

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
MARCH 6, 2007

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Borough Administrator calls the meeting to order at 7:33 p.m.

Mr. Dempsey, Borough Administrator, 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: Mrs. Barrett, Mr. Ford, Mr. Skudera, Mr. Tobin

ABSENT: Mr. Allen (Arrives at 8:15 p.m.)

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Administrator
James E. Berube, Director of Law
Stephen Pfeffer, Chief Financial Officer
Erin Swartz, Planning Board Secretary
Gerald Freda, Borough Engineer
Bill Birdsall, Borough Engineer

APPROVAL OF MINUTES – None

REPORTS

Mayor Maclearie informs the Council that the Breeder's Cup is coming to Oceanport in the fall. We have a committee that has been working on this, and they have offered ten (10) tickets to the municipality to do with as they wish. It is up to the Council or the Borough to decide what to do with them, such as a raffle, or auctioning them off. Oceanport is asking for the town to support them. They will be selling banners throughout the town and hang them on poles wherever they can. There will be more information coming through the Borough, and banners which they are going to sell. If our Public Works helps to put these banners up, they will reimburse us the cost of that.

Mayor Maclearie wants to make a note that a week and a half ago, four (4) Borough members, including him, attended a Municipal Excess Liability Insurance meeting. They received a one thousand dollar (\$1,000) credit for the four of them attending that meeting. Mayor Maclearie tells Mr. Ford and Mrs. Barrett that there is another one at the end of March if they want to try to attend that meeting.

While at the Municipal Excess Liability Meeting, Mayor Maclearie says that they brought up a conversation about the police accreditation. They said that once accredited, that was worth about five thousand dollars (\$5,000) a year on our insurance as well. He asks that at some point the Police Chief provides them with an update on the accreditation process because he knows that they have been working on it.

Mayor Maclearie says that he is still receiving thanks for what the Borough, police, and the employees over at Borough Hall did to clean up after the storm, and what people did to help get the electricity put back on ago.

The next meeting at Fort Monmouth is on March 21st. This month it will be at Oceanport. Mayor Maclearie says that he hopes that Tinton Falls will become part of the cycle once we move into the new building.

The Public Benefit Conveyance cutoff is March 8th. Mayor Maclearie states that more information will be provided on this later in the meeting.

Because the budget is being brought to this meeting tonight, Mayor Maclearie wants to thank Stephen Pfeffer and Bryan Dempsey, and everyone that brought it together within the Borough. He also wants to thank the departments that helped cut their costs.

Mr. Dempsey the Environmental Commission applied for a grant to Verizon for an osprey tower, and received an award of five hundred dollars (\$500). The osprey tower will hopefully be built in the Borough sometime this spring.

The Technical Advisory Committee has been meeting on a regular basis. Chairman, Paul Hughes, is here tonight to give a brief update on the networking event.

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Mr. Dempsey says there is a resolution on the agenda for a fee waiver. This fee waiver is to waive the fees of the electrical permits for the individuals whose homes were damaged by the storm that were required to obtain electrical permits from the Borough.

Update on Network – Paul Hughes, Chairman of the Technical Advisory Committee, said that when they last met they were discussing the telephone system. They have made a decision to move forward with that. Now they are discussing the actual networking that will be included in the new building. With the way that they currently operate, there is no actual network at the municipality, so they have taken the initiative to put in some adhoc networks.

Mr. Hughes states that their goals are to design and install a proper network, to review whatever technology choices are available to them, and to continue on a course that includes features at other possible costs.

Mr. Hughes says that All State Contract Vendors presented a proposal and took a walk through the building to see what exactly might be necessary. He says that they have also included Brian and Chris, who maintain the network on a shared services basis, and who were very involved in this process from start to finish.

Mr. Hughes recalls that the original budget for just the telecommunications system was three hundred thousand (\$300,000), and the telephone project came in at about eighty six thousand dollars (\$86,000). The proposed network to put in the new building is in the ballpark of just less than a hundred and ten thousand (\$110,000). For this amount, the network will include a series of clovers that will allow the municipality to maintain the municipal documents and the basic day-to-day workings of the municipality. The network will be backed up on a redundant basis, so that should there be a disaster or a need for disaster recovery, the facilities will be onsite to make that happen in a short period of time. It will also provide basic spam filtering and firewall securities. There will also be networked printers, so there will be fewer printers to be maintained by the staff, and the need for less ink cartridges. This adds up to a great deal of money a network saves. The current PCs seem to be in relatively good functioning order and there is no need for the staff to get new computers. Basically this network is the infrastructure for the computers to run on. Any software and licensing would be included in this amount, as well as all the services and terms of installation and configuration.

Mr. Hughes states that you need to have a network in order for the phone system to function. A network is also a necessity in today's day and age to have for your day-to-day efficiencies. There are cost savings through streamlining processes. They have tried to reduce the number of vendors and manufacturers so that there is not a great deal of maintenances required.

Mr. Hughes says that the vendor that was recommended to them was DYNTEK. All of the vendors that came in gave a price of about eighty five thousand dollars (\$85,000) for the basic services. It was not so much a question of price as it was a question of that was the most responsive and the most knowledgeable. DYNTEK by far was the company that returned the calls quickest, seemed to have had the most knowledgeable technical staff, and they seem to be the most interested in earning our business and keeping it. To us that is important. We want people to feel that Tinton Falls is a valuable account and certainly would be with DYNTEK. Essentially, that is their recommendation at this point.

Mr. Ford responds that under "Hardware" it says: "Note: majority of PCs to remain." Are those in good shape? Mr. Hughes responses that PCs will die. There is a chance that a couple of them may during in the move. This is part of an ongoing budget process. But most of the PCs have been maintained and are in fairly good condition.

Mr. Ford says that as long as they are going through this project and are well under the budget, if there are computers that are in bad shape, now would be the time to take care of them.

Report on the Building – Mr. Birdsall said that the walls are up and the paint is on the walls. The heat is on in the building, and the furnaces and broilers are running to keep the building very warm. Work is still being done on the heating system, but it is up and running. Most of the electrical closets are complete. The lights have been turned on in the administrative offices, in the basement, and on the first floor. The ceiling grids have been installed in the last month, and the lights were set in the grids. They have been following daily with the infusers for the HPA system as well as the sprinklers. The ceiling tiles actually cannot be set in place until after the sprinkler system has passed an inspection. The entire system has to be done at one time, so the ceiling tiles will be one of the last things they do. They are to the point where they are just about ready to do that.

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The rooms with the ceiling in are all painted and all of the door trim is painted. The window trim is up on all of the windows in the administrative wing. The bathrooms have all of the fixtures set, the counters and sinks have been set in place. They are still waiting for the partitions for the toilet stalls, and then the bathrooms will basically be done.

The security subcontractor is working on putting the system in. Once the doors are placed, he will be finishing up a lot of the security work. The doors were delivered to the site yesterday, so the crew will begin hanging the doors shortly. Floor tiles are being set in the basement hallways. The floors are just about ready to go in those areas. Carpeting is one of the last things that will go in the building, but the surrounding tiles in the rooms are being put down into place.

All of the sheetrock is up in the police wing, the administrative wing, and the front vestibule. They are ready to finish sheetrocking in the courtroom, which is the last area to be done. The courtroom had a lot to do with the sprinkler contractor finishing up in that room. The jail cells have been installed. The ironwork has been welded into place. The ceilings have been installed and the fixtures and doors are in place. If there is any holdup, Mr. Birdsall says that it is going to be on the sprinkler system. This is because they have to get it all installed in order to test it. In order to get it all installed, all of the ceiling grids have to be put in, and then all of the sprinkler heads have to be set into place. There are a lot of areas in the police wing that have sheetrock ceilings due to the security in those areas. However, the sheetrock cannot be put on until after the sprinkler system has been tested. The rooms cannot be painted, or even have the spackling and taping finished up until the ceilings have been put up. Other than that, all of the other areas are moving along fairly quickly.

The exterior of the building is about 99% done. The crew was there yesterday fixing a couple of things that had gotten broken, and there were a couple of vents that had to be put in. All of the mechanical work is basically done. As far as the HBAC System, all of the condensers have been plumbed and charged so they are ready to go. They cannot be tested until there is some warm weather. In order to properly test them, they need a temperature of sixty (60) degrees. Hopefully there will be some warm days to test that within the next month or so.

Mr. Birdsall does not think that they will make the date of March 26th, which is only two (2) weeks away. The building will be very substantially complete, but there are some things that will probably be held up with the way the project is going. All of the contractors are making every effort to try to make that date though. Mr. Birdsall does not think they will make that date, but he thinks that it will be complete a week or two after that.

A couple of other things will have to happen before the move into the building. The computer system needs to be in and operating so that the computers can be brought over. The telephone system also has to be put into place. The police communications have to be moved from this building to the new one.

Mr. Birdsall recognizes that there are two change orders. The first one is Change Order number 24. Resolution 07-077 (Kaplan 22) says thirteen thousand one hundred nineteen (\$13,119). The correct number is actually fourteen thousand eleven dollars and ninety seven cents (\$14,011.97). This is for additional cable drops which were required by the County Court System for data communications in the court offices. This came up after they did the walk-through. The County Court System only recently came in and requested it. There are also sprinkler heads that had to be moved as a result in the changes that were made in the walls earlier on in the building. Mr. Birdsall says that they were hoping to get the contractor to take care of this and shift some lines around so that it would not cost anything, but unfortunately some of the lines had already been put in before the walls were changed. The cost for this was three thousand one hundred thirty-four dollars (\$3,134). There was also the relocation of a toilet for thirteen hundred thirty-seven dollars and ninety four cents (\$1337.97). The location in the bathroom was changed in order to provide better access to an air handler that was behind a wall under the roof. The access door was so close to the toilet, it was going to make it very hard to get in and out. Because of the equipment layout in the room, the door could not be shifted, but the toilet could be. This was not uncovered until after the air handler was put into place. There is also an item for a fire department connection for the amount of three thousand nine hundred and fourteen dollars (\$3,914). Apparently when the sprinkler system plans were approved by the fire official, he was confused about the orientation of the building. The sprinkler subcontractor had proposed to put the fire department exterior connection on the Parkway side of the building. Unfortunately there is no access to that side because there is no driveway. They have decided that they would like to have it come out of the commuter pit. The valves were already installed and had to be relocated. The T was already in for the line and

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had to be taken out. Modifications had to be made of the piping in the building, and then the pit had to be modified.

The last item on this Change Order was thirty-four hundred dollars (\$3,400) for water piping in the meeting room. Richard Denny, of Morris Johnson Associates, states that when they came to put the duct work in through that front wall in the meeting room up into the ceiling, there was a conflict between the water piping and the duct work. The water piping had to be moved to get the duct work up into the ceiling.

