

REGULAR/WORKSHOP MEETING
BOROUGH COUNCIL
October 16, 2007

Council President calls the meeting to order at 7:30p.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. Tobin, Mr. Skudera

ABSENT: NONE

ALSO PRESENT: W. Bryan Dempsey, Administrator
James E. Berube, Director of Law
Karen Mount-Taylor, Borough Clerk
Kelly M. Johns Deputy Borough Clerk
Al Hilla, Jr., Borough Engineer

APPROVAL OF MINUTES

Mr. Tobin offers a motion to approve the minutes of May 15, 2007, seconded by Mr. Baldwin.

ROLL CALL:

AYES, Mr. Ford, Mr. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

Mr. Tobin offers a motion to approve the minutes of June 12, 2007, seconded by Mr. Ford.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

Mr. Tobin offers a motion to approve the minutes of June 26, 2007, seconded by Mr. Morrill.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mr. Baldwin, Mr. Morrill

Mr. Baldwin offers a motion to approve the minutes of July 2, 2007, seconded by Mr. Morrill.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

MAYORS REPORT

The Mayor had a scheduling conflict and is attending the Fort Monmouth committee meeting.

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Proclamation

John Cohen

WHEREAS, In October 1956, Mr. Cohen moved to New Shrewsbury where he was appointed and served for ten years as a member of the New Shrewsbury Youth Club, eight of those years as President of the organization. A member of the Board of Education for one year, Mr. Cohen served as President of the Parents council of Monmouth Regional High School and was a member of the Booster Club. He was resident of the Pop Warner Little Falcons Football Club, and started the Tinton Falls Baseball League in 1957, the first in town to be organized. His devotion to the well being of our youth has been unflagging. Mr. Cohen served as Councilman for the Borough of Tinton Falls for five terms during which he was chairperson of the Road, Sanitation and Police Departments. He served three consecutive years as Council President and in 1982 he was elected Mayor. Following in his father's footsteps, Jonathan Cohen continues to serve the citizens of Tinton Falls. Jonathan was appointed to the environmental Commission in 1989 and has served as chairman since 1991. Jonathan served on the Tinton Falls School Board and currently serves on the Monmouth Regional School Board.

WHEREAS, Irving Cohen had served, and his son Jonathan Cohen continues to serve, the citizens of the Borough of Tinton Falls, and

WHEREAS, it is the desire of the Borough of Tinton Falls to memorialize the Cohen family name, and

WHEREAS, the softball field at Liberty Park II shall be renamed Cohen Field.

THEREFORE, I, Peter Maclearie, Mayor of the Borough of Tinton Falls, hereby proclaim the Softball Field at Liberty Park II, "Cohen Field" to express Tinton Falls' appreciation of the outstanding contributions of Irving and Jonathan Cohen.

ADMINISTRATORS REPORT

Mr. Dempsey states that the Borough received a grant notice from the grant writer in regards to the recreational trails program for the NJDEP (New Jersey department of Environmental Protection). If the borough would like to apply for the grant it is due December 15, 2007. It has been forwarded to the Open Space Committee to be reviewed. There is a million dollars in funding available; the grant max match is twenty-five thousand dollars with a minimum match at twenty percent. He states that hopefully the Open space Committee can come up with an application and we can have a resolution for one of our upcoming meetings.

Mr. Dempsey states that the Borough has met with Dyntek the computer networking company that has installed the network. They will be doing an assessment of the network, document it, and provide a configuration of the assessment which our in house techs can use as a guideline and configure the network. He states that they will be bringing an additional part time computer technician on board so we will have a full time staff five days a week as opposed to the technicians we have here two days a week now.

Mr. Dempsey states the Chief of Police, himself, John Bucciero, and Stephen Pfeiffer met with two companies regarding the emergency notification system, one being Swift Reach 911, and the other Code Red. He states that they will select Code Red to provide the emergency notification system to the Borough. Code Red provides most of the neighboring towns with this system. He states that the system will come from the police forfeiture fund. He states it should be up and running in two to three weeks.

Mr. Dempsey states that the funding for the stamped concrete for Society Hill will come out of the road program and the bond ordinance is on the agenda tonight. It will be amending the original bond ordinance for the road program.

Mr. Dempsey states that refuse containers need to be purchased for the commercial collection. Once the front loader system is being used you will need a different type of dumpster. John Bucciero is recommending we use the funds from the 2005 Monmouth County Purchasing agreement, which approximately forty thousand dollars is available. We would need a resolution to amend the agreement to add the dumpsters.

Mr. Dempsey states that he and Mr. Hilla went to the county for a meeting regarding Pine Street.

Mr. Dempsey states he received a letter from the first aid squad stating they would like to donate block 129 lot 4 to the Borough.

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Mr. Dempsey states that the records that are still in the old municipal building will be relocated to the new municipal building this Friday.

ENGINEERS REPORT

Mr. Hilla states that the majority of the roads around town have been paved, and striping has been accomplished on most of the roads in connection with the 2007 road program. He states that they are developing a punch list now for the remaining work.

Mr. Hilla states that they are sending a notice to the contractor for the pump station on Squankum Road because they are still waiting for the pumps & controls to be installed, and if they do not act in a timely manor it will be turned over to the Attorney.

Mr. Hilla states that the bleachers for Liberty Park II could be delivered within the next week or so. They are currently being fabricated and could be shipped within a week.

Mr. Ford asks what the digging was for in the end zone of the park. Mr. Hilla states that the extra things going on there are being done by the Pop Warner group.

