

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
May 15, 2007**

Borough Clerk calls regular/workshop meeting to order at 7:34 PM.

CALL TO ORDER

This meeting was held at 556 Tinton Ave, Tinton Falls., NJ.

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

OPEN PUBLIC MEETINGS ACT STATEMENT

All present stood for Salute to the Flag.

FLAG SALUTE

ROLL CALL:

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

ROLL CALL

ABSENT: NONE

ALSO PRESENT: Mayor Peter Maclearie
W. Bryan Dempsey, Borough Administrator
James E. Berube, Jr., Director of Law
Karen Mount-Taylor, Borough Clerk
Stephen Pfeffer, Chief Finance Officer
Al Hilla, Borough Engineer

APPROVAL OF MINUTES

None - Mrs. Barrett requests a point of order, at which time Mrs. Mount-Taylor explains the problem which is the lack of personnel. Mrs. Barrett asks questions relating to change of council and procedures for approving minutes that are behind, due to council terms expiring. A lengthily discussion occurs regarding back minutes. Mr. Dempsey advised Council that the Minutes have never been behind. Mr. Dempsey assures Minutes will be caught up in a timely manor for council to review. He further reports situation as to staff.

APPROVAL OF 5/15/07 MINUTES

REPORT OF MAYOR/ADMINISTRATION/DEPARTMENTS/AGENCIES/COMMITTEE

REPORTS OF MAYOR/ ADMINISTRATION/ DEPARTMENTS/ AGENCIES/ COMMITTEES

Mr. Tobin advises there is one report that relates to a member of the Administration, He calls Mr. Edwin Breidenbach to come forward to speak. Mr. Breidenbach comes forward to donate a clock that was taken down and returned to him from the court room. He presents it to Karen Mount-Taylor for her new office.

Mr. Tobin asks the Director of Law, Mr. James Berube if he has any reports, Mr. Berube advises he has no report, but states he will need a minor executive session.

Mr. Tobin asks Mayor Maclearie if he has any items to report. The Mayor gives a quick update advising there will be a Fort Monmouth planning authority meeting May 16, 2007 at 7:00 PM in Eatontown. He also advises the meetings will soon be held in the new Borough hall in Tinton Falls in approximately two months. He also states that they appointed a master planner at the last meeting, there were contract negotiations and they haven't been hired yet. They had an infrastructure sub committee meeting in Tinton Falls the previous Monday that went well and was moving along. The Mayor also announces that the Library Committee is continuing to meet, and meetings have gone well. They have submitted surveys and over 200 have been returned already and the number of responses is large. They have started to interview third parties to come into town and do the proper surveys. He advises one prospect had given a presentation on Monday night, and they are looking to get two more in the next month. They hope to present Council with a presentation to help understand the needs. That concludes the Mayors report.

Mr. Dempsey updates Council on the revaluation. He also updates Council on the new Borough Hall building. He advises that it is 97% complete and there are minor adjustments that will have to be made, and employees are moved in. There will be an Open House but no date is set as of yet. He also advises Heyer & Gruel is here to discuss the Master Plan and it has been sent to the Borough from the Planning Board. Discussion occurs among Planning Board members as to the procedure for the Master Plan, Special Emergency Meeting for the Master Plan and to approve any minutes that haven't been done. Council agrees to have the meeting on June 26, 2007 at 7:30 P.M.

Mr. Allen offers a motion for meeting on the 26th of June at 7:30pm with a Special Agenda, seconded by Mr. Ford.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Dempsey adds contingency items that were previously discussed at the last meeting for the new municipal building. Item one being new obscure glass panes for the court room so the public can't look into the court room adding extra protection for the people inside. The total cost of this is \$1,168.00. As for second item, dampers need to be installed on the hot water flute due to a draft. Total cost \$2300.00.

Bill Birdsall of Birdsall engineering reports on the new municipal building. Inspection was done last week and a punch list was generated and the contractors are addressing all the issues.

