

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
MARCH 18, 2008**

Council President called regular meeting to order at 7:36 P.M.

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

All present stood for Salute to Flag.

ROLL CALL

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

ABSENT: Mr. Tobin

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Administrator
James Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Maggie Pereira, Assistant to Borough Clerk
Al Hilla Jr., Borough Engineer

APPROVAL OF MINUTES – None

REPORT OF MAYOR/COUNCIL/ADMINISTRATION -

Mayor Maclearie wanted to bring to everyone's attention the meeting over at Fort Monmouth that will be held at Monmouth Regional at 6:30 P.M. March 19, 2008. This meeting is open to the public and it will be the first presentation to the public of the concept plan.

Mr. Dempsey and he had a conference call with the folks from COAH today along with the two other Mayors from Eatontown and Oceanport. Discussed was the possibility of looking at the Fort as a group (one unified) piece of property.

An update was asked of Mr. Dempsey regarding the budgets and when we can expect to have the final pieces of that tonight.

There was an Eagle ceremony last week for Josh Goldberg who did a nice project over at his temple. Mayor Maclearie also met with another potential Eagle Scout whose project is to work on the electricity over at the Crawford House. The Eagle Scouts are helping us over at the paths and at the historical buildings which is a real benefit for the Borough.

Mayor Maclearie stated we have another proclamation for a resident who is turning 100 on Saturday.

WHEREAS, Eleanor Rowe McGrath was born in Newark, New Jersey on March 22, 1908 and is about to celebrate her 100th birthday; and

WHEREAS, Eleanor spent her early years in Newark, New Jersey where she met Joseph McGrath. They were married on July 3, 1937 and were blessed with three children, Karen, Don and Doug; and

WHEREAS, after spending many years in northern New Jersey, Eleanor and her husband retired to the Jersey Shore, and when Joseph died in 1977, Eleanor relocated to Sparta, New Jersey where she resided at the Knoll Heights Community Village. She was very active in many organizations there and organized the Women's Crocheting and Knitting Charity Group and the Senior Citizens Secretary Corp. where volunteers would assist the town in collating mailings for the citizens of Sparta; and

WHEREAS, in 2003, Eleanor relocated to Tinton Falls, New Jersey and became a resident of Atria, where she is still involved in many of her favorite pastimes including Bingo, playing cards and traveling with the community bus on shopping trips; and

WHEREAS, although Eleanor's family is spread across several states, she is always in the hearts of her three children, eleven grandchildren and thirteen great grandchildren; and

WHEREAS, on March 22, 2008, Eleanor Rowe McGrath will turn 100 years;

NOW, THEREFORE, I PETER MACLEARIE, Mayor of the Borough of Tinton Falls do hereby proclaim March 22, 2008 as:

ELEANOR ROWE MCGRATH DAY

In the Borough of Tinton Falls and join with all the resident of the Borough of Tinton Falls in wishing Eleanor Rowe McGrath a Happy 100th Birthday.

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Mr. Morrill discussed the Open Space Committee. Kimberly Barrett has resigned due to scheduling conflicts as well as Thomas Hayes who has moved out of town.

Various groups and residents have been working very hard down at the end of Riverdale Avenue West, off of Swimming River Road. The Open Space Committee is creating a beautiful trail way system which currently extends over 1.2 miles. These trails are going to be multi-purpose trails which can be used for bicycling, hiking, equestrian, etc. The next Open Space public tour will be on Saturday, the 19th and 9:00 A.M. We leave from the parking lot at the Borough and we drive over to the various areas.

There will also be some sort of display setup at the Little League opening on April 5th to show the public the work Open Space has been doing out there and hopefully bring more awareness to the town that these areas exist.

Mr. Morrill also stated that they will be putting in for the ANJEC grant. This is a trails grant that is a one-for-one match and it is a maximum grant of \$20,000.00.

Mr. Ford stated T-Ball sign-ups are through March 20th. There is also a golf program and sign-ups have already started for youth golf over at Twin Brook. Just to remind the public, the father/daughter dance is on April 6th.

Mr. Baldwin commented on Monmouth County's Council of Aging which met on Monday of this past week.

A form is going to be released which will be coming to Mr. Dempsey and will be sent to everyone in the County requesting information on seniors who have disabilities or special needs. This will inform us in the event that we have a mass disaster so these people aren't somehow left behind.

