

**REGULAR/WORKSHOP MEETING  
MAY 20, 2008  
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:38 P.M.

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

All present stood for Salute to Flag.

**ROLL CALL**

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

ABSENT: Mr. Morrill

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

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**MINUTES FOR APPROVAL**

Mr. Tobin offered a motion to approve the minutes of April 1, 2008, seconded by Mr. Baldwin.

Mr. Ford stated on Page 6, he wanted to make it clear that his intent was not to have a two-year term. His intent was to have a term limit of 2 years with a one-year term.

Mr. Tobin offered a motion to correct the minutes of April 1, 2008 to reflect Mr. Ford's comments, seconded by Mr. Baldwin.

**ROLL CALL**

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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Mr. Tobin offered a motion to approve the minutes of April 22, 2008, seconded by Mr. Baldwin.

**ROLL CALL**

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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**REPORT OF MAYOR/COUNCIL ADMINISTRATION**

**Mayor's Report**

Earlier in the month when they had the Mayors' meeting, there was a Fort Monmouth presentation for the 14 or 15 Mayors that are part of the group. They spend a couple of hours trying to update the local committees as to what is going on and to show them the current status of the plan.

On May 5<sup>th</sup>, there was a infrastructure committee meeting at the Borough where they have members that range from water, gas, electric, phone, sewer, etc. and look at the constraints that are on the property today and what the needs will be in the future.

On May 12<sup>th</sup>, there was a meeting over in Eatontown with the director to discuss what the current status of the plan is and the fact that on September 8<sup>th</sup>, we have to submit it to HUD for their approval.

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On May 15<sup>th</sup> there was a meeting held in Trenton to discuss the third round COAH obligations which we are not limited to just round three. After that there was a break off meeting to discuss what was going to go on in the Fort Monmouth property. Mayor Maclearie stated he thinks they were successful. He had told Council last meeting that he was concerned about the job gross share, not the housing share and they had gotten a tentative answer out of Commissioner Doria that said we would not be held to the job growth portion; we would get credit for the job loss and then going forward that would be replaced. They just want to get it in writing now.

Last night there was a meeting at the Borough for the affordable housing and the homeless. As far as Fort Monmouth goes, they were addressing the needs and concerns that were brought up. They were looking for 1,500 affordable housing units to be put of Fort Monmouth and the Mayors got a chance to speak out on what the impacts could be on our communities if that in fact happens. Tomorrow night is the regular scheduled meeting for Fort Monmouth at 7:00 P.M. in Eatontown and is open to the public. There will be an update on the Notice of Interest on the property over there and that could range from the firehouses to the affordable housing units. There will also be an update on the shared emergency services.

He would like to put together a committee of members (council members, school board members, planning board members, zoning board members) so collectively, we can get a cross functional slice from all the different boards to put together a response and look at the plan as it develops.

Council's Report

Mr. Tobin brought up to Council the automobile accident on Water Street and wanted to know what was going on with lowering the speed limit as previously suggested.

Bullet proof vests have been awarded and donated to our K-9 unit and asked for this to be placed on the agenda for the June 17, 2008 meeting.

Mr. Tobin wanted to welcome everyone this Monday to the Memorial Day services that start at 10:00 A.M. over at the Village Green followed by a reception at the Tinton Falls Fire House.

Mr. Skudera stated he received an update from Mr. Dempsey on the Legislative Tracking System and reviewed same with Council.

Mr. Skudera spoke regarding broadcasting Council meetings on the Public Access channel and stated he did some work with that. As far as funding, we still have about \$10,000 in the technology grant fund from Comcast. He also talked with Jamie Cleary from Monmouth Regional High School and they are happy to help us out which will also provide school credit with them. Comcast does have broadcast time with us and they will accommodate us. If Council agrees to do this, we will move up to the next step as far as timing and coordinating with the school.

Council had a discussion as to the editing due to the length of the council meetings and commented on same.

Administrator's Report

*Health Benefits*

We still do not have the contracts signed with the S.O.A. so we can't really move forward on moving to the State Health Benefits Plan. They have a meeting coming up so hopefully they can discuss a proposal. If they agree to something, more than likely we will need to have a special meeting because our next Council meeting is not until June 17, 2008.

*Public Works*

We discussed about having a pesticide free community. Public Works obtained some quotes from different vendors. Currently we use Chem Lawn, we do use pesticides in some area. The Chem Lawn quote is approximately \$17,500. If we are going to go with the organic pesticide free program we are looking at between \$51,000 - \$85,000 to do the parks and borough areas that we do now.

*Mazza*

Last meeting we had Mazza here regarding some DEP violations that were noticed in the newspaper. Mr. Dempsey stated he spoke with Mr. Honecker today and they had a meeting yesterday with the DEP. They have come up with an agreement where they are going to do an

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action plan and submit to DEP for their approval. Hopefully the first week of June they will have that planned and they can move forward with that.