Mr. Skudera asks about the road program and its status. Mr. Freda states it is 50% complete with the plans and specifications, they should be done by the end of the month. Work commencing in August or early September.

Mr. Skudera also states two additional residents have volunteered to help with the Crawford House project.

Mr. Allen reports on the Restoration Advisory Board.

Mr. Ford asks about Solid Waste Advisory Council replacement.

The Borough Planners, Heyer and Gruel report on the Master Plan final draft. Lengthily discussion occurs regarding The Master Plan and Ordinances. As to new Development Discussion.

A discussion amongst Council and the Planners as to New Development
The Director of Law, Mr. James Berube states for the record, "Mr. and Mrs. Carney are here and just for the purpose of the record they've raised some objection to in the Master Plan adoption process before the planning board as to the treatment of their property. They have provided a letter to Mr. Dempsey dated May 1st, indicating that continued objection will be considered as part of the Council proceedings when the Ordinances are reviewed for actual neighboring Ordinances for the adoption of the Master Plan as to the Council level as well. I mention it only because it may also effect what will be our Growth Share Plan etc. but at this junction with those Ordinances not being adopted your objections are preserved."

Mrs. Barrett wants to reconfirm a resolution that was signed off by the Planning Board; one issue was Sea Brook's Expected Unit and Avalon Bay.

Mr. Tobin announces a Public Hearing on **R-07-151**, the amendment to the 2007 Municipal Budget; he asks the Borough Clerk if that is correct, and she agrees. He asks for a motion to open the Public Hearing.

Mr. Allen offers a motion for Public Hearing session seconded by Mr. Skudera

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

R-07-151 TO AMENDMENT TO THE 2007 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for 2007 was approved on March 6, 2007; and

WHEREAS, an amendment to said approved budget was passed on April 23, 2007;
and

WHEREAS, the Borough Council desires to amend said amended budget;

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth that the following amendments to the amended budget of 2007 be made:

CURRENT FUND

<u>REVENUES</u>	<u>From</u>	<u>To</u>
1. Surplus Anticipated	\$ 2,698,000.00	\$ 2,929,789.00
6. Amount to be Raised by Taxes for Support of Municipal Budget	9,900,137.60	9,663,618.21
7. Total General Revenues	<u>\$ 19,920,818.94</u>	<u>\$ 19,916,088.55</u>

APPROPRIATIONS

(A) Appropriations – Within “CAPS”

Group Insurance	\$ 1,590,905.00	\$ 1,586,000.00
Total Operations Within “CAPS”	14,810,393.00	14,805,488.00
Total Operations including Contingent Within “CAPS”	14,810,393.00	14,805,488.00
Detail:		
Other Expenses	5,540,286.00	5,535,381.00
(H-1) Total General Appropriations for Municipal Purposes within “CAPS”	15,498,658.00	15,493,753.00

(A) Appropriations – Excluded from “CAPS”

Employee Group Health	0.00	4,905.00
Total Other Operations – Excluded from “CAPS”	798,724.00	803,629.00
Total Operations – Excluded from “CAPS”	1,065,191.22	1,070,096.22
Detail:		
Other Expenses	1,065,191.22	1,070,096.22
(O) Total General Appropriations – Excluded From “CAPS”	3,476,737.22	3,481,642.22
(M) Reserve for Uncollected Taxes	945,423.72	940,693.33
9. Total General Appropriations	<u>\$ 19,920,818.94</u>	<u>\$ 19,916,088.55</u>

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2007 Local Municipal Budget as amended.

There being no questions from the public, Mr. Allen offers a motion to close the Public Hearing, seconded by Mr. Skudera

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

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PUBLIC HEARING NOW CLOSED

R-07-169 THE ADOPTION OF THE 2007 MUNICIPAL BUDGET AS AMENDED

Mr. Ford offers a motion seconded by Mr. Skudera

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Tobin states the Budget is adopted as amended.

