

**REGULAR/WORKSHOP MEETING  
MAY 6, 2008  
BOROUGH COUNCIL**

Council President called regular meeting to order at 7:32 P.M.

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

All present stood for Salute to Flag.

**ROLL CALL**

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

ABSENT: None

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  
Stephen Pfeffer, Chief Financial Officer  
Al Hilla Jr., Borough Engineer

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**APPROVAL OF MINUTES**

Mr. Tobin offered a motion to approve the minutes of March 4, 2008, seconded by Mr. Morrill.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Tobin offered a motion to approve the minutes of March 13, 2008, seconded by Mr. Ford.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Tobin offered a motion to approve the minutes of March 18, 2008, seconded by Mr. Morrill.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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**REPORT OF MAYOR/COUNCIL/ADMINISTRATION**

**Mayor's Report**

Mayor Maclearie stated regarding Fort Monmouth, he now leads the infrastructure committee. There are a number of committees that are starting to meet on a regular basis.

At the last Planning Board meeting there was a presentation done for Tinton Falls of what we are going to see in Tinton Falls as well as the rest of the plan. The presentation went well until the end, which has sparked a lot of controversy. This was the affordable housing component of the plan. We looked at it and 57 of 278 were designated affordable housing. COAH has not yet determined whether this will require growth share affordable housing, which could be a

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significant number of more units that they would want to place in Tinton Falls or on the Fort property. The Mayor stated he has had a number of discussions with Fort Monmouth Economic Revitalization Plan Authority (FMERPA) and they are having continued meetings and setting up more with the State to find out what the determination is. We cannot make a determination on this plan until we know where those units are going to go or if they are going to come at all.

Similar to that was the COAH third round obligations. The League of Municipalities has asked, as a town, if we could pledge \$500.00 towards their fight for what is right with the third round obligations. They are willing to work on behalf of the municipalities.

Council's Report

Mr. Morrill stated they are continuing to work on the Riverdale Avenue West trails. They are near completion; they would like to have the official opening on Monday, May 26, 2008 after the Memorial Day ceremony and services over at the Fire Department. The next Open Space public tour is May 17, 2008 at 9:00 A.M. The place they plan to visit this month is the Crawford House and the Swimming River Preserve, which is on Riverdale Avenue East.

Mr. Tobin informed Council and public that he attended the police department auction on this past Saturday and there was a tremendous amount of materials there that have been taken as evidence from burglaries and the place was packed.

Mr. Tobin also stated that the American Humane Society is donating two bulletproof vests for our K-9 dogs.

Mr. Skudera stated the website company issued its latest release of the website. The technology committee reviewed same and will discuss it at tomorrow's technology meeting.

Administrator's Report

Mr. Dempsey stated there are two resolutions on tonight's agenda, he would recommend that we carry 108 until the next meeting and 119 he would recommend we don't take any action on at this time. We are still trying to get the unions to agree to go ahead with the State Health Benefits Plan. Three (3) of the unions have agreed. Hopefully we can get it done prior to the next meeting and would like to call a special meeting if the unions agree to that so we could go ahead and put this on the agenda. The reason for the special meeting would be if we can get to the State plan within 45-60 days then the renewal date would be July 1. If it is not within the 45-60 day window, we are looking at an August 1 date. Our savings would be about \$16,000.00, so that one month is critical to our budget.

Mr. Dempsey advised that our police department had a big arrest of an individual who was very dangerous to the community and commended them on same.

Borough Engineer's Report – Mr. Al Hilla

*2008 Road Program*

They will be receiving bids this Friday for this project and anticipate that they will be able to award that project at the May 20, 2008 meeting.

*The DOT municipal Aid Project on Sycamore Avenue*

The survey fieldwork is complete, the base mapping should be completed by tomorrow and our formal design can commence thereafter.

*The Liberty Park II Concession Building*

Construction is approximately 70% complete and the contractor appears to be on schedule.

Director of Law's Report

Mr. Berube stated he attended the FMERPA shared services advisory subcommittee this evening. They have been tasked with an ambitious project within the next eleven (11) weeks, analyzing the existing Fire, Police, EMS and Court System in each of the communities as well as any shared services agreements that the three committees have with any other town or agency. They will also be analyzing the Fort's existing structure for those and recommending to FMERPA potential recommendations for shared services agreements between either the three towns or other towns as well.

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An article appeared in the Asbury Park Press indicating Mazza & Sons had been cited by the DEP for operations at the recycling center. Actually, the focus of the inquiry is on the industrial development complex that has already been approved by our Zoning Board. Mr. Berube advised that he referred the DEP letter and investigatory materials to our Construction Code Officer and our Zoning Officer to investigate. Mr. Honecker has filed a letter to the Borough in response to the DEP allegations indicating that he does not believe they are of any value. This situation is being closely monitored.

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**PRESENTATIONS/AWARDS**

**Award to Davidson Family**

Mr. Dempsey advised everyone that about a year ago, we were approached by an individual that stated he wanted to donate money to the Borough. A meeting was setup with Jeff and his mom to go over what type of donation they would like to do. After a couple of meetings, they decided on an additional playground at Sycamore Park. The playground was donated by the Michael A. Davidson Foundation, headed by Jeff and his mother, in memory of Michael who died in 911.

Mayor Maclearie presented the Davidson Family with an award for their considerate donation to the Borough of Tinton Falls.