*Avalon Bay*

Two of the buildings there are complete and they did start occupying them on Saturday including some of the affordable housing units.

*Website*

The Technical Advisory Committee met the Wednesday after our last meeting and came up with some comments to QScend and we are working on scheduling a training date.

*Hance Avenue*

We received something from the County and/or the State stating that they are going to put a double yellow line on Hance Avenue which will benefit us.

*Wayside Firehouse*

We received a notice from them that they are going to apply to the Planning Board for a capital review on a digital sign similar to what we have at the Tinton Falls Firehouse.

Mr. Dempsey also stated that he received a telephone call from the Monmouth County Sheriff's Office and she would like to attend the July 1, 2008 Council meeting.

Engineer's Report – Al Hilla Jr.

Mr. Hilla stated we will have for consideration tonight the award for the 2008 road program. We were able to award the entire project with the options and came within the budget that we had available for those roadways.

He received a notice from the county engineer regarding their 2008 paving program for county roads and he wanted to make Council aware that there are no roads scheduled to be paved in Tinton Falls this year.

Director of Law's Report

There will be a report on two items on the workshop agenda as requested by Mr. Tobin.

Council has also received from him an email request regarding the addition of an additional agenda item which is the acquisition of the DeLisa property. If anyone has any questions on that or desires to go into executive session to discuss same, he would happy to request same.

Mr. Berube added that there may be a request for the addition of an Ordinance change regarding the storm water management plan. He will leave that to Council's discretion.

Defeated Monmouth Regional High School Budget

Jamie Cleary came before public and council to speak about the impact of the defeated budget on the school system. The final say on where the cuts will be made is a decision of the Board of Education.

Public Hearing – Block 76.01, Lot 1.01 – PRC Tinton Avenue Developer's, LLC

Jerry Dasti, retained by the Borough to represent it with regard to the litigation with the CECOM property and Donna M. Erem, Attorney for PRC who is the owner of the CECOM property both spoke regarding the above referenced litigation and to answer any questions Council or the Public had.

Mr. Tobin offered a motion to open the Public Hearing, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

**PUBLIC HEARING OPEN**

Leo Christofili, 28 River Edge Road, inquired about persons involved with Mr. Abrams as well as the Newman property.

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There being no further questions from the public, Mr. Tobin offered a motion to close the Public Hearing, seconded by Mr. Ford.

ROLL CALL

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

**PUBLIC DISCUSSION CLOSED**

Mr. Tobin offered a motion to amend the agenda to include Resolutions R-08-165, R-08-166 and R-08-167, seconded by Mr. Baldwin.

ROLL CALL

AYES: Mr. Baldwin, Mr. Ford, Mr. Tobin, Mr. Skudera  
NAYS:  
ABSENT: Mr. Morrill  
ABSTAIN:

*Transcript in full by Michelle D. Wilcox, C.S.R., License No. XI0745, can be viewed at the Borough Clerk's Office.*

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

**R-08-165 RESOLUTION OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REAFFIRMING THE PRIOR ADOPTION OF A REDEVELOPMENT DESIGNATION AND REDEVELOPMENT PLAN AND REAFFIRMING AN EXECUTED SETTLEMENT AGREEMENT RELATED TO THE CECOM REDEVELOPMENT SITE**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on September 16, 2003, the Tinton Falls Borough Council adopted a Resolution entitled "RESOLUTION – REQUESTING PLANNING BOARD TO CONDUCT PRELIMINARY INVESTIGATION OF THE CECOM TRACT FOR REDEVELOPMENT", authorizing and directing the Planning Board to conduct an investigation pursuant to N.J.S.A. 40:55-21.1 et seq., to determine whether the property known as Block 76.01, Lot 1.01 on the tax map of the Borough of Tinton Falls, commonly known as the CECOM Tract (the "Study Area"), satisfies the criteria to be designated as a "renewal area" or an "area in need of redevelopment as such terms are outlined in the Local Redevelopment and Housing Law"; and

WHEREAS, on August 31, 2004, the Planning Board held a public hearing in accordance with N.J.S.A. 40A:12A-6 and adopted the findings of a report submitted by Arthur Bernard, P.P., of THP, Inc. (the "Borough Planner") titled "AREA IN NEED OF REDEVELOPMENT ANALYSIS, BLOCK 76.01, LOT 1.01, TINTON FALLS, NEW JERSEY" dated July, 2004 (the "Redevelopment Study"), and recommended to the Borough Council that the Study Area be designated as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, on October 5, 2004, the Tinton Falls Borough Council adopted a resolution titled "RESOLUTION OF THE TINTON FALLS BOROUGH COUNCIL, COUNTY OF MONMOUTH, NEW JERSEY ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD RELATING TO THE DESIGNATION OF CERTAIN PROPERTIES IN THE BOROUGH OF TINTON FALLS AS AN AREA IN NEED OF REDEVELOPMENT", accepting the findings of the Redevelopment Study and the recommendation of the Planning Board and designating the Study Area as an area in need of redevelopment (the "CECOM Redevelopment Site"); and