PETITIONS

NONE

ORDINANCES FOR INTRODUCTION

Borough Clerk reads Ordinance No.07-1222 entitled "BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 07-1219 (WHICH PROVIDES FOR THE CONSTRUCTION OF A MULTIPURPOSE RECREATION BUILDING AT LIBERTY PARK II) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MAY 1, 2007, TO AMEND THE DESCRIPTION SET FORTH THEREIN

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinance in Full/Book No. 3

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk reads Ordinance No. 07-1217 entitled "AN ORDINANCE AMENDING 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

Mr. Ford offers a motion to open the Public Hearing on Ordinance No. 07-1217 seconded by Mr. Skudera

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

There being no questions from the public, Mr. Allen offers a motion to close the Public Hearing, seconded by Mr. Ford

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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PUBLIC HEARING NOW CLOSED

Mr. Ford offers a motion to Adopt 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 DISCUSSION

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC DISCUSSION NOW OPENED

Students of Monmouth Regional High School offer a presentation regarding Heffer International Project. A project that ends hunger and global poverty to care for the earth and provide appropriate live stock training, and relate services to small scale farmers in communities world wide. The students ask for suggestions and donations. Council and the Public donate to the cause.

Edward McCullough Woodchuck Ct. asks Mr. Hilla when he will get the report. Mr. Hilla responds with The Draft report has been prepared for the COAH units only. He has provided them to Mr. Dempsey, and then passed on to COAH.

Mr. Dempsey states that it was sent to COAH for Keith Henderson to review to provide his input, and once its back then they will start the second section.

Mr. McCullough asks Mr. Dempsey that when he gets an answer from Mr. Henderson will he let him know. Mr. Dempsey assures him he will get a copy.

Mr. Henry Carney 1900 Wayside Rd. inquires why he isn't receiving the town newsletter. Mr. Dempsey replies that he should have gotten one.

Mr. Tobin states he will get a newsletter for Mr. Carney.

Wendy Lichtig 330 Hope Rd. objects to having her property turned from zoning of special office into R1. She wants to retain her existing zoning. She asks if there is something she can do to put that officially.

Mr. Berube states her objection has been noted on the record and, he also suggests that she send a letter addressed to Mr. Dempsey, explaining it will become part of the record for the Council to review when those Ordinances come before the Council.

Mr. Duane Morrill 86 Cloverdale Circle, states that he believes \$1,000.00 is a lot of money to replace the window panes in the court room.

Mr. Dempsey states that it is the labor that is costly.

Charles Lomangino, 3 Helena St. asks about the adoption of the Master Plan, and waiting for the Ordinances He would like to know what will happen to the public coming forward with subdivisions and permits for housing.

Mr. Berube states that state statute require every town to adopt a Master Plan. He also states an application before the Planning Board still occurs under the existing Ordinances until they are changed.

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Mr. Lomangino asks if there is anything that can be done to stop the public from filing applications under the old plan.

Mr. Berube states there is a yes and no answer to that. Technically the existing Ordinances prevail, but the Planning Board has evidence of its intention in any application before the Planning Board and Zoning Board using the Planning Board Master Plan adoption. That discussion would have an influence about whether it conforms or it doesn't. It can be used as part of the Planning Board or Zoning Board deliberations.

Mr. Leo Lomangino 93 Colonial Dr. states that there is \$15,000.00 in the slush fund for over writes relating to the court room glass. He wants to know about the Security of the Building and who is in control of it.

Chief Turning explains that the Judge and AOC and the court systems have changed their rules. They don't want a vehicle to pull up in front of the building and have direct access to the Judge at the Dias. That rule was not in effect when the building was originally built. It is something that had been changed during the construction of the building. The Chief also states that the Borough has purchased a metal detector for the building, bullet proofing in the judge's Chambers, and a panic button. Prisoners will no longer be brought in through the public and will be escorted through the Police Department.