DIRECTOR OF LAW REPORTS

Mr. Berube states that he and Mr. Dempsey met with Mr. Somers the owner of Somers Tract that is the subject of the open space application grant and bond that is on the schedule today. He states that negotiations are continuing and hopes to have a resolution to authorize its purchase by the next meeting.

Mr. Berube states that there is a resolution on the calendar for professional engineering services for a preliminary assessment for the Shafto Road property. That is the property that will become the post office property.

Mr. Berube states the resolution is for the addendum to the sewer agreement with Stavola Reality, the applicant asked for some clarifications of that agreement.

Mr. Berube states he has circulated sample ordinances for the portable storage units. He states that Little Silver has just adopted an ordinance that regulates the size and the duration that the units can be left on the property.

COUNCIL REPORTS

Mr. Morrill states that they had their open space meeting, and he sent out an email to all the members regarding information that he received from Mr. Dempsey about the trails. Mr. Morrill states that they had a meeting with Joe McGinty which was very informative on ways they can run things for the future.

Mr. Morrill states that they will be updating the green acres incentive plan application because of the fact that ninety percent of the properties that are on there are already developed or we purchased what we could out of it. He would like to give them an updated version to show good faith that they are continuing to work on this.

Mr. Morrill states that at the next meeting Mr. Pfeffer will be attending, schedule permitting. He will be going over the finances with them.

Mr. Ford states that Tinton Falls has a great recreation program and every year they have their get together in preparation for Halloween at the Wayside Fire House.

Mr. Ford states that winter sports are gearing up, Tinton Falls basketball, and wrestling signups are going on now. Basketball is through November 2, 2007 and wrestling registration is through November 16, 2007.

Mr. Tobin states that Dr. Mihir Maniar who resides on Sam Drive has expressed interest in representing the Borough for the Monmouth County Regional Health Commission.

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Mr. Tobin states that Mr. Joe McGinty who works at Birdsall is our grant writer. He states that he worked with Mike Zorner of EMS South and they obtained just under forty five thousand dollars from the Department of Homeland Security for equipment and protective gear.

Mr. Tobin states that he attended the School Board meeting on October 9, 2007 and it was jam packed with people opposed to place the cell tower on the property. He states that people spoke on both sides of the issue. Mr. Tobin apologizes for being a bit rude at the last meeting, he states there was a reason for it but no excuse and he is sorry about that. He states that if anyone has any information counter to what he has discovered he would like to see it. He has been provided with a large envelope of information of things that has gone on in the state of New Jersey. He asks that copies be distributed to the rest of Council.

Mr. Berube states that the school Board will reconsider the application at their first meeting in November. The Ordinance that Council has introduced has been sent to the Planning Board for review. Council will see the recommendations from the Planning Board at the November meeting.

Mr. Tobin states that Tinton Falls Fire Fighter Kevin Hayes 28 years old had passed away early Sunday morning. He states it is a great loss; he was a very active volunteer.

Mr. Skudera states at the last technology meeting they discussed the GIS System, the people from the county came over and gave a demonstration of the county GIS System and how it can help with the Open Space Committee, maintaining the list, mapping out locations of land and also locating future land.

Mrs. Mount-Taylor states that the Borough has lost a very valuable poll worker Ms. Eleanor Johnson who worked with her for the last twenty-one years.

Mr. Skudera states that this Wednesday or Thursday there will be a poll and survey questions on the website for the public to choose from a few different website designs. The public is encouraged to submit their comments and ideas for what they would like to see on the website. Mr. Skudera states that the website should be going live around January.

Monmouth county Regional Health Commission Presentation to Beth Hessek

A presentation by Paul Roman, President of the Monmouth County Regional Health Commission and Sidney Johnson, the health officer.

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

**R-07-387 CAPITAL
BUDGET AMENDMENT**

WHEREAS, the local Capital Budget for the year 2007 was adopted on the 15th day of May 2007; and,

WHEREAS, it is desired to amend said Adopted Capital Budget Section,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following amendment(s) to the adopted capital budget section of the 2007 Budget be made.

CAPITAL BUDGET (Current Year Action)
2007

(4) (5A) (5B) (5D)

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(1) Project	(2) Project Number	(3) Estimated Total Cost	Amounts Reserved in Prior Years	2007 Budget Appropriation	Capital Improvement Fund	(5C) Capital Surplus	Grants In Aid and Other Funds	(5E) Debt Authorized
TOTAL PER ADOPTED BUDGET OR LAST CAPITAL AMENDMENT		19945000	0	20000	154850	0	490500	3279650
Acquisition of Real Property commonly known as the Sommers Tract for Open Space Preservation Purposes	OS-1	1600000						1600000
		0						
		0						
		0						
Totals all projects:		21545000	0	20000	154850	0	490500	4879650

6 YEAR CAPITAL PROGRAM 2007-2012
Anticipated PROJECT Schedule and Funding Requirements

(1) Project	(2) Project Number	(3) Estimated Total Cost	(4) Estimated Completion time	(5) FUNDING AMOUNTS PER YEAR				
				Budget Year 2007	Budget Year 2008	Budget Year 2009	Budget Year 2010	Budget Year 2011
TOTAL PER ADOPTED BUDGET OR LAST CAPITAL AMENDMENT		19945000		3945000	2320000	6370000	2470000	2370000
Acquisition of Real Property commonly known as the Sommers Tract for Open Space Preservation Purposes	OS-1	1600000	1 Year	1600000				
		0						
		0						
		0						
TOTALS ALL PROJECTS:		21545000		5545000	2320000	6370000	2470000	2370000