Mr. Skudera stated the technology committee met and reviewed the website. The website still needs a lot of work as the core minimum information is not available as of yet.

Mr. Skudera advised administration of another item he will be adding to the legislative tracking which is the organic spraying that was previously discussed. Mr. Skudera stated he would like some information provided describing the benefits, cons, and costs. Other items that will also be added are information about the library review, the open space appointments, Peach Street parking, and the Essex/Asbury Avenue intersection.

The Borough still has money left over in the technology committee budget from Comcast which is a funding source. Council and Administration are looking into televised meetings or same being broadcasted on the website.

Mr. Dempsey stated that Sycamore Park has a new addition of a playground structure that was donated by the Davidson family through their trust fund for the foundation of their brother, Michael A. Davison. At the May meeting, we will do a presentation to the Davidson's recognizing them for there generous donation.

The First Aid has offered a piece of property to the Borough, Block 129 Lot 14, which is currently across from the existing Fire House property. It is just less than an acre and doesn't require much maintenance.

The Police Department has recommended some revisions to the towing Ordinance that Mr. Dempsey would like to go ahead with.

The Peach Street parking ordinance was reviewed with John Bucciero, Director of Public Works and Mr. Bucciero stated he doesn't have a problem with the 75 foot extension of the curb line where there would be no parking on both sides of Peach Street.

The Borough's park fees are very low which is going to need to be increased. If someone comes in and uses the park it is next to nothing, it doesn't even cover the cost of Public Works doing any cleanup there. Mr. Dempsey stated he would like to amend and revise those.

A resident came forward and would like create an arts heritage committee or council. Mr. Dempsey stated he is speaking with the Mayor regarding that. This would help attract some grants for heritage festivals, arts or music festivals.

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The postal service doesn't have any funding for Tinton Falls to construct a post office this year. Letters are going out to our federal legislators informing them that we have done our part; we have acquired the property, now we need their support to push a post office.

The email is currently being transferred to Renywood. Hopefully it will be done by the end of this week. Most of the employees are already up with their email accounts from Hunter to Renywood.

Mr. Dempsey commented on Mr. Baldwin's report.

Regarding the budget, Mr. Dempsey stated we are still waiting on the Healthcare. Ted Wardell, the Borough's broker should be here tonight to discuss this as well. We have been going back and forth with three different vendors. We need to talk about the contract tonight and hopefully get those numbers, plug them in and we will have a budget hopefully by the end of next week.

Code red was used on Sunday night as a test and hopefully every one got the message about the Fort Monmouth meeting. There were some issues which we are currently working on.

Engineer's Report

Mr. Hilla discussed fieldwork for the road program. The project is in progress and has taken priority to ensure we don't have any conflict with the community development application since it includes the funding that the Borough received last year from Community Development for the trails at Sycamore Soccer Field.

Mr. Hilla discussed the Sycamore fieldwork for the sidewalks which will be implemented through the DOT funding for this year.

Regarding Liberty Park II, all the utility issues have been worked out with contractor and the block is being erected on a daily basis.

Mr. Hilla added he went to a meeting regarding the flood insurance rate maps and advised council and public of same.

He also spoke with the County Engineer regarding Asbury Avenue, Essex Road and Pine Street. This is a two phase project which includes the new intersection of Pine Street and Asbury Avenue to be closer to the on ramp of the parkway. It is in final legal review with a property owner. The design plans are done and permits are in hand. It is just a matter of getting the document signed and then they go to bid. The next item would be phase II of which they received one of the major permits. They still need a wetlands permit and plan to go out to bid on this early next year.

Director of Law's Report

Mr. Berube stated regarding Resolution 08-039, the award of contract for the sewer system, we have received a claim letter as to the RFP. Mr. Berube recommends that the council in affect fail to move that this evening and suggested to the administration that we put it out for another RFP.

Mr. Berube requested a brief executive session for issues involving ongoing litigation and potential land acquisition.

CFO's Report

We received \$269,188.50 from Green Acres for the Mittermair property of which \$214,520.00 was deposited into open space capital and \$54,668.50 was deposited into the open space trust. After adoption of Resolution R-08-104 another \$48,048.58 will be transferred to the open space trust.

R-08-096 covers a reserve transfer of \$50,000.00 for payment of ongoing legal bills related to various services provided by McManimon which was done at Mr. Berube's request and recommendation.