**Proclamation: Miss Teen New Jersey – Michelle Leonardo**

WHEREAS, the vast majority of youth are concerned, knowledgeable and responsible citizens; and  
WHEREAS, the accomplishments and achievements of these young citizens deserve recognition and praise by elders;  
WHEREAS, one particular youth, Michelle Leonardo, a 16 year old junior at Red Bank Catholic High School and a resident of Tinton Falls is actively involved in her school and community;  
WHEREAS, Michelle achieved the title of Miss New Jersey Teen her first time participating in the competition, competing against 123 other contestants from around the State of New Jersey,  
WHEREAS, Michelle in addition to achieving this prestige title of Miss New Jersey Teen volunteers her time with the public library, Summer camp program for kids at her church, participates in her schools Dance program, Drama program, Arts from the Heart Club and Life Club,  
WHEREAS, Michelle has been recognized for her writing skills; winning an essay contest for the DARE program and chosen for other writing skills programs. Michelle has won the Presidential Physical Fitness Award for six years. She is a member of Student Council, Chairperson of Activities and a Peer Mediator. Michelle plays the drums, piano and flute,  
WHEREAS, Michelle lives by two quotes “My greatest pleasure in life is doing what other people say I cannot do” and “your dreams will carry you, but you have to be willing to fly first” and portrays a confidence and positive outlook on life.  
NOW, THEREFORE, I Peter Maclearie, Mayor of the Borough of Tinton Falls, do recognize Michelle Leonardo for all of her accomplishments especially achieving the title of Miss New Jersey Teen and encourage the residents of Tinton Falls to recognize the positive contribution that young people like Michelle make in the Community’s progress and hope that Michelle’s dreams carry her to the highest successes in life.

**Proclamation: Municipal Clerk’s Week – May 4, 2008 – May 10, 2008**

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists through the world; and  
WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and  
WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and  
WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.  
WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community.  
WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations.  
WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.  
NOW, THEREFORE, I, Peter Maclearie, Mayor of the Borough of Tinton Falls, do recognize the week of May 4<sup>th</sup> through May 10, 2008, as Municipal Clerk’s Week, and further extend appreciation to our Municipal Clerk, Karen Mount-Taylor; our Deputy Clerk, Kelly M. Johns; and our Assistant to Municipal Clerk, Maggie Pereira and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**Defeated Monmouth Regional High School Budget**

Mr. Jamie Cleary spoke regarding the defeated Monmouth Regional High School budget. Mr. Cleary thanked Tinton Falls for their support of the budget for the past 12 out of 13 years. They went through the process of putting a defeated budget package together, provided it to the three

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municipalities (Tinton Falls, Eatontown & Shrewsbury), met with Eatontown's Finance Committee two weeks ago and we are in a situation right now where their committee is still trying to study the budget. They only had 9% of the registered voters of Eatontown come out to vote. The budget has been given to the auditor for their review. If they are looking to save that much money from the budget this year, it is only going to affect education in further years down the road. Tinton Falls represents 55% shares of students attending that school system; Eatontown represents 43% of the shares and the other percentage of shares goes to Shrewsbury Township. In the past 13 years, Shrewsbury has failed to pass the budget 12 out of those 13 years.

Mr. Cleary stated we have until May 19, 2008 and he is hoping to be able to provide us with information that the Board of Education agrees to and then try to appeal to the Tinton Falls municipality as well to Shrewsbury in order to come up with some type of agreement. If they fail to agree, it will be sent to the Commissioner of Education.

Website Presentation – Q-Send

Keith LeBeau from Q-Send Technologies, the firm that was hired to design Tinton Falls' new website came before Council and the Public to give a preview of the new website in progress. They were hired to provide a series of web based software products that allows our staff to manage all of the contents on this website going forward. They migrated a couple hundred of pages of content that was on the existing website over to the new website. Now all this content can be updated by municipal staff with the skills of Microsoft Word.

Mr. Lebo gave a Power Point Presentation showing an overview of the items that would be on the website and how to utilize them.

Board of Fire Commissioners – Fire District No.1

Tom Wieczerszak, Fire Commissioner, stated the Tinton Falls Fire District No. 1 covers the Southern part of the Borough. They are comprised of Wayside Fire Co. and Pine Brook Fire Co., covering everything from Tinton Avenue, to Route 66 and going towards Wall Township. They respond to approximately 400 emergencies each year from motor vehicle accidents, vehicle fires to spilled gas, etc. Everyone is volunteers including the fire commissioners.

Mr. Wieczerszak gave a power point presentation on how the district operates.

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Mr. Tobin offered a motion to introduce the following Resolution, seconded by Mr. Ford.

**R-08-118 RESOLUTION – INTRODUCTION OF 2008 MUNICIPAL BUDGET**

**MUNICIPAL BUDGET NOTICE**

Section 1.

Municipal Budget of the Borough of Tinton Falls, County of Monmouth for the Fiscal Year 2008.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2008;

BE IT FURTHER RESOLVED, that said Budget be published in the Coaster in the issue of June 5<sup>th</sup>, 2008.

The Governing Body of the Borough of Tinton Falls, does hereby approve the following Budget for the year 2008:

ROLL CALL

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

NAYS: None

ABSTAIN: None

ABSENT: None

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Tinton Falls, County of Monmouth, on May 6<sup>th</sup>, 2008.

A hearing on the Budget and Tax Resolution will be held at the Borough Hall, on June 17<sup>th</sup>, 2008 at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2008 may be presented by taxpayers or other interested persons.

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**EXPLANATORY STATEMENT  
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET**

	YEAR 2008
General Appropriations For: (Reference to term and sheet number should be omitted in advertised budget)	xxxxxxxxxx.xx
1. Appropriations within "CAPS"	xxxxxxxxxx.xx
(a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S. 40A:4-45.2)	16,422,571.86
2. Appropriations excluded from "CAPS"	xxxxxxxxxx.xx
(a) Municipal Purposes (Item H-2, Sheet 28)(N.J.S. 40A:4-45.3 as amended)	3,645,031.44
(b) Local School District Purposes in Municipal Budget (Item K, Sheet 29)	0.00
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)	3,645,031.44
3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated 98.35% Percent of Tax Collections	834,201.02
4. Total General Appropriations (Item 9, Sheet 29)	20,901,804.32
Building Aid Allowances 2008- \$ 0.00	
for Schools – State Aid 2007- \$ 0.00	
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11)	
(i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	10,584,164.24
6. Difference: Amounts to be raised by Taxes for Support of Municipal Budget (as follows)	xxxxxxxxxx.xx
(a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	10,317,640.08
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)	0.00

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**PETITIONS – NONE**

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**ORDINANCES FOR INTRODUCTION**

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

Mr. Tobin offered a motion to introduce Ordinance No. 08-1241, seconded by Mr. Morrill.