6 YEAR CAPITAL PROGRAM 2007-2012
(Summary of anticipated Funding sources and Amounts)

(1) Project	(2) Estimated Total Cost	(3) Budget Appropriations		(4) Capital Improvement Fund	(5) Capital Surplus	(6) Grants in Aid and Other Funds	(7) BONDS AND LIQUIDATING		
		Current Year 2007	Future Years				General	Self Liquidating	
TOTAL PER ADOPTED BUDGET OR LAST CAPITAL AMENDMENT		19945000	20000	100000	869850	0	1790500	16764650	400000
Acquisition of Real Property commonly known as the Sommers Tract for Open Space Preservation Purposes	1600000							1600000	
		0							

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0

TOTALS ALL PROJECTS:	21545000	20000	100000	869850	0	1790500	18364650	400000
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BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

PETITIONS

Resurfacing of Birchwood Court, Birchwood Court has not been resurfaced in thirty-five years. It occurred in 1972 after sewer lines were installed in the road. Resurfacing is way overdue. Thirteen signatures received.

Mr. Skudera states they will be looking at the road program in the workshop part of the meeting and if Mr. Hilla would take this into consideration when you look at the different roads.

ORDINANCE FOR INTRODUCTION

Borough Clerk reads Ordinance No. 07-1233 *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. Tobin offers a Motion to introduce Ordinance No. 07-1233, seconded by Mr. Baldwin.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Borough Clerk reads Ordinance No. 07-1234 *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 introduce Ordinance No. 07-1234, seconded by Mr. Tobin.

Supplementary debt statement on file in the Municipal Clerks office.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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Borough Clerk reads Ordinance No. 07-1235 *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. Tobin offers a Motion to introduce Ordinance No. 07-1235, seconded by Mr. Morrill.

Mrs. Mount-Taylor states that there has been supplemental debt statements filed in the office of the Clerk. The hearing is to be set at the convenience of the Clerk.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

ORDINANCES FOR FINAL CONSIDERATION

NONE

Mr. Tobin offers a Motion to open Public Discussion, seconded by Mr. Morrill.

Mr. Berube requests to have an executive session before the public discussion part of the meeting, regarding two resolutions that are on the agenda, so Council is informed to answer any public comments.

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

R-07-403 - RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE SESSION

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

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:09 P.M.

MEETING RECONVENES AT: 8:24 P.M.

Mr. Tobin offers a motion to amend the Agenda to include Resolutions R-07-404 through R-07-408, seconded by Mr. Baldwin.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a Motion to open Public Discussion, seconded by Mr. Baldwin.

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ALL IN FAVOR

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

NAYES: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION NOW OPEN

Frank Owens, 111 Secretariat Court, states he is concerned about the paving of Society Hill and Church Hill Downs, and if Ordinance number 07-1235 allows for the cement work on these roads.

Mr. Dempsey states that this Ordinance does cover these areas and puts the funds into place for the stamped concrete.

Mr. Owens asks if Council can give a time frame in which this will be completed.

Mr. Skudera states that it is up for introduction today and the public hearing will be at the discretion of the Borough Clerk. He states that the next meeting will be November 27, 2007. He states this is the process in which we use to amend ordinances and we have extra funds available in the bond ordinance since we saved money on the road program. He states it will take some time to go through the process.

Mr. Dempsey states for the best job you are probably looking at spring construction.

Randy Dickman and McCullough, 13 Woodchuck Court, Ms. Dickman states that she believes Nutmeg Development was suppose to comply by yesterday.

Mr. Berube states he hasn't talked to Mr. Corby today. Ms. Dickman states there was one correction on the list that was made. Mr. Berube states he will check with Mr. Corby.

Mr. Dempsey states that he has a draft agreement that he has to look at and forward on to Mr. McCullough and Ms. Dickman.

Gina Varela, 200 Hockhockson Road, asks if the remaining part of Hockhockson towards Water Street that has not been resurfaced will be. Mr. Skudera states that the worst parts were priority.

Ms. Varela asks what part of the 1.6 Million dollars is grant money. Mr. Skudera states that the grant that we are applying for is for two hundred and fifty thousand dollars, and the house will be sold that is on the property. He states that they are hoping those two items cover most of the bond, and there is also money in the open space fund to pay for the debt services. Mr. Dempsey states that they are also going for a Green Acres grant which can cover up to fifty percent of the cost.

Chief Gerald Turning, Tinton Falls Police, states he has two items he would like to advise council of, the first being the municipal car auction on November 3, 2007. He also states that we do not have a curfew in the Borough of Tinton Falls for Halloween or mischief night. He states there has never been a need for a curfew; Tinton Falls has always been a very safe community. The CERT team will be out and there will be forty to fifty people out in the developments just to keep an eye on the children.

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Henry Carney, 1900 Wayside Road, asks about the resolution R-07-395 surveys for Green Acres acquisitions. He asks if they are for new acquisitions. Mr. Dempsey states that they are not; one is for Campbell and the other for Mittermaier. They are the two that you have received Green Acres funds for but haven't received the funds because the survey has not been completed on those projects.

Mr. Carney asks if we spent a million dollars on these and we don't have a survey. Mr. Dempsey states we don't have a Green Acres survey and to their standards. Mr. Carney asks if Green Acres will be paying for it. Mr. Dempsey states that there is possible reimbursement. Mr. Carney asks how much will it cost. Mrs. Mount-Taylor states that for the Mittermaier property the Ordinance provides \$15,590.00 and for the Campbell property it provides \$18,950.00. Mr. Carney states that we have already built what we needed onto the properties; it doesn't really make any sense to him. Mr. Berube states that Green Acres will not just accept a licensed land surveyor's survey. The land surveyors must be certified by Green Acres.