R-08-097 – Click it or Ticket Grant: there was a very small amount of \$86.04 left in the police grant after the program was completed from the original grant amount of \$4,000.00.

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R-08-103 – Mr. Pfeffer requests an emergency temporary budget to cover the cost of two garbage truck transmissions for which major repairs were needed that were not anticipated.

The budget is still ongoing due to the major issue of health benefits.

Mr. Morrill offered a motion to open the public hearing regarding the gypsy moth spraying, seconded by Mr. Ford.

ROLL CALL

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

PUBLIC HEARING OPEN

Seeing no further comments from the public Mr. Baldwin offered a motion to close public hearing, seconded by Mr. Morrill.

ROLL CALL

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

PUBLIC HEARING CLOSED

Clean Energy Program Presentation –

Michelle Maybaum and Carol Collins from New Jersey’s Clean Energy Program gave a presentation to inform the public and council of their program, the benefits, and basics of same.

It is a state wide program administered by the New Jersey Board of Public Utilities which provides information and financial incentives to help New Jersey residents, governments, and businesses across the entire state become more energy efficient in all facets of their lives. It provides approximately \$180 million in financial incentives including rebate offerings.

Dennis Kowal Architects presentation regarding the Tinton Falls library – rescheduled until April 1, 2008.

PETITIONS – NONE

ORDINANCES FOR INTRODUCTION – NONE

ORDINANCES FOR FINAL CONSIDERATION – NONE

Mr. Baldwin offered a motion to open public discussion, seconded by Mr. Morrill.

ROLL CALL

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

PUBLIC DISCUSSION OPEN

Leo Christofili, 328 River Edge Road, discussed the increase of the Tax Assessor’s salary and suggested that executive employees get no overtime; they work 16 hours as though it is 8. He

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also suggested the Borough Council investigate the administrator's decision and as to why such raise was given.

Mr. Chirsofilo discussed the Somer's property and stated he was not satisfied with the explanation he received on same and feels there is an obstacle.

Mr. Chistofili reviewed and discussed his feelings on the building of a new, bigger, modern library.

Sharon Brown, 34 Green Meadow Drive, addressed council as both a Borough resident as well as a small business owner as to the bidding on the service and maintenance of the sewer system, Resolution R-08-039. Ms. Brown stated she owns a small business and is offended by the way she was treated. They responded to a newspaper ad of a bidding. The incumbent contractor who was contracted to perform services of the above is not licensed to do business in the State of New Jersey at this moment. The Borough is doing business right now with a vendor that has not been properly licensed. Ms. Brown addressed Mr. Dempsey in regards to the fact if she can find out through websites that the above isn't a licensed contractor, he as the administrator should be able to do same. Ms. Brown hired an attorney because she feels she was not fairly considered. For the record, their business is a registered Public Works contractor. Ms. Brown also added that the council should recognize at the end of the day, the employees of the Borough are public servants.

Mr. Skudera stated the Borough of Tinton Falls has a bidding process in place and explained same with Ms. Brown.

Mr. Berube stated there are legal distinctions and he won't address same because it would be inappropriate to do same when Ms. Brown's council is not here.

Mr. Dempsey stated to council that there were two bids on this item. One bid was \$149,200.00 and the other bid was \$100,600.00.

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Morrill referred to the various openings on the boards and questioned what we could do to get the word out to the public as much as possible.

Mr. Skudera stated we could put this on the front page of the website and send an email as well.

RESOLUTIONS –

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

R-08-039 RESOLUTION - AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR RFP #8-08 PROFESSIONAL SERVICING & MAINTENANCE OF SEWER SYSTEM

WHEREAS, the Borough of Tinton Falls has a need for professional servicing and maintenance of 12 pump stations and standby generators as well as lab sampling and flow meter readings as a fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional services can only be provided by licensed professionals, and the firm of Hughes Environmental Services, Inc., P.O. Box 327, 703 Old Shore Road, Forded River, NJ 08731 is so recognized; and

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

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Monday, December 10, 2007, the solicitation for receipt of proposals for said services and proposals were received and documented on Friday, December 21, 2007; and

WHEREAS, the Borough received two (2) proposals for the maintenance services of the sewer system which have been reviewed, and it was determined Hughes Environmental Services, Inc. has satisfied the requisites