Mr. Tobin inquires if Mr. Denny uses computer design for laying out buildings. His reply is yes. Mr. Tobin questions as to how it did not show up as a conflict of the pipe and the duct being in the same place. Mr. Denny responds that the water piping is not a very large item, so when you put it into the program to coordinate the two, it appears as though there is enough room to make it fit. Unfortunately the plumber got there before the mechanical guy did, and he did not put the pipe as tight to the wall, or perhaps was not quite as efficient as he could have been. This caused the problem in the field when the duct work needed to go up.

Mr. Birdsall adds that this is the same wall where there was another conflict. When the coordination drawings were done to coordinate all of the mechanicals, everything in the drawing dimensioned out that it would fit into that space. There was a beam in the basement where they wanted to turn the main for the sprinkler system, however, there was not sufficient clearance to bring this main through and turn it. When they went from the wooden floor with the thickness of an inch and a half, to the concrete floor with a thickness of four (4) inches, the different thicknesses caused the conflict with the main. In having to move the fire sprinkler main over, it resulted in the water piping having to be moved also. Unfortunately in trying to solve one problem, it created another, but it was more efficient to move the water lines than it was the fire line. It was not the plumbers fault, but rather a combination of the three: water pipes, fire sprinkler line, and duct work.

Mr. Birdsall references the second Change Order. This Change Order was originally proposed for twenty three thousand dollars (\$23,000), but has now been reduced to about eleven thousand five hundred (\$11,500). In this Change Order, there are four (4) addressable monitor modules that are being placed in the attic space. For a while they were back on forth as whether or not to heat the attic because the sprinkler lines have to be kept in a wet system up there. The Fire Marshall felt pretty confident that the attic would not freeze, but to make sure that there would not be a problem, he wanted monitors up there so that if it did get below a certain temperature, an alarm would sound so that action could be taken. Mr. Birdsall said that this would only be in the event of an extremely cold time period or if heat is temporarily lost for some reason.

There is also an item for smoke dampers which was originally proposed for nine thousand three hundred and twenty-one dollars (\$9,321), which was negotiated down to about seven thousand five hundred dollars (\$7,500) tonight just before the meeting. The document storage room has a gas system instead of a wet sprinkler system. With a gas system, the room has to be sealed to a certain point so that it maintains a certain chemical level. An ABHC System was dedicated to that room, and there were duct penetrations in and out of that room which needed to be shut off if the system was activated. In order to do this, three (3) dampers had to be installed to seal that room.

Mr. Tobin addresses Mr. Birdsall on the amount he provided of thirteen thousand one hundred nineteen dollars even (\$13,119.00). He says that he provided the Council with a ballpark figure, and it is hard to pass a resolution with a ballpark figure in it. He asks Mr. Birdsall if he can give an actual figure. Mr. Birdsall responds that Ned was talking to the contractor tonight about reducing that amount by about two thousand dollars (\$2,000). He states that they would feel comfortable if the Council could authorize eleven thousand five hundred (\$11,500).

Mr. Tobin says that they had discussed the fire system and it was changed, and they had discussed the twenty two thousand dollars (\$22,000) that was added in for the sealing the roof and all the things that would save us. He questions as to why they did not address the addressable monitors back then. All of these were discussed at the last meeting a month ago when the Fire Marshall was there.

Mr. Birdsall states that the issue with the addressable monitors came up since the last meeting.

Mr. Dempsey adds that there is another issue. He says that none of the professionals are going to sign off on the sprinkler system in the attic without some kind of heat because they are afraid that it is going to freeze. Mr. Costa does not feel that it is going to freeze, and neither

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does he, but to ensure everyone, instead of spending upwards of thirty thousand dollars on heaters (\$30,000), monitors, or modules are going in. This way, if the temperature goes below the temperature that we set, it will automatically go off. We can either pop the ceiling tiles to let the heat rise so that the sprinkler system does not freeze, or you spend the money on the heaters. Anyone that has been on the second floor these past couple of days will know that there is no issue with the system freezing with how warm the building has been on these very cold days.

Mr. Skudera has a question about the monitors. If they go off on the weekend, are they going to be loud enough to hear, or what happens? Mr. Birdsall responds that they are tied back to the fire system.

Mrs. Barrett questions if all of the work for Change Orders No. 24 and 25 have been completed. Mr. Birdsall replies that not all of it has been done. The dampers, temperature modules, and the relocation of the fire department's connection have not been done yet. Anything that had to be done to keep the job moving was done, and things that could wait were waited on.

Mrs. Barrett asks about the toilet relocation. She says that it was part of a design that was already done, and they are being held responsible for an "oops." It is a small "oops," but it is costing the Borough. Mr. Birdsall said that it could have been left the way it was, and they could have worked around it, but as a whole team, their feeling was to straighten it out while under construction as opposed to hearing somebody say a year later that it needs to be fixed, costing four times as much.

Mr. Ned Gaunt, the architect for the project, says that he appreciates Mrs. Barrett's concern for this, and that there are some other comments about that. He said this building has a lot going on and they are trying their best to make sure that they do not have any of these little glitches. There were at least three (3) coordination meetings with all of the people involved to make sure that they would minimize the number of conflicts once they get into the job. Things may look good on the drawings, but out on the field they may not go together the same as they do in the drawings. There are always glitches that will happen on the job.

Mr. Ford says that the reality is that the building is close to being complete, and it has been a long journey. He is looking forward to this being done. It does not surprise him that the change orders are there, and he is not happy about them. However, he realizes that in two to four (2-4) weeks the building will be done. He wants to know if there are any other "sleeping" things out there that they should be made aware of, as of today. Mr. Birdsall responds that there are no more issues that the Council needs to be made aware of. He also says that the building is probably ninety-three to ninety-seven percent (93-94%) complete. He says the rest of the construction goes really quick now.

Mr. Allen says that the designers have computer aided systems where they can load in data and know everything, and then come back and say that there has been a change. These software systems have been around for years, and when there is a conflict, it flashes red and tells what the problem is. Then you look at the layout and move what you need to. He understands that the Court System came through and changed some things, and the Justice Department changed things for the Police Department; these things happen and that is fine. It is very annoying to him that the Borough is paying a lot of money for the other changes that come up. They are relying on the professionals to tell them what needs to be done and what is most cost effective. The Council members are not paid to know these things, the professionals are. It is shocking surprise to him because they did not hear about these, and all of a sudden they are on the agenda tonight. For each issue it is, "this happened because of this." It is kind of like, "who wasn't paying attention?" How do we pay better attention, because we do not want any more of these changes, we want to be in the building. He asks Mr. Birdsall if they are still targeting the date of March 26th, and when would he have an idea if it is not going to be that date. The next Board meeting is in early April, are they going to be in the new building or the existing one?

Mr. Birdsall replies that they will be in the existing building for that meeting. Mr. Allen responds that that is not what he wanted to hear. Mr. Birdsall asks to clarify himself. He says that the building might be done, but that they might still be in the existing one. The reason for this is that once the building is done, they have to coordinate the move. The building could be done March 26th or 28th, but he does not know if he is able to pack up everything the next day and put it over there. Realistically speaking, it is probably mid-April when the move will actually be done. The construction date could be met, the rest hinders on the actual move.

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Mr. Ford asks from a contingency standpoint if they know where they are at. Mr. Pfeffer responds that not concerning these two (2) change orders, we have about five hundred eighty thousand dollars (\$580,000) left in contingency funds. There are still some pending items listed on the spreadsheet that they need to look at to see if they are still really pending, or if we can cancel them. Right now the demolition of the building is not included in the contingency amount.

Mr. Freda discusses the new entry to the new municipal building. He says that there was a pre-construction meeting held last week. That work will be started next week. They will be doing some site work and some grading, and they hope to start paving in early April.

Mr. Skudera states that he would like to give a little presentation at the next meeting about the website, and how to improve that and the communications. He asks if some time could be set aside for that during the next meeting under reports.

Mrs. Barrett says that next Wednesday, March 14, 2007, there is a continuation of the Master Plan hearing in this chamber at 7:30 p.m. There have been two (2) public hearings, even though you are legally you are only required to have one (1). The agenda has a couple of applications on it. Also, the Planning Board will be working and deliberating along with the planners in regards to adopting a plan that will then come before this Council. Hopefully by early April the Planning Board will have something to present to the Council.

In regards to Open Space, Mr. Allen says that the notice of interest by the three (3) municipalities, as well as the Board of chosen Freeholders, has been submitted to the FMERPA group closing the Fort. That piece that the Borough of Tinton Falls looked into and perhaps acquire by outside funds would be thirty-seven (37) acres on the Charles Woods tract. This is in motion right now. The cutoff date for that is March 8, 2007, and our notice of intent is filed and should be correct.

Mayor Maclearie states that there will be a meeting about the library this Monday at 7:30 p.m. in the Library. He thinks they made headway last time and he hopes that they will be able to put together some more information and a questionnaire that would go out not in this newsletter, but the following one.

Mr. Allen wants to publicly thank the Public Works Department for working ridiculously long hours. They were still out there cleaning up the street on Friday night. They are working weekends and overtime, even though it is taking a physical toll on them and they cannot be with their families.

Mr. Dempsey says with the Master Plan so near-and-dear to their hearts to want to get to the Council, we have to consider that in April there is only to be one meeting. He suggests that they may want to consider another meeting in April. If the Master Plan comes to the Council, they are going to need at least two (2) meetings depending on the timing of when it gets here. He asks them to keep this in mind, and if it is an option, it can be tentative because if the Master Plan does not get here, you would not have the meeting.

Mayor Maclearie says that it is hard to get all thirteen (13) people together again for another meeting, due to conflicts in schedules.

Mrs. Barrett asks for clarification from Mr. Dempsey. Does he mean two (2) meetings for the hearing of the Master Plan on Council level?

Mr. Dempsey replies "no." He says that he does not know when the Master Plan will come to the Council, but if it comes after the April meeting, then their next meeting will not be until May. His concern is that they at least coordinate the meetings. They may have one (1) meeting in April, and there may be another meeting towards the end of April, and then you pick up your May schedule.

All Council Members are in favor of an extra meeting in April.

Ordinance No. 07-1218

Mr. Dempsey reads Ordinance No.07-1218 To Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14)

Mrs. Barrett offers a motion to introduce Ordinance No. 07-1218 seconded by Mr. Allen.

ROLL CALL:

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

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NAYS: Mr. Skudera
ABSENT: None
ABSTAIN: None

Public Hearing to be set at the convenience of Borough Clerk.

Ordinance No. 07-1218 in full in Ordinance Book No.3.

The Mayor reads the following statement:

Our administration, with the support of the Borough Council, has been very busy making needed changes, handling countless issues, and implementing ways to cut costs without cutting services.