Mr. Tobin asks how much the Borough is going to re coup on that. Mr. Dempsey states that on the Campbell property you will receive \$577,500.00 and on the Mittermaier property you will receive \$261,000.00.

Shelly Poggia, 30 Phipps Place, asks Council to explain the process for the cell tower ordinance and how much influence Council has with the Planning Board. Mr. Skudera states that the hearing for that is on October 24, 2007, and after they come back with their recommendations it will come before Council on November 27, 2007 and that's when we will have the public hearing on that process. Ms. Poggia asks if the Planning Board hears the public opinions. Mr. Skudera states that they do.

Leo Christofili, 328 Riveredge Road, states that he gave the Borough Clerk an article about the Colts Neck Municipal Library, it is two pages long and he asks that the feasibility study team incorporate that as part of their consideration on how they will decide the matter of the new library building here in Tinton Falls.

He states that the Middletown Township library is independent, it consists of a main library and three branches, and they are not part of the Monmouth county library system. He states that if he wanted to have a membership as a citizen of Tinton Falls he would have to pay one hundred dollars. This is also the going price at Monmouth University for non students. In Colts Neck the land was Borough land. The citizens through donations funded the library. They got designated as a branch of the Monmouth County library system. They don't like the dedicated tax of more than roughly half of a million dollars (\$500,000.00). They want to unload it. That is the basic problem down there, so they want to get out of being a branch of the Monmouth County library system and perhaps become like the association library here. He states that he doesn't know what the County tax conditions are on that. He states that he is of the understanding that Tinton Falls owns that building and the library rents it.

Mr. Christofili states that in the study of the library evaluation question number ten asks would you support efforts to improve and expand the Tinton Falls library services through increased community funding. He states that he would rather have a question like this so there is transparency. Would you support efforts to improve and expand the Tinton Falls library services through increased community funding by an estimated four million dollars (\$4,000,000.00) not counting interest and the inevitable cost over runs.

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In considering your answer, not the five that were given (on the survey) because you are going to answer yes or no. In considering your answer of yes or no bear in mind that the total outstanding debts and liabilities in Tinton Falls Municipal Government and the two school districts counting only Monmouth Regional and excluding the two military locations, the total outstanding debt and liabilities is currently thirty five million, eight hundred two thousand five hundred sixty five dollars and seven cents (\$35,802,565.07), and the debt service on those liabilities is four million one hundred ninety three thousand four hundred dollars and six cents (\$4,000,193.06) currently. He states that he was given paperwork by the Chief Financial Officer that states that the current revenue of the Borough is fifty eight million five hundred forty three dollars (\$58,000,543.00) and if you apply a debt liability of thirty five against fifty eight your beginning to have to wonder about good government.

Mr. Skudera states that when the library feasibility study comes back we will know what the cost will be.

Charles Lomangino, 3 Helena Street, asks if Wardell Drive is on that schedule. Mr. Dempsey states that it was not on this project but separated and done through the transportation trust fund. It was awarded to Stavola and won't be done until the spring.

Mr. Lomangino asks about the people coming door to door for the tax assessment, and if he is supposed to report if they haven't gotten to him yet. Mr. Skudera states that he believes they will come to the door a few times and then send a letter if you haven't been available.

Mr. Lomangino asks Chief Turning if you have to pre-register for the auction. Chief Turning states that you have to register that morning.

There being no more comments from the public Mr. Tobin offers a Motion to close Public Discussion, seconded by Mr. Baldwin.

ALL IN FAVOR

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION NOW CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Mr. Tobin states that Fire Marshall Carey Costa suggested using digital signs at the Borough because it is the fastest way to get word out in case of an emergency.

RESOLUTIONS

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

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R-07-388 - HONORING EAGLE SCOUT ACHIEVEMENT OF JARED M. TAYLOR

WHEREAS, Jared Taylor has been involved in scouting since 2000, and
WHEREAS, Jared, has earned 25 merit badges, hiked ten miles, camped out forty nights and volunteered over forty-six hours of community service, and
WHEREAS, Jared, as a member of Troop 124 served as Assistant Patrol Leader and Troop Instructor, 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 Jared for his achievement in reaching a goal that few Scouts acquire.
NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of Tinton Falls that Jared Taylor 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 124.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-07-389 - RESOLUTION APPROVING A REVISED LIST OF VOLUNTEERS WHO QUALIFY FOR THE BOROUGH OF TINTON FALLS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2005

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 revised list of qualified volunteers for the year 2005; 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 revised certified list of qualified volunteers for the year 2005 is hereby approved.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-07-390 - RESOLUTION - RELEASE PERFORMANCE GUARANTEES FOX CHASE IV PHASE I, BLOCK 129.14, LOT 30

WHEREAS, the developer has requested the release of Performance Guarantees, and
WHEREAS, by letter dated September 20, 2007 the Engineer (Birdsall Engineering, Inc.) said letter is hereby attached and made part of this resolution, has certified that the developer has completed the required improvements and recommends that the Performance Guarantee be released upon the posting of Maintenance Guarantees in the amounts specified in said letter and upon the payment of any outstanding engineering and inspection fees.
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantees be released upon the posting of Maintenance Guarantees and upon the payment of any outstanding engineering and inspection fees

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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Mr. Tobin offers to carry Resolution R-07-391 to the November 27, 2007 meeting, seconded by Mr. Morrill.

