

**MINUTES OF THE REGULAR MEETING OF THE
LITTLE SILVER BOROUGH COUNCIL
April 5, 2010**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:10 p.m.

"Adequate notice of this meeting has been provided by the mailing of a notice to the Asbury Park Press and The Two River Times, by filing same with the Clerk of the Borough of Little Silver and by prominently posting said notice on the bulletin board of the Borough Hall, all since January 4, 2010."

The salute to the flag was led by Mayor Castleman and followed by a moment of silence, with the Mayor requesting remembrance for Billy Parker, former DPW worker.

Roll Call:

Present: Mayor