Council President stated Public Hearing to be set at the discretion of the Borough Clerk.

**ROLL CALL**

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

Ordinance No. 08-1241 in full/Ordinance Book No. 3

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

Mr. Tobin offered a motion to introduce Ordinance No. 08-1242, seconded by Mr. Morrill.

Council President stated Public Hearing to be set at the discretion of the Borough Clerk.

**ROLL CALL**

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

Ordinance No. 08-1242 in full/Ordinance Book No. 3

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Borough Clerk read Ordinance No. 08-1243 entitled: AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, CHAPTER 2.23 (E) OF THE CODES OF THE BOROUGH OF TINTON FALLS

Mr. Ford offered a motion to introduce Ordinance No. 08-1243, seconded by Mr. Skudera.

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ROLL CALL

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

Borough Clerk stated the Ordinance failed.

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**ORDINANCES FOR FINAL CONSIDERATION**

Borough Clerk read Ordinance No. 08-1239 entitled: AN ORDINANCE AMENDING CHAPTER SEVEN OF THE GENERAL ORDINANCES OF THE BOROUGH OF TINTON FALLS (TRAFFIC)

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

ROLL CALL

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

**PUBLIC HEARING OPEN**

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

**PUBLIC HEARING CLOSED**

ROLL CALL

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

Mr. Tobin offered a motion to adopt Ordinance No. 08-1239, seconded by Mr. Morrill.

ROLL CALL

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

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**PUBLIC DISCUSSION**

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

ROLL CALL

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

**PUBLIC DISCUSSION OPEN**

Gina Gundel, 629 Green Grove Road, asked Council for the status of the sewers on Green Grove Road.

Mr. Dempsey replied hopefully he will get an answer and Ms. Gundel can get connected this spring, early summer.

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Jim Vint, 625 Green Grove Road, questioned release of bond on the Ocean Township side and if the asphalt it is going to be their concern.

Mr. Dempsey advised just their side of the road. Any work would be on the Tinton Falls side.

Ms. Gundel asked how long is an acceptable time to wait for a response from any office in this town. She also stated that on several occasions she has come in for an Open Space Meeting and either the doors were locked or the plans were not left out and stated this was unacceptable as they are volunteers and dedicating their time to the Borough.

Mr. Dempsey apologized and stated a response should be given in a day or so. As for the Shade Tree Commission meetings, anytime their meetings are, the procedure was always that Mrs. Carney would contact Erin or whoever she needed the plans for and they would put the plans out in that Council room. Mr. Dempsey stated he will talk to the departments.

Leo Christofili, 328 Riveredge Road, spoke regarding the library staff. It would be very nice if the Tinton falls Public Library Association was staffed by all volunteers, which would save \$91,000.

Linda Zucaro, 127 Mill Lane, spoke on behalf of the Tinton Falls Library Board. She stated that their paid staff is underpaid and are worth every penny that they earn. Also, Ms. Zucaro stated that we could save several hundred dollars by not joining the League of Municipalities Loss Potential Lawsuit in face of the COAH requirements.

Michael Bongiovani, 14 Strafford Road, commented on the budget in regards to the tax assessment/re-evaluation. Mr. Bongiovani also made suggestions to increase savings such as that the Police Department take away the SUVs due to the economy and increase in fuel and the Department of Public Works should cut down the recycling pickup to once a month.

Chief Gerald Turning stated at the municipal auction they netted a profit of a little over \$25,000.

Chief Turning also stated that earlier today a group of gentlemen from FMRPA who are hired to do a shared services presentation for them in the future came to Borough to view the Tinton Falls Police Department to get a feel for what our organization is about. For the first time since he has worked here, he was able to bring a group of professionals into a professional atmosphere to see a professional Police Department and Court and be proud of the environment that we work in.

Bill Holbowski, 56 Nevilles Street, stated he emailed Council in advance to reference a meeting that he attended last week in Colts Neck regarding the Laurel Woods Housing issue. There is a briefing the organization is holding on Wednesday, May 28, 2008 at 7:30 P.M. at Colts Neck High School to discuss the security ramifications of opening up the Laurel Woods Housing to civilians. Mr. Hobowski stated he wanted to ask if there is anything the Township can do to help them notify residents of the town about the briefing.

Mr. Skudera replied that we could put it in the newsletter again as well as on the website.

Mr. Holbowski also asked about the legality of lawn signs on Township property. The group is running about 100 – 150 lawn signs that they want to post to notify area residents.

Mr. Skudera stated the Borough of Tinton Falls has a lawn sign Ordinance.

Karen Mount-Taylor stated if you go under our website under Land Use Ordinances, there is a section for signs.

Claude Campbell, 75 Swimming River Road, spoke regarding the deed of the Wayside Firehouse. He suggested that Council re-think that issue as it was promised to the members a while back.

Vito Purello, Tinton Falls, confirmed with Mr. Skudera that he was the only member of Council that voted no for the salary increase of the Tax Assessor and commended him for same. Mr. Purello also spoke regarding the website not being produced by volunteers but by experts. Mr. Purello suggested that Council hire experts to review the budget and give their recommendations on areas we can cut.

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Bob Honecker, Attorney and represents Mazza & Sons, came before Council and the Public to answer any questions either might have regarding the article that was in the newspaper.

Dominick Mazza, Jr., works for Mazza & Sons and is also a resident of Tinton Falls and would like to invite Council, Mayor and any residents if they would like to stop by and see their facility and to see what they do.