R-07-391 - RESOLUTION -APPOINTING ALTERNATE MEMBER #2 - TO ZONING BOARD OF ADJUSTMENT - TERM EXPIRES ON 6/30/10

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. Tobin, Mr. Skudera

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-07-392 – RESOLUTION REJECTING BIDS CONTRACT #07-11 ONE (1) 2007 AUTOMATED SIDE LOAD REFUSE VEHICLE

WHEREAS, bids were advertised on Monday, September 24, 2007 for the above contract to be received on Friday, October 5, 2007 at 11:00 AM; and

WHEREAS, bids were mailed to seven (7) vendors and one (1) bid was received from Hoover Truck Centers, 1784 Route 9, Lakewood Road, Toms River, NJ 08755 in the amount of \$211,800.00 for one (1) 2008 ALF Condor; and

WHEREAS, this bid 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 this bid be rejected as it exceeds the budget estimates, and this contract will be rebid.

NOW, THEREFORE BE IT RESOLVED that the bid received from Hoover Truck Centers be rejected at this time, and be rebid.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mr. Tobin

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

R-07-393 RESOLUTION AUTHORIZING EXECUTION OF ADDENDUM TO AGREEMENT FOR CONSTRUCTION OF SEWER FACILITIES - 5 S REALTY LLC (West Park Avenue)

Whereas, the Borough of Tinton Falls and 5S Realty, LLC have entered into a certain Agreement for Construction of Sewer Facilities, which agreement was approved by Resolution of the Borough Council of the Borough of Tinton Falls on August 7, 2007, and Whereas, the parties desire to amend that Agreement to add additional provisions to that agreement in written form upon the advise and approval of the Director of Law, and

Whereas the parties further agree to incorporate the additional terms and conditions contained in the attached Addendum to the Agreement for Construction of Sewer Facilities and for good and valuable consideration given and exchanged by the parties,

NOW THEREFORE BE IT RESOLVED

1. That the Mayor, Administrator and Borough Clerk of the Borough of Tinton Falls are authorized to execute the attached Addendum to Agreement for the Construction of Sewer Facilities heretofore approved by Resolution of this Council on August 7, 2007, incorporating same into the original agreement.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-07-394 - RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES PRELIMINARY ASSESSMENT REPORT FOR 2015 SHAFTO ROAD AND HDSRF GRANT APPLICATION CONTRACT RFP#2-07E-3 SPECIAL PROJECTS

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for Special Projects throughout the year; and

WHEREAS, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213 was appointed by Resolution R-07-054 adopted on February 6, 2007 for special projects that the Borough may require during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, there is a need for a Preliminary Assessment Report for property located at 2015 Shafto Road and preparation of an HDSRF Grant Application; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$3,700.00 for the Preliminary Assessment Report and \$3,200.00 for the Preparation of an HDSRF Grant Application for a total contract not to exceed \$6,900.00 plus miscellaneous reimbursables for professional engineering services as described above;

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

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724, is hereby retained to provide professional engineering services for a preliminary assessment report for property located at 2015 Shafto Road and preparation of the HDSRF Grant application for a total amount not to exceed \$6,900.00, plus miscellaneous reimbursables for the hourly rates listed in their proposal as amended through December 31, 2007.

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

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

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

I hereby certify funds are available as follows: 1406-3999 \$6,900.00

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

R-07-395 - RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL SURVEY SERVICES FOR GREEN ACRES ACQUISITIONS DTA/CAMPBELL PROPERTY AND MITTERMAIER PROPERTY CONTRACT RFP #7-07

WHEREAS, the Borough of Tinton Falls has a need for professional survey services for Green Acres Acquisitions throughout the year; and

WHEREAS, Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213 was appointed by Resolution R-07-156 adopted on May 1, 2007 as part of a "Pool" of pre-approved engineers that the Borough may require during the contract year January 1, 2007 through December 31, 2007; and

WHEREAS, there is a need for professional surveying and mapping in accordance with NJDEP Green Acres specifications for both DTA/Campbell and Mittermaier Properties; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$18,950.00 for the DTA/Campbell Property and \$15,590.00 for the Mittermaier Property for the professional Green Acres surveying and mapping services described on attached proposals dated September 25, 2007 for a total contract not to exceed \$34,540.00 plus miscellaneous reimbursables listed;

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

1. Birdsall Engineering, Inc., 611 Industrial Way West, Eatontown, NJ 07724-2213, is hereby retained to provide professional Green Acres survey and mapping services for the DTA/Campbell Property and Mittermaier Property for a total amount not to exceed \$34,540.00 plus miscellaneous reimbursables listed in their attached proposal dated September 25, 2007 and hourly rates as amended through December 31, 2007.

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

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

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

I hereby certify funds are available as follows:

Capital Ordinance 01-1055 Mittermaier Property \$15,590.00

Capital Ordinance 01-1053 DTA/Campbell Property \$18,950.00

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ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-396 - A RESOLUTION URGING OPPOSITION TO ASSEMBLY BILL A-4393
REGARDING ESTIMATES**

WHEREAS, Assembly Bill A-4393 requires contracting units requesting bids for construction projects to advertise their projected cost estimate range and requires the projected cost estimate range be attested to by the person preparing the advertisement for bid 120 days prior to the bid due date; and,

WHEREAS, this bill is unnecessary legislation that will adversely impact an essential function of local government and create an additional and unnecessary level of bureaucracy on the already cumbersome Local Public Contracts Law and numerous other statutes (i.e. New Jersey Business Registration Certificate, Public Works Contractors Registration, "Lazy Bidders Law", Affirmative Action, Prompt Payment and Pay-to-Play) affecting the public contracting process; and,

WHEREAS, this bill undermines the efficiency not only of procurement, but general government as well, particularly when there may be a need to perform expedited procurement to protect the health and safety of the public; and,