Last year, we implemented a fiscal plan with the hopes of stabilizing taxes in future years. Our goal was to limited future increases to the cost of living increases in the state. We feel we have delivered a budget that meets this goal. This budget increases municipal taxes by 2.4%.

We will continue to look for cost savings through improved processes and shared services. This will be accomplished with the assistance of the Borough Council, our employees, and our citizens. The Borough Council and the Administration have been aggressively reviewing Borough fees to help offset the costs of providing the corresponding services. We are confident that our efforts will result in significant increased revenues in 2007 and 2008. While other economic factors outside our control impact the budget and the tax rate, our plan appears to be on target. Our goal is to deliver Borough services by the most efficient means possible.

In addition to the budget, we would like to update you on other ongoing projects within the Borough:

- The new Borough Hall is nearing completion; the construction has been a trying experience for all. We will move in this spring and begin demolition of the old building and the removal of the trailers.
- We are in the process of developing a new Master Plan. After significant public participation, it is nearly complete and will be adopted this spring. New zoning designations will be created that will promote smart growth and reduce overdevelopment.
- The Borough's road improvement program will start this summer, focusing on the roads that are in the most need of repair. We have received a significant portion of funding, \$270,000, for these projects from the Department of Transportation. We have worked with the Borough's Engineer to identify and prioritize all roads in the Borough. Once these roads are completed, we will start the evaluation of roads that will be paved in 2008.
- We are responding to the needs identified in the Open Space Survey. One specific area was the need for more walking trails. Consequently, a paved walking trail will be constructed around the Sycamore Recreation Complex. In addition, we are working with our Environmental Commission, and the county and state to expand existing trails throughout the community.
- The first property revaluation in 16 years will be completed in 2007. We expect the process to start this spring and continue through the fall.
- We are in the process of negotiating contracts with all unions.
- We have been engaged in the Fort Monmouth Redevelopment process and have submitted our interests in specific parcels.
- We have identified the need for a method to communicate with the residents in case of emergency. We will be researching and implementing the most cost-effective methods to accomplish this.

R-07-062

Mr. Ford offers the following Resolution, seconded by Mr. Skudera.

R-07-062 RESOLUTION – Introduction of 2007 Municipal Budget

The municipal budget of the Borough of Tinton Falls, County of Monmouth, for the fiscal year 2007.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2007.

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BE IT FURTHER RESOLVED that said budget be published in the Coaster, in the issue of March 22, 2007. The governing body of the Borough of Tinton Falls does hereby approve the following as a budget for the fiscal year 2007. Notice is hereby given that the budget and tax resolution approved by the Borough of Tinton Falls, County of Monmouth, on March 6, 2007. A hearing on the budget and tax resolution will be held at Borough Hall on April 10, 2007, at 7:30 p.m., at which time and place objects to said budget and tax resolution for the year 2007 may be presented by the taxpayers or other interested parties.

Mr. Allen questions where it mentions the budget is "approved" in the statement read by Mr. Dempsey.

Mr. Dempsey says that this is the resolution that is being offered. This is the municipal budget notice. This resolution still had to be voted on. He is reading it in the format of the resolution from the State; this is the State format.

Mr. Allen states that he wants to minutes to reflect this. Mr. Dempsey adds that the vote has not been taken on this statement.

Mr. Ford asks if they could go through the process of the resolution. It starts with the introduction, and then the budget is out there and has to go through a series of approvals. And then is that it.

Mr. Pfeffer summarizes some of the process that the Finance Committee has gone through. Originally in September, the Committee put out notices to all of the departments to prepare their budgets and have them returned by the end of October. After receiving the budget requests, they work the requests over with the individual departments. The Committee sets the preliminary numbers between themselves, the administration, and the departments. At that point, the Committee meets with the Budget Committee and they started to prepare preliminary budget sheets and summary sheets. They had several meetings with the Budget Committee to discuss different aspects in the budget, and even the pending legislation that was taking place at the time that they were meeting. In between all of this, they had received notice from the State that the budget process was being pushed back, and the introduction dates were being pushed back approximately thirty (30) days.

Mr. Pfeffer says that while they were in that process, the governor introduced a State Budget, and they did give us final State Aide figures, which are in this budget. We received approximately thirty eight thousand (\$38,000) more in State Aide for 2007. In the last week or so, they met again as Administration Budget Committee and went through the final numbers and had the budget typed up to be presented tonight, and the budget books were finalized to be presented tonight.

The budget books also contain some miscellaneous financial information. Some of this information has to do with the budget, and some is just statistical information that the Council might like to see about the Borough itself. Mr. Pfeffer said that the Mayor summarized that we came in with a 2.4% tax increase. That equates to 1.81 cents on the rate. The book shows what this means to homes assessed from one hundred thousand to one million dollars (\$100,000 – \$1,000,000).

Mr. Pfeffer explains that once a budget is introduced, it becomes the Council's budget. If the Council desires, they may call meetings to have other departments come in to discuss their budgets or they can meet with the administration to discuss the budgets. April 10, 2007 is set for the public hearing. At that point, we will decide if there are amendments that have to be made, or if we are going to adopt the budget on that night.

Mr. Ford asks as to who they should filter recommendations or concerns for areas as they go through the budget; the Finance Committee or the Mayor? Mr. Pfeffer responds that it would be a good idea for the Finance Committee to act as a liaison.

Mrs. Barrett says that for anything that you may want to amend, put it in writing so that the rest of the Council members and the administration is aware of other ideas out there in regards to the budget.

While looking at the budget book, Mr. Allen inquires if there is a synopsis for this year's budget versus last year's budget for their department. Mr. Pfeffer replies that there are comparisons from the 2006 budget to the 2007 budget for the departments, as well as their spendings for 2004 and 2005.

Mr. Pfeffer says that in discussions towards the end of all of the hearings last year and the decision on the budget, it was suggested by the Council that they try to reduce the Council budget by approximately five percent (5%), as far as the operating budgets of the other departments. For the most part, they went back and directed the other departments with that in mind, and for the most part they were successful in doing do. The Finance Committee did

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make some changes to some of the departments' budgets were they felt there were legitimate reasons why they could not go to that five percent (5%). For some departments, they had to add above that, some of which came from discussions that they had at the table together. One of these was adding additional credit cards to the Court, which will add additional expenses to their budget. Hopefully, this will be well offset by additional revenues. The other was for a new I.D. program being established for recreation. That will be fifty percent (50%), offset by a grant that Mr. Dempsey is involved with.

Mr. Pfeffer adds that the budget books are never finalized until the budget is actually finalized because they are constantly reviewing and changing numbers right up till the minute the budget is typed. They want the books to come to the Council and tie in exactly to the appropriations that are listed in the budget. The books never come until the budget actually comes so that they know everything is tied in and that all the numbers agree. This way the Council is looking at data that is completely accurate.

Mr. Pfeffer says that they needed to stabilize the surplus, which was a big issue last year. In drafting this budget, they were able to present the budget with the 2.4% tax increase, and realistically leaving the revenues in line from last year so that they will be able to regenerate the surplus again going into 2008, basically controlling the situation that we had last year. With this in mind, we had to deal with several things on the expenditure side to try and make this all come together. The salaries for 2007 are up about four hundred and three thousand dollars (\$403,000) basically due to salary increases and increases in overtime. The Borough's group insurance is up about sixty six thousand (\$66,000), which is about four percent (4%), which in today's market appears pretty reasonable, and they are hoping to lock in those figures for next year as well. The Recreation Department is experiencing some significant increases in payroll charges because of the new minimum wage act. Because we are not mandated to follow the Act, we will have a hard time competing for people if we do not offer salaries that are comparable for young kids. Utilities are up about fifty-four thousand (\$54,000) mostly because of the new building. The building is bringing some cost savings in telephone systems, but we will see an increase in electricity and natural gas. Also, JCP&L is going up fourteen percent (14%) for everybody. There is a three thousand dollar (\$3,000) increase in pension costs, which will also increase next year.

On the decreasing side, there was a reduction of five hundred and twenty five thousand dollars (\$525,000) in debt service. There will be some increases in this next year, but it is too early to predict where that will be going at this point. It is dependent on the completion date of Borough Hall, the completion date of the road program, and where interest rates are next year.

Several months ago, the Council passed a refunding bond ordinance that allowed us to refund our bonds, if and when the right numbers are in line with accordance with State regulations. We are approaching that number. There are some technical issues that we are dealing with right now within the local bond law. If we can get around these issues, we will go forward with the refunding. There are some significant legal issues that are involved from the Borough's standpoint, and will have to be worked out.

We closed out the 2006 year with a three and a half million dollar (\$3,500,000) surplus. When we factor in how much we are utilizing in this budget for surplus, which is the same amount that we utilized last year, remembering that the goal was to stabilize surplus, we will have grown that balance by a little bit over two hundred thousand dollars (\$200,000) from the previous year. We want to have a "rainy day" fund built up in surplus so that we would not have the problem we had in the prior year.

Obviously there are some things that are out of our control from a budget standpoint, that being the economy in general. We are dependent on interest rates, both what we get on interest on deposits, as well as what we pay on interest on debt service. We are also at the mercy of the real estate market as far as ratables, which have a large impact on us. Without being able to factor in the economy, with the way the budget is prepared, we feel that we are in good shape going forward into 2008 when the time comes.

Mr. Allen asks if the surplus at the end of 2007 will be three point five million (\$3.5 million). Mr. Pfeffer responds that the surplus at the end of 2006 was three and a half million (\$3,500,000), and after they take out what they utilize in the budget for surplus as a revenue, there will be about two hundred thousand (\$200,000) in the remaining balance opening up the beginning of the year.

Mr. Allen questions what the projected surplus budget will be at the end of the year for the Borough of Tinton Falls. Mr. Pfeffer says that we are hoping the surplus will grow at about the

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same approximate rate as it grew last year. We replenish surplus at the rate of two point nine million (\$2.9 million) in 2006, we are hoping to be at least there for 2007. at this point in time, we do not know what the ending surplus figures will be for 2007.

Mr. Allen asks under borrowed money, if we can determine what the average rate is. Mr. Pfeffer replies that most of the bonds that are issued today are variable rate bonds, which means that each year the coupon rate is different. The long-term debt that is already issued is locked into an interest rate.

Mr. Allen states that he does not understand an expense for increase in rate. Mr. Pfeffer explains that there is temporary financing, which are bond anticipation notes that are only good for one year. Once Borough Hall and the road program are finished, those remaining moneys that have bond anticipation notes out on them will be taken and bonded, which will convert them to long-term. At that time, we do not know what the rates will be. The rates right now are very good. We want to finish up the projects, get the costs, and then move into the long-term bonding with them.