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contained in the request for proposals to be considered for the Professional Servicing and Maintenance of Sewer System during the contract year January 1, 2008 through December 31, 2008; and

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

\$7,575.00 per month or \$90,900.00 per year for servicing **12** pump stations;

\$ 600.00 per month or \$ 7,200.00 per year for flow meter readings;

\$ 625.00 per quarter or \$ 2,500.00 per year for laboratory analysis of Jumping Brook Pump Station

for a total contract not to exceed \$100,600.00 per year plus \$175.00 flat rate per emergency service call

and \$925.00 for each additional pump station added throughout the year as described in proposal;

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

1. Hughes Environmental Services, Inc. P. O. Box 327, Forked River, NJ 08731-0327 is hereby retained to provide professional maintenance of sewer system for an amount not to exceed \$100,600.00 plus \$175.00 flat rate for emergency callouts described in the proposal and \$925.00 for each additional pump station added through the year through December 31, 2008.
2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL

AYES: None

NAYS: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera

ABSENT: Mr. Tobin

ABSTAIN: None

Resolution R-08-039 not adopted.

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

**R-08-088 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-06 –
MONMOUTH REGIONAL HIGH SCHOOL PTSA OFF PREMISES**

WHEREAS, the Monmouth Regional High School PTSA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-06, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA#08-06 be and the same is hereby approved as follows:

NAME:	Monmouth Regional High School PTSA	Identification No. : 343-5-35212
LOCATION:	1 Norman Way, Tinton Falls, N.J.	
DATE:	May 22, 2008 6:00 p.m.	

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

R-08-089 - RESOLUTION DECLARING GYPSY MOTH A PUBLIC NUISANCE

WHEREAS, the gypsy moth, *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Borough of Tinton Falls; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined that a gypsy moth control program should be instituted with the County of Monmouth and the State of New Jersey Department of Agriculture and that application for any County, Federal or State funds available be authorized.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life there from is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the County of Monmouth and the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

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ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

**R-08-090 RESOLUTION - AUTHORIZING BIRDSALL ENGINEERING TO FILE A
GRANT APPLICATION WITH THE ASSOCIATION OF NEW JERSEY
ENVIRONMENTAL COMMISSIONS (ANJEC) GRANT PROGRAM**

WHEREAS, the Tinton Falls Open Space Committee has requested that the Borough of Tinton Falls authorize Birdsall Engineering for the filing of a grant application to the Association of New Jersey Environmental Commissions (ANJEC) Grant Program; and

WHEREAS, the Borough Council of the Borough of Tinton Falls hereby supports and understands that the grant project is a matching, reimbursement grant; and

WHEREAS, in order to obtain the grant funds it is necessary that the Borough of Tinton Falls certifies that matching funds of a one-to-one reimbursement grant of up to \$20,000.00 with the grant award being a maximum of \$20,000.00 be provided by the Borough of Tinton Falls.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Birdsall Engineering submit an Association of New Jersey Environmental Commissions (ANJEC) grant application on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Borough Council hereby certifies that the Borough of Tinton Falls guarantees to provide matching funds with a maximum grant award of \$20,000.00 will be provided upon the execution of the above grant.

Mr. Morrill brought to council's attention that this is a one-for-one grant. Maximum grant allowance is \$20,000.00 and he spoke with Mr. Pfeffer today and the funds are available in the open space trust. This item would be coming out of the open space money, not the general budget.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

**R-08-091 RESOLUTION - AUTHORIZING THE INSTITUTION OF CERTAIN ACTIONS
TO ACQUIRE TITLE TO CERTAIN PARCELS IN THE BOROUGH OF TINTON
FALLS PURSUANT TO COURT ORDER AND TO DESIGNATE SPECIAL
COUNSEL FOR SAME**

WHEREAS, the Borough Council of the Borough of Tinton Falls adopted Ordinance Number 99-1007 on November 23,1999 providing for the sale and transfer of certain properties to Mazza Brothers, A NJ Partnership, together with the authorization to the parties involved to secure title to certain parcels of real property noted therein under certain terms and conditions; and

WHEREAS, the Borough of Tinton Falls did enter into a certain Ratification and Memorialization Agreement with Recycling Technology Center, Inc, a NJ Corporation and Mazza Brothers, a NJ Partnership dated December 22, 2004 as authorized under resolution of the Borough Council of the Borough of Tinton Falls Number 04-485 for the transfer of certain real property and the obligation to secure title to certain other properties listed below; and