WHEREAS, this bill will likely diminish full, fair, and open competition among potential vendors as contractors would have little incentive to provide a bid lower than the projected costs; and,

WHEREAS, this bill restrains the discretion of the governing body in rejecting all bids for any of the six reasons currently under N.J.S.A. 40A:11-13.2; and,

WHEREAS, this bill contains ambiguous language and open-ended criteria that could lead to protracted disputes and even litigation; and,

WHEREAS, this bill ignores provisions of N.J.S.A. 40A:11-1 et seq. which have been in place since 1971 and have enabled the efficient, effective and responsible construction of public facilities; and,

WHEREAS, this bill replaces a responsible competitive bidding process that is driven by the market place with a new process tied to estimated costs.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls does hereby petition the Legislature and the Governor to defeat this bill, and copies of this Resolution be sent to Honorable John S. Wisniewski, Assemblyman Legislative District 19 and Sponsor of the bill, and the Office of the Governor.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Purchasing Agent, and the Administrator the Borough of Tinton Falls.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-397- RESOLUTION - AUTHORIZING ENFORCEMENT OF TITLE 39 PENDING THE ADOPTION OF THE
ORDINANCE – WINDING BROOK CONDOMINIUM ASSOCIATION**

WHEREAS, Winding Brook Condominium Association, has requested that the Borough Council adopt a Resolution causing the provisions of Title 39 be made applicable to property known as Winding Brook Condominiums, Block 23.05, Lot 1, and

WHEREAS, Title 39 provides that a request be made in writing to the Borough Council to permit application of the Statute on said premises, and

WHEREAS, said application has been filed and is being forwarded to the State for the preparation of the draft ordinance, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Title 39 shall apply to said property, and

BE IT FURTHER RESOLVED, that this Resolution shall remain in effect until the necessary Ordinance is received and adopted in accordance with State Statutes.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-398 - RESOLUTION - AUTHORIZING ENFORCEMENT OF TITLE 39 PENDING THE ADOPTION OF THE ORDINANCE
- HOVCHILD BLVD. FORMERLY VICTORIA BLVD.**

WHEREAS, Hovson's Inc., has requested that the Borough Council adopt a Resolution causing the provisions of Title 39 be made applicable to property known as Hovchild Blvd, Block 149, Lot 1.01 & 1.02 and Block 150.02, Lot 12, and

WHEREAS, Title 39 provides that a request be made in writing to the Borough Council to permit application of the Statute on said premises, and

WHEREAS, said application has been filed and is being forwarded to the State for the preparation of the draft ordinance, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Title 39 shall apply to said property, and

BE IT FURTHER RESOLVED, that this Resolution shall remain in effect until the necessary Ordinance is received and adopted in accordance with State Statutes.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-399- RESOLUTION - AUTHORIZING ENFORCEMENT OF TITLE 39 PENDING THE ADOPTION OF THE
ORDINANCE - PARKVIEW AT TINTON FALLS**

WHEREAS, CJS Holdings Parkview NJ, LLC, by application dated September 26, 2007, has requested that the Borough Council adopt a Resolution causing the provisions of Title 39 be made applicable to property known as Oak Leaf Lane and Shafto Road, Block 124.63, Lot 29, and

WHEREAS, Title 39 provides that a request be made in writing to the Borough Council to permit application of the Statute on said premises, and

WHEREAS, said application has been filed and is being forwarded to the State for the preparation of the draft ordinance, and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Title 39 shall apply to said property, and

BE IT FURTHER RESOLVED, that this Resolution shall remain in effect until the necessary Ordinance is received and adopted in accordance with State Statutes.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R07-400 - RESOLUTION - APPROVAL OF BILLS - OCTOBER 16, 2007

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 16, 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	4,518,762.233
TRUST	11,970.00
CAPITAL	11,425.00
DEVELOPER	15,789.00
GRANT FUND	5,000.00
SEWER UTILITY	105,756.46
ADDITIONS	<u>859,694.76</u>
	5,528,403.55

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ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-07-401 - RESOLUTION – RATIFYING COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 177 – CLERICAL EMPLOYEES FOR 2007 THROUGH 2010 AND AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE SAME

WHEREAS, as a result of negotiations, the Borough of Tinton Falls hereby ratifies the agreement with the International Brotherhood of Teamsters Local 177 – Clerical Employees to establish the terms and conditions of a Collective bargaining Agreement for 2007 through 2010; and,

WHEREAS, the final contract is subject to the approval of the Borough Council; and,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Collective bargaining Agreement with the International Brotherhood of Teamsters Local 177 – Clerical Employees for 2007 through 2010 be and hereby is ratified; and,

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said Collective Bargaining Agreement on behalf of the Borough of Tinton Falls.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R07-402 - RESOLUTION – RATIFYING COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 177 – PUBLIC WORKS EMPLOYEES FOR 2007 THROUGH 2010 AND AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE SAME

WHEREAS, as a result of negotiations, the Borough of Tinton Falls hereby ratifies the agreement with the International Brotherhood of Teamsters Local 177 – Public Works Employees to establish the terms and conditions of a Collective bargaining Agreement for 2007 through 2010; and,

WHEREAS, the final contract is subject to the approval of the Borough Council; and,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Collective bargaining Agreement with the International Brotherhood of Teamsters Local 177 – Public Works Employees for 2007 through 2010 be and hereby is ratified; and,