Chief Turning states that the Police Department. made a profit of \$40,000.00 at the last auction from the vehicles they impounded. He also comments on the building and how pleased he is with it, and how great of a job all Borough employees did moving in and still doing their job. Chief Turning who is also the Director of Emergency Management offers to speak on evacuation processes.

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Skudera asks for a decision about the meeting for July 1, 2007. The decision was made that the meeting will be held July 2, 2007 at 7:30 P.M.

RESOLUTIONS

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

**R-07-170 RESOLUTION AMENDING RESOLUTION R-05-477 EXTENDING NON-FAIR & OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – SHARK RIVER ROAD IMPROVEMENTS
CONTRACT PS #18-05**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-05-477 on December 27, 2005, wherein Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 was awarded a contract for the above project for an amount not to exceed \$21,500.00; and

WHEREAS, the contract requires an extension of one (1) additional year at no additional cost as the project is not yet complete; and

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

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

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 is hereby retained to provide engineering services as described above for an additional one year for the original amount not to exceed \$21,500.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Skudera asks if these resolutions are the ones that have been delayed, and if we are still in good shape with the funding.

Mr. Dempsey replies yes, these are the ones that Peter Avakian's firm is handling for the Borough. He also states that there is no added expense to the Borough.

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-07-171 RESOLUTION AMENDING RESOLUTION R-05-478 EXTENDING NON-FAIR & OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – WARDELL ROAD IMPROVEMENTS
CONTRACT PS #19-05**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-05-478 on December 27, 2005, wherein Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 was awarded a contract for the above project for an amount not to exceed \$117,000.00; and

WHEREAS, the contract requires an extension of one (1) additional year at no additional cost as the project is not yet complete; and

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

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

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

1. The firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ 07753 is hereby retained to provide engineering services as described above for an additional one year for the original amount not to exceed \$117,000.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

ROLL CALL:

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

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NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

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

**R-07-172 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL GENERAL ENGINEERING SERVICES
CONTRACT PS #6-07**

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

WHEREAS, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Leon S. Avakian, Inc. 788 Wayside Road, Neptune, NJ 07753 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$12,500.00 for professional general engineering services including tax maps and stormwater related issues, as well as various developer escrow funds through December 31, 2007; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Leon S. Avakian, Inc. is hereby authorized to provide professional engineering services through December 31, 2007 for an amount not to exceed \$12,500.00; and

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

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

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget:
Tax Maps: 1360-A2242 **\$6,000.00** Gen. Eng.: 1236-3757 **\$3,000.00** Stormwater: 1519-3757 - **\$3,500.00**
Certification for developer escrow accounts will be certified on a per purchase order basis.

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-07-173 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2006 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Aldo & Rosaria Del Prete Palumbo 197 Cheyene Street Tinton Falls, NJ 07712	124.61	29	\$1,685.86

and,

WHEREAS, said error has resulted in an overpayment of 2006 4th quarter taxes in the amount

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of \$1,685.86, 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 \$1,685.86 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,685.86.

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-07-174 RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 2nd quarter taxes on the following property has been paid in error creating an overpayment by the Builder and the Attorney.

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Lennar Corporation 800 West Main Street Freehold, NJ 07728	16	1.115	\$463.50

Re: U.S. Home/Lennar to Rubinstein
35 Majestic Drive

and,

WHEREAS, said error has resulted in an overpayment of 2007 2nd REquarter taxes in the amount of \$463.50, 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 \$463.50 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$463.50.

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-07-175 RESOLUTION - APPOINTING MEMBERS TO ZONING BOARD OF ADJUSTMENT
CONFIRMING RESOLUTION R-07-161**

BE IT HEREBY RESOLVED by the Borough Council of the Borough of Tinton Falls that
Richard E. Calvert - Unexpired Term of Julie Evangelho - 6/30/07
Charles Lomangino - Unexpired Term of Jeffrey Rauch - 6/30/09
Sayeed Moaffi - Alternator #2 - Unexpired Term of Charles Lomangino - 6/30/07
Are hereby appointed as regular members to the Zoning Board of Adjustment.