WHEREAS, Borough Property, LLC,, successor in interest to Mazza Brothers, Mazza & Sons, Inc., Dominick J. Mazza, James F. Mazza, Recycling Technology Center, Inc., and Magnum Management & Acquisitions, LLC, instituted a certain action against the Borough of Tinton Falls in the Superior Court of New Jersey Chancery Division, Monmouth County under Docket No. C-83-07 seeking to compel the Borough of Tinton Falls to complete performance under the above noted Agreement, enabling Ordinance and Resolution; and

WHEREAS, by Order of the Honorable Alexander D. Leher, J.S.C., Presiding Judge from the Chancery Division, Monmouth County dated June 8, 2007, the Borough of Tinton Falls was ordered, inter alia, to comply with the terms and provisions of the Ratification and Memorialization Agreement noted above; and

WHEREAS, the terms of the above Ratification and Memorialization Agreement require that the Borough of Tinton Falls prosecute certain condemnation proceedings or take such other means necessary to secure clear title to the below properties for transfer to the plaintiffs therein and to designate special counsel to accomplish same; and

WHEREAS, Borough Property, LLC has requested the designation of Cleary, Alfieri & Jones, Esqs as Special Counsel for the purposes of the prosecution of such actions for condemnation and for the purpose

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of taking all the steps necessary to fulfill the Borough obligations under the above Ratification and Memorialization Agreement; and

WHEREAS, the above agreement provides that said Borough Property, LLC, shall undertake any and all such actions at its own expense; and

WHEREAS, the Director of Law of the Borough of Tinton Falls has recommended the appointment of Cleary, Alfieri & Jones as Special Counsel for the Borough of Tinton Falls in accordance with the terms of said agreement and to act at the sole expense of the plaintiffs therein,

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Law Firm of Cleary, Alfieri & Jones, Esquires is hereby designated as Special Counsel for the Borough of Tinton Falls and are hereby duly authorized as same for the purpose of commencing such actions as may be necessary under appropriate statutes regarding municipal condemnation proceedings and/or such other means as may be recommended by them to acquire clear title to the below listed parcels for the use and purposes as expressed in Borough Ordinance # 99-100, the Ratification and Memorialization Agreement entered into by the parties on December 22, 2004, the Resolution of the Borough Council of Tinton Falls Number R-04-485 and/or the Order of the Honorable Alexander Lehrer, P.J. Ch. Div., dated June 8, 2007, all as incorporated herein as to the following lots and blocks denoted on the tax maps of the Borough of Tinton Falls, Monmouth County, New Jersey:

Lots	Block
13	139.01
36 & 37	139.05
5	139.06
36	139.02
41	139.02
13	139.03
24	139.05
9	139.06
8	139.09
19	139.09
9	139.10
13	139.10
22	139.08

BE IT FURTHER RESOLVED THAT any and all such actions taken on behalf of Borough Property, LLC, and the Borough of Tinton Falls, by and through Special Counsel Cleary, Alfieri and Jones, shall be accomplished at no expense to the Borough of Tinton Falls and at the sole expense of the Plaintiffs in the above captioned action pursuant to the terms of said Agreement.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

R-08-092 RESOLUTION - AUTHORIZING PURCHASE UNDER STATE CONTRACT

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

WHEREAS, Chas. S. Winner, Inc., D/A Winner Ford, 250 Haddonfield Berlin Road, Cherry Hill, NJ 08034-3409 has valid State Contract #A70462 for 2008 Ford Crown Victoria police pursuit vehicles in the amount of \$20,967.00 each as described on attached list for a total amount not to exceed \$83,868.00 for four (4) 2008 Ford Crown Victoria police pursuit vehicles; and

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

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

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

Four (4) 2008 Ford Crown Victoria Police pursuit vehicles	\$83,868.00
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ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

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**R-08-093 RESOLUTION - AUTHORIZING SALE OF PERSONAL PROPERTY AT TWO
(2) PUBLIC AUCTIONS ON SATURDAY, MAY 3 AND NOVEMBER 1, 2008**