WHEREAS, in furtherance of redeveloping the CECOM Redevelopment Area, and pursuant to N.J.S.A. 40A:12A-7(f), the Tinton Falls Borough Council authorized the Planning Board to prepare a redevelopment plan and make recommendations pertaining thereto; and

WHEREAS, on October 27, 2004, the Planning Board reviewed the redevelopment plan for the CECOM Redevelopment Area prepared by the Borough Planner (the "Redevelopment Plan"), at which hearing the Planning Board discussed the Redevelopment Plan prepared by the Borough Planner, made certain revisions and then resolved unanimously to recommend to the Borough Council that the Redevelopment Plan, as revised, recommended by the Planning Board be approved; and

WHEREAS, the Borough Council, on February 15, 2005, adopted on second and final reading Ordinance No. 05-1143 which, after reviewing and considering the Planning Board's recommendations to the Redevelopment Plan, formally approved and adopted the Redevelopment Plan and incorporated modifications suggested by the Planning Board into the Redevelopment Plan; and

WHEREAS, as a result of litigation involving the Borough and Planning Board of the Borough of Tinton Falls, which litigation has continued in excess of three years, the legality of the adoption of the Redevelopment Plan (pursuant to Ordinance No. 05-1143) and redevelopment designation of the CECOM

WHEREAS, the matters of litigation involving the Borough and the manner in which the Redevelopment

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Plan was adopted have been resolved in accordance with a Stipulation of Settlement entered into by and between the Borough and the owner of the CECOM Redevelopment Site, PRC Tinton Avenue Developers, LLC (hereinafter referred to as "PRC"); and

WHEREAS, the Settlement Agreement entered into by and between the Borough and PRC is dated December 2007 and was approved by a Resolution of the Borough Council adopted on December 14, 2007; and

WHEREAS, in accordance with the terms of the Settlement Agreement, PRC and the Borough applied to the Superior Court of New Jersey, Law Division, for an Order approving the terms of the Settlement Agreement and an Order approving the scheduling of a "Whispering Woods" hearing at which time the Borough agreed to consider a reaffirmation of the previously granted redevelopment designation of the CECOM Redevelopment Site, the Redevelopment Plan for the CECOM site, and the Settlement Agreement; and

WHEREAS, a public hearing has been scheduled, in accordance with an Order entered by the Honorable Louis Locascio, J.S.C., by the Borough Council on May 20, 2008; and

WHEREAS, appropriate notification of the public hearing at which time a reaffirmation of the prior redevelopment designation, the Redevelopment Plan and the Settlement Agreement can be considered by the Council has been provided. Said notification was undertaken in full compliance with the provision of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 by publication of a notice in an official newspaper of the Borough, the Asbury Park Press, as well as by mailing a copy of said notice to all property owners located within a 200 ft. radius of the CECOM Redevelopment Site by certified mail, all of which was undertaken at least ten (10) calendar days before May 20, 2008. The appropriate Affidavit of Publication and Affidavit of Mailing have been filed with the Borough Clerk; and

WHEREAS, a public hearing was held by the Borough Council on May 20, 2008 at which time the Borough Council carefully considered all evidence and statements provided in conjunction with the proposed reaffirmation of the prior redevelopment designation, the Redevelopment Plan and the Settlement Agreement; and

WHEREAS, the Borough Council believes that it is appropriate and necessary, and in the long term best interests of the citizens and taxpayers of the Borough that it reaffirm the CECOM redevelopment designation and the Redevelopment Plan which was approved on February 15, 2005 pursuant to the adoption of Ordinance No. 05-1143, as well as the Settlement Agreement;

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

1. Based upon the Borough's careful consideration of all evidence, statements, documents, and information provided to it at and in conjunction with the May 20, 2008 public hearing, and based upon the Borough's conclusion that the terms of the Settlement Agreement are fair and reasonable, and are in the best interests of the citizens and taxpayers of the Borough, all terms of the aforementioned Settlement Agreement are hereby reaffirmed, ratified and approved.

