

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
November 27, 2007

Council President calls the meeting to order at 7:35 p.m.

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

All present stand for the salute to the Flag.

ROLL CALL:

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

ABSENT: Mr. Tobin,

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

APPROVAL OF MINUTES

Mr. Morrill offers a motion to approve the minutes of July 17, 2007, seconded by Mr. Ford.

ROLL CALL:

AYES, Mr. Baldwin, Mr. Morrill, Mr. Skudera

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN: Mr. Ford

Mr. Baldwin offers a motion to approve the minutes of August 7, 2007, seconded by Mr. Morrill.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN:

Mr. Baldwin offers a motion to approve the minutes of August 21, 2007, seconded by Mr. Morrill.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN:

Mr. Baldwin offers a motion to approve the minutes of September 4, 2007, seconded by Mr. Morrill.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN:

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Mr. Morrill offers a motion to approve the minutes of September 18, 2007, seconded by Mr. Baldwin.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN:

MAYORS REPORT

The Fort Monmouth Revitalization Planning Authority will be holding their monthly meeting November 28, 2007 at 7:00 p.m. in the Eatontown Borough Hall. The Mayor states that he had asked for a 270 day extension on when they can submit their plan to the Department of Defense. That approval was granted. He states that he will ask for shared emergency services on the Fort Monmouth property. The Mayor states that we should see a concept Master Plan very shortly. He does not expect it this month but possibly next.

The Technical Advisory Committee is currently looking for new members.

Liberty Park II had some clean up done down there and he wants to thank the Navesink River Swimming Group and the Brookdale Water Watch group that participated.

The budget meetings will be held this week here at Borough Hall for 2008.

ADMINISTRATORS REPORT

Mr. Dempsey reports that the New Jersey Department of Environmental Protection Trails Program grant deadline is the 15th of December.

Dyntek did an assessment; they are the company that installed the network for the Borough. He states that there will be an additional part time employee that will be hired to complete the network.

The emergency notification system was purchased from Code Red. The system should be up and running next week.

The library feasibility study has been completed on the Old Borough Hall and the study indicates it is not feasible for a library. Mr. Dempsey states he needs direction on what to do with the building.

The HVAC front end system is almost completed, the computer is being set up all wiring has been done.

Fox Chase II has changed their bylaws so that everyone will have to pay the same association fees.

The Committee that was established is helping with the Ordinances for the Master Plan. They have met twice and progress is being made.

Bids were received for Liberty Parks concession stand and they are being reviewed, and hopefully an award will be done at the next meeting. The bleachers and the press box have been constructed.

The municipal records from the old building are currently being moved over; there are still some remaining records there.

There will be an ordinance on for one of the next meetings for the new development on Shafto Road, Parkview Estates. The County is requiring no left turn in and out.

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Brian Nuygen did his Eagle Scout project at Sycamore Park. A flag pole some plantings and a light installed out there.

The Somers property negotiations have been completed and we can move forward with a closing by the end of the year.

CFO REPORTS

Mr. Pfeffer states that we recently received the added & omitted it tax bills for 2007. We billed the Boroughs net share for 2007. It was \$272,289.00 compared to \$502,669.00 in the prior year. So the ratables are down in 2007. We have preliminary numbers but that number changes up until December 31, 2007.

ENGINEERS REPORT

Mr. Hilla states that the road program is about 98% complete the contractor is just finishing some punch list items.

The Squankum Road pump station project is near completion.

The assessments for the CJS property should be completed within the next week, and the Somers property within the next two to three weeks.

DIRECTOR OF LAW REPORTS

Mr. Berube is pleased to report a closing before the end of the year on the CJS property, hopefully home to a new post office. Negotiations have finalized for the Somers Tract property. The target date for a closing is December 18, 2007 but it may be slightly thereafter.

COUNCIL REPORTS

Mr. Morrill asks about the pot holes on Hance Avenue. Mr. Dempsey states that is County property and he will make a phone call to find out what can be done.

Mr. Morrill asks where Mrs. Mount-Taylor's laptop is and why it has taken so long to get. Mr. Dempsey states he was suppose to have it in his hands by 4 p.m. this afternoon and when he went to go get it there was a note on it that said, need part, will be in Thursday. He has been assured by the IT technicians that are documents and files are secure, and he is not concerned about any breach of security pertaining to the records.

Mr. Morrill states that he was told the old municipal building was to be secure and the records were to be out of there. Mr. Morrill states when he drove past last week and today there where doors wide open. Mr. Dempsey states that unless somebody was moving things in there today that building should have been secure.

Mr. Ford states that in regard to the library feasibility study he believes we really need to give direction tonight as to what to do with the building.

Mr. Berube states that Council can give an oral indication of what they want to do with the building. If they give oral indication to solicit bids for demolition, Mr. Bucciero has already drawn up the specs, then a resolution of the Council can be placed on the next agenda for acceptance of those bids.

Mr. Ford offers a motion for the administration to solicit bids, seconded by Mr. Baldwin.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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Mr. Ford states that the School Board had a meeting last night with approximately 350 people in attendance. He states that the issue is a very vital one to our school system and our finances.

Mr. Skudera states that he would appreciate the mail room being locked and having key card access like it was intended to be, due to confidential mail and security.

Presentation from Mr. John Cantalupo

Mr. Cantalupo is in attendance to discuss the two Resolutions that are on the agenda tonight that pertain to the bonding. The bond sale will take place December 13, 2007. He states that there will be no principal and interest payments due until January 2009. He states with the internet there are traders that can submit bids. Mr. Cantalupo asks to reverse the two resolutions on the agenda for legal purposes.

Presentation from Mr. Pete Karavites on Naval Weapons Station Earl

Mr. Karavites gives a lengthy presentation on the effects of Naval Weapons Station Earl and the civilian housing that they are planning to open on the base in 2010. They have to open it by 2010 but they can open it earlier. He states there are many misconceptions and false reports on this situation and he wants Council to have the facts. He states that the Mayor of Colts Neck has been quoted in the Asbury Park Press saying that the agreement states that Tinton Falls will have to educate all civilian and military personnel. If you look at the memorandum of agreement that has been handed out you will see it clearly states, Navy dependant children residing on Naval Weapons Station Earl. Also included in the packet is a letter from the Department of Navy and it also says naval children. The documentation the Tinton Falls School Board signed 18 years ago all stated Naval children.

He states that the Mayor and Council of Colts Neck know the huge impact that will happen to their town and school district.

He states that the reason he is here tonight is to fight together and get legislation passed correcting the legislation that was written in 1988.