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

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

**PUBLIC DISCUSSION CLOSED**

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

Mr. Tobin would like to see action taken on brush cleanup. Our trucks go out and clean up and the day after, residents are dumping the next bunch of trees in the road. Also, he would like an update from Mr. Berube on what we plan on doing about people who fail to file permits and requested it for the next Council meeting.

Council spoke regarding agenda items being added last minute.

Mr. Berube advised Council that there will always be last minute items being added to the agenda. If we receive them, it is only because they are important to be acted on at that specific meeting.

Mayor Maclearie pointed out a future Eagle Scout that was in the audience, Stanley, who is going to be doing a project over at the Crawford House, upgrading the electrical system and the Mayor stated he just wanted to recognize him and thank him for his work.

Mayor Maclearie also spoke regarding JCP&L and gave Council and Public an update on same.

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**RESOLUTIONS**

Mr. Tobin offered a motion to carry Resolution R-08-108 to the May 20, 2008 meeting, seconded by Mr. Morrill.

**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. Morrill, Mr. Tobin, Mr. Skudera  
NAYS: None  
ABSENT: None  
ABSTAIN: None

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**R-08-119 RESOLUTION – AUTHORIZING PARTICIPATION IN THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY**

Mr. Berube stated because of the inability to secure unanimous consent of the collective bargaining units, he could not recommend that this Resolution be offered for adoption.

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Resolution R-08-119 fails due to a lack of motion.

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

**R-08-120 RESOLUTION – 2008 EMERGENCY TEMPORARY APPROPRIATIONS #3**

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

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

CURRENT FUND APPROPRIATIONS:	\$ 4,075,663.30
MUNICIPAL SEWER UTILITY:	\$ 1,190,715.00
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	\$5,266,378.30
	=====

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	\$ 2,797,120.39
SEWER UTILITY:	
See Attached Sheets	\$ 1,167,000.00

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

CURRENT FUND:	
See Attached Sheets	\$ 2,797,120.39
SEWER UTILITY:	
See Attached Sheets	\$ 1,167,000.00

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

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Mr. Morrill placed the following Resolution on the floor for discussion, seconded by Mr. Tobin.

**R-08-121 RESOLUTION – AUTHORIZING A GRANT APPLICATION TO THE NEW  
JERSEY HISTORIC TRUST FOR THE CRAWFORD HOUSE AND PROVIDING  
MATCHING FUNDS IN ACCORDANCE WITH THE ACCEPTED GRANT  
APPLICATION**

WHEREAS, the Tinton Falls Historic Commission has requested that the Borough of Tinton Falls authorize the filing of a grant application to the New Jersey Historic Trust for property known as the Crawford House, Block 68.02, Lot 13, 750 Tinton Avenue; and

WHEREAS, in order to obtain the grant funds it is necessary that the Borough of Tinton Falls provide funds in accordance with the accepted Grant Application.

NOW, THEREFORE BE IT RESOLVED, by the Borough of Tinton Falls that Historic Building Architects submit a New Jersey Historic trust grant application on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Borough Council hereby certifies that funds will be provided in accordance with Accepted Grant Application upon execution of the above grant.

Mr. Tobin offered a motion to amend the Resolution to replace the words “in the amount of” with the words “in accordance with the accepted grant application”, seconded by Mr. Morrill.

Council had a lengthy conversation regarding the Crawford House and the budget.

**ROLL CALL**

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

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offered a motion to move the following Resolution as amended, seconded by Mr. Morrill.

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ROLL CALL

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

Mr. Morrill left meeting at 10: 35 P.M.

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

**R-08-122 RESOLUTION – APPOINTING MEMBER OF ENVIRONMENTAL  
COMMISSION**

BE IT RESOLVED, that the appointment of the below listed person made by the Mayor be and the same is hereby confirmed, said term to be effective as listed below:

Beth Roxbury, two year term, said term to expire December 31, 2009

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-0-123 RESOLUTION AMENDING R-07-375 – DESIGNATING STREET NAME FOR  
JERSEY SHORE PREMIUM OUTLET MALL TO CORRECT OUTLET TO  
OUTLETS (PLURAL)**

BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Tinton Falls that Premium Outlets Boulevard shall be designated as the street name for the road located between Route 66 and Essex Road.

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 place Resolution R-08-124 on the floor for discussion, seconded by Mr. Skudera.

**R-08-124 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, RE-  
APPROVING THE SETTLEMENT AGREEMENT ENTERED INTO WITH PRC  
TINTON AVENUE DEVELOPERS, LLC**

WHEREAS, the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey (hereinafter referred to as the "Borough"), has previously adopted Resolution No. R-07-476 on December 11, 2007 which approved a Settlement Agreement by and between the Borough and PRC Tinton Avenue Developers, LLC (hereinafter referred to as "PRC"); and

WHEREAS, the resolution approved a Settlement Agreement entered into by and between the Borough and PRC dated 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 would consider a re-approval of the previously granted redevelopment designation of the property owned by PRC known as the "CECOM" property located at Block 76.01, Lot 1.01 as shown on the official tax maps of the Borough of Tinton Falls (hereinafter referred to as the "CECOM Property"); and

WHEREAS, the Borough has reviewed the terms of the Order entered by the Honorable Louis Locascio, J.S.C., and finds the terms of that Order to be acceptable; and

WHEREAS, the Borough wishes to schedule a public meeting at which time the public will be invited to comment on the Borough's consideration of a reaffirmation of the prior redevelopment approval for the CECOM Property;

NOW, THEREFORE, BE IT RESOLVED, this 6<sup>th</sup> day of May, 2008 by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, as follows:

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1. The Borough reaffirms the terms and conditions of the aforementioned Settlement Agreement as modified by Order entered by the Honorable Louis Locascio, J.S.C.
2. The Borough hereby schedules a public meeting to be held on May 20, 2008 at 7:30 o'clock p.m., at which time the Borough will consider a reaffirmation of the prior redevelopment approval granted for the CECOM Property.
3. The Borough authorizes and directs the Mayor, Borough Clerk and Borough Administrator to execute any and all necessary documents in order to implement the intent of this resolution.
4. A certified copy of this resolution shall be forwarded by the Borough Clerk to the following:
  - a. Honorable Peter Maclearie, Mayor;
  - b. W. Bryan Dempsey, Administrator; and
  - c. Jerry J. Dasti, Esq.