Mr. Ford questions if there is money in the budget for a road program that is not bonded. The reply is no. Mr. Ford asks if it is going to be after 2007 that we are going to start dedicating money for the roads. Mayor Maclearie responds that we are going to try.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

PETITIONS – None

ORDINANCES FOR INTRODUCTION –

Mr. Dempsey reads Ordinance No. 07-1217 Amending Ordinance No. 06-1184 Finally Adopted on June 13, 2006 – Chapter VIII (8) Animal Control and Chapter X (10) Park Rules and Regulations of the Revised General Ordinances of the Borough of Tinton Falls to Allow Police Dogs and Public Works Dogs to Enter a Park or Recreation Facility.

Mrs. Barrett offers a motion to introduce Ordinance No. 07-1217 seconded by Mr. Allen.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Public Hearing to be set at the convenience of Borough Clerk.

Ordinance No. 07-1217 in full in Ordinance Book No.3.

ORDINANCES FOR FINAL CONSIDERATION –

Mr. Dempsey reads Ordinance No. 07-1213 Amending Section 40-11 Fees of the Land Use Ordinance of the Borough of Tinton Falls

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

There being no questions from the public, 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

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Mr. Skudera questions if this is for people wanting to have a tree removed from their backyard, or if it is for developers coming in. Mr. Berube says that it is just for the developers coming in. Mrs. Barrett offers a motion to adopt Ordinance No. 07-1213, seconded by Mr. Allen.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Dempsey reads Ordinance No. 07-1214 Amending Section 40-12 Guarantees and Inspections of the Land Use Ordinance of the Borough of Tinton Falls

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

There being no questions from the public, Mrs. Barrett offers a motion to close the public hearing, seconded by Mr. Allen.

ROLE CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Mrs. Barrett offers a motion to adopt Ordinance No. 07-1214, seconded by Mr. Skudera.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Dempsey reads Ordinance No. 07-1215 Bond Ordinance Providing for the 2007 Road and Recreation Trail Reconstruction, Construction and Resurfacing Program, by and in the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, Appropriating \$2,530,000 therefore and Authorizing the Issuance of \$2,147,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

There being no questions from the public, Mrs. Barrett offers a motion to close the public hearing, seconded by Mr. Ford.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Skudera offers a motion to adopt Ordinance #07-1215, seconded by Mr. Ford.

Mr. Allen asks how many years it has been since the Borough of Tinton Falls instituted a consistent road program. Mayor Maclearie says that it has been several years. He adds that it

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was abandoned from 1995 through sometime in early 2000. It was abandoned for a while and we tried to get it reinstated, but when we lost Mr. Mellowick, it stopped again.

Mr. Allen would like the Asbury Park Press to think about this. If we are adopting it and putting it in motion, it has not happened, and it is happening; that is what the government does.

Mr. Ford had a meeting with Mayor Maclearie and one of the items on their agenda was discussing getting the road program back into action. He states that along with this, he is glad that there is a push to get the Master Plan and several other things going.

Mrs. Barrett questions as to whether or not curbing is included in Section 3. One street in particular, Riverdale Avenue West, she knows is a stub street and a couple of the residents have asked her if it will remain a stub, will curbing be put in, or will the end just be paved. Mr. Dempsey responds that he is not sure if it has been designed yet. His understanding is that usually when you do a road program, what is existing is just overlaid. If there is curbing there that needs to be replaced, it will be replaced. However if this is a situation where it is a dead end and there maybe a cul-de-sac needed, and there is the proper property that the Borough owns to build it, that is something that can be considered.

Gerald Freda, Borough Engineer, adds that all of the things that Mr. Dempsey mentioned would have to be considered during the designs. With a road program, most of the time you hope that your roads are in good enough condition where you can mill them over. We are fortunate because most of the roads in the Borough are. It does not make a lot of sense to not replace curbs because curbs are part of the roads, so wherever there is damaged curb, we would look to replace that.

Mrs. Barrett interjects saying that the particular road she mentioned never had curbing. Her next question is if we are in a situation where we could potentially be incurring additional costs to finish these roads that are listed. Mr. McPherson says that there would not be any additional costs, it was considered in their calculations, though he does not know to what degree. He was not part of comprising the calculations, but he can find out. Normally they do include curb because it is part of the road, unless they are told to take it out.

Mr. Dempsey adds that if there is not curb existing, he does not know if curb will be put in because then you will have to account for the storm water. If there is not a storm drain for that water to run to and it is running off the side, then the estimate would have had to account for that. Unless there are storm drains in the street, there probably will not be curbing.

Mrs. Barrett says that Riverdale Avenue East was mentioned and she believes they are in the same situation of not having curbing at the end of their street as well. She is told that the curbing then will not be put in there.

Mr. Skudera questions what the target date will be to start the road improvements for this year. Mr. Freda says that they have already been detained with voting on this ordinance. By law, he cannot start until authorized by the Borough. He states that he is prepared and ready to do this project, and hopes that this can start moving quickly. This is a sizeable job and he hopes that it will begin this summer. He hopes that it will be done before the end of the year however that is dependent upon the weather and a number of other things along the way.

In reference to this ordinance having been detained, Mr. Allen says that they have been moving this as quickly as the Council can, and they want to get this started as quickly as possible.

Mr. Dempsey says that this will go out to bid as soon as possible because the Hope Road project is in there, and there is a date that it has to be awarded by.

ROLL CALL: On adoption of Ord 07-1215

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

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION

Mr. Allen offers a motion to open the Public Discussion, seconded by Mr. Skudera.

ROLL CALL:

AYES: ALL IN FAVOR

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NAYS: None
ASBSENT: None
ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Edwin Breidenbach, 53 Mulberry Lane. Mulberry Lane has a water runoff from a well or land of the Tinton Shelf which results in the water going through the ground and comes out in their cellars. They have no place to put it but to use their sunk-pumps and put it in the street. He says that when they pump the water out during this time of the year, it freezes. He does not know if anybody has addressed this problem, but he thinks that they should. He was thinking that PVC pipe could be put on the outside of the curb before they streets are paved, so that the residents can connect their sunk-pumps to that. This way, the water could run underneath down to the drainpipe at the corner of Mulberry and Parmly Road. He states that this is a hazard, and if they were to look in the records, they would see that the Public Works Department was out there one year chopping ice for two (2) days. It has started again in this freezing weather, and he asks the Council to think about this.

Mr. Breidenbach claims that he has fought for five (5) years to get a sewer line or catch basin put on both sides of Mulberry Lane, up toward the end of Swimming River Road. This line comes down from what used to be Stavola's truck farm many years ago. That line is only about six (6) inches long, and they put a line down from Mulberry Lane to that, down in back of all of these houses, into the culvert that runs down into Swimming River. Willowbrook came along and hooked their line onto that. Now the water is coming out of the two (2) sewer catch basins, and going down the street and causes another problem. He does not think that it is fair that they should take all of that water from Willowbrook that they hooked onto that catch basin. When he had spoken to Mellowick, he was told that these were not supposed to be hooked up, but Mr. Breidenbach is positive that they were. Now Mulberry Lane is getting the water from Willowbrook, all the way from Swimming River Road down, and all the way down Parmly to his tax basin on the corner. He does not think that this is fair, and he thinks that the Council should consider doing something about this.

Mr. Tobin asks Mr. Dempsey to instruct the proper members of the administration to review this issue.

Mrs. Barrett wants to inform the resident that she has been in contact with two (2) other residents on his street, and there are two (2) separate issues over there. She is aware that the engineer has gone once to look at the end of Mulberry towards Parmly. Just this morning she spoke to the Department of Public Works in regards to the two (2) catch basins that are literally full. She was told that a neighbor's sunk-pump was emptying into the catch basin. This is being looked at by Public Works, and will be referred to the engineer. There are two (2) separate issues and she does not know as to where things are going to go with them, but she wants Mr. Breidenbach to know that people are looking at them.

Mr. Dempsey adds that they are not off their bonds yet for this project, he believes that they still have performance or maintenance. He says that he will notice the engineer that is handling this to check the plans to see if they are tied in there or not and go from there.

Charles Lomangino, 3 Helena Street. First, he would like to commend the D.P.W. and the Police Department for what they have been doing and how they have handled things after the storm. He questions if there is a definite water solution problem for Asbury Avenue. He believes that it is a county or a state road. With all of the rain last Thursday and Friday, he saw an older woman stuck in her Toyota Corolla, with the water literally on the hood of her car. She did not know what to do. Does anybody know if there is anything in the works, or a definite solution to this water problem?

Mr. Allen replies that there have been proposed solutions, and the waiting comes from two (2) points. The waiting comes from the Parkway Authority having to give an easement in order to change a section of the road for Essex Road, which they have been promising to do and claiming that the State D.E.P. is slowing them down. The County would then have to get approval from those entities in order to start the project to move it, in order to change the alignment of the streets to not only make the traffic flow better, but to get rid of the flooding issue. As of the last check, we are waiting for the State to finally take action.

Mr. Dempsey responds that the State is currently working on the design with the County. They are going to realign Pine Street and the culvert. There is one (1) issue with one (1) of the property owners where they realign that street, but this should be done shortly. He knows that

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it is in the design phase. Al Hilla, Bill Birdsall, and he have met with the County's Office on this, and it is moving. This is also where the temporary traffic light will be realigned as well.

Mr. Lomangino asks if we are bringing one policeman to the police force this year. Mr. Pfeffer says that with the way the budget is structured, one (1) senior officer is being replaced by a new officer. Mr. Dempsey says that they are adding a person, and this person will be a new face, but this is not a new position in the budget.

Mr. Lomangino questions how we determine when they need more people on the police force. Mayor Maclearie responds that the Chief of Police informs us when he believes that there is a need for more officers, and then that is considered as to if you are going to add police officers or not. There has been consideration that Chief Turning has informed the Borough that they are going to need new police officers if development does take place in the Borough, being Avalon Bay, Traditions, the outlet center. When these come on board, there will be needs at that time.

Gary Baldwin, 201 Sandy Hills. He wants to make a comment about the Phase I and Phase II process of the Essex Road and Asbury Avenue project. He believes it been either eighteen (18) months or two (2) years now since the County Engineer came out to Seabrook and gave a briefing on the whole project. It was explained in two (2) phases. Phase I would involve raising Pine Street about four (4) feet to let the water pass under it, and putting a larger culvert through there to take the brook water in. His recollection is that the engineering study was completed on that and they saw the plans of the engineering study. The funding was appropriated for this, and it was just a matter of a couple of permits that they needed to get from the D.E.P. This was a separate project and it looked like it was ready to go. When they did the meeting in November or September, their estimate was that they would be able to begin the project in April, but that was two (2) years ago.