As we all know your children go to school where you reside that is basic NJ law. In 1987 Colts Neck sued the Department of the Navy and stated that they did not want to educate children in the new housing that the Navy will develop. To get this changed state law had to be changed. The problem is when the state law was changed and it was written, they wrote school age children who reside on Federal Property. The gentlemen who wrote this piece of information was John O'Bennett III who was also the attorney for Colts Neck and the School Board. Tinton Falls School Board found out that Colts Neck and the Navy knew about this civilian housing since 1988. Also we know that the Navy started working with Colts Neck in 2002 to get access roads. He states that Mr. Michael Panter worked very hard and got the legislation passed in the Assembly. Mrs. Karcher wrote similar legislation to get passed through the Senate. It has to go through the Education Committee and it did not get put on the agenda before the end of the session. When we went to the Assembly our newly elected Senate Representative fought vigorously to stop this legislation. She sat with the Colts Neck Board of Ed and asked them to stop it. She tried tabling it twice in the Assembly and got her fellow Republicans to abstain on it. We are hoping we can get enough pressure to Senator Cody, since it passed in the Assembly it can be put right onto the floor, and be passed in the Senate and then be passed by Governor Corzine. In 2007 Colts Neck has received over \$750,000.00 in impact fees without educating one child. Tinton Falls has received \$160,000.00 for educating ninety children. Since 1994 Colts Neck has received over \$5.5 Million dollars in impact fees without educating one child. He states that they are going to use 113 demolished units to do their third round COAH obligation.

Mr. Skudera recommended which Mr. Karavites is in agreement with, that the School Board and Council meet together at an announced meeting, move forward on a committee and work on a legal strategy.

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Mr. Karavites states that the School Board has a four percent cap. If this takes place the first thing that would need to be cut is programs, such as Kindergarten, courtesy bussing, sports, art, music, after school homework clubs etc.. We would have increased class size which is already at twenty-five children.

A twelve million dollar referendum which isn't a lot when you think about adding classrooms and additions and with a home that is assessed at \$200,000.00 will cost the taxpayer \$200.00 a year for thirty years. That does not include staffing, heating, etc..that would be another \$200.00.

Mr. Ford states we are behind you in whatever you need us to do.

Mr. Skudera states that he is glad to see that the town government and the School Board are working together. We have to make sure this legislation is passed because it will affect every taxpayer in Tinton Falls.

PETITIONS

NONE

ORDINANCE FOR INTRODUCTION

NONE

ORDINANCES FOR FINAL CONSIDERATION

Borough Clerk reads Ordinance No. 07-1223 entitled "*ORDINANCE OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$100,000 TO FUND THE PREPARATION OF A REVISION AND CODIFICATION OF BOROUGH ORDINANCES.*"

Mr. Ford offers a Motion open Public Hearing on Ordinance 07-1223, seconded by Mr. Morrill.

ALL IN FAVOR
NAYES: None
ABSENT: Mr. Tobin
ABSTAIN: None

PUBLIC HEARING NOW OPEN

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

ALL IN FAVOR
NAYES: None
ABSENT: Mr. Tobin
ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Ford offers a motion to adopt Ordinance No. 07-1223, seconded by Mr. Morrill.

ROLL CALL:
AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYES: None
ABSENT: Mr. Tobin
ABSTAIN: None

Borough Clerk reads Ordinance No. 07-1232 entitled "*AN ORDINANCE OF THE BOROUGH*

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*OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE
BOROUGH OF TINTON FALLS LAND USE ORDINANCE TO INCLUDE WIRELESS
TELECOMMUNICATIONS EQUIPMENT - SECTION 40-77(W)*

Mr. Morrill offers a Motion open Public Hearing on Ordinance No. 07-1232, seconded by Mr. Ford.

ALL IN FAVOR

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN: None

PUBLIC HEARING NOW OPEN

There being no questions from the public, Mr. Baldwin offers a Motion close the Public Hearing, seconded by Mr. Morrill.

ALL IN FAVOR

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Baldwin offers a Motion to adopt Ordinance No. 07-1223, seconded by Mr. Morrill.

Mr. Morrill states that he agrees with the Planning Boards statement that we are not zoned to have this in certain areas, but do we want to make some guidelines so that we don't run into a problem again. We don't want it to affect the children of Tinton Falls.

Mr. Berube states that the Planning Boards decision that it was inconsistent with The Master Plan, having these wireless towers in residential areas and particularly in areas where there may be schools. There are options to the Council that respect the recommendations of the Planning Board. If the Council were to choose not to adopt this ordinance and to redraft another one with recommendations, that is available at a future time. The other option is to adopt the ordinance as is and amend at a later time.

Mr. Skudera states that there is another drafted ordinance that we can introduce today and vote this one down, if we do that we can have it introduced and adopted by year end.

ROLL CALL:

AYES:

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

ABSENT: Mr. Tobin

ABSTAIN: None

THE ORDINANCE IS NOT ADOPTED

Mr. Baldwin offers a motion to amend the agenda to include the new cell tower Ordinance No. 07-1236, seconded by Mr. Morrill.

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. Tobin
ABSTAIN: None

Mr. Baldwin offers a motion to introduce Ordinance No. 07-1236, seconded by Mr. Morrill.

Borough Clerk reads Ordinance No. 07-1236 entitled "*AN ORDINANCE OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE BOROUGH OF TINTON FALLS LAND USE ORDINANCE TO INCLUDE WIRELESS TELECOMMUNICATIONS EQUIPMENT - SECTION 40-77(W)*"

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

The Public Hearing is to be set at the convenience of the Clerk.

Borough Clerk reads Ordinance No. 07-1233 entitled "*ORDINANCE CREATING THIRD-PARTY PAYROLL DISBURSEMENT PURSUANT TO N.J.S.A. 52:27D-20.1 AND N.J.A.C. 5:30-17.1, et seq OF THE CODE OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.*"

Mr. Ford offers a Motion open Public Hearing on ordinance 07-1233, seconded by Mr. Morrill.

ALL IN FAVOR

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

PUBLIC HEARING NOW OPEN

Don Romelfanger, Gun Club Road, asks about the Master Plan and when it will be in effect. Mr. Skudera states that this hearing is solely to discuss the Ordinance.

There being no further questions from the public, Mr. Ford offers a Motion to close the Public Hearing, seconded by Mr. Morrill.

ALL IN FAVOR

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Morrill offers a Motion to adopt Ordinance No. 07-1223, seconded by Mr. Ford.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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Borough Clerk reads Ordinance No. 07-1234 entitled "*BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS THE SOMERS TRACT FOR OPEN SPACE PRESERVATION PURPOSES IN THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,600,000 THEREFOR (INCLUDING GREEN ACRES AND MONMOUTH COUNTY GRANTS) AND AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.*"

Mr. Morrill offers a Motion to open the Public Hearing on Ordinance No. 07-1234, seconded by Mr. Ford.

ALL IN FAVOR
NAYES: None
ABSENT: Mr. Tobin,
ABSTAIN: None

PUBLIC HEARING NOW OPEN

Leo Christofili, 328 Riveredge Road, asks why we are accepting money from the State of New Jersey which is basically bankrupt. He states by doing this we just add to the debt that it is in. He recommends that we discontinue accepting these kinds of grants.

Mr. Skudera states that this ordinance is needed in order to purchase the Somers Tract, which is to preserve land in Tinton Falls.

Mr. Berube states that this Ordinance is necessary to preserve the Open Space and prevent over development on the property.