2. Based upon the Borough's careful consideration of all evidence, statements, documents, and information provided to it at and in conjunction with the May 20, 2008 public hearing, and based upon the Borough's conclusion that the terms of the aforementioned redevelopment designation and Redevelopment Plan, as modified by all terms and conditions of the aforementioned Settlement Agreement dated December, 2007, is fair and reasonable, and is in the best interests of the citizens and taxpayers of the Borough, the aforementioned redevelopment designation and Redevelopment Plan, are hereby reaffirmed pursuant to the terms of N.J.S.A. 40A:12A-7.

3. It is reaffirmed that the Borough Clerk, Tax Assessor and all appropriately designated Borough employees, pursuant to the Borough Council's prior designation and direction, have amended and included the "CECOM Redevelopment Area" per the boundaries described in the Redevelopment Plan and the provisions therein.

4. It is reaffirmed that the Mayor, Borough Clerk, and Borough Administrator, pursuant to the Borough Council's prior authorization and direction, have prepared and executed any and all necessary documents, including any revisions to the zoning map in order to implement the intent of this resolution.

**ROLL CALL**

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

NAYS:

ABSENT: Mr. Morrill

ABSTAIN: None

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**PETITIONS – None**

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Mr. Baldwin offered a motion to amend the agenda to include Ordinance 08-1244, seconded by Mr. Ford.

**ORDINANCES FOR INTRODUCTION**

Borough Clerk Read: AN ORDINANCE AMENDING LAND USE ORDINANCE – SECTION 40-68 (STORM WATER RUNOFF) OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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Mr. Tobin questioned why this Ordinance was being added at the last minute.

Mr. Tobin and Mr. Skudera had a discussion regarding same.

Mr. Berube advised Council if the motion is granted and the agenda is amended and it is actually introduced, it would have to be referred to the Planning Board for comment prior to our meeting which requires a 35 day period.

ROLL CALL

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

NAYS: Mr. Tobin

ABSENT: Mr. Morrill

ABSTAIN: None

Borough Clerk stated it requires four (4) votes to include an item on the agenda, therefore, this Ordinance can not be introduced this evening.

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**ORDINANCES FOR FINAL CONSIDERATION**

Borough Clerk read: Ordinance No. 08-1241 – CALENDAR YEAR 2008 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

**PUBLIC DISCUSSION OPEN**

There being no comments from the public, Mr. Tobin offered a motion to close Public Discussion, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

Mr. Tobin offered a motion to adopt Ordinance No. 08-1241, seconded by Mr. Baldwin.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

Borough Clerk stated the Ordinance is now adopted.

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Borough Clerk read: Ordinance No. 08-1242 - ORDINANCE AMENDING CHAPTER SEVEN OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS (TRAFFIC) – PEACH STREET

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

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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**PUBLIC DISCUSSION OPEN**

There being no comments from the public Mr. Tobin offered a motion to close Public Discussion, seconded by Mr. Baldwin.

**ROLL CALL**

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

**PUBLIC DISCUSSION CLOSED**

Mr. Tobin offered a motion to adopt Ordinance No. 08-1242, seconded by Mr. Baldwin.

**ROLL CALL**

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

Borough Clerk stated the Ordinance is adopted.

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**PUBLIC DISCUSSION**

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

**ROLL CALL**

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

**PUBLIC DISCUSSION OPEN**

Randi Dickman, 13 Woodchuck Court & Ed McCullough, Woodchuck Court, stated they just wanted to thank everyone for everything they did. Ms. Dickman and Mr. McCullough also stated they brought pictures; everything is looking beautiful and everyone is happy.

Mr. McCullough also inquired about the frontloading machines and the costs of a second pickup.

Mr. Dempsey and Mr. Skudera replied to their questions.

Michael Stanton, 9 Bowels Lane, spoke on behalf of the recreational girls' softball league. Their goal is to provide a safe and enjoyable learning experience for the children of the town in a convenient and well-constructed facility. Currently, they have fields scattered around town; the girls' softball league plays at Liberty, Atchison and Tinton Falls Middle School. The facilities are owned by the Borough and Board of Education. Mr. Stanton stated he has a petition going around town to basically petition the Council to dedicate land for the construction of a softball park for the girls' softball program.

Leo Christofili, 328 River Edge Road, stated he would like to see an investigation to find out all the pieces of land with homes and lots throughout that the Borough owns and see if we can get some aggressive program going to sell this real estate so some ratables will come to the Borough.

Mr. Christofili referenced the statement the President of the Tinton Falls Association made at the last meeting that the paid staff at the library is underpaid. Mr. Christofili also requested Cary Costa come up with a study and tell us how much it would cost to replace 100- 120 of our volunteer firefighters of Tinton Falls if they were paid and how much money this saves the taxpayers.

Mr. Tobin stated that in salaries alone, to have the firehouses staffed properly in order to have proper manpower to operate the full fire house 24/7, it would cost the Borough 1.9 million

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dollars. If the Borough just went with drivers only, it would cost the Borough \$500,000 to \$600,000 a year.