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said Collective Bargaining Agreement on behalf of the Borough of Tinton Falls.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R07-404 - RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Eli Green which certificate is dated October 31, 1983 covering premises commonly known and referred to as Lots 43.02, 44 & 45.01 in Block 110.02 as set out on the municipal tax map then in use which certificate bears number 1187.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Tinton Falls that the Tax Collector of the municipality be and is hereby authorized, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

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BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-405 - RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 07- 17
TINTON FALLS PTA - ON PREMISE 50/50**

WHEREAS, the Tinton Falls PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 07-17, 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# 07-17 be and the same is hereby approved as follows:

NAME: Tinton Falls PTA 343-5-26489

**LOCATION: Mahala F. Atchison School,
961 Sycamore Ave.
Tinton Falls, NJ 07724**

DATE: November 29, 2007

6:00 – 9:30 p.m.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-406 - RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION RA# 07- 16
TINTON FALLS PTA - OFF PREMISE 50/50**

WHEREAS, the Tinton Falls PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA# 07-16, 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# 07-16 be and the same is hereby approved as follows:

NAME: Tinton Falls PTA 343-5-26489

**LOCATION: M.F. Atchison School,
961 Sycamore Ave.
Tinton Falls, NJ 07724**

DATE: January 9, 2008

7:30-11:00 p.m.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R -07- 407 - RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY

WHEREAS, the Borough of Tinton Falls and other surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment to one location on the same day, Saturday, November 3, 2007; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of a sale of said personal property via adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Tinton Falls that the Borough be authorized to dispose of the following vehicles and other miscellaneous equipment through the process of a public

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auction to be held of Saturday, November 3, 2007 at 10:00 AM rain or shine at the Borough of Tinton Falls Department of Public Works yard.

POLICE IMPOUND VEHICLES

YEAR	MAKE/MODEL	VIN #
1996	Pontiac Bonneville	1G2HX52KXT4240636
2001	Ford Explorer	1FMYU60E13UA86966
1987	Ford Bronco	1FMEU15H3PLA45680
1990	BMW 525	WBAHC2318LGB25348
1990	Chevrolet Van	1GBEG25K8L7161820
1989	Volvo 240	YV1AX884XK1347087
2000	Pontiac Bonneville	1G2HZ5411Y4226453
1990	Ford Pick-Up	1FTHF25H2LNA27526
1991	Toyota Camry	4T1SV21E9MU310979
1996	Chevrolet Corsica	1G1LD5549T4207527
1995	Ford Aerostar	1FMDU34X6TUC01859
1991	Chevrolet Lumina	2G1WL54T3M9101508
1999	Nissan Altima	1N4DL01DXXC238205
1996	Toyota Cors	2T1BB02EXTC148999
1985	Toyota Cress	JT2MX73E6F0030828
2000	Ford Explorer	1FMZU72X4YZA15182
1992	Mazda Sedan	JM1BG2260N0408801
1994	Pontiac Grand Am	1G2NE55M9RM611073
1993	Saab 90A	YS3CL65M0P1040790
1991	Chevrolet Prism	1Y1SK5460MZ065572
1999	Dodge Neon	1B3ES47C5XD100140
1997	KIA Spo	KNDJA7236V5546460
1994	Ford Explorer	1FMDU34X7RUB23195
1997	Mitsubishi Galant	4A3AJ56G3VE189978
1994	Chevrolet Pick-up	1GCGC29K6RE260568
1992	Ford Taurus	1FACP52U3NA260423
1994	Chevrolet Cavalier	1G1JC144BR7103596
1995	Plymouth Voyager	2P4GH2538SR144017
1989	Ford Probe	1ZVBT22L9K5188118
1997	Jeep Cherokee	1J4GZ58Y4VC508175
1998	GMC Sav	1GTFG29M1W1108069
2001	Buick Century	2G4WS52J511147164
1984	Subaru GL	JF1AW43B6EC323780
2000	Honda Civic	2HGEJ6678YH585493

PUBLIC WORKS EQUIPMENT

1991	GMC Top Kick Dump Truck	1GDP7H1J4MJ510590
1996	Chevrolet Lumina	2G1WL52MOT9146982
1996	Chevrolet Corsica	1G1LD55M7TY200835
2000	Ford Crown Victoria	2FAFP71WXYX195819
1996	Jeep Cherokee	1J4FJ68S9SL567867

Plus any other vehicles acquired prior to Saturday, November 3, 2007.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-07-408 - RESOLUTION - AUTHORIZING COMPENSATION FOR CERTAIN
MUNICIPAL EMPLOYEES IN THE BOROUGH OF TINTON FALLS,
COUNTY OF MONMOUTH**

WHEREAS, it is necessary to adopt a Resolution authorizing compensation for certain municipal employees in the Borough of Tinton Falls for the year 2007,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that Section 1A - Full Time Employees and B - Part Time Employees are hereby assigned the following levels of compensation retroactive to January 1, 2007

A. Full Time Employees	Salary
Business Administrator (Contractual)	\$114,950
Director, Department of Audit, Accounts & Control & Chief Financial Officer (Statutory)	121,589
Director, Department of Public Works	91,793
Borough Clerk (Statutory)	80,417
Deputy Borough Clerk	32,000
Director, Department of Public Safety (Contractual)	10,450
Tax Assessor (Statutory)	59,487

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B.	<u>Part Time Employees</u>	
	Mayor	5,000
	Borough Council President	4,000
	Borough Council Member	3,500
	Director, Department of Law	94,050

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

CONSENT AGENDA

None

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

R-07-409-RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 EXECUTIVE SESSION

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

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Tobin offers a motion to adjourn to the Workshop portion of the meeting, seconded by Mr. Morrill.