There being no more questions from the public, Mr. Baldwin offers a Motion to close the Public Hearing, seconded by Mr. Ford.

ALL IN FAVOR
NAYES: None
ABSENT: Mr. Tobin,
ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Ford offers a motion to adopt Ordinance No. 07-1234, seconded by Mr. Morrill.

Mr. Ford states that he understands the point Mr. Christofili is trying to make, but he thinks that this is an excellent acquisition, and he extends his compliments to Mr. Morrill and the Open Space Committee for all the work they did. He states that if you walk this property you would not realize you were even in Tinton Falls, it gives the feeling of being in the west, with the woods & the trees. He thanks them for doing such a great job.

Mr. Morrill invites the public to walk these trails on December 1, 2007 with the Open Space Committee.

Mr. Baldwin states that when grant money is offered it is not frivolous spending, it is money offered to municipalities to do good things for their community. We need to recognize that when the Borough asks for that kind of money it is more than just an extension of the will of the people. It is to do what the state is encouraging us to do, weather it be the preservation of land or whatever the grant money came for.

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

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NAYES: None
ABSENT: Mr. Tobin,
ABSTAIN: None

Borough Clerk reads Ordinance No. 07-1235 entitled "*BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 07-1215 (WHICH PROVIDES FOR THE 2007 ROAD AND RECREATION TRAIL RECONSTRUCTION, CONSTRUCTION AND RESURFACING PROGRAM) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 6, 2007, AS AMENDED AND SUPPLEMENTED ON SEPTEMBER 4, 2007, TO AMEND THE DESCRIPTION SET FORTH THEREIN.*"

Mr. Morrill offers a Motion open the Public Hearing on ordinance 07-1235, seconded by Mr. Baldwin.

ALL IN FAVOR
ROLL CALL:
AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYES: None
ABSENT: Mr. Tobin,
ABSTAIN: None

PUBLIC HEARING NOW OPEN

Leo Christofili, 328 Riveredge Road, directs his comments to Mr. Dempsey and states that he believes it was said, that the roads that planned to be resurfaced for 2007 has been completed. He asks if that is accurate or inaccurate.

Mr. Skudera states that is correct. Mr. Christofili states that he believes he heard of the 2.4 million dollar bond for the roads for 2007, that there was only a million used. Mr. Skudera states that is correct and we saved more money than anticipated. He asks what the Council and the Mayor plan to do with the 1.4 million dollars that is left, given the debt bond of Tinton Falls is approximately 35 million dollars including the schools. Mr. Skudera states that the plan is to pave more roads with that money, because if you don't start now there will be a bigger cost all at once to fix these.

There being no more questions from the public, Mr. Morrill offers a Motion close the Public Hearing, seconded by Mr. Ford.

ALL IN FAVOR
NAYES: None
ABSENT: Mr. Tobin,
ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Morrill offers a Motion to adopt Ordinance No. 07-1223, seconded by Mr. Ford.

ROLL CALL:
AYES: Mr. Baldwin, Mr. Ford, Mr. Morrill, Mr. Skudera
NAYES: None
ABSENT: Mr. Tobin,
ABSTAIN: None

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Mr. Morrill offers the following resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-410 - HONORING EAGLE SCOUT ACHIEVEMENT OF
STEVEN TEGETHOFF**

WHEREAS, Steven Tegethoff has been involved in scouting since 1997, and,
WHEREAS, Steven, has earned 22 merit badges, hiked 49 miles, biked 240 miles, paddled 130 miles, camped out 140 nights and volunteered over 500 hours of community service, and
WHEREAS, Steven, as a member of Troop 49 achieved many honors; Order of the Arrow, Vigil Honor, VFW Certificate of Recognition and many troop leadership positions: Historian, Patrol Leader, Instructor, Troop Guide, and Junior Assistant Scoutmaster, and
WHEREAS, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting, and
WHEREAS, the Mayor and the Borough Council of the Borough of Tinton Falls would like to commend Steven for his achievement in reaching a goal that a few Scouts acquire,
NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Steven Tegethoff be congratulated for receiving the rank of Eagle Scout, and
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Boy Scouts of America, Troop 49.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers a motion to open the Public Discussion portion of the meeting, seconded by Mr. Ford.

ALL IN FAVOR

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Don Romelfanger, 11 Gun Club Road, asks about the Master Plan and when it will be in effect. Mr. Dempsey states that the Master Plan is currently in effect. The Ordinances have not been adopted by Council. They are being drafted now, hopefully within the next two months or so they should be completed.

There being no more comments from the Public, Mr. Morrill offers a motion to close Public Discussion, seconded by Mr. Ford.

ALL IN FAVOR

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

None

RESOLUTIONS

Mr. Baldwin offers to carry Resolution R-07-391 to the December 11, 2007 meeting, seconded by Mr. Ford.

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BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that _____ is hereby appointed as Alternate Member #2 to Zoning Board of Adjustment. Term to expire 6/30/10.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

R-07-411 - RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, N.J.S. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that transfers between 2007 Budget Appropriations be made as follows:

| <u>Municipal Budget</u> | <u>FROM</u> | <u>TO</u> |
|-------------------------------|-------------|------------|
| Borough Clerk: | | |
| Other Expenses | \$ 10,000 | |
| Municipal Court: | | |
| Other Expenses | 13,000 | |
| Building & Grounds: | | |
| Other Expenses | 40,000 | |
| Parks: | | |
| Other Expenses | 12,000 | |
| Sanitation: | | |
| Landfill/Solid Waste Disposal | 21,500 | |
| Condominium Services: | | |
| Other Expenses | 20,000 | |
| Central Maintenance: | | |
| Other Expenses | | \$ 20,000 |
| Utilities: | | |
| Electric | | 50,000 |
| Telephone | | 10,000 |
| Fire Prevention: | | |
| Salaries & Wages | | 1,500 |
| Engineering: | | |
| Other Expenses | | 35,000 |
| | ----- | ----- |
| | \$ 116,500 | \$ 116,500 |

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-412 - RESOLUTION IMPLEMENTING A LENGTH OF SERVICE AWARD PLAN

WHEREAS, the Borough of Tinton Falls (Sponsoring Agency) deems it appropriate and necessary to act to ensure retention of existing volunteers and to provide incentives for recruiting new volunteer first aid/rescue squad members; and

WHEREAS, certain tax benefits could accrue to eligible volunteer first aid/rescue organization members; and

WHEREAS, the Sponsoring Agency created a Length of Service Award Program (LOSAP) by Ordinance 03-1100 which was adopted on July 22, 2003;

NOW, THEREFORE, BE IT RESOLVED THAT, the Borough Council of the Borough of Tinton Falls hereby adopts a Length of Service Award Plan Document provided by The Variable Annuity Life Insurance Company (VALIC) with the following identifier: 02-LOSAP-VALIC-120800.

BE IT FURTHER RESOLVED that:

- (1) A request for proposals for a Length of Service Award Plan was prepared and made available to providers of such services.
- (2) The vendors responding to the request for proposals were Lincoln National Life Insurance Company and The Variable Annuity Life Insurance Company (VALIC).
- (3) The successful vendor is VALIC. VALIC was selected because VALIC has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan.