Mrs. Barrett asks if the person replacing the unexpired term of Julie Evangelino is for 1 month only.

Mr. Tobin replies that the term expires June 30, 2007, as does Saveed Moaffi term.

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Mrs. Barrett asks if one of the members works for the County would that not be viewed as a conflict.

Mr. Berube states that only if there was a different position that the County took on it in the applications they may be hearing. He would have to refuse.

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 Mrs. Barrett.

**R-07-176 RESOLUTION - RESOLUTION AUTHORIZING THE ACCEPTANCE OF CREDIT CARD PAYMENTS
FOR THE COLLECTION OF MUNICIPAL COURT FEES IN ACCORDANCE WITH THE PROVISIONS OF
N.J.S.A. 48:5-43 AND N.J.A.C. 5:30-9.1 ET SEQ.**

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

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

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

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

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

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

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

1. That the Mayor and Council of the Borough of Tinton Falls authorize the Municipal Court Office to accept credit card payments for the payment of municipal Court fees and fines.
2. That the use of credit cards for payment is subject to the provisions of N.J.A.C. 5:30-9.1 et seq, as well as the Rules of Court adopted by the New Jersey Supreme Court, and such guidelines at the Supreme Court may adopt in regard to the acceptance of credit card payments for municipal Court obligations.
3. That this Resolution is subject to passage of a Resolution authorizing a bid opportunity for advertising for the contract with an organization that makes or processes electronic receipt transactions and the awarding of a contract to an organization in accordance with local public contracts law (N.J.S.A. 48:11-1 et seq.).
- 4.

Mr. Ford asks for a report.

Mr. Skudera also asks for a report.

Mr. Berube states this Resolution is what is required both under the statute and AOC guidelines.

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-07-177 RESOLUTION PETITIONING COAH FOR SUBSTANTIVE CERTIFICATION

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
May 15, 2007**

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Tinton Falls municipal clerk's office located at 556 Tinton Avenue, Tinton Falls, NJ 07724, during the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

Mr. Ford asks if this resolution is based on the presentation tonight. He is told that is correct.

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-07-154 RESOLUTION OF AWARD
CONTRACT #07-4
SQUANKUM ROAD PUMP STATION & FORCE MAIN**

WHEREAS, six (6) bids were received on Thursday, April 19, 2007 for Contract #07-4 for Squankum Road Pump Station & Force Main; and

WHEREAS, D & D Utility Contractors, Inc., 272 West Avenue, Long Branch, NJ 07740 submitted the lowest responsible bid in the corrected amount of \$189,835.00 for the above contract; and

WHEREAS, the Director of Law and the Purchasing Agent have found the bid to be in order, and Alan P. Hilla, Jr., P.E., C.M.E., Birdsall Engineering, Inc. recommends award in his bid report dated April 24, 2007;

NOW, THEREFORE BE IT RESOLVED D & D Utility Contractors, Inc., 272 West Avenue, Long Branch, NJ 07740 be awarded a contract in the amount of \$189,835.00 for the above project.

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

I hereby certify funds are available contingent upon the
Adoption of the 2007 Municipal Budget from:
Sewer Utility Capital Outlay Account #4005-5850 \$189,835.00

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: Mr. Tobin

**REGULAR/WORKSHOP MEETING
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Mr. Ford offers the following Resolution and moves its adoption, seconded by Skudera.

**R-07-178 RESOLUTION AUTHORIZING PAYMENT OF BILLS
PRIOR TO JUNE 12, 2007 COUNCIL MEETING**

WHEREAS, the next Council meeting is not until June 12, 2007 and some bills including utilities require payment prior to then; and

WHEREAS, it is requested that Council authorize payment of bills for June 5, 2007; and

WHEREAS, Stephen Pfeffer, C.F.O. requests approval of same;

NOW, THEREFORE BE IT HEREBY RESOLVED that the C.F.O. is authorized to process any bills requiring payment prior to the June 12, 2007 Council Meeting to be paid on June 5, 2007.