Mr. Baldwin continues that Phase II was to connect Pine Street and Essex together about four hundred feet (400 ft) up from where Pine Street comes in now. The engineer studies would have started a year later, which would have been sometime in 2005, and then seek funding for it. These are really two (2) separate projects that are not together in terms of engineering or funding.

Mr. Baldwin said that it was about six (6) months ago that he stood here and asked if we could get the engineer to ask the County where we are on the project. Freeholder Board Members and the Director were at the meeting at that time and were really committed to that project. However, something has stopped this and he feels that it really needs to move on because what Mr. Lomangino has testified to is certainly a bad problem.

Mr. Dempsey says that he will try to get an answer on this for the next meeting.

Randi Dickman, 13 Woodchuck Court and Ed McCullough, 15 Woodchuck Court. They want to thank the Council for their continued effort in their situation. Mr. McCullough says that he does not know what the plans are for the Essex Road project, but if it does not include sidewalks, especially on the Pine Street side, they should consider that because are people with wheelchairs on Asbury Avenue going up to the RiteAid and it is quite dangerous. If the plan does not include it, he asks if it is something that can be looked into.

Mr. Tobin says that they would have to take a look at their sidewalk fund, which is almost nothing, but they will take a look at it. Since it is a county road, they will talk to County and see what they say.

Chief Gerald Turning. With deep regret his announces the passing of Mr. James Herring. Jim Herring was the first police chief in the Borough of Tinton Falls. He died this morning of natural causes, and the police department will be attending his funeral on Friday and Saturday. He was one (1) of only three (3) police chiefs in the Borough, and he just wanted to inform everyone of his passing.

Leo Lomangino, 93 Colonial Drive. When it comes to the brush on the side of the street, especially after this ice storm, he knows that the D.P.W. is doing the best that they can. However, he asks the Borough Council to think about creating an ordinance because there is going to be a fatality. If it is not a car swerving out of the way of the brush, it could be children playing in the leaves on the side of the road. He knows people in this town that have been ticketed for having basketball hoops on the side of the road. The D.P.W. cannot take care of the whole town at once, especially after a storm such as this. It is going to take effort on the Councilmen's parts to look at the best practice of removing that stuff and getting it out of the streets before someone gets hurt. He would also like the Chief of Police to pass covet on

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the safety of this, and the hazards that are created. He would like to go on record to address this issue because he thinks that it is a lot worse than they are able to express to the Council.

He also addresses that Asbury Avenue is part of the Emergency Evacuation Route. If this is how we are supposed to be getting out of town in the event of floods, we need to get County to do something quicker to fix the flooding problem.

Mr. Tobin asks if they could take a look at one of their existing ordinances placing objects in the roadway and what it encompasses. He would like this to be part of the workshop at either the next meeting or the one it after because this storm has raised a number of issues, and this is one of them.

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER – Mr. Ford inquires if they have a plan for moving everything here from the other building. Mr. Dempsey responds that the plan is to hire a moving company as opposed to the idea of using the Public Works Department. They have taken proposals from several different moving companies in the area and Lowie's is the lowest responsible bidder. They have moved several municipalities and businesses, and they do everything from the moving of the chairs to the moving of the computers as well. It will be a total move that would be done in two (2) days, possibly on a Friday night and a Saturday. The cost will come out of the Billing Fund, and will be less than twenty thousand (\$20,000).

Mr. Ford says that the recycling center is really methodical, which is good. In checking people in, it causes quite a line, especially now with people bringing brush in. He inquires if the could workshop ideas such as the first time you are checked in, they could give you a sticker that says that you are a resident of Tinton Falls. He knows that for himself, his license says Ocean even though he lives in Tinton Falls, and this causes problems when he goes. He asks for a workshop to ease the process.

Mr. Tobin says that a lot of other towns have this and they should have one as well.

Mr. Ford asks for an update of where they are at with the reevaluation. Mr. Dempsey questions if Mr. Ford was here for the reevaluation presentation. Yes he was. Mr. Dempsey says he knows that they are going to be drafting a letter to send out to the residents, and he will find out exactly where they are at in that process. He says they may have started drafting the letter to send out to the public, but they have not started inspecting any homes.

In reference to Pine Street, Mrs. Barrett inquires if No Parking signs were going to be installed on one (1) side of the street. Mr. Dempsey responds that he believes an ordinance was passed to eliminate parking on one (1) side of the street, and he says that if the signs are not out there, they will get the signs out there to eliminate the parking.

Mrs. Barrett asks what is being done to enforce the issue of people parking there. She has had a conversation with a resident of Pine Street who said that the issue has not gotten any better. Mr. Dempsey replies that he does not think that he can enforce the ordinance without the signs. In fairness to the police department, he is sure that they are out in the area, but they do not know that it is no parking without the signs being up. Once the signs are up, they can enforce it. If they were to start enforcing it without the signs, it would not hold up in court.

Mrs. Barrett inquires about a timeframe that it usually takes to manufacture and install the signs. Mr. Dempsey says that the signs are made in-house, so he will have John Bucciero take care of that as soon as possible.

In regards to fees, Mrs. Barrett says that last year when they were going through the budget, our animal control contract was about eleven thousand dollars (\$11,000) and they were going to renegotiate. The number that was being thrown around was twenty four thousand (\$24,000), and she does not know what we settled on. Mr. Pfeffer says that it came in at

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seventeen thousand (\$17,000). Part of the animal control is offset by some fees that they have that is called All-Trust. So the seventeen thousand (\$17,000) is the net. The contract amount was eighteen hundred and eighty-two dollars (\$1,882) a month, and twenty two thousand five hundred and eighty-four (\$22,584) a year.

It was brought to Mrs. Barrett's attention that the legislation has relaxed, and we can increase that fee now. She would like to ask the Council to consider raising the fee to offset the additional cost. Last year in 2006, we issued one thousand and fifty-seven (1,057) licenses. There is a difference between neutered, spayed, and non, but most of the residents' are at eight hundred and twenty (820) a license. If we took the example from Asbury Park and went up twelve dollars (\$12), that is an extra three hundred and eighty (\$380). If her calculations are right, we would bring in about four thousand dollars (\$4,000) and change which could help to offset that. Currently there are two hundred and fifteen (215) dog owners that are past the due date and she does not know as to how that would affect them or not.

Mr. Dempsey questions if Mrs. Barrett is looking to offset the cost of Animal Control. She responds yes. When you collect those fees, there is a certain amount that goes to a State program, and a certain amount that goes to the municipality.

Mr. Tobin says that they will put this as a workshop at the next available meeting that there is time.

Mrs. Barrett questions as to where they are with the Mercantile fees. Mr. Berube says that they are still looking at this and hope that other towns will do this. Then we can see the extent to which other towns will do this, how much it costs to report. There is no definitive reply to give to the Council at this time.

Mrs. Barrett also asks about Reverse 911. Mr. Dempsey says that the County Chief came out with something that they can buy into for a Reverse 911; he believes it is Code Red. We are looking into this.

Mrs. Barrett was not at the meeting in Seabrook in regards to Essex Road and asks if she could receive a copy of that CD. Mr. Tobin says that it was not given as a part of a public record, but we will see if we can obtain another one.

Mr. Allen asks if anyone knows the date that they are going to start the reevaluation. In other municipalities where he has served there has been a document prepared that explains the process to the public that visits the Borough Hall. He says that it would be a good idea to have this for the people. He has received calls asking when it will be starting, and he does not have information to give them.

Mr. Allen asks Financial Officer, Stephen Pfeffer, what is the proposed one-point figure that is proposed in the budget for 2007 What would this equate to on the new budget? Mr. Pfeffer responds that one point on the budget is going to be one hundred twenty eight thousand and sixty dollars (\$128,060).

Mr. Tobin mentions that there are other fees that are out-of-date on licensing and other things. He questions if that is progressing? Mr. Dempsey says that most important fee was appointing fees because that is where we were getting "creamed." The next fee is definitely in the recreation department and some other areas as well, so he is looking into those.

It was Mr. Tobin's understanding that traffic would be prohibited in both directions running through Clinton Place during the rush hours. There is no sign indicating No Right Turn during those hours. He is told that it will be there first thing tomorrow morning.

Mr. Tobin says that they are going to take a look at a workshop at the budget for Shade Tree Commission. It is extremely low, and we do not have any process in place to replace trees. We are getting the Tree City USA every year and he does not know how because we do not have a process, we do not have two dollars per resident (\$2.00) that we are supposed to be spending or any of the other things. We have fourteen hundred dollars (\$1,400) which falls below the budget for the Historic Commission, and we know how tight that budget is. He would like to see what we could do perhaps in other areas of revenue or whatever, and we will take a look at that at another point.

RESOLUTIONS

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

R-07-063 RESOLUTION – Honoring Ed Breidenbach

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WHEREAS, Ed Breidenbach has served the Borough of Tinton Falls for over 12 years as Chairman of the Memorial Day Service;
and

WHEREAS, Ed has enjoyed the opportunity to be able to honor his fellow guardians of freedom; and

WHEREAS, these years of service have been marked by exemplary dedication to the best interests of the Borough of Tinton Falls;

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Tinton Falls wishes to thank Ed Breidenbach for his distinguished service and extend him best wishes for continued success in his future endeavors.

/s/ BRENDAN P. TOBIN, Council President

Mr. Breidenbach wants to thank everyone, express his appreciation for the honor, and says that he is truly elated. He says that Eloise Wolfe needs some credit too because she was his sidekick and did a great job with him.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-064 RESOLUTION – Designating the
Month of March as “Women’s History Month”**

WHEREAS, New Jersey women of every race, class and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the state by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State; and

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in our State; and

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

WHEREAS the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to:

*to ensure that NJ women are offered equal opportunities in education, the work force and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion

*identify, implement, measure and coordinate programs that address the needs of NJ women.

*engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that March 2007 is designated as “Women’s History Month – Generation of Women Moving History Forward”.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-065 RESOLUTION – Supporting A-3444/S-2183

WHEREAS, since their institution in 1977 as part of the packager of bills establishing the Property Tax Relief Fund, funded by New Jersey’s first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey’s FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being apart of the short term relief component; and

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WHEREAS, those 2004 amendments drastically lowered the cap eliminated important exceptions to the cap and severely limited the use of 'cap banking', which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor's Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens' public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal; property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal. Budget makers to meet the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bills (A-3444/S-2183) would: first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance and employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of good and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2004, the effective date of P.L.2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the 'cap banking' problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls does fully support and urge swift and favorable action on A-3444/S-2183; and

BE IT FURTHER RESOLVED that we do respectfully request an amendment to the bill to restore 'cap banking' to its previous status, as it existed prior to the 2004 amendments;

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

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

NAYS:

ABSENT:

ABSTAIN: Mr. Allen

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

**R-07-066 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.

/s/ BRENDAN P. TOBIN, Council President

Mr. Skudera questions what the driving force on this nuisance is. Why are we doing this?