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BE IT FURTHER RESOLVED that VALIC shall be retained by the Sponsoring Agency as the contractor under the LOSAP, and VALIC shall educate all eligible volunteers of the Sponsoring Agency regarding the Plan and shall enroll and service those eligible volunteers who participate in the Plan. As enrolling agent, VALIC shall be the exclusive agent for its funding options to be offered under the Plan.

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of the contractor in the selection of a contractor for the administration of a Length of Service Award Plan pursuant to N.J.A.C. 5:30-14.29.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to serve as the Local Plan Administrator of the Plan and to execute a Length of Service Award Plan with VALIC and that such Plan has been assigned by the Director of the Division of Local Government Services the following identifier: 02-LOSAP-VALIC-120800 and to submit all necessary documents to the Director of the Division of Local Government Services within the Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that the Sponsoring Agency is adopting a Length of Service Award Plan document on which VALIC has a favorable opinion of counsel indicating that the funds contributed for the benefit of volunteers shall not be taxable for the purposes of the Internal Revenue Service until the actual receipt of such funds by the volunteer due to retirement, termination after vesting, death or disability.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-413 - RESOLUTION INCREASING THE AMOUNT OF THE
BOROUGH OF TINTON FALLS LOSAP CONTRIBUTION**

WHEREAS, the Borough of Tinton Falls created a Length of Service Award Program (LOSAP) by Ordinance 03-1100 adopted July 22, 2003; and

WHEREAS, said Length of Service Award Program provides for annual contributions to eligible members of the Emergency Medical Service Squads in the amount of \$1,150.00 subject to periodic consumer price index increases if so determined by the Borough Council of the Borough of Tinton Falls pursuant to law; and

WHEREAS, the Director of the Division of Local Government Services has adjusted the maximum contribution to be increased 2.0% for the year 2006, which would bring the Borough's maximum contribution to \$1,278.42 for each eligible member; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has determined that the annual contribution shall be increased to the 2006 maximum contribution amount;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the LOSAP contribution for each eligible member be increased to \$1,278.42.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-414 RESOLUTION APPROVING LISTS OF VOLUNTEERS WHO QUALIFY
FOR THE BOROUGH OF TINTON FALLS
LENGTH OF SERVICE AWARD PROGRAM (LOSAP)
FOR THE YEAR 2006**

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 2006; and

WHEREAS, the 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 2006 are hereby approved.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

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ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-415 RESOLUTION - AUTHORIZING MAYOR & MUNICIPAL CLERK TO EXECUTE
AGREEMENT WITH COUNTY OF MONMOUTH SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM**

BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk are hereby authorized to execute a foodshopping agreement with the County of Monmouth for Special Citizens Area Transportation System (S.C.A.T.) for 2008.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers a motion for the following Resolution and moves its adoption, seconded by Mr. Morrill

**R-07-416- CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
TO SIGN A CERTIFICATION PROHIBITING THE USE
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING
THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for **FY 2007**; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Tinton Falls execute a project agreement with Monmouth County to undertake a project known as ADA Improvements to Soccer Complex; and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Tinton Falls sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Tinton Falls has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Tinton Falls has met the conditions of receiving a **FY 2007** allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Tinton Falls is hereby authorized to sign the attached certifications which will become part of the **FY 2007** Project Agreement.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Ford asks for clarification on this resolution. Mr. Berube states that the Federal Legislation has a tack on provision, a requirement that each municipality certify those two items, one that they are not using any federal funds for lobbying purposes, and secondly that we have a policy against the use of excessive force. It doesn't indicate any past practices or present practices it merely is a tack on requirement for certification processes for the community block grants.

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ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R07-417 - CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH
COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2007
COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for **FY 2007** from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY2007 to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as **Borough of Tinton Falls** with a grant allocation of **\$148,655.00**

WHEREAS, the **Borough of Tinton Falls** hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the **Borough of Tinton Falls** has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the **Borough of Tinton Falls** authorized to execute with the County of Monmouth the attached Project Agreement.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers a motion for the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-418- RESOLUTION TINTON FALLS EMS SOUTH POLITICAL CONTRIBUTION DISCLOSURE

WHEREAS, the Tinton Falls EMS South has requested payment of the 2007 first aid appropriation, \$40,375, from the 2007 municipal budget, and;

WHEREAS, the Tinton Falls EMS South has completed and submitted a Political Contribution Disclosure form in accordance with P. L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Tinton Falls as follows:

I hereby certify funds are available as follows:

Current Budget:

First Aid – Other Expenses \$40,375

1612-4035

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers a motion for the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-419 -RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE EQUIPMENT LIST FOR THE
2005 LEASE PURCHASE AGREEMENT WITH THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, the Director of Public Works has determined that there are excess funds in the 2005 lease purchase acquisition fund and the Department wishes to purchase the following additional equipment:

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Refuse Containers \$40,000

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the Chief Financial Officer is hereby authorized and directed to amend the equipment list for the 2005 Lease Purchase Agreement with the Monmouth County Improvement Authority and to execute all documents necessary to make such amendments.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers a motion for the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-420 - RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND
DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS
PROJECT: ROSE GLEN AT TINTON FALLS**

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 Rose Glen at Tinton Falls project:

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers motion for the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-421 - RESOLUTION – AUTHORIZING MAYOR, ADMINISTRATOR AND
DIRECTOR OF PUBLIC WORKS TO EXECUTE TWA-1 FORMS
PROJECT: TRADITIONS AT TINTON FALLS**

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 Traditions at Tinton Falls project:

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-422- RESOLUTION AUTHORIZING THE PURCHASE OF PREMISES KNOWN AS BLOCK 35 Lots 1.02 & 1.03 ALSO
KNOWN AS 79-85 RIVERDALE AVENUE EAST, TINTON FALLS NJ,**

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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 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 at least equal to the requested purchase price of One Million Five Hundred Thousand Dollars and

WHEREAS, the Open Space Committee of the Borough of Tinton Falls has recommended the purchase of the above captioned lots 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, the owner of the above noted premises have indicated their consent to the purchase 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

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 lots 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, and Administrator of the Borough of Tinton Falls are hereby authorized to execute any and all contracts for purchase and any and all documents as are deemed necessary and to perform such activities as are necessary in order to consummate the purchase of the above captioned premises known as Block 35 Lots 1.02 and 1.03 for a total consideration of One Million Five Hundred Thousand Dollars, to be allocated as to the parcels as may be deemed appropriate by the parties and to fulfill the terms of the purchase contract or contracts as may be recommended by the Director of Law and executed in accordance with this resolution.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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

R07-423 - RESOLUTION TO APPROVE SETTLEMENT

WHEREAS, an action was commenced by John Sanchez against the Borough of Tinton Falls under case number EN36WM-50744-H venued in the State of New Jersey, Department of Law and Public Safety, Division on Civil Rights and,

WHEREAS, the Borough of Tinton Falls has, through special labor counsel, entered an appearance and has vigorously defended said action, and

