see this get done because he has a different view on how this experiment has gone. Mr. Dempsey replies that they have a deadline of the next meeting to have the minutes done.

Mr. Skudera inquires as to how many sets of minutes are we approximately looking at. Mr. Tobin replies that we are caught up to November 13, 20065 right now.

Ms. Mount-Taylor says that the December minutes are complete and will go on the meeting on June 26<sup>th</sup>. Kelly Johns has already completed the May 15<sup>th</sup> minutes. The rest of the minutes are getting done in a timely manner. She states that she does not know what conversations have taken place between the previous Deputy Borough Clerk and Mr. Dempsey, but the last correspondence that she has received from Ms. Gillespie last week was that she had almost completed one (1) set of minutes.

Mr. Skudera inquires if we are approving minutes on June 26<sup>th</sup>. Mr. Tobin replies that we are hoping to. Ms. Mount-Taylor says that we will hopefully have eight (8) sets of minutes.

**UNFINISHED BUSINESS** – None

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**NEW BUSINESS** – None

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT: 9:55 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR  
BOROUGH CLERK

Approved at a meeting held on: October 16, 2007.