Mr. Tobin offered a motion to amend the following Resolution to include a Public Hearing date of May 20, 2008, seconded by Mr. Baldwin.

ROLL CALL

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

Mr. Tobin offered a motion to move the following Resolution as amended, 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 place Resolution R-08-125 on the floor for discussion, seconded by Mr. Ford.

**R-08-125 RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO  
EXECUTE A DEVELOPER’S AGREEMENT FOR TINTON FALLS CAMPUS II,  
LLC (SEABROOK VILLAGE)**

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 a Developer’s Agreement on behalf of the Borough of Tinton Falls for Tinton Falls Campus II, LLC (Seabrook Village), Block 128.03, Lots 19.04 & 19.05, upon the approval of the Director of Law.

Mr. Tobin offered a motion to amend the following Resolution to include the following corrections: 1) delete language pertaining to Essex Road “The Borough acknowledges that Applicant has constructed a left turn lane on Essex Road to ensure safe vehicular access from Essex Road onto Asbury Avenue” and 2) change the number of “ESU’s” from 121 to 80, seconded by Mr. Ford.

ROLL CALL

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

Mr. Tobin offered a motion to move the following Resolution as amended, seconded by Mr. Ford.

ROLL CALL

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

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Mr. Baldwin offered a motion to adopt Resolution R-08-152, seconded by Mr. Ford.

**R-08-152 RESOLUTION – AUTHORIZING MEETING TO EXTEND PAST 11:00 P.M.**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it hereby amends its previous Resolution which set forth that all meetings shall end by 11:00 p.m. be and hereby is extended.

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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-08-126 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA #08-08 –  
RANNEY SCHOOL PARENTS' ASSOCIATION**

WHEREAS, the Ranney School Parents' Association has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-08, and

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

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

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

<b>NAME:</b>	<b>Ranney School Parents' Association</b>	<b>Identification No. : 343-5-28707</b>
<b>LOCATION:</b>	<b>235 Hope Road Tinton Falls, N.J.</b>	
<b>DATE:</b>	<b>September 20, 2008 – 1-3 p.m.</b>	

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-08-127 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-09 –  
TINTON FALLS FOUNDATION FOR EXCELLENCE IN EDUCATION**

WHEREAS, the Tinton Falls Foundation for Excellence in Education has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 08-09, and

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

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

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Raffle License No. RA# 08-09 be and the same is hereby approved as follows:

<b>NAME:</b>	<b>Tinton Falls Foundation for Excellence in Education</b>	<b>Identification No. : 343-5-37560</b>
<b>LOCATION:</b>	<b>658 Tinton Avenue, Tinton Falls, NJ 07724</b>	
<b>DATE:</b>	<b>June 6, 2008- 5:30 –8:00 p.m.</b>	

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.

**R-08-128 RESOLUTION AUTHORIZING THE RE-EXECUTION OF A  
CONFIRMATORY DEED FOR PREMISES KNOWN AS BLOCK 106.02, LOT 7.01**

WHEREAS, The Borough of Tinton Falls, did foreclose on certain parcels of real property within the Borough of Tinton Falls including the premises formerly known as Block 106B, Lot 7A, under Final Judgment of Foreclosure, dated July 24, 1973, in the Superior Court of New Jersey, Chancery Division, Monmouth County, acquiring title to the above captioned property, and

WHEREAS, the Borough of Tinton Falls by Resolution properly adopted on November 21, 1978 authorized the sale of the above premises formerly known as Block 106B, Lot 7A and now known as Block 106.02, Lot 7.01 on the tax maps of the Borough of Tinton Falls, subject to public auction, and

WHEREAS, the above captioned premises was duly sold at public auction to John W. Chunn and Brenda Chunn, husband and wife, on December 12, 1978, pursuant to said Resolution, and

WHEREAS, a certain deed was prepared and executed by the parties on December 28, 1978 by The Borough of Tinton Falls, A Municipal Corporation as the Grantor and John W. Chunn and Brenda Chunn,

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husband and wife, as Grantees, conveying the above premises then known as Block 106B, Lots 7A on the Tax Maps of the Borough of Tinton Falls, now known as Block 106.02, Lot 7.01, and

WHEREAS, the Director of Law has advised that the above Deed was never recorded due to mistake or inadvertence, and

WHEREAS, the parties seek to reconfirm the prior conveyance intended under Deed dated December 28, 1978 as to the above captioned premises, and

WHEREAS, the Director of Law has prepared the attached Confirmatory Deed, reconfirming the transfer of the property as aforesaid and to be made effective as of December 28, 1978

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, Borough Clerk, Director of Law or other appropriate Administration Officials are hereby authorized to execute any and all documents, including a Confirmatory Deed and Affidavits of Title as may be deemed necessary by the Director of Law to reconfirm the conveyance of Title of Block 106.02, Lot 7.01 on the Tax Maps of the Borough of Tinton Falls to John W Chunn and Brenda Chunn, husband and wife for the stated consideration of \$1,100.00 and said conveyance hereby reconfirms vesting of title by the Borough of Tinton Falls as of December 28, 1978 to the Grantees John W. Chunn and Brenda Chun under a Deed dated December 28, 1978 previously transmitted to the parties.