WHEREAS, the Director of the Division on Civil Rights has not made any findings based on the merits of the matter and

WHEREAS, the Director of Law has recommended the settlement of the claims contained in this action upon certain terms and conditions contained in a certain Negotiated Settlement Agreement negotiated by the parties upon the stipulation that said settlement shall not constitute any admission of liability or wrongdoing by any party and that, as this matter involves employment and personnel issues, the terms and conditions therein shall remain confidential and shall not be used as evidence or for any other purpose in any other proceedings, and

WHEREAS, the Borough Council of the Borough of Tinton Falls finds that it is in the best interests of the Borough of Tinton Falls to provide for the settlement of all claims through the execution of the above agreement,

NOW THEREFORE, BE IT RESOLVED: that the Mayor, Administrator, Chief Financial Officer and Borough Clerk be and are hereby authorized to execute the Negotiated Settlement Agreement referred to above, together with any and all other Settlement, Release and Non-Disclosure Agreements or other documents and to provide such sums and to take such further actions as may be deemed reasonably necessary by the Director of Law to effectuate the settlement of the above action in accordance with the terms herein

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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

R-07-424 - RESOLUTION TO SUPPORT ASSEMBLY BILLS 4501 & 4492

WHEREAS, the Borough of Tinton Falls has become aware of the potential for the financial liability for educating non-military dependents of certain civilian persons who may reside in areas within the U.S. Naval Weapons Station Earle; and,

WHEREAS, the Tinton Falls Board of Education has faithfully educated Navy military dependent children living in Naval Weapons Station Earle for the past eighteen years at costs exceeding the funding from the Federal government; and,

WHEREAS, the taxpayers of Tinton Falls and Shrewsbury Township have subsidized the education of these children with their property taxes in full support of their parents' military mission and sacrifices; and,

WHEREAS, the Tinton Falls Board of Education has indicated its position that the present agreement is limited to the

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education of children of the military assigned to Naval Weapons Station Earle; and,

WHEREAS, the Department of the Navy has indicated its intention to lease available housing at Naval Weapons Station Earle to civilians and the potential to send the dependents of these civilians to the Tinton Falls School System commencing on or about 2010; and,

WHEREAS, the Borough of Tinton Falls would have no jurisdiction to tax, receive impact aid, assess educational services fees or otherwise secure appropriate financial assistance for these potential students without the passage of the two bills noted above; and,

WHEREAS, the influx of any civilian students from military properties would inequitably overburden the facilities and resources of the Tinton Falls Board of Education and increase taxes on its residents without the appropriate financial assistance which would be provided under the two bills noted above,

NOW THEREFORE, BE IT RESOLVED AND KNOWN: that the Mayor and Borough Council of the Borough of Tinton Falls do hereby support the efforts of the Tinton Falls Board of Education in their on-going advocacy to fully provide for the continuing education of Naval dependent residents of Naval Weapons Station Earle within the Tinton Falls School System and to equitably allocate and provide for the financial burden therefore so as to protect the taxpayers of the Borough of Tinton Falls from unreasonable costs and expenditures and call upon the elected state representatives to assist the Borough of Tinton Falls and the Borough of Tinton Falls Board of Education in securing passage of Assembly Bills 4501 and 4492 in order to more equitably adjust the costs of the education for those involved.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-425 - RESOLUTION AUTHORIZING CHANGE ORDER #1
DECREASING CONTRACT FOR PHASE I PROJECT AT THE CRAWFORD HOUSE IN THE AMOUNT OF \$3,000.00**

WHEREAS, bid for Phase I Project at the Crawford House was awarded to Helios Construction, Inc., by Resolution R-07-128 in the amount of \$132,000.00 at a meeting held on April 10, 2007; and

WHEREAS, letter dated September 28, 2007 from Historic Building Architects, LLC (annexed hereto and part hereof) requests Change Order #1 **decreasing** contract in the amount of \$3,000.00 for a total contract in the amount of \$129,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Final Change Order #1 decreasing the above contract in the amount of \$3,000.00 for a total contract in the amount of \$129,000.00 is hereby authorized for the above contract awarded to Helios Construction, Inc., 1321-A Allenhurst Avenue, Ocean, NJ 07712.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R07-426 - RESOLUTION AMENDING RESOLUTION R-07-053 PROFESSIONAL GENERAL ENGINEERING SERVICES
NON-FAIR AND OPEN CONTRACT PS #3-07**

WHEREAS, the Borough of Tinton Falls adopted Resolution R-07-053 on February 6, 2007, wherein Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724 was awarded a Non-Fair and Open contract for General Engineering Services for an amount not to exceed \$115,000.00; and

WHEREAS, this contract requires an increase not to exceed an additional \$52,000.00 (\$43,000.00 for General Engineering and \$9,000.00 for sewer related engineering) for a total contract not to exceed \$167,000.00 through December 31, 2007; and

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

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

1. The contract for Birdsall Engineering, Inc., 611 Industrial Way, Eatontown, NJ 07724 is hereby increased an additional \$52,000.00 for general engineering services described above for a total contract not to exceed \$167,000.00.
1. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for performed by persons authorized by law to practice a recognized profession.
2. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Tinton Falls.
3. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify additional funds are available contingent upon appropriation transfer resolution approved by Borough Council on 11/27/07 from: Current Fund: Engineering: \$43,000.00

Sewers

\$ 9,000.00

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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

**R-07-427 - RESOLUTION OF AWARD CONTRACT #07-12
IN-CAR DIGITAL VIDEO SURVEILLANCE SYSTEM**

WHEREAS, bids were advertised on Monday, October 22, 2007 and two bids were received on Thursday, November 8, 2007 for the above contract

WHEREAS, ICOP Digital, Inc., 16801 West 116th Street, Lenexa, Ks. 66219 submitted the lowest responsible bid in the amount of \$118,540.04 for the In-Car Digital Video Surveillance System which includes 19 in-car units, plus complete records storage and viewing system, program and hardware needed to be viewed on the police network, including installation at police headquarters and \$4,700.00 for each additional in-car unit as needed; and

WHEREAS, the Purchasing Agent has found the bid to be in order and Gerald Turning, Chief of Police, recommends award to the lowest responsible bidder, ICOP Digital, Inc.;

NOW, THEREFORE BE IT RESOLVED that ICOP Digital Inc. 16801 West 116th Street, Lenexa, Ks. 66219 be awarded a contract in the amount of \$118,540.04 for the In-Car Digital Video Surveillance System described above.