Ted Wardell, Neptune City, Borough's Insurance Broker, came before Council and the public to correct a misimpression. Health Insurance has gone up which caused the Borough to have to go out into the market. The job was to make sure the coverage was equal to or better than the current insurance. One of the carriers was Ameri-Health and there was three issues with the employees regarding Ameri-Health. One was they were not given adequate notice; two, they had issues with the networks; and three, somehow, someway, they heard Ameri-Health is an absolutely terrible company. Mr. Wardell stated the third concern is untrue. Whatever happens, he does not want that particular truth to linger in anybody's minds as he brings this product into other communities. Mr. Wardell stated he has a reputation to protect and he would never bring a poor, inferior product into one of his clients. He also stated that he has the same benefits through Ameri-Health for himself and his family and just renewed it for the tenth year.

Lieutenant S. MacDonald, Police Officer for the Borough for the past 23 years, stated he came here tonight to advise Council, this past Friday, members of the Senior Officers' Association elected for the first time, members to their executive board. At that meeting he was elected President of the S.O.A; Lt. D. Nase was elected as Vice President; Sgt. K. Pierson was elected a Trustee; Lt. Robert Delaune was elected Recording Secretary; Sgt. W. VanLew was elected as Treasurer; Captain D. Trevena was elected as a Trustee and Sgt. M. Jelinski was elected as a Trustee. Lt. MacDonald stated he just wanted to advise the Mayor and Council of this new leadership in the S.O.A Union and if the Council has any issues that they need to discuss with the S.O.A, he is on the Borough Directory at extension 293.

Mike Bass, 35 Whirlaway Drive, came before Council as a taxpayer as well as a contractor to applaud Council for taking some action concerning work done on residences without a permit.

Chief Gerald Turning, Tinton Falls Police Department, stated he had come before the Council earlier during the year and had asked for an Ordinance change to up the fees for the tow companies. He spoke to Bryan recently and feels it needs to be done as soon as possible because they cannot afford to tow our cars with the price of gas, insurance and manpower at \$65.00. Chief Turning asked if Council could put this on their agenda some place in the very near future so we can pay our tow companies a higher rate due to the fact that they are getting to the point where they don't want to come out anymore. This situation puts him at a loss if he cannot get a tow truck to come out and tow cars anymore. Chief Turning advised that this money is paid by the people they tow the cars from, not from the taxpayers. In is in the line item budget but when the cars are released, the towing is paid by the person it belongs to.

David Scrivanic, Tinton Falls Police Department, spoke regarding the traffic study on Wayside Road. He is still working with the prosecutor's office on the accident that occurred on the roadway. Before he moves ahead with anything else, he first wants to complete the investigation with the prosecutor's office.

There being no further comments from the Public, Mr. Tobin offered a motion to close Public Discussion, seconded by Mr. Baldwin.

ROLL CALL  
AYES: All in Favor  
NAYS: None  
ABSENT: Mr. Morrill  
ABSTAIN: None

**PUBLIC DISCUSSION CLOSED**

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**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

Mayor Maclearie read the following Proclamation:

*WHEREAS, Myasthenia Gravis is a neuromuscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and*  
*WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and*

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*WHEREAS, the myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded "to facilitate the timely diagnosis and optional care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care"; and*

*WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and*

*WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;*

*NOW, THEREFORE, I, PETER MACLEARIE, Mayor of the Borough of Tinton Falls, do hereby proclaim:*

*June, 2008 as MYASTHENIA GRAVIS AWARENESS MONTH in the Borough of Tinton Falls.*

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**RESOLUTIONS**

**R-08-155 RESOLUTION – AUTHORIZING PARTICIPATION IN THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY  
BE IT RESOLVED, that the Borough of Tinton Falls, Tax ID No. 22-2139430**

*Resolution fails due to lack of a motion.*

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Mr. Tobin offered a motion to carry the following Resolution to the June 17, 2008 meeting, seconded by Mr. Baldwin.

**R-08-108 RESOLUTION – ACCEPTING PROPOSAL FROM AMERI HEALTH NEW JERSEY FOR HEALTH BENEFITS COVERAGE FOR ELIGIBLE EMPLOYEES**

**ROLL CALL**

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-08-156 RESOLUTION – AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs;

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A Resolution authorizing the Borough of Tinton Falls to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of the Borough of Tinton Falls to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Borough of Tinton Falls hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jill Pegosh to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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ROLL CALL