Mr. Dempsey replies that to qualify for the County Plan to prohibit gypsy moth spraying, you have to pass a resolution.

Mrs. Barrett questions how this ties in R-07-068. Mr. Dempsey replies that it is a different issue. R-07-068 is for mosquitoes. It is the same idea, but they are two different programs. One is for the Mosquito Commission and the other is for the Save Tree.

Mrs. Barrett questions as to what they will be spraying for both the gypsy moths and the mosquitoes. What kind of chemicals will they be using? Will they be spraying during the night or the day?

Mr. Dempsey says for the gypsy moths they have spray block areas. Anyone in that spray block will be notified of that and it will be controlled. There will be people actually out in the field telling people to stay in their homes when the helicopters are going over and spraying these areas. This is done early in the morning.

Mrs. Barrett inquires if there are any residual reentry times on this. Mr. Dempsey replies that he does not know, but that he will get the answer.

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Mr. Dempsey says that if this is not approved, they will not spray for gypsy moths in the town at all, so it is either you are in the program or you are not in the program. They feel that what they are spraying is adequate and safe for the community. If the Borough does not want to participate, if they do not pass the resolution and ordinances and do the public notices that they choose, then they just exclude you, and then if something were to happen, it would fall on us.

Mrs. Barrett asks if this has to be approved at this meeting. Mr. Dempsey replies that yes, there is a timeframe. He believes that you have to pass this resolution, do the public notice, and then it goes out to the residents. He thinks the spraying will occur sometime in April of this year.

Mrs. Barrett's concern is what chemicals they will be using. When they are going out to spray, are they going after adult or are they going after larva?

Mr. Dempsey says that he does not know the answer. He knows that Wall Township is doing the spraying. The State has identified this area of Tinton Falls as being in need of gypsy moth spraying.

ROLL CALL:

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

NAYS: Mrs. Barrett

ABSENT: None

ABSTAIN: None

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

**R-07-067 RESOLUTION – Authorizing Mayor to File
Notice of Intent for Various Properties Contained in Fort Monmouth
Pursuant to Base Closure Community Redevelopment
And Homeless Assistance Act of 1994**

WHEREAS, the Fort Monmouth Economic Revitalization Planning Authority (FMERPA), has published notice of availability of potential surplus Federal property at the U.S. Army Fort Monmouth, NJ installation; and

WHEREAS, said surplus property is, in part, located within the Borough of Tinton Falls, County of Monmouth, State of New Jersey; and

WHEREAS, upon diligent review, the Borough of Tinton Falls has identified the need for additional facilities in order to properly provide for the health, safety, education and welfare of the residents of the Borough of Tinton Falls and surrounding communities; and

WHEREAS, there appears to exist surplus property available to fulfill the needs of the Borough of Tinton Falls currently maintained within the geographical limits of Fort Monmouth; and

WHEREAS, the Borough of Tinton Falls, has for all of its existence, maintained a cooperative and mutually beneficial governmental working relationship with the Command and personnel of Fort Monmouth so as to provide for the health, safety welfare and education services to Fort Monmouth military and civilian personnel, together with the business-related entities and employees assigned to and attached to projects being undertaken at Fort Monmouth; and

WHEREAS, the Borough of Tinton Falls, a Municipal Corporation of the State of New Jersey qualifies as an appropriate recipient of Public Benefit Conveyances under the above statute for those properties which are detailed herein, and

WHEREAS, the dedication of the properties denoted herein would substantially improve the ability of the Borough of Tinton Falls to provide for the health, safety, welfare and education of the citizens of the Borough of Tinton Falls and the surrounding community and would constitute an appropriate Public Benefit Conveyance under applicable State and Federal laws; and

WHEREAS, the appropriate federal agencies noted herein have been contacted to secure assistance in the filing of a Notice of Interest in the denoted properties therein,

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Clerk and /or Administrator of the Borough of Tinton Falls are hereby authorized to execute any and all documents necessary to register a Notice of Interest for the Public Benefit Conveyance of the properties denoted in the attached Notice of Interest for the purposes therein described.

/s/ BRENDAN P. TOBIN, Council President

Mayor Maclearie says that the Fort is an opportunity for Tinton Falls. This is our opportunity to reach out to the federal government without using eminent domain, and asking for public benefit conveyance on this property. As a borough, we gathered the needs and wants from the other departments and activity within the town. One interest is for a firehouse in the Charles Wood section. This would be to replace the Pine Brook firehouse which is in need of repairs and upgrades. There is interest for a fire training center which would be done with Shared Services from other municipalities, not just Tinton Falls. We would not need the Fire Arms Training Facility solely for Tinton Falls, but we have agreed to help manage the process through the State, or the County, and it would be a Shared Services arrangement if we needed it to be.

We have asked for fifty (50) acres of vacant land outside of the Borough. There will never be another opportunity to add property in front of the Borough Hall other than now. This land could be public, recreation, an arboretum, or several uses. We have also asked for ten (10) acres for COHA housing. As a Borough, we also have other developers that have developed in town and will need to put up affordable housing somewhere. If this can be turned into a town

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center, this can be the center of Tinton Falls. You could put some of the COHA housing right in the middle of where all of the activities are instead of putting them ten (10) miles to the south or on the extreme corners of the town.

We are asking for another five (5) acres out of the Fort which we could use for the library, since we have a need for a library in town. As for the Early Childhood Education Center, we have communicated with the School Board and recognize their interest there in that parcel, and we are going to support their request for this property. We have expressed an interest in the property next to the big water tower. It is not the biggest building, but it is the most fully developed property over there and could be used to house a lot of administration services for our town, for recreation, for seniors, or even the library. We have expressed an interest in this property for public benefit conveyance, and if we can get it, we would happily take it.

Our intent would be to have these requests hand-delivered tomorrow.

Mr. Tobin wants to thank Mr. Allen, Mayor Maclearie, Mr. Dempsey, Mr. Farrell, and Mr. Berube for all the work they have done to get this process moving along.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-068 RESOLUTION – Authorizing Monmouth
County Mosquito Commission 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.

/s/ BRENDAN P. TOBIN, Council President

Mrs. Barrett asks if this is the same thing as the gypsy moth resolution where we have to apply for funding, and if that is why we are going for this.

Mr. Dempsey replies yes, the County gets a D.E.P. Permit and they apply the pesticides to the mosquito areas by helicopter.

Mrs. Barrett asks if the area(s) have been identified and if it is the whole Borough.

Mr. Dempsey responds that the areas have been identified and he does not believe that it is the entire Borough.

ROLL CALL:

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

NAYS: Mrs. Barrett

ABSENT: None

ABSTAIN: None

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

**R-07-069 RESOLUTION – Compensated Absence –
Retiree – Joy Foster**

WHEREAS, Joy Foster has been employed by the Borough of Tinton Falls as Assessing Assistant in the Administration Department since March 15, 1984, and;

WHEREAS, on April 1, 2007, Joy Foster will retire with 23 dedicated years of service, and;

WHEREAS, Joy Foster will be entitled to compensated absence benefits according to the Borough Ordinances #9-8.1c and 9-7.3c. The benefits are not to exceed \$3,000.00, and;

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

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

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

Trust Fund Accumulated Leave Compensation.

/s/ STEPHEN PFEFFER, Chief Financial Officer

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-070 RESOLUTION –2007 Emergency
Temporary Appropriations #2**

WHEREAS, due to the expected delay of the adoption of the 2007 municipal budget and contractual obligations and no adequate provision has been made in the 2007 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 2007 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

CURRENT FUND APPROPRIATIONS:	\$ 3,867,266.00
MUNICIPAL SEWER UTILITY:	\$ 1,217,330.00

	\$ 5,084,596.00
	=====

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	\$ 2,994,450.00
SEWER UTILITY:	
See Attached Sheets	\$ 717,330.00

2. That said emergency temporary appropriation will be provided for in the 2007 budget under the following titles:

CURRENT FUND:	
See Attached Sheets	\$ 2,994,450.00
SEWER UTILITY:	
See Attached Sheets	\$ 717,330.00

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

/s/ BRENDAN TOBIN, Council President

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-071 RESOLUTION – Authorizing Execution of Addendum to
Agreement for Sale of Excess Sewer Capacity**

WHEREAS, the Borough of Tinton Falls and the Borough of Avon have entered into an Agreement for the sale of 130,000 gallons per day of capacity at the Township of Neptune Sewage Authority Treatment Facility by Borough of Avon to Borough of Tinton Falls; and

WHEREAS, the parties are desirous of clarifying their billing procedures under said Agreement and, more particularly, the Addendum in accordance with the request of the TNSA as per the attached.

NOW, THEREFORE, BE IT RESOLED by the Borough Council of the Borough of Tinton Falls that the Mayor and Borough Clerk are hereby authorized to execute the attached "Addendum to Agreement".

/s/ BRENDAN P. TOBIN, Council President

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-07-072 RESOLUTION – Authorizing Execution of Developer’s Agreement with Avalon Bay Communities

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk be and hereby are authorized to execute the Developer’s Agreement with Avalon Bay Communities for property located at Block 155, Lot 1.01.

/s/ BRENDAN TOBIN, Council President

ROLL CALL:

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

NAYS: Mr. Tobin

ABSENT: None

ABSTAIN: None

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

R-07-073 RESOLUTION – Allowing for 0% Interest Penalty on 2007 1st Quarter Sewer Bills for Certain Properties

WHEREAS, the post office not delivering mail created a problem with residents that live in the 07712 zip code, receiving their sewer bill for the 2007 1st quarter, and

WHEREAS, the Borough of Tinton Falls wishes to be fair to these residents, and

WHEREAS, New Jersey Statutes Annotated 54:4-67 authorizes the governing body to fix the rate of interest to be charged for nonpayment of municipal charges.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the interest rate to be charged for the 2007 1st quarter sewer bill, originally due January 1, 2007, for certain properties, to be determined by Carol Hussey, Tax Collector, shall be set at 0% per annum until April 1, 2007, where at which time the interest rate shall revert back to the rates set by ordinance 16-3.2.

/s/ CAROL HUSSEY, Tax Collector

Mr. Allen asks for someone to explain this resolution.

Mr. Pfeffer says that we had a problem with the delivery with the sewer bills in a certain zip code. When we send out the liquid notices, we started getting phone calls that they never received the bills. It appears they did, but something happened in the postal system with these bills. What we want to do is charge zero (0%) interest so nobody is penalized for not having gotten their bill.