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

I hereby certify funds are available from:

MCIA - 2007 Lease Purchase

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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

**R-07-428 - RESOLUTION AMENDING R-92-49 ESTABLISHING POLICY FOR ORDER OF BUSINESS AGENDA FOR THE
BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS**

WHEREAS, Chapter II, Administrative Code, Article I, 2-1 Short Title; Definitions, Construal, 2.2.9 Order of Business of the Revised General Ordinances of the Borough of Tinton Falls provides that business of the Borough Council at each regular meeting shall be taken for consideration and disposition as established by Resolution, and

WHEREAS, the Borough Council of the Borough of Tinton Falls desires to amend the order of business,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey that the following policy for the order of business is hereby established:

REGULAR MEETING

- A. CALL TO ORDER
- B. SALUTE TO FLAG
- C. ROLL CALL
- D. APPROVAL OF MINUTES
- E. REPORT OF MAYOR/COUNCIL/ADMINISTRATION
- F. PETITIONS
- G. ORDINANCES FOR INTRODUCTION
- H. ORDINANCES FOR FINAL CONSIDERATIONII
- I. PUBLIC DISCUSSION
- J. MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER
- K. RESOLUTIONS
- L. EXECUTIVE SESSION - RESOLUTION PURSUANT TO N.J.S.A. 10:4-2
- M. ADJOURNMENT TO WORKSHOP MEETING

WORKSHOP MEETING

1. UNFINISHED BUSINESS
 - a.
 - b.
 - c.
2. NEW BUSINESS
 - a.
 - b.
 - c.
3. ADJOURNMENT

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

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ABSTAIN: None

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

R-07-430 - RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$8,688,000 IN PRINCIPAL AMOUNT

WHEREAS, the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the "Borough"), has heretofore adopted bond ordinances authorizing bonds to finance part of the costs of certain capital improvements throughout the Borough to be borne by the Borough at large; and

WHEREAS, it is necessary to issue bonds pursuant to said bond ordinances in an aggregate principal amount of \$8,688,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of issuing and marketing of said bonds, to combine the bonds authorized under said bond ordinances into one consolidated issue in an aggregate principal amount of \$8,688,000, pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law");

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Obligation Bonds (the "Bonds") in an aggregate principal amount of \$8,688,000.

Section 2. The principal amount of bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

| <u>Ordinance Number</u> | <u>Description and Date of Final Adoption</u> | <u>Amount of Issue</u> | <u>Useful Life</u> |
|---|---|------------------------|--------------------|
| 01-1050 | Acquisition Of Property For Use As Open Space, Finally Adopted 4/23/01 | \$685,115 | 25 years |
| 01-1060, as amended by 01-1061, as amended by 02-1077, as amended by 04-1125, as amended by 05-1159, as amended by 06-1181 | Phase I Of The Construction Of A New Municipal Complex, Finally Adopted 10/16/01 (01-1060), 10/16/01 (01-1061), 8/20/02 (02-1077), 7/20/04 (04-1125), 9/6/05 (05-1159) And 5/2/06 (06-1181) | \$4,660,000 | 25 years |
| 04-1115 | Acquisition Of Various Vehicles For The Department Of Public Works, Finally Adopted 3/16/04 | \$624,885 | 5 years |
| 04-1130, as amended by 04-1133 | 2004 Road Improvement Program, Finally Adopted 9/7/04 (04-1130) And 12/7/04 (04-1133) | \$416,000 | 15 years |
| 05-1166 | Improvements To The Sycamore Soccer Complex And Related Park Improvements, Finally Adopted 12/27/05 | \$155,000 | 15 years |
| 07-1215, as amend by 07-1226, as amended by 07-1235 | 2007 Road And Recreation Trail Reconstruction, Construction And Resurfacing Program, Finally Adopted 3/6/07 (07-1215), 9/4/07 (07-1226) And 11/27/07 (07-1235) | \$2,147,000 | 20 years |

TOTAL \$8,688,000

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 21.67 years.

(b) The Bonds of the combined issue shall be designated "General Obligation Bonds, Series 2007" and shall mature within the average period of usefulness hereinabove determined.

(c) The Bonds of the combined issue shall be sold and issued to the MCIA in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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

R-07-429 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$8,688,000 GENERAL OBLIGATION BONDS, SERIES 2008, OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH") AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The \$8,688,000 General Obligation Bonds, Series 2008, of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey (the "Borough") referred to and described in the resolution duly adopted by the Borough Council pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), on November 27, 2007 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OF THE BOROUGH OF TINTON FALLS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$8,688,000 IN PRINCIPAL AMOUNT", shall be issued and designated as General Obligation Bonds, Series 2008, of the Borough (the "Bonds"). The Bonds shall mature in the principal amounts on January 1, in each of the years as follows:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2009 | \$293,000 | 2020 | \$415,000 |
| 2010 | 295,000 | 2021 | 430,000 |
| 2011 | 300,000 | 2022 | 450,000 |
| 2012 | 305,000 | 2023 | 470,000 |
| 2013 | 315,000 | 2024 | 490,000 |
| 2014 | 330,000 | 2025 | 510,000 |
| 2015 | 340,000 | 2026 | 535,000 |
| 2016 | 355,000 | 2027 | 560,000 |
| 2017 | 370,000 | 2028 | 575,000 |
| 2018 | 380,000 | 2029 | 575,000 |
| 2019 | 395,000 | | |

The Bonds are subject to redemption prior to maturity in accordance with the bond form attached hereto as Exhibit A. The Bonds shall be twenty-one (21) in number, unless the purchaser shall structure a portion of the serial maturities as one or more term bonds in accordance with the Local Bond Law and the Notice of Sale (as defined herein) authorized herein, with one bond certificate being issued for each year of maturity and shall be designated and numbered from GO-1 upwards.

Section 2. The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as Securities Depository (the "Securities Depository") for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book entry system for recording the interests of its Participants ("Participants") or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$1,000 or any integral multiple thereof, with a minimum purchase of \$5,000, through book entries made on the books and records of DTC and its Participants. The Bonds will be dated their date of delivery and shall bear interest from such date, which interest shall be payable semiannually on the first day of January and July in each year until maturity or prior redemption, commencing January 1, 2009, at a rate or rates per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough, or some other paying agent as the Borough may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the Participants of DTC as listed on the records of DTC as of each June 15 and December 15 for the Bonds (the "Record Dates"). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer of the Borough under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Borough. The following matters are hereby determined with respect to the Bonds:

| | |
|--------------------------------|---|
| Date of Bonds: | Date of Delivery; |
| Principal Payment Date: | January 1, 2009 and each January 1 thereafter until maturity or prior redemption; |
| Interest Payment Dates: | Semiannually on each January 1 and July 1 until maturity or prior redemption, commencing January 1, 2009; |
| Place of Payment: | Cede & Co., New York, New York. |

Section 3. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel to the Borough (as hereinafter defined).

Section 4. The Bonds shall be sold upon receipt of electronic bids on Thursday, December 13, 2007 at 11:00 a.m. by the Chief Financial Officer of the Borough on Grant Street Group's MuniAuction website ("MuniAuction"), in accordance with the Notice of Sale authorized herein. The use of the services provided by MuniAuction and the fees associated therewith are hereby approved. Bond Counsel to the Borough, on behalf of the Clerk of the Borough, is hereby authorized and directed to arrange for the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York and the full text of such Notice of Sale in the Asbury Park Press, such Notice of Sale to be published not less than seven (7) days prior to the date of sale. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer of the Borough as the financial officer authorized to sell and award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to the Borough Council at its next regularly scheduled meeting thereafter. The Chief Financial Officer is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

Section 5. The Notice of Sale in the form set forth at Exhibit B attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, upon advice of Bond Counsel to the Borough (as hereinafter defined).