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

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

**R-08-157 RESOLUTION - AUTHORIZING THE REPURCHASE OF PREMISES  
KNOWN AS BLOCK 129.09 LOT 50 ALSO KNOWN AS 10 FENNEC COURT,  
TINTON FALLS NJ, PURSUANT TO CONSENT ORDER IN THE SUPERIOR  
COURT OF NEW JERSEY UNDER DOCKET # C-206-07 AND TO RESELL SAID  
AFFORDABLE HOUSING UNIT AT PUBLIC AUCTION AND/OR PRIVATE  
SALE TO QUALIFIED PERSONS PURSUANT TO THE AFFORDABLE  
HOUSING PLAN OF THE BOROUGH OF TINTON FALLS**

WHEREAS, there exists certain foreclosure litigation concerning premises subject to the Affordable Housing Plan of the Borough of Tinton Falls known as Block 129.09 Lot 50 entitled Borough of Tinton Falls v. Kimberly A. Vinson, et al., Superior Court of New Jersey, Chancery Division, Monmouth County under Docket # C-206-07 in which the Borough of Tinton Falls sought, inter alia, to set aside a certain Sheriff's Sale of the property and/or to compel the conveyance of the property to the Borough of Tinton Falls, and

WHEREAS, the Director of Law of the Borough of Tinton Falls has recommended that the Borough of Tinton Falls should purchase the interest of 10 Fennec Court, LLC, a defendant in the above captioned action, for a consideration of \$150,000.00, and

WHEREAS, the defendants thereto have agreed to the settlement of the above captioned action and the resale of said interest in the above captioned unit for the amount set forth herein and are about to execute a Consent Judgment on the above captioned matter, attached hereto evidencing same, and

WHEREAS, the Chief Municipal Finance Officer has determined that there are sufficient funds maintained in the Affordable Housing Trust Fund of the Borough of Tinton Falls for the purchase of the interest intended herein and

WHEREAS, the Director of Law of the Borough of Tinton Falls has determined that the expenditure of these funds for the purpose of maintaining the status of this unit as available for qualified persons under the Affordable Housing Plan of the Borough of Tinton Falls and the rules and regulations of COAH is permissible under the appropriate New Jersey state statutes and COAH regulations, and

WHEREAS, the Director of Law has recommended that it is in the best interests of the Borough of Tinton Falls to purchase the interest of 10 Fennec Court, LLC in the above captioned unit and to allow the resale of this unit to persons so qualified for Affordable Housing Units in accordance with the Affordable Housing Plan of the Borough of Tinton Falls and COAH rules and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Clerk, Chief Financial Officer, Director of Law and/or Administrator of the Borough of Tinton Falls are hereby authorized to execute any and all documents as are deemed necessary and to perform such activities as are necessary in order to fulfill the terms of the Consent Judgment attached hereto, and to purchase said interest of 10 Fennec Court, LLC as detailed herein, to offer said Affordable Housing Unit known as Block 129.09 Lot 50, and to thereafter resell said unit to qualified persons upon the terms and conditions contained in the Affordable Housing Plan of the Borough of Tinton Falls and appropriate COAH rules and regulations.

ROLL CALL

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

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

**R-08-158 RESOLUTION OF AWARD CONTRACT #08-6 - 2008 ROAD PROGRAM**

WHEREAS, nine (9) bids were received on Friday, May 9, 2008 for Contract #08-6 for the 2008 Road Program; and

WHEREAS, DeFino Contracting Co., 28 Industrial Drive, Cliffwood Beach, NJ 07735 submitted the lowest responsible bid in the amount of \$679,000.00 for the above contract which includes Option 1 and Option 2; and

WHEREAS, the Director of Law has found the bid to be in order, and Alan P. Hilla, Jr., P.E., C.M.E., Birdsall Engineering, Inc. recommends award in his bid report attached dated May 12, 2008; and

NOW, THEREFORE BE IT RESOLVED that DeFino Contracting Co., 28 Industrial Drive, Cliffwood Beach, NJ 07735 be awarded a contract in the amount of \$679,000.00 for the 2008 Road Program;

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

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ROLL CALL

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

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

**R-08-159 RESOLUTION – APPROVING LISTS OF VOLUNTEERS WHO QUALIFY FOR THE BOROUGH OF TINTON FALLS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2007**

WHEREAS, the Borough of Tinton Falls (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active volunteer members of the Tinton Falls Emergency Medical Service Squads; and

WHEREAS, the Emergency Medical Service Squads are required, pursuant to N.J.S.A. 40A: 14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS, both the Tinton Falls EMS North and the Tinton Falls EMS South have submitted certified lists of qualified volunteers for the year 2007; and

WHEREAS, Chief Financial Officer has reviewed the lists and found them to be accurate;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the certified lists of qualified volunteers for the year 2007 are hereby approved.