ALL IN FAVOR

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

NAYES: None

ABSENT: None

ABSTAIN: None

WORKSHOP MEETING

UNFINISHED BUSINESS

Underage Drinking & Beer Keg Ordinance

Chief Gerald Turning explains that in the year 2000, Councils discussed this same Ordinance. (Chief Turning hands out a letter from the Monmouth County Prosecutors Office discussing the underage drinking ordinance.) He states the reason for it isn't to arrest as many people as we can in the Borough of Tinton Falls it is for the police the opportunity to save lives. The Chief states that we do not have a lot of problems with underage drinking in the Borough. The reason for the ordinance is if the Police get called to a location with a loud party & go to the front door of a residence is of age answers the door, & clearly you can see that there are problems going on within that home, we do not have a right to go in. what we would need to do without this ordinance would be to go get a search warrant if there is enough probable cause and then waiting approximately four hours for a Judge to sign it. The idea behind this is very simple, all the accidents we having on the roadways today and the fatalities is a result of a lot of drinking. We are trying to prevent that.

Mr. Tobin asks under what circumstances, other than being invited in can the Police enter a residence.

The Chief states he can not enter unless invited in. He does state if he is witnessing a crime he can take action, but that is not what you will find under these circumstances.

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Mr. Morrill asks if it is correct that we really don't have a problem with this in the Borough. The chief states that he does not foresee it to be a problem in the Borough. He states it is similar to the issue the borough had with the hotels and since we have passed the ordinance asking for identification we have only used it one time. He states he knew we wouldn't be using it a lot but he would like to have it as an opportunity and a way to save lives.

Mr. Morrill asks if a kid is caught drinking what happens to him. If they are over 18 years old they can be charged criminally since they are adults. If they are under 18 years old there are many different avenues that can be taken through the juvenile justice system. He states having an ordinance in place would make it an ordinance violation, not a criminal record. He states its not a good thing to be placing criminal records on people.

Mr. Berube states that in surrounding towns that have passed this ordinance he has seen the Municipal Court Judge issue a significant fine and ask that the underage drinker pay that fine and not the parents. It also provides that the judge can suspend the drivers license of the underage drinker.

Mr. Ford asks why this ordinance hasn't been passed sooner. Chief turning states it has been discussed for many years and there has been no action taken.

Mr. Baldwin states that we need this. It is a necessary tool for the Police Department.

Keg Ordinance

Chief Turning states that this is something that the Monmouth County Chiefs Association has been pushing for quite a while. With the same reasons in mind, they are trying to identify the particular person who is purchasing the keg of beer and using it an underage drinking party. He states this ordinance is more geared towards the shore area communities. He states that you can come from Belmar and buy a keg in Tinton Falls and that really defeats the purpose for a town like Belmar who has serious problems with keg parties. They are asking for this ordinance to assist the other towns.

Mr. Ford and Mr. Baldwin state that they are in favor of introducing both ordinances.

Mr. Berube states that Council has received sample ordinances, and recognizes councils concern over constitutionality, protection of privacy, and the need for probable cause. Mr. Berube states he will include those concerns in a draft that he will circulate for the next meeting. In terms of timing there won't be time for introduction, final reading and the twenty day estoppel period before the end of the year.

Mr. Morrill states that he would like to work out the specifics of the ordinances before having them introduced.

Council agrees to workshop these two ordinances to work out the specifics.

NEW BUSINESS

Mr. Baldwin states what he has asked the President to look at what they did with the roads and to have a plan for the sidewalks. Using Essex Road as an example, the developer building the mall who put in a sizeable amount of money to keep from having to build sidewalks, and specifically in the developers agreement the cash contribution was made for putting in sidewalks on Essex Road. There has been a long standing request from the residents of Seabrook to put in sidewalks.

Mr. Ford states that if a project is built and the sidewalks don't make sense in front of that project the money is to be put in a fund so that it can be used in other parts of the community. He states if it is necessary to put in sidewalks that the developer should be liable for that.

REGULAR/WORKSHOP MEETING
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Mr. Baldwin states that the money was put in the fund specifically for sidewalks going north on Essex Road.

Mr. Skudera asks how much we get every year and will it be enough to cover Essex Road.

Mr. Hilla states that Mr. Pfeffer is the person that has the information on how much is in the account. He states to get the most out of your money you should be looking at doing projects from \$60,000.00 to \$90,000.00.

Mr. Baldwin directs his statement towards Mr. Berube stating that it is his understanding that the borough can't make a developer build sidewalks that do not border his property. Mr. Berube states that is correct. He states that an off tract improvement isn't a requirement.

Mr. Hilla states at earliest it will be a spring project.

Mr. Hilla states that they did five streets through the road program plus Hope Road. He states that we have exhausted the DOT funds that were for Hope Road. Most recently was Birchwood Court. He states that there are one or two others that he has gotten petitions from the Mayor to look at.

Mr. Dempsey states that this Road program cost the Borough \$900,000.00 and you have 1.3 Million there and another \$147,000.00 coming from the Community Development Block Grant.

Mr. Skudera discusses the Agenda format. He states that all reports should be in the beginning and that the workshop meeting is to be for unfinished business and new business.

Mr. Tobin offers a motion to adjourn to executive session, seconded by Mr. Morrill.

ALL IN FAVOR

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

NAYES: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT TO EXECUTIVE SESSION: 10:36

MEETING RECONVENES AT: 10:50 p.m.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Tobin

ABSTAIN: None

TIME OF ADJOURNMENT: 10:50 p.m.

Respectfully submitted,

KAREN MOUNT-TAYLOR
BOROUGH CLERK

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