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-07-179 RESOLUTION – APPROVAL OF BILLS – MAY 15, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending December 5, 2006,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY		
GENERAL		143,982.48
TRUST		4,969.02
CAPITAL	89,244.42	
DEVELOPER		75,903.90
SEWER UTILITY		29,964.03
ADDITIONS		<u>888,578.97</u>
		1,232,642.82
SUPPLEMENT		
Lucas Construction Group		37,172.38
Payment to Poll Workers		<u>12,150.00</u>
		1,281,965.20

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

Motion made by Mrs. Barrett and seconded by Mr. Allen to amend the agenda

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

**R-07-180 RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
RFP #5-07 PROFESSIONAL GENERAL PLANNING SERVICES**

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

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
May 15, 2007**

WHEREAS, such professional planning services can only be provided by licensed professionals, and the firm of Heyer, Gruel & Associates, P.A., 63 Church Street, 2nd Floor, New Brunswick, NJ 08901 is so recognized; and

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

WHEREAS, the Borough has, through a "fair and open" process, advertised on its website and in the Asbury Park Press on Tuesday, December 5, 2006 the solicitation for receipt of proposals for said services and proposals were publicly opened and read on Monday, December 18, 2006; and

WHEREAS, the Borough received five (5) proposals for planning services from various firms which have been reviewed, and it was determined the following firm has satisfied the requisites contained in the request for proposals to be considered for professional general planning services that the Borough may require during the contract year through December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$7,500.00 plus miscellaneous reimbursables for professional planning services described above through December 31, 2007.

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

1. The firm of Heyer, Gruel & Associates, 63 Church Street, 2nd Floor, New Brunswick, NJ 08901 is hereby retained to provide professional general planning services to the Borough for an amount not to exceed \$7,500.00 plus miscellaneous reimbursables for the hourly rates listed in their proposal as amended through December 31, 2007.

2. This contract is awarded through a fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5 (1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body in the 2007 Municipal Budget: Account #1010-3758 \$7,500.00

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-07-181 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE SESSION

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

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

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

RECESS: 9:10

RECONVENE: 9:16

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

Time - 9:16 p.m.

**REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
May 15, 2007**

WORKSHOP MEETING

ADMINISTRATOR'S REPORT

Demolition of Old Municipal Building

Mr. Birdsall gives a brief report on the condition of the farmhouse section and brick section of the old Municipal Building. After a lengthy discussion amongst Council, and careful consideration Council holds a straw poll. Council concludes to destroy the building.

Unfinished Business

Mr. Skudera's website discussion is open for questions. Mr. Tobin asks if Mr. Skudera has an idea of the money it will cost to complete this. Mr. Skudera states he has members of the Tech Committee looking into the cost, but would first like an opinion from Council if they have questions or suggestions.

Mr. Tobin states he does believe the time is right for the website to be upgraded, but also states he would like a dollar figure.

Mr. Ford states he believes it will cost a significant amount of money, but it's a large investment.

Mr. Allen also agrees he would like an estimate on the expense.

Mr. Skudera agrees to discuss the matter at the next Tech Meeting and get back to Council.

Budgeting & Ratables

MR. Ford asks if there will be a discussion at some point in the future. Mr. Pfeffer states he has passed it on to the assessor and he is backlogged on the appeals at the moment.

Sticker Program

Mr. Tobin states that the sticker program is very important and it needs to get done.

Mr. Allen offers a motion to adjourn to Executive Session, seconded by Mr. Skudera.

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 9:44 P.M.

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

ROLL CALL:

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

NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT: P.M.

Respectfully submitted,

KAREN MOUNT-TAYLOR, RMC, CMC