Mr. Tobin asks if there is a way to make sure that this does not happen again. They were delivered to the Post Office, but they never got out of there.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-07-074 RESOLUTION – Acceptance of Street Lighting – Crown Pointe at Willowbrook

WHEREAS, the developer of Crown Pointe at Willowbrook has requested that the Borough of Tinton Falls accept the street lighting, and

WHEREAS, pursuant to NJSA 40:55D-53.6, the Borough of Tinton Falls, upon notification from the developer, shall accept street lighting on a dedicated public street that has been installed and accepted for service by the public utility so long as certificates of occupancy have been issued for at least 50% of the dwelling units, and that the acceptance of said dedication pursuant to this section shall not be deemed to constitute acceptance of the street by the Borough of Tinton Falls, and

WHEREAS, by letter dated Wednesday, February 21, 2007 from Lori Paone, Code Enforcement Official, has certified that according to her records the project has met the requirements as set forth in NJSA 40:55D-53.6.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that pursuant to NJSA 40:55D-53.6, that the street lighting for Crown Pointe at Willowbrook be and the same is hereby accepted by the Borough of Tinton Falls.

/s/ BRENDAN TOBIN, Council President

ROLL CALL:

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

NAYS: None

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ABSENT: None
ABSTAIN: None

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

**R-07-075 RESOLUTION – Authorizing Execution of
CP#1 Forms for the Pines at Tinton Falls**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute CP#1 forms on behalf of the Borough of Tinton Falls with respect to developer application for site plan or subdivision approval for The Pines II at Tinton Falls project, Block 123, Lot 49.05:

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

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-076 RESOLUTION – Extension of Professional Services
Contracts PS#04-06, PS#05-06, PS#14-06**

WHEREAS, the Borough of Tinton Falls has a need to extend contracts for professional engineering, legal and planning services for the Planning and Zoning Boards through April 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; and

WHEREAS, the term of the contracts below are for four (4) months beginning on January 1, 2007 through April 30, 2007 for amounts not to exceed as follows:

- **Contract PS #4-06:** Remington, Vernick & Vena Engineers - Not to exceed **\$4,000.00** 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 **\$6,000.00** for professional legal services to the Planning and Zoning Boards and **\$1,666.66** annual retainer fee as well as various escrow services:
- **Contract PS #14-06:** Heyer, Gruel & Associates – Not to exceed **\$12,500.00** for professional planning 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 extension of their 2006 contract to provide professional services described above to the Borough, Planning and Zoning Boards and escrow accounts through April 30, 2007 for the above 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 contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget:

CURRENT FUND: \$4,666.66 PLANNING \$12,000.00 ZONING: \$7,500.00 TOTAL: \$24,166.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

Mr. Ford questions if this was recommended by the Planning Board. Mr. Berube states that both the Planning and Zoning Boards have not indicated their choice for certain professionals. This is an interim resolution to allow those professionals who have been serving to continue to serve for a four (4) month period so that they can advise the Council of their choices and we can put permanent contracts in place.

Mrs. Barrett states that she is a little confused as to why we would change the policy. Traditionally, Planning and Zoning Board reorganize in June for July, and then it came to Council however long ago that they are going to be kept on six (6) months contracts. All of these contracts were up as of December of last year. On the Planning Board level, the subcommittee has not even met yet. What was the purpose of doing this rather than keeping the contracts through until June?

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Mr. Dempsey responds that it was to get them in with the budget cycle so that everyone is appointed on January 1, in accordance with the budget. Hopefully the officials will be awarded through December 2007 and then the cycle will start again.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-077 RESOLUTION – Authorizing Change Order #24 Increasing
Contract #04-3 in the Amount of \$24,011.97 Tinton Falls New
Municipal Center**

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

WHEREAS, Change Orders #1 through #23 have been adopted at previous meetings increasing the contract to date to the amount of \$9,606,004.00; and

WHEREAS, Change Order #24 (Kaplan #22) dated February 16, 2007 from Kaplan, Gaunt, DeSantis Architects for G & P Parlamas, annexed hereto and part hereof, requests an increase in the amount of \$14,011.97 for additional cable drops, additional sprinkler heads, etc. as described therein;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #24, totaling \$14,011.97 is hereby authorized for the above contract awarded to G & P Parlamas, Inc., for a total contract in the amount of \$9,620,015.97.

I hereby certify funds are available from: Capital Account #06-1181-4575

\$14,011.97

/s/ STEPHEN PFEFFER, Chief Financial Officer

Mr. Skudera understands that part of this was wiring. However, in the discussion before, the Council had some questions on the bathroom with the issue of the toilet and the water pipe. If we have can questions about these, can we break them off of this resolution and look at the further and just approve the wiring, or what can we do with this?

Mr. Dempsey says that the change order was submitted with everything lumped together. You can break them off because you know the amounts, or you can approve this the way it is and then add it to the claim that could possibly be processed against the professionals because there was a third party that came to look at the construction to see if there were any mistakes made that someone could be responsible for.

Mrs. Barrett questions that if we approve this in its entirety and then go through the legal process to find out that they cannot be awarded or credited the money spent, would it be better for us to break the resolution down into the three (3) separate components.

Mr. Tobin says that if they were to say that we are not able to get it back, we still have to pay it, whether it is broken down or left as one (1) resolution.

Mr. Dempsey replies that whether you pay it now or not, or in aggregate or separately, it would not affect the validity of your claim for what might be alleged professional malpractice.

Mr. Ford states that a big concern of his is the delay in the project. All of these change orders have to do with moving things. He does not entirely agree with it. The fact remains that we have a date and we need to get the project done. He says that if they vote "no" and it does not pass, they are putting the project at risk. It makes no sense to him that the project is almost done and the Council may put it at risk by voting "no" on this change order. He sees it as though he has no choice but to vote for this to get it done and to stop these delays so that they can move into that building.

Mr. Skudera says the wiring looks legit to him but he thinks that the other costs should be broken out and more information should be obtained on them. With the water pipe, the professionals said that it could have been any one of the three (3) people involved, so we should sort this out and find out what happened. He does not want to use tax dollars to pay for someone's possible mistake.

Mr. Allen states that if this is a resolution to be passed on one (1) reading, he is going to vote "no" because he does not want them blended together for future purposes. He has been in this kind of situation before and is speaking from past experience, and with all-due respect to Mr. Ford, he does not think that this is slowing down the project with one (1) reading, or resolution.

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Mr. Tobin says that he brought up the areas that he would like to see contested. He would like to see the areas that we contested on here to be added to the list. He asks Mr. Berube if these can be broken down right now, or does it have to stay as is, as advertised, to be voted on.

Mr. Berube responds that you can amend the resolution to include or exclude items. The problem is he is not sure if he has the actual figures that represent each of those items.

Mr. Dempsey states that he can provide a brief number on how they come up with the fourteen thousand one hundred eleven (\$14,111). Forty eight (48) additional cable drops: two hundred twenty six dollars (\$226); revised additional sprinkler heads: three thousand one hundred thirty four dollars (\$3,134); adjusted relocation of the toilet: one thousand three hundred thirty seven dollars and ninety seven cents (\$1,337.97); fire department connection: three thousand nine hundred fourteen dollars (\$3,914); and the water piping in the meeting room: three thousand four hundred dollars (\$3,400).

Mr. Ford says that a lot of this work has already been done, and it is ridiculous that they are even talking about pulling these items apart. The building is just about done and they are going to hold up their moving in if they change these Change Orders.

ROLL CALL:

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

NAYS: Mr. Allen

ABSENT: None

ABSTAIN: None

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

**R-07-078 RESOLUTION – Authorizing Change
Order #25 Increasing Contract #04-3 in the Amount Not to
Exceed \$11,500.00 Tinton Falls New Municipal Center**

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

WHEREAS, Change Orders #1 through #23 have been adopted at previous meetings increasing the contract to date to the amount of \$9,606,004.00; and

WHEREAS, Change Order #24 in the amount of \$13,119.00 is on the agenda for adoption on March 6, 2007 increasing the contract to \$9,620,015.97; and

WHEREAS, Change Order #25 (Kaplan #23) dated March 1, 2007 from Kaplan, Gaunt, DeSantis Architects for G & P Parlamas, annexed hereto and part hereof, requests an increase in the amount not to exceed \$11,500.00 for four (4) addressable monitor modules and three (3) smoke dampers as described therein;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Change Order #25, not to exceed \$11,500.00 is hereby authorized for the above contract awarded to G & P Parlamas, Inc., for a total contract in the amount of \$9,631,515.97.

I hereby certify funds are available form: Capital Account #06-1181-4575 NTE 11,500.00

/s/ STEPHEN PFEFFER, Chief Financial Officer

Mr. Allen questions that the thirteen thousand dollar (\$13,000) amount on this sheet will go down to eleven thousand five (\$11,500).

ROLL CALL:

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

NAYS: Mr. Allen

ABSENT: None

ABSTAIN: None

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

**R-07-079 RESOLUTION – Reducing Performance
Guarantees – Greenbriar Falls**

WHEREAS, Lennar Corp. has requested the reduction of Performance Guarantees for the Greenbriar (Sterling) Falls, Phase 2, Block 16 Lot 1 and Block 19, Lot 11.02; and

WHEREAS, by letter dated February 12, 2007, the Borough Engineer, Birdsall Engineering, recommends that the Performance Guarantee be reduced based on the amount of work completed;

NOW, THEREFORE, BE IT RESOLED by the Borough Council of the Borough of Tinton Falls that the Performance Guarantees for Greenbriar (Sterling) Falls Phase 2, Block 16, Lot 1 and Block 19, Lot 11.02 be reduced in accordance with said letter from the Borough Engineer.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

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

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

**R-07-080 RESOLUTION – Waiving Electrical
Permit Fees Due to Ice Storm**

WHEREAS a serious ice storm occurred in the Borough of Tinton Falls on February 14,2007 causing many homes to lose electrical power; and

WHEREAS, in order to reconnect those homes an electrical permit and inspection fee is required;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the fees for the reconnection permit and inspection to the homes affected by the ice storm be waived.

/s/ BRENDAN p. TOBIN, Council President

ROLL CALL:

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

CONSENT AGENDA

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

**R-07-081 RESOLUTION – Refunding
Tax Overpayment – 114/24.01 \$4,730.88**

WHEREAS, an overpayment of 2006 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2006 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Mid-Mon. Realty Association Peter Zipp, Esq. c/o Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	114	24.01	\$4,730.88

Re: 31 Park Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2006 taxes by the property owner in the amount of \$4,730.88, 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 \$4,730.88, is hereby approved for the aforementioned property. Said overpayment shall be credited against future taxes.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the above amount of overpayment to be \$4,730.88.