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Section 6. The Bonds shall have attached a copy thereto of the written opinion with respect to such Bonds that is to be rendered by the law firm of Wilentz, Goldman & Spitzer, P.A., Bond Counsel to the Borough ("Bond Counsel"). The Clerk of the Borough is hereby authorized and directed to file a signed duplicate of such written opinion in the office of the Clerk of the Borough.

Section 7. Acacia Financial Group, Inc., Mount Laurel, New Jersey, is hereby appointed as the Borough's Financial Advisor (the "Financial Advisor") in connection with the Bonds.

Section 8. Bond Counsel is hereby authorized and directed to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Final Official Statement (as hereinafter defined), which Preliminary Official Statement and Final Official Statement are each hereby authorized to be prepared by Bond Counsel, the Financial Advisor, Hutchins, Farrell, Meyer & Allison, P.A., Freehold, New Jersey, auditor to the Borough ("Auditor") and other Borough officials. Bond Counsel, the Financial Advisor and the Auditor are also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds. The Mayor, Chief Financial Officer and Clerk of the Borough are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Final Official Statement. Bond Counsel, the Financial Advisor and the Auditor are hereby further authorized and directed, *nunc pro tunc*, to obtain ratings on the Bonds and to prequalify the Bonds for municipal bond insurance and to prepare and submit financial and other information on the Borough to a rating agency and municipal bond insurers.

Section 9. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended and supplemented (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 10. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 11. In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry only form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000 or any integral multiple thereof, except that an amount of the Bonds maturing in any one year in excess of the largest principal amount thereof not equaling a multiple of \$5,000 will be in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 12. The Chief Financial Officer is hereby authorized and directed to "deem final" the Official Statement (the "Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the "Preliminary Official Statement") in connection with the offering and sale of the Bonds. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser of the Bonds in accordance with the provisions of the Rule, for their use in the sale, resale and distribution of the Bonds, where and if applicable.

Section 13. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate for the Bonds (the "Certificate"), which will set forth the obligation of the Borough to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material with respect to the Bonds, in accordance with the provisions of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver the Certificate to the purchaser of the Bonds evidencing the Borough's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder.

Section 14. The Chief Financial Officer of the Borough is hereby authorized and directed to determine all matters in connection with the Bonds (including any matters set forth in this resolution that are deemed necessary and advisable to change by the Chief Financial Officer, prior to the sale or closing of the Bonds, all in consultation with the Auditor, the Financial Advisor and Bond Counsel), and the manual or facsimile signature of the Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, the Business Administrator, the Chief Financial Officer, the Clerk of the Borough and any other Borough Official or Professional, including but not limited to Bond Counsel, the Financial Advisor, the Auditor, the Borough Engineer and the Borough Attorney (collectively, the "Borough Officials"), are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds and all such actions or inactions taken by the aforesaid Borough Officials heretofore are hereby ratified and confirmed.

Section 15. The Bonds are "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B)(ii) of the Code.

Section 16. This resolution shall take effect immediately.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

**R-07-431-RESOLUTION ACCEPTING OFFICIAL TAX MAP OF
THE BOROUGH OF TINTON FALLS**

WHEREAS, the tax map of the Borough of Tinton Falls has been modified to reflect the changes by Leon S. Avakian, Inc.; and approved by the State of New Jersey, and

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WHEREAS, said map is entitled Tax Map, Borough of Tinton Falls, Monmouth County, New Jersey consisting of 96 pages as prepared by Leon S. Avakian, Inc Consulting Engineers and dated December 2005.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the aforementioned map consisting of 96 papers be and the same is hereby accepted as the official Tax Map of the Borough of Tinton Falls.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers the following Resolution and moves its adoption, seconded by Mr. Morrill.

R-07-432 - RESOLUTION – APPROVAL OF BILLS – November 27, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending November 27, 2007,

WHEREAS, the Borough Council has reviewed said claims,

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

| SUMMARY | |
|---------------|---------------------|
| GENERAL | 207,484.49 |
| TRUST | 1,316.56 |
| CAPITAL | 1,000,690.39 |
| DEVELOPER | 13,907.25 |
| GRANT FUND | 100.25 |
| SEWER UTILITY | 10,416.58 |
| ADDITIONS | <u>1,649,800.48</u> |
| | 2,883,716.00 |

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Baldwin offers a motion to amend the agenda to include resolution R-07-446, seconded by Mr. Ford.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

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

R-07-446 - RESOLUTION REJECTING BIDS CONTRACT #07-11 – REBID ONE (1) 2007 AUTOMATED SIDE LOAD REFUSE VEHICLE

WHEREAS, the sole bid received on October 5, 2007 for Contract #07-11 was rejected as the bid substantially exceeded the budget estimate for the above Refuse Vehicle on October 16, 2007 by Resolution R-07-392; and

WHEREAS, this contract was rebid and bids were received on Thursday, November 8, 2007 at 10:00 AM; and

WHEREAS, bids were mailed to ten vendors and two (2) bids were received and the lowest responsible bid from Hoover Truck Centers, 1784 Route 9, Lakewood Road, Toms River, NJ 08755 in the amount of \$210,800.00 for one (1) 2008 ALF Condor still substantially exceeds the budget estimate for the Refuse Vehicle; and

WHEREAS, according to NJSA 40A:11-13-2(a) a contracting unit may reject all bids if they substantially exceed the cost estimates for the goods or services; and

WHEREAS, John Bucciero, Director of Public Works, recommends all bids be rejected again as they exceeded the budget estimates, and this contract be rebid.

NOW, THEREFORE BE IT RESOLVED that the two bids received from Hoover Truck Centers and Hunter Jersey Peterbilt be rejected at this time, and this contract be rebid.

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. Tobin,
ABSTAIN: None

CONSENT AGENDA

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-433 - RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED
CONTAINER FEE JONATHAN REISS \$70.00**

WHEREAS, two automated containers were leased for 8 Pegasus Drive Tinton Falls. From the Department of Public Works on August 3, 2003 and September 9, 2005 for the sum of \$55.00 each.

WHEREAS, the containers were returned to the Department of Public Works on October 24, 2007.

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 \$70.00 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 \$70.00 be and hereby is granted to Jonathan Reiss, 10 County Road Demarest, NJ 07627.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-434 - RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED
CONTAINER FEE BRUCE MCBETH \$30.00**

WHEREAS, one automated container was leased for 27 Sire Stakes Tinton Falls. From the Department of Public Works on December 6, 2003 for the sum of \$55.00.

WHEREAS, the containers were returned to the Department of Public Works on November 16, 2007.