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-08-129 RESOLUTION AUTHORIZING THE RE-PURCHASE OF A CERTAIN  
AFFORDABLE HOUSING UNIT KNOWN AS BLOCK 75, LOT 85, ALSO KNOWN  
AS 15 SPRING MEADOW DRIVE FROM THE PAPA FAMILY LIMITED  
PARTNERSHIP**

WHEREAS, The Borough of Tinton Falls, as Administrator of the Affordable Housing Plan of the Borough of Tinton Falls has determined that a certain affordable housing unit, Block 75, Lot 85, 15 Spring Meadow Drive, Tinton Falls, New Jersey, was previously subject to a Foreclosure and Final Sheriff's Sale, and

WHEREAS, the Borough of Tinton Falls is desirous of re-purchasing the unit under the Affordable Housing Plan and Rules and Regulations of the Council on Affordable Housing, in order to retain the unit as an affordable housing unit within the Borough of Tinton Falls, and

WHEREAS, the present title holder of the unit, PaPa Family Limited Partnership, a New Jersey Limited Liability Partnership, has entered into negotiations with the Borough of Tinton Falls to allow the Borough of Tinton Falls to purchase said unit for the sum of \$155,000.00, in order to settle the claim of the Borough of Tinton Falls to compel such repurchase, and

WHEREAS, the Director of Law has recommended the repurchase of the unit for the sum of \$155,000.00 in order to retain and preserve the Affordable Living Restrictions on the unit, and

WHEREAS, the Borough of Tinton Falls recognizes the public purpose as contained in the Fair Housing Act and the Rules and Regulations of the Council on Affordable Housing, and its obligations to take such efforts to preserve the Affordable Housing Restrictions of the units designated as Affordable Housing Units in the Tinton Falls Affordable Housing Plan previously adopted by the Borough, and

WHEREAS, the adequate funding for this purchase is provided in the Affordable Housing Trust Fund of the Borough of Tinton Falls,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor, Borough Administrator, Borough Clerk, Director of Law or other appropriate Administration Officials are hereby authorized to execute such contracts of sale and to do any and all acts necessary to secure title and acquire title to the above captioned property for a consideration of \$155,000.00 in order to re-establish the above unit as an affordable housing unit under the Affordable Housing Plan of the Borough of Tinton Falls and to take any all and steps necessary to resell the unit to persons qualified under the rules and regulations of the Affordable Housing Plan of the Borough of Tinton Falls and to expend such additional sums of money as are deemed necessary, for costs, search fees, etc. by the Director of Law to accomplish this transaction.

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.

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**R-08-130 RESOLUTION AUTHORIZING EXECUTION OF HOST AGREEMENT WITH  
MAZZA & SONS, INC.**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk be and are hereby authorized to execute the Host Agreement with Mazza & Sons, Inc., in the form 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. Tobin offered the following Resolution and moved its adoption, seconded by Mr. Baldwin.

**R-08-131 RESOLUTION – AUTHORIZING REFUND FOR PARTIAL APPLICATION  
FEE – ADRIAN AND LISA SEARIGHT**

WHEREAS, Adrian and Lisa Searight applied for the necessary application before the Zoning Board of Adjustment in the amount of \$396.00

WHEREAS, fees were received and deposited by the Borough of Tinton Falls in accordance with State Statutes, and

WHEREAS, Adrian and Lisa Searight were inadvertently charged for two variances instead of one

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$63.00 for overpayment of one variance be made to Adrian and Lisa Searight.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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Karen Mount-Taylor stated at this time she does not have any type of Resolution for this.

Mr. Berube gave Council the background on said Resolution.

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

**R-08-132 RESOLUTION AUTHORIZING A \$500.00 CONTRIBUTION OF THE NEW  
JERSEY LEAGUE OF MUNICIPALITIES LEGAL CHALLENGE FUND FOR  
THIRD ROUND REGULATIONS**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it authorizes a \$500.00 contribution to the New Jersey League of Municipalities Legal Challenge Fund pertaining to COAH Council on Affordable Housing Third Round 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-08-133 RESOLUTION - REJECTING BIDS CONTRACT #08-4 STAMPED  
CONCRETE FOR SOCIETY HILL CENTER ISLAND**

WHEREAS, bids were advertised on Wednesday, April 9, 2008, to be received on Wednesday, April 23, 2008 for the above contract for Stamped Concrete for Society Hill Center Island; and

WHEREAS, four bids were received ranging from \$127,792.00 to \$83,900.00 from the vendors listed on the attached tabulation sheet; and

WHEREAS, all bids exceeded the Borough's appropriation for this project, and according to NJSA 40A:11-13-2(b), a contracting unit may reject all bids if they "substantially exceed the contracting unit's appropriation for the goods or services; and

WHEREAS, W. Bryan Dempsey recommends all bids be rejected as they exceed the Borough's appropriation for this project and the project be rebid,

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NOW, THEREFORE, BE IT RESOLVED that the bids received be rejected at this time and the project be rebid.

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-08-134 RESOLUTION - OPPOSING REVISIONS TO THE WRONGFUL DEATH  
STATUTE**

WHEREAS, Liability claims against municipalities are already increasing 10% per year, and;

WHEREAS, the proposed revisions to the Wrongful Death Statute will ass another 6% to 10% to this cost, and;

WHEREAS, under the current wrongful death law, family members can already collect substantial compensation for actual losses such as medical bills and lost income as well as the loss of companionship, and;

WHEREAS, this bill will also allow juries to award substantial additional compensation for “emotional distress”, and;

WHEREAS, this bill is contrary to the principals in Title 59, and;

WHEREAS, without the limitations in Title 59, it would be very difficult for state, county and local government to respond to a wide range of emergency situations,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that we urge the legislature to exempt Title 59 entitles from any expansion of the Wrongful Death Stature,

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Ellen Karcher, Michael Panter, Jenifer Beck, Governor Corzine, Senate President Cody and Assembly Speaker Roberts.

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-08-135 RESOLUTION – AUTHORIZING THE BOROUGH OF TINTON FALLS TO  
APPLY FOR A GRANT FROM THE NJ DEPARTMENT OF COMMUNITY  
AFFAIRS, IN THE AMOUNT OF \$50,000.00**

WHEREAS, the Borough of Tinton Falls desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$50,000.00 to carry out a project to develop a Circulation Plan for the Borough of Tinton Falls.