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities will join together to bring surplus vehicles and miscellaneous equipment to one location for two (2) municipal auctions at 10:00 AM on Saturday May 3, 2008 and Saturday, November 1, 2008, rain or shine; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough be authorized to dispose of Police impound vehicles, Public Works equipment and any other miscellaneous items through the process of two (2) public auctions to be held at 10:00 AM on Saturday, May 3, 2008 and Saturday, November 1, 2008; and

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

**R-08-094 RESOLUTION - AUTHORIZING MAYOR AND MUNICIPAL CLERK TO
EXECUTE MUNICIPAL OPEN SPACE GRANT AGREEMENT AND
PRELIMINARY ASSESSMENT FOR RIVERDALE AVENUE EAST**

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 Municipal Open Space Grant Agreement and Preliminary Assessment for Riverdale Avenue East upon the approval of the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

**R-08-095 RESOLUTION - RELEASE PERFORMANCE GUARANTEES THE PINES II @
TINTON FALLS BLOCK 123, LOT 49.05**

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

WHEREAS, by letter dated February 12, 2008 (said letter hereby attached and made part of this Resolution) the Engineer (Birdsall Engineering, Inc.) has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.

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

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

R-08-096 RESOLUTION - APPROPRIATION RESERVE TRANSFER

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls (not less than two thirds of the governing body affirmatively concurring) that transfers between 2007 Budget Appropriation Reserves be made as follows:

Municipal Budget -----	FROM -----	TO -----
Planning:		
Other Expenses	\$ 15,000	
Zoning:		
Other Expenses	10,000	
Group Insurance	28,000	
Legal:		
Other Expenses		\$ 50,000
Police:		
Other Expenses		3,000
	-----	-----
	\$ 53,000	\$ 53,000
	=====	=====

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

R-08-097 RESOLUTION - CANCELING GRANT FUND RECEIVABLES

WHEREAS, there exists various receivables on the balance sheet of the fund listed above; and
WHEREAS, the funds creating these receivables have been investigated and it has been determined that the receivables should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following receivables be and the same are hereby canceled:

Grant Fund:		
Click It or Ticket It	\$	86.04

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

R-08-098 RESOLUTION - CANCELING GRANT FUND RESERVES

WHEREAS, there exists various reserves on the balance sheet of the fund listed above; and
WHEREAS, the funds creating these reserves have been investigated and it has been determined that the reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following reserves be and the same are hereby canceled:

Grant Fund:		
Click It or Ticket It	\$	86.04

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

Mr. Morrill offered to carry the following Resolution to May 6, 2008, seconded by Mr. Ford.

**R-08-099 RESOLUTION - APPOINTING ALTERNATE MEMBER #3 _____
TO OPEN SPACE COMMITTEE TO FILL THE UNEXPIRED TERM OF JOHN
DZIEMIAN**

ROLL CALL

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

Mr. Morrill offered a nomination of Elizabeth Oltman to fill the unexpired term of Kim Barrett, seconded by Mr. Baldwin.

**R-08-100 RESOLUTION - APPOINTING REGULAR MEMBER, ELIZABETH OLTMAN,
TO OPEN SPACE COMMITTEE TO FILL THE UNEXPIRED TERM OF KIM
BARRETT**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Elizabeth Oltman is hereby appointed as a Regular Member to the Open Space Committee to fill the unexpired term of Kim Barrett. Term to expire 12/31/08.

ROLL CALL

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

Mr. Morrill offered a nomination of Cindy Anderson to fill the unexpired term of Thomas Hayes, seconded by Mr. Baldwin.

**R-08-101 RESOLUTION - APPOINTING ALTERNATE MEMBER #2, CINDY
ANDERSON, TO OPEN SPACE COMMITTEE TO FILL THE UNEXPIRED TERM
OF THOMAS HAYES**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Sidney Anderson is hereby appointed as Alternate Member #2 to the Open Space Committee to fill the unexpired term of Thomas Hayes. Term to expire June 12, 2008.

ROLL CALL

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

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

**R-08-102 RESOLUTION - AUTHORIZING MONMOUTH COUNTY MOSQUITO
EXTERMINATION COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT**

WHEREAS, it is necessary for the Borough Council of the Borough of Tinton Falls to grant written approval for the Monmouth County Mosquito Extermination Commission to operate aircraft over the Borough of Tinton Falls;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are authorized to sign an agreement in the form attached with the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Tinton Falls. It is understood that all pesticides used are registered with NJDEP for aerial application by the State and the USEPA.