/s/ CAROL HUSSEY, Tax Collector

ROLL CALL:

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

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

**R-07-082 RESOLUTION – Refunding
Tax Overpayment – 114/23.03 \$7,384.61**

WHEREAS, an overpayment of 2006 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2006 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Mid-Mon. Realty Association Peter Zipp, Esq. c/o Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	114	23.03	\$7,384.61

Re: 15 Park Road

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and,

WHEREAS, said reduction has resulted in an overpayment of the 2006 taxes by the property owner in the amount of \$7,384.61, 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 \$7,384.61, is hereby approved for the aforementioned property. Said overpayment shall be credited against future taxes.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the above amount of overpayment to be \$7,384.61.

/s/ CAROL HUSSEY, Tax Collector

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-083 RESOLUTION – Refunding
Tax Overpayment – 114.01/21.02 \$1,016**

WHEREAS, an overpayment of 2006 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2006 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Mid-Mon. Realty Association Peter Zipp, Esq. c/o Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	114.01	21.02	\$1,016.40

Re: 46 Park Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2006 taxes by the property owner in the amount of \$1,016.40, 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 \$1,016.40, is hereby approved for the aforementioned property. Said overpayment shall be credited against future taxes.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the above amount of overpayment to be \$1,016.40.

/s/ CAROL HUSSEY, Tax Collector

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-07-084 RESOLUTION – Refunding
Recreational Fees – Cottell \$44.00**

WHEREAS, during the month of February 2007 fees totaling \$44.00 were paid by a resident of Tinton Falls for their child's participation in youth soccer program.

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

WHEREAS, during the month of February, 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 \$44.00 shall be issued to the resident, for their child Orla Cottell.

Kim Cottell	\$44.00
<hr/>	
Total	\$ 44.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$44.00 be issued.

/s/ BRENDAN P. TOBIN, Council President

ROLL CALL:

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

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

R-07-085 RESOLUTION – Refunding
Tax Overpayment – 144.01/19.06 \$23,787.46

WHEREAS, an overpayment of 2006 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2006 to property known as:

Table with 4 columns: Name, Block, Lot, Amount. Row 1: Mid-Mon. Realty Association, 114.01, 19.06, \$23,787.46. Address: Peter Zipp, Esq. c/o Zipp & Tannenbaum, LLC, 166 Gatzmer Avenue, Jamesburg, NJ 08831.

Re: 56 Park Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2006 taxes by the property owner in the amount of \$23,787.46, 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 \$23,787.46, is hereby approved for the aforementioned property. Said overpayment shall be credited against future taxes.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the above amount of overpayment to be \$23,787.46.

/s/ CAROL HUSSEY, Tax Collector

ROLL CALL:

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

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

R-07-086 RESOLUTION – Approval of Bills –
FEBRUARY 6, 2007 - \$6,456,807.34

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending March 6, 2007,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY table with 2 columns: Category, Amount. Categories include GENERAL TRUST, CAPITAL, DEVELOPER, DOG TRUST, GRANT FUND, SEWER UTILITY, ADDITIONS. Total: 4,041,937.55

CERTIFICATION

/s/ STEPHEN PFEFFER, Chief Financial Officer

ROLL CALL:

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

WORKSHOP MEETING

Mr. Ford offers a motion to move to the Workshop portion of the meeting, seconded by Mr. Skudera.

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ROLL CALL:

AYES: ALL IN FAVOR

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 10:33 p.m.

ADMINISTRATORS REPORT

Mr. Dempsey reports the resignation of Jeffrey L. Rauch from the Zoning Board. He also believes that there will be another resignation from Julie Evangelou. The Council is going to need to consider these two (2) appointments.

Mr. Allen says that they have these two (2), but they also have a list of four (4) others.

Mayor Maclearie says that one of the County Engineers, Sayeed Moaffi, has been trying to get on the Board for two (2) years.

Mr. Tobin asks if Mayor Maclearie could have these names to them before the next meeting.

Mr. Ford asks to make a call to the Chairman and ask what his recommendation is for interest since he was left out of the process the last time.

Mayor Maclearie says that he will make the call and have all of the names sent to the Council.

ENGINEER'S REPORT

Sidewalks West Park Avenue – Mr. Hilla reports that they revised the plan for the sidewalks and submitted it back to the State with a response for their review.

UNFINISHED BUSINESS – Mr. Dempsey says that we need to make a decision on the Double A and Forgotson properties. Mr. Tobin states that we are waiting for an appeal back from the State.

Mr. Dempsey says the question was if the State was going to consider our application as timely filed before their change in rules. The resounding answer that they received back was “no way, no how.” It is now backing our hands.

Mr. Dempsey says that Ms. Stacey Slowinski is here and willing to address the Council again.

Ms. Slowinski states that the Borough does not have a choice. If they want to sell these properties, they need pass these easements as part of the process of getting the State to approve the sale of the properties. We will need a little more time to file the applications. The Borough has to apply to the State and get its approval before they can sell these houses because they are in a historical district. This easement is part of that application. The application that the Borough had already was kicked back to them because the State changed the easement format.

Mr. Dempsey directs an inquiry at Mr. Tobin. He thought that in the last conversation they decided that they were going to try and ask the State if we could do this first option, and if not we would go with the second, being that since they would not receive the grandfather, they would move forward with the easements and sell the houses on the properties. He asks what is there to be done.

Mr. Tobin says he thought that was a done deal.

Mrs. Barrett asks for reiteration on the easements. We have two properties that were bought with general taxation. After the municipality bought them, they were both subdivided.

Ms. Slowinski says the private homeowners are maintaining the homes. The Borough should not be responsible for these homes; they do not want to be.

Mrs. Barrett says regardless of what happens, the Borough will still be left with a piece of property that they own and will not have access to. She states that she is having a hard time with this because it is as if we are just throwing money away.

Mr. Allen states that we have already thrown the money away. Ms. Slowinski responds that we cannot change that now. She says that for every day we do not sell these properties, there is

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less money that we are going to get for them. Properties are deteriorating and property values are not escalating right now. We need to sell them and get as much money for them as we can and move forward.

Mr. Dempsey says he knows that the Council and previous Councils have been in angst over this for years. With this little blip in the road, do we accept a little more State oversight, and perhaps a slightly larger application fee, to move forward with our original plan or not? He would recommend that the Council does this and then we see where we will go in terms of this other resale.

Mrs. Barrett questions what these properties are valued at. Ms. Slowinski replies that they need to be reappraised. They were appraised four (4) or five (5) years ago when we thought this sale was going through the first time. But at this point in time the real estate market has changed and they need to be reappraised now. There will be a minimum bid price set before the auction takes place.

Mr. Tobin says that they are going to need to visit this matter later, and he wishes that the Council would have known that this was on the agenda for tonight.

Mr. Dempsey says that he will put it on the next agenda and provide all of the information that they have, but he stresses that the Council has to make a decision and move forward. Mr. Tobin asks why they would have to make a decision at the next meeting. Mr. Dempsey responds that the houses are just sitting and continuing to deteriorate.

NEW BUSINESS

Third Party Payroll – Mr. Pfeffer says that he has defined the State regulations have to amend the ordinance that applies to the internal controls to family services. He needs the Council to adopt this ordinance. They will write the ordinance in the Borough's format. The example that he has is just a copy from another town. This is the first model ordinance that has come out as recommended by the State Governing Effort.

Mr. Tobin inquires if the payroll has not been managed in the past. Mr. Pfeffer responds that there has not been any model ordinance done. This is the first model ordinance that he has seen. This would not cost any money at all.

Mr. Tobin asks if the ordinance will be ready at the next meeting for introduction. Mr. Pfeffer replies that it will not be ready until Ms. Mount-Taylor arrives back and the Borough Attorney can sit down lay this ordinance out properly.

Open Space Grant Application – Mr. Pfeffer says that it is not an Open Space Grant that we got from the County for the recreation building. The Borough Engineer is putting together a construction budget to build that building. We have a two hundred and eight thousand dollar (\$208,000) grant from the County for the building. The Council has been provided with the budget from the Engineer as well as some information that was submitted through the County Grant Application.

Mr. Skudera asks if any costs can be cut out of this. This seems like a rather large expense for this type of building. Mr. Pfeffer says that he would need to direct that question to the Engineer.

Mr. Skudera asks if the building can be slimmed down any, and if it has to be that big. He is told that it depends on the needs of what they will be housing there.

Mr. Berube says that the grant award from the County was two hundred and eight thousand (\$208,000), which you would have to match. The total of the project would be four hundred and sixteen dollars (\$416,000) if you were to get everything from the County. This would incorporate having a similar facility as what there is at Sycamore. There will be bathrooms, a concession area, storage, and an overhang roof where tables could be. If you do not move the project with the full two hundred and eight thousand (\$208,000) from the County, the Open Space Grant would go away.

Mrs. Barrett asks what the cutoff would be for approving this project. Mr. Pfeffer responds that the date is on the Grant application, but off the top of his head he thinks the timeframe that the County gives is two years.

Mr. Tobin asks if this matter should be put on the agenda for the next meeting or if it should be workshopped one more time.

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Mr. Skudera replies that he would like to get the cost down on this project. He says that we need to decide what all of the purposes would be for this multipurpose building because the new Town Hall has extra storage and an extra conference room. The historic site also has a conference room and storage.

Mr. Tobin says that making the building smaller might not make it better.

Mr. Allen inquires if this is an issue that might go on the agenda for next Tuesday night's Open Space Committee meeting. He asks if they will have any input on this.

Mr. Berube says that the input was on the grant. At the time that they were applying for the grant, there was no acquisition money out there and the Borough did not have anything in the pipeline to acquire as property. The direction was that there are no facilities at West Park. Facilities do qualify under the criteria for the program, so it was recommended to throw in a similar facility as there is at Sycamore to move forward. That is why this went in there and the Borough was awarded the two hundred and eight thousand dollars (\$208,000).

Mr. Allen says that he does not remember discussing this issue with the Open Space Committee. He remembers that the application was submitted by the administrator's office, but the Open Space Committee did not give any input. He states that he would like to bring this issue to the Open Space Committee meeting next Tuesday night.

Mr. Ford comments that this will be the same building as what is at Sycamore. They have spent a lot of money on the fields, and he thinks that if they are going to make a commitment to put a building there, there is no reason that they should not put the same one as what is on the other property. He thinks that bringing this to the Open Space Committee is a good idea. He is in support of this project and the way it is drafted. He thinks that it would be great to send it to the Open Space as is.

Mr. Allen asks Mr. Pfeffer for a copy of the submission of the grant application so that they know when the deadline is.

Mr. Tobin asks if this should be put on the workshop for the next meeting and then process it. Everyone agrees to this.

Mr. Allen offers a motion to adjourn, seconded by Mr. Ford.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 10:58 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

Approved at a meeting held on: September 4, 2007.