ROLL CALL

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

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

**R-08-160 RESOLUTION – APPOINTING ALTERNATE MEMBER #3 TO OPEN SPACE COMMITTEE TO FILL THE UNEXPIRED TERM OF JOHN DZIEMIAN  
TERM TO EXPIRE: 6/12/08**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Jeff Stratton is hereby appointed as Alternate #3 to the Open Space Committee to fill the unexpired term of John Dziemian. Term to expire June 12, 2008.

ROLL CALL

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

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

**R-08-161 RESOLUTION – APPOINTING ALTERNATE MEMBER #4 TO OPEN SPACE COMMITTEE TO FILL THE UNEXPIRED TERM OF ELIZABETH OLTMAN  
TERM TO EXPIRE: 6/12/08**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Petra Leonard is hereby appointed as Alternate #4 to the Open Space Committee to fill the unexpired term of Elizabeth Oltman. Term to expire June 12, 2008.

ROLL CALL

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

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

**R-08-162 RESOLUTION – APPOINTING LIBRARY COMMITTEE LIAISON FOR THE BOROUGH OF TINTON FALLS**

WHEREAS, the Tinton Falls library committee has requested that a council liaison be appointed; and

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WHEREAS, the Tinton Falls Borough Council desires to have a formal channel of communication regarding the library; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls appoints Paul Ford to act as a liaison to the Tinton Falls Library Committee with a one year term to expire June 30, 2008.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-08-163 RESOLUTION – ACCEPTING HOVCHILD BOULEVARD BY THE  
BOROUGH OF TINTON FALLS**

WHEREAS, the Borough Engineer has researched the acceptance of Hovchild Boulevard by the Borough of Tinton Falls; and

WHEREAS, the Borough Engineer has recommended that the dedication of Hovchild Boulevard be accepted by the Borough of Tinton Falls; and

WHEREAS, the Borough Engineer recommends that a bond be posted in conjunction with Borough of Tinton Falls accepting said Hovchild Boulevard. Said bond to be calculated by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Hovchild Boulevard be and hereby is accepted by the Borough of Tinton Falls upon the posting of a bond calculated by the Borough Engineer and said bond to be approved by the Director of Law.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

Borough Clerk stated unless someone has something to offer, there are no exceptions.

**R-08-164 RESOLUTION – APPROVAL OF BILLS – MAY 20, 2008**

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending May 20, 2008,

WHEREAS, the Borough Council has reviewed said claims,

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

SUMMARY

GENERAL	\$ 2,322,370.96
GENERAL TRUST	10,803.38
CAPITAL	108,661.11
DEVELOPERS ESCROW	10,636.00
DOG TRUST	2,290.63
SEWER	9,993.33
ADDITIONS	<u>1,416,927.40</u>
	\$ 3,881,682.81

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-08-166 RESOLUTION - APPROVING REDUCTION OF THE MONMOUTH  
REGIONAL HIGH SCHOOL DEFEATED BUDGET**

WHEREAS, the proposed 2008/2009 budget for the Monmouth Regional High School was rejected by voters in the Township of Shrewsbury as well as the Borough of Eatontown in the election held on April 15, 2008 in a tax levy amount of \$19,164,921.00; and

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WHEREAS, pursuant to N.J.S.A. 18A:22-37, each municipality in the district is obligated, after consultation with the Board of Education to determine that amount which, in the judgment of said municipal bodies, is necessary to provide a thorough and efficient system of schools in the district and to certify said amount to the County of Monmouth Board of Taxation, and

WHEREAS, after careful consideration of the proposed 2008/2009 budget for Monmouth Regional High School, the Borough Council of the Borough of Tinton Falls agrees that the budget 2008/2009 budget should be reduced and a Resolution confirming said reduction should be adopted, and

WHEREAS, the Chief Financial Officer has reviewed the 2008/2009 Monmouth Regional Board of Education Budget and found the following to be overestimated and feel that a reduction of \$190,000.00 can be made without having an effect on the Board's ability to provide a thorough and efficient education system for the schools.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the following changes be made to the 2008/2009 Monmouth Regional Board of Education Budget (see Schedule A as attached):

**BOARD OF EDUCATION  
MONMOUTH REGIONAL HIGH SCHOOL DISTRICT  
DEFEATED BUDGET LINE ITEM REDUCTIONS  
5/19/2008**

Unrestricted miscellaneous revenues	10-1XXX	\$75,000.00 (anticipated increases not shown in budget)
Budget fund balance	10-303	\$50,000.00 (anticipated revenues not shown in budget)
Worker's compensation	11-000-291-260	\$10,000.00 (reduction for anticipated actual reduction in cost)
Teachers' salaries	11-140-100-101	\$55,000.00 (anticipated reductions as a result of attrition)

TOTAL INCREASES IN REVENUES: \$125,000.00  
TOTAL ANTICIPATED REDUCTIONS: \$65,000.00  
**TOTAL REQUESTED REDUCTIONS: \$190,000.00**