BE IT THEREFORE RESOLVED, that the Borough of Tinton Falls does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the Borough of Tinton Falls and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

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-08-136 RESOLUTION AMENDING RESOLUTION R-07-347 NON-FAIR AND OPEN  
CONTRACT PROFESSIONAL WEBSITE DESIGN SERVICES - CONTRACT #PS  
#11-07**

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WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-347 on September 18, 2007, wherein QScend Technologies, 231 Bank Street, 2<sup>nd</sup> Floor, Waterbury, Ct., 06702 was awarded a Non-Fair and Open contract for Professional Website Design Services for an amount not to exceed \$17,495.00; and

WHEREAS, the contract requires an increase in the amount not to exceed an additional \$2,000.00 for additional hours over the contract proposal for a total contract in the amount of \$19,495.00; and

WHEREAS, QScend Technologies has completed and submitted a Business Entity Disclosure Certification which certifies that QScend 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 them 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 that QScend Technologies is hereby authorized to provide additional website design services for an additional amount not to exceed \$2,000.00 for a total contract in the amount of \$19,495.00.

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.

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

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-08-137 RESOLUTION – LIQUOR LICENSE EXTENSION OF PREMISES – TINTON FALLS HOTEL, LLC, T/A HOLIDAY INN, 700 HOPE ROAD, 1336-30-007-010**

WHEREAS, Tinton Falls Hotel, LLC, t/a Holiday Inn, 700 Hope Road, Tinton Falls, New Jersey, has made application to the Borough Council of the Borough of Tinton Falls for a place-to-place transfer including expansion of premises of Plenary Retail Consumption to include any grounds adjacent to the building's licensed premises,

WHEREAS, the Borough is in receipt of the twelve-page application, affidavit of publication, appropriate fees, and property description,

WHEREAS, no written objection has been received by the Municipal Clerk,

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License #1336-36-007-010 be and is hereby authorized for place-to-place transfer including expansion of premises to 700 Hope Road, Tinton Falls, New Jersey, upon the endorsement of the transfer on the license by the Borough Clerk; and,

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to endorse the transfer on the face of the license certificate showing the State assigned license number to be 1336-36-007-011.

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.

Karen Mount-Taylor stated unless someone has something to offer, there are no exceptions.

Mr. Pfeffer stated he has a correction on the April 15<sup>th</sup> payments, page 11, it should read Birdsall Engineering and not Barbara Birdsall, Esq.

**R-08-138 RESOLUTION – APPROVAL OF BILLS – MAY 6, 2008**

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

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SUMMARY

GENERAL	\$ 4,581,927.01
GENERAL TRUST	143,174.09
CAPITAL	54,981.67
DEVELOPERS ESCROW	55,684.75
DOG TRUST	2,195.23
GRANT FUND	16,575.18
SEWER	14,757.26
ADDITIONS	<u>2,402,540.96</u>
	\$ 7,271,836.15

ROLL CALL

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

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CONSENT AGENDA

Mayor Maclearie asked Council to amend the agenda to include the Resolutions for the Technical Advisory Committee.

Mr. Tobin offered a motion to accept the consent in its entirety, 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 amend the agenda to include Technical Advisory Committee appointments, 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 the following Resolution and moved its adoption, seconded by Mr. Baldwin

**R-08-153 RESOLUTION – APPOINTING MEMBERS OF TECHNICAL ADVISORY COMMITTEE**

BE IT RESOLVED that the appointment of the below listed persons is hereby confirmed:  
Darrell Wire to fill the unexpired term of Claude Campbell, said term to expire December 31, 2009  
Rob Mauro to fill the unexpired term of Paul Hughes, said term to expire December 31, 2008  
William Fong to fill the unexpired term of William Donnelly, said term to expire December 31, 2008  
Guy Buck, Alternate #1, to fill the unexpired term of Darrell Wire, said term to expire December 31, 2009  
Al Goldstein, Alternate #2, to fill the unexpired term of Rob Mauro, said term to expire December 31, 2009.

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 amend the agenda to include an execution of a TWA, seconded by Mr. Baldwin.

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ROLL CALL

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

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

**R-08-154 RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND  
DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS PROJECT:  
HOPE ROAD PHASE 2 SANITARY SEWER EXTENSION**

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the following are hereby authorized to execute TWA-1 forms on behalf of the Borough of Tinton Falls for the Hope Road Phase 2 Sanitary Sewer Extension project:

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

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-08-139 RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED  
CONTAINER FEE RICHARD DEMEO**

WHEREAS, one automated container was leased for 48 Cheyanne Street, Tinton Falls, from the Department of Public Works on October 10, 2005 for the sum of \$55.00.

WHEREAS, the container was returned to the Department of Public Works on April 4, 2008.

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

WHEREAS, the Director of Public Works recommends that a partial refund be made in the amount of \$35.00, taking out a set amount of money for the use of said container over the years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$35.00 be and hereby is granted to Richard Demeo, 50 Jumping Brook Road, Lakewood, NJ 08701.

ROLL CALL

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

\*\*\*\*\*

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

**R-08-140 RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of March 2008 fees totaling \$102.00 were paid by a resident of Tinton Falls for their child's participation in our Golf Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2008;

WHEREAS, during the month of April 2008 , the Recreation Superintendent was informed by the resident that the child due scheduling conflicts will be unable to participate in a program and a full refund in the amount of \$102.00 shall be issued for child Dean Patterson.

Maria Patterson	\$ 102.00
<hr/>	
Total	\$ 102.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$102.00 be issued.

**REGULAR/WORKSHOP MEETING  
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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-08-141 RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of March 2008 fees totaling \$102.00 were paid by a resident of Tinton Falls for their child's participation in our Golf Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2008;

WHEREAS, during the month of April 2008, the Recreation Superintendent was informed by the resident that the child will be unable to participate in the program due to a scheduling conflict with baseball and a full refund in the amount of \$102.00 shall be issued for the child Nico Ludden.