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 \$30.00 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 \$30.00 be and hereby is granted to Bruce Mcbeth 12 Sun Beau Court, Tinton Falls, NJ 07724.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-435 - RESOLUTION - REFUNDING AUTOMATED/SEMI-AUTOMATED
CONTAINER FEE DONALD SMITH \$30.00**

WHEREAS, one automated container was leased for 69 Plum Street Tinton Falls. From the Department of Public Works on July 1, 2003 for the sum of \$55.00.

WHEREAS, the containers were returned to the Department of Public Works on November 16, 2007.

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 \$30.00 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 \$30.00 be and hereby is granted to Donald Smith 9523 Grove side lane Unit # 1203 Charlotte N.C. 28262

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. Tobin,
ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

**R-07-436 - RESOLUTION – REFUNDING REGISTRATION FEE
SEABROOK VILLAGE TOWN SQUARE THEATRE**

WHEREAS, the annual registration fee for the Town Square Theatre at Seabrook Village, Registration No. 0322 is \$45.00, and
WHEREAS, a computer error generated an invoice in the amount of \$299.00, and
WHEREAS, \$299.00 was paid by check #66341. (Letter Dated 10/5/07-Fire Marshall)
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$254.00 be and the same is hereby authorized for the Town Square Theatre at Seabrook Village.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-437 - RESOLUTION - CANCELLING & REFUNDING SEWER OVERPAYMENT

WHEREAS, an overbilling and a overpayment of 2007 Sewers has been created by New Jersey American Water Company adjusting the water usage due to a leak to property known as:

| <u>NAME</u> | <u>BLOCK</u> | <u>LOT</u> | <u>CANCELLED</u> | <u>REFUND</u> | <u>AMOUNT</u> |
|---|--------------|------------|------------------|---------------|---------------|
| Ria Connect, Inc. 200 Tornillo Way Tinton Falls, NJ 07753 | 120.04 | 1.04 | \$25.98 | \$7,809.05 | \$7,835.03 |

and,

WHEREAS, said adjustment resulted in an overbilling and an overpayment of the Sewers in the amount of \$7,835.03 as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the sewers amounting to \$25.98, be cancelled for the year 2007 and that a refund in the amount of \$7,809.05 is hereby approved for the aforementioned property.

I, CAROL HUSSEY, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overbilling to be \$25.98 and the amount of overpayment to be \$7,809.05.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-438 - RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2007 4th quarter sewers on the following property has been paid in error in the year 2006 creating an overpayment by the homeowner.

| <u>Name</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724 | 40.02 | 59.01 | \$189.50 |

Re: Hans D. Walther & Barbara Drescher
83 Knollwood Drive

and,

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WHEREAS, said error has resulted in an overpayment of the 2007 4th quarter sewers in the amount of \$189.50, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$189.50 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2008 sewers.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$189.50.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-439 - RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2007 4th quarter sewers on the following property has been paid in error in the year 2006 creating an overpayment by the homeowner.

| <u>Name</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724 Re: Stephen Treson 74 Clinton Place | 1.02 | 45 | \$1.00 |

and,

WHEREAS, said error has resulted in an overpayment of the 2007 4th quarter sewers in the amount of \$1.00, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1.00 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2008 sewers.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1.00.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-440 -RESOLUTION - REFUNDING SEWER OVERPAYMENT

WHEREAS, an overpayment of the 2007 4th quarter sewers on the following property has been paid in error in the year 2006 creating an overpayment by the homeowner.

| <u>Name</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| Borough of Tinton Falls 556 Tinton Avenue Tinton Falls, NJ 07724 Re: Mohamed ElSeoudi & Noha Moustafa 11 Taylors Run | 123.03 | 14.06 | \$379.00 |

and,

WHEREAS, said error has resulted in an overpayment of the 2007 4th quarter sewers in the amount of \$379.00, 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 \$379.00 is hereby approved for the aforementioned property. Said overpayment shall be applied to 2008 sewers.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$379.00.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R07-441 - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2007 4th quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Title Company.

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| <u>Name</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|--------------|------------|---------------|
| John Romano & Lana Serpico 3042 Shafto Road Tinton Falls, NJ 07753 | 143 | 3.01 | \$1,094.24 |

and,

WHEREAS, said error has resulted in an overpayment of 2007 4th quarter taxes in the amount of \$1,094.24, as certified by the Borough Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$1,094.24 is hereby approved for the aforementioned property.

I, Carol Hussey, Tax Collector of the Borough of Tinton Falls hereby certify the amount of overpayment to be \$1,094.24.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-442 - RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of October 2007 fees totaling \$85.00 were paid by a resident of Tinton Falls for their children's participation in basketball program.

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

WHEREAS, during the month of October, the Recreation Superintendent was informed by the resident that the children due to a scheduling conflict will be unable to participate in the program and a full refund in the amount of \$85.00 shall be issued to the resident, for their child JR Johnson.

| | |
|---------------|----------|
| Susan Johnson | \$ 85.00 |
| <hr/> | |
| Total | \$ 85.00 |

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$85.00 be issued.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-443 - RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of November 2007 fees totaling \$85.00 were paid by a resident of Tinton Falls for their children's participation in Basketball Program.

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

WHEREAS, during the month of November, the Recreation Superintendent was informed by the resident that the children due to a medical condition will be unable to participate in a program and a full refund in the amount of \$85.00 shall be issued for child Paul Birzin.

| | |
|------------------|----------|
| Elizabeth Birzin | \$ 85.00 |
| <hr/> | |
| Total | \$ 85.00 |

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$85.00 be issued.

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. Tobin,
ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-444 - RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of November 2007 fees totaling \$85.00 were paid by a resident of Tinton Falls for their children's participation in Basketball Program.

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

WHEREAS, during the month of November, the Recreation Superintendent was informed by the resident that the children due to a medical condition will be unable to participate in a program and a full refund in the amount of \$85.00 shall be issued for child Colton Brooks.

| | |
|----------------|----------|
| Melissa Brooks | \$ 85.00 |
| <hr/> | |
| Total | \$ 85.00 |

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$85.00 be issued.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers the following Resolution and moves its adoption, seconded by Mr. Baldwin.

R-07-445 - RESOLUTION – REFUNDING NON – RESIDENTIAL PERMIT FEE – TINTON FALLS ASSOCIATES – ONE EXECUTIVE DRIVE & THREE SHEILA DRIVE

WHEREAS, on October 25 2007, a permit fee in the amount of \$200.00 was paid by Tinton Falls associates Non-Residential CCO permit fees, and

WHEREAS, said monies were deposited by the Borough of Tinton Falls in accordance with law, and

WHEREAS, the applicant has since decided to cancel the request and has requested a refund, and

WHEREAS, by signed voucher dated October 25, 2007 from Lori Paone has recommended a refund in the amount of \$200.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$200.00 be issued to Tinton Falls Associates.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

Mr. Morrill offers a motion to move to the Workshop portion of the meeting, seconded by Mr. Baldwin.

ALL IN FAVOR

NAYES: None

ABSENT: Mr. Tobin,

ABSTAIN: None

WORKSHOP MEETING

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

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

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
November 27, 2007

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN: None

TIME OF ADJOURNMENT: 9:46 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

Approved at a meeting held on: February 19, 2008.