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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

**R-08-167 RESOLUTION - AUTHORIZING THE PURCHASE OF PREMISES KNOWN AS BLOCK 86, LOT 1 ALSO KNOWN AS 2040 WAYSIDE ROAD, TINTON FALLS, NJ**

WHEREAS, the Mayor and Borough Council of the Borough of Tinton Falls have designated the above captioned lots as appropriate for acquisition for the purposes expressed in a certain grant application about to be filed by the Borough of Tinton Falls with the Monmouth County Board of Freeholders for Open Space Preservation and other purposes, and

WHEREAS, the Borough Administrator has received the appraisal of Gagliano Appraisals, LLC indicating the valuation of the property in an amount at least equal to the requested purchase price of Five Hundred Thousand Dollars, and

WHEREAS, the Open Space Committee of the Borough of Tinton Falls has recommended the purchase of the above captioned lot at the consideration noted above in furtherance of the Open Space Plan of the Borough of Tinton Falls, and

WHEREAS, the Director of Law of the Borough of Tinton Falls has provided a specimen form contract for the purchase of the above captioned lots in form and substance approved by him and recommended to the Mayor and Borough Council and

WHEREAS, Mary DeLisa, by her Guardian, the owner of the above noted premises, has indicated through Counsel their consent to the sale of the above premises substantially upon the terms and conditions recommended by the Director of Law and,

WHEREAS, the Chief Municipal Finance Officer has determined that there are sufficient funds maintained in the Open Space Fund and available through financing obligations of the Borough of Tinton Falls for the purchase of the interest intended herein and

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WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls have determined that it is in the best interests of the Borough of Tinton Falls to purchase the above lot for the amounts and purposes hereinbefore expressed,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Clerk, Chief Financial Officer, Administrator and Director of Law of the Borough of Tinton Falls are hereby authorized to execute any and all applications for grants, loans, or other programs through the Monmouth County Board of Freeholders and such contracts and all documents as are deemed necessary in order to consummate the purchase of the above captioned premises known as Block 86, Lot 1 for a total consideration of Five Hundred Thousand Dollars, and to fulfill the terms of the purchase contract as may be recommended by the Director of Law as executed in accordance with this resolution.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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Council took a five-minute break; recessed at 9:47 P.M. and reconvened at 9:53 P.M.

Mr. Tobin offered a motion to move into Workshop, seconded by Mr. Baldwin.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

TIME: 9:53 P.M.

**WORKSHOP MEETING**

Unfinished Business

***Permits – Failure to file for Permits***

Mr. Tobin stated during the various tax assessments, we had numerous people that have been doing work in their homes without permits. For example, one street in particular, we had someone who had not filed permits properly and the amount of tax dollars just on the one house over a two-year period was between \$10,000 - \$11,000. The assessor's office stated they have found hundreds of houses that did not match what was on the property cards. This brings up several problems: there is no permit fees going into the Borough, we do not get proper tax assessments, and the people who do work without proper permits do not realize that it voids their insurance. Mr. Tobin stated he would like to find out who has done works without permits and establish some type of guidelines for same.

Mr. Berube advised that there are two problems going on. One is improvement of property without permits and the second is how to pick up those properties for which there may have not been permits. He suggested to Council in prior meetings that one of the resources they might have is the actual data collected by the reevaluation company because they physically inspected every residence in the Borough. However, one of the problems with that approach is the assessors that came in for the reevaluation had only a hand written property card from the prior assessor and in many cases that was not accurate to begin with.

Mr. Berube also reviewed with Council the possibilities of which they could approach this matter and the effects (pros and cons) of each.

Our Borough Ordinances provide two avenues of remedy, one of which is under the Land Use Ordinance, failure to apply for a permit; failure to apply for proper inspections; occupying without approvals subjects someone to a fine of \$500 per day and the potential for incarceration for up to ninety (90) days. The second avenue is a violation under our Borough Ordinances for failure to comply with the health and safety regulations that is returnable in Municipal Court.

***Brush Removal***

Mr. Tobin stated there are people that the second the trucks go by, they fill the street up with branches again and asked, for a safety factor, what we can do to prevent this.

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Mayor Maclearie stated he would support someone for summer help to go around and look for this along with people putting garbage in recycle buckets. We could post notices on the doors for the first offense and issue fines for the second offense.

Mr. Skudera advised that in the meantime while we put together a proposed plan, we could post public education regarding same in the newsletter as well as on the website.

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**ADJOURNMENT**

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

**ROLL CALL**

AYES: All in Favor

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

TIME: 10:28 P.M.

Respectfully Submitted,

Karen Mount-Taylor, Borough Clerk

**APPROVED AT A MEETING HELD ON: AUGUST 5, 2008**