Jim/Roslyn Ludden	\$ 102.00
<hr/>	
Total	\$ 102.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$102.00 be issued.

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-08-142 RESOLUTION-REFUNDING RECREATION FEES**

WHEREAS, during the month of March 2008 fees totaling \$65.00 were paid by a resident of Tinton Falls for their child's participation in our Tee Ball Program.

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2008;

WHEREAS, during the month of April 2008 , the Recreation Superintendent was informed by the resident that the child has withdrawn from the program and shall be playing softball, as she is age appropriate and a full refund in the amount of \$65.00 shall be issued for child Suzanna Casler.

Lisa Casler	\$ 65.00
<hr/>	
Total	\$ 65.00

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$65.00 be issued.

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-08-143 RESOLUTION – REFUNDING ESCROW FEES – NEWPORT CORPORATE CENTER**

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use Applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

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

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

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

NEWPORT CORPORATE CENTER                      Account Number 1350-7705A

**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-08-144 RESOLUTION – REFUNDING ESCROW FEES– PARKVIEW MINOR  
SUBDIVISION**

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use Applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

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

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

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

PARKVIEW MINOR SUBDIVISION                      Account Number 1350-7706

**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-08-145 RESOLUTION - REFUNDING 2007 INTEREST & PRINCIPAL PAID ON  
SEWER TO BE APPLIED TO 2008 SEWER PRINCIPAL**

WHEREAS, a payment received for Sewer was applied in error to 2007 interest and 2007 principal on the following property.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>INTEREST</u>	<u>PRINCIPAL</u>	<u>2007 TOTAL</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	124.60	25	\$1.35	\$85.65	\$87.00

Re: Rama N. Baru & Venkata R. Koti  
8 Cheyenne Street

and,

WHEREAS, said error has resulted in an overpayment of the 2007 Sewers and interest 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 for the 2007 sewer interest and principal totalling \$87.00 is hereby approved for the aforementioned property. Said refund shall be applied to 2008 sewer principal.

**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-08-146 RESOLUTION - REFUNDING TAX OVERPAYMENT TO BE APPLIED TO  
SEWER ACCOUNT**

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WHEREAS, an overpayment of the 2007 4<sup>th</sup> quarter taxes on the following property has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2007 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, N.J. 07724	115	3.03	\$7,693.33

Re: Arkon Hospitality Group, LLC  
3 Centre Plaza

and,

WHEREAS, 54:49-15 provides an overpayment shall be credited against any liability of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$7,693.33 is hereby approved for the aforementioned property. Said overpayment shall be applied to the 2007 2<sup>nd</sup> quarter sewers plus interest.

**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-08-147 RESOLUTION - REFUNDING TAX OVERPAYMENT TO BE APPLIED TO  
2007 & 2008 TAXES & INTEREST**

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>
Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724	123	54.01	\$2,745.04

Re: Demenus & Van Arthos (Medco Plumbing)  
Green Grove Road

and,

WHEREAS, said reduction has resulted in an overpayment of the 2006 taxes by the property owner in the amount of \$2,745.04, 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 \$2,745.04 is hereby approved for the aforementioned property. Said overpayment shall be credited against future taxes.

**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-08-148 RESOLUTION - REFUNDING TAX OVERPAYMENT**

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>
R.S. Gasiorowski, Esq. Trustee for Manfred Demenus & Theodore Van Arthos 54 Broad Street Red Bank, NJ 07701	123	54.01	\$17,449.91

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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 \$17,449.91, 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 \$17,449.91, is hereby approved for the aforementioned property.

**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-08-149 RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2007 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2007 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Michael I Schneck, Trustee for Inkeepers Sunrise Tinton Falls, L.P. 33 Clinton Road, Suite 108 West Caldwell, NJ 07006	115	3.03	\$11,772.91

Re: 3 Centre Plaza

and,

WHEREAS, said reduction has resulted in an overpayment of the 2007 taxes by the property owner in the amount of \$11,772.91, 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 \$11,772.91, is hereby approved for the aforementioned property.

**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-08-150 RESOLUTION - REFUNDING TAX OVERPAYMENT**

WHEREAS, an overpayment of 2007 Taxes has been made as a result of a Tax Court of New Jersey reduction in the assessed value for the year 2007 to property known as:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Ed & Lisa Haran 4 Gallant Fox Drive Tinton Falls, NJ 07724	62.04	2	\$2,369.02

and,

WHEREAS, said reduction has resulted in an overpayment of the 2007 taxes by the property owner in the amount of \$2,369.02, 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 \$2,369.02, is hereby approved for the aforementioned property.

**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.

**REGULAR/WORKSHOP MEETING  
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**R-08-151 RESOLUTION - AUTHORIZING CANCELLATION OF MUNICIPAL  
CERTIFICATE OF SALE**

WHEREAS, Tax Sale certificate #2426 was issued to the Borough of Tinton Falls for delinquent sewers on Block 129.10, Lot 96 (12 Harrier Court), assessed to Mary Elizabeth Hayden, at a tax sale held on July 11, 2007; and,

WHEREAS, the mortgage company, Wells Fargo Home Mortgage, has redeemed Certificate #2426 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Borough of Tinton Falls are hereby authorized to endorse Certificate of Sale #2426 for cancellation.

ROLL CALL

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

NAYS: None

ABSENT: Mr. Morrill

ABSTAIN: None

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EXECUTIVE SESSION

Mr. Berube advised Council that there is no need for an executive session.

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

ROLL CALL

AYES: All in favor

NAYS: None

ABSENT: None

ABSTAIN: None

WORKSHOP MEETING

UNFINISHED BUSINESS - None

NEW BUSINESS

Mr. Skudera spoke regarding the rate increase of 23% – American Water Company.

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ADJOURNMENT

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

ROLL CALL

AYES: All in favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 11:04 P.M.

Respectfully Submitted,

Karen Mount Taylor, Borough Clerk

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