BE IT FURTHER RESOLVED that it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor; and

BE IT FURTHER RESOLVED that this approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

ROLL CALL

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

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

R-08-103 RESOLUTION - 2008 EMERGENCY TEMPORARY APPROPRIATIONS #2

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WHEREAS, due to the expected delay of the adoption of the 2008 municipal budget, contractual obligations and emergency repairs to several sanitation vehicles and no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

CURRENT FUND APPROPRIATIONS:	\$ 1,278,542.91
MUNICIPAL SEWER UTILITY:	\$ 23,715.00

	\$ 1,302,257.91
	=====

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

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations:

CURRENT FUND:	
See Attached Sheets	\$ 65,000.00
SEWER UTILITY:	
See Attached Sheets	\$

2. That said emergency temporary appropriation will be provided for in the 2008 budget under the following titles:

CURRENT FUND:	
See Attached Sheets	\$ 65,000.00
SEWER UTILITY:	
See Attached Sheets	\$

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

**R-08-104 RESOLUTION - CANCELING UNEXPENDED BALANCES 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 or open space trust 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 to the **open space trust fund**:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		FUNDED	UNFUNDED
01-1055	Acq. of Property (Mittermaier)	\$ 48,048.58	

ROLL CALL

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

NAYS: None

ABSENT: Mr. Tobin

ABSTAIN: None

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

R-08-105 RESOLUTION - APPROVAL OF BILLS – March 18, 2008

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 18, 2008,

WHEREAS, the Borough Council has reviewed said claims,

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

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GENERAL	197,975.76
TRUST	20,160.04
CAPITAL	174,960.62
DEVELOPER ESCROW	43,644.50
DOG TRUST	147.00
SEWER UTILITY	16,511.13
ADDITIONS	<u>838,861.38</u>
	1,292,260.43

For the record, Karen Mount-Taylor stated that the amount on the agenda is incorrect. The correct amount, as on the Resolution, should be \$1,292,260.43.

ROLL CALL

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

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

R-08-106 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 – EXECUTIVE SESSION

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

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

ROLL CALL

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

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

ROLL CALL

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

Mr. Skudera offered a 5 minute recession.

TIME: 9:42 P.M.

WORKSHOP MEETING

TIME: 9:50 P.M.

UNFINISHED BUSINESS

COAH Third Round Regulations

Andrew Bayer, Affordable Housing Attorney, discussed COAH's proposed new third round regulations. Any comments to the proposed rules are due March 22, 2008 and the proposed rules will have a drastic effect on most municipalities including Tinton Falls.

Paul Gleitz, Borough Planner, stated the affordable housing obligation has increased dramatically from 178 (old obligations) to 610 units (new proposed obligations). This is statewide and the statewide numbers went from 52,000 affordable housing units to 115,000 units. COAH has pushed most of those units in areas where they see growth opportunity. Under the original rules, Tinton Falls had credits in the bank and were able to apply the credits to our prior round obligations and our anticipated growth share obligation and still have some remaining in the bank in case some additional unforeseen growth occurred over the planning period which was to 2014 and now extended to 2018. Now, under the new rules, we were able to meet our prior obligation but the growth share is so high that all the credits they were able to apply were not enough.

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Andy Bayer stated if we need to plan for 350 units, after applying all the credits, the standard way is: you multiple by 5 which would be another 350 x 5 market rate units to generate 350 affordable housing units. We are looking at close to 2,000 units between market and affordable to do this in town. COAH is now under a court order to adopt these rules and has already gotten two extensions; these will be adopted June 22, 2008.

Under the old rules, the Borough of Tinton Falls would have had an excess of 55 family for sale units, 32 family rental units and 33 senior for sale units.

Mr. Baldwin discussed with Paul Gleitz the issue that there is no room to build these units.

NEW BUSINESS – NONE

ADJOURNMENT TO EXECUTIVE SESSION

Mr. Baldwin offered a motion to move to Executive Session, seconded by Mr. Ford.

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

ROLL CALL

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

TIME: 10:26 P.M.

ADJOURNMENT

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

ROLL CALL

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

TIME OF ADJOURNMENT: 11:34 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

APPROVED AT A MEETING HELD ON: April 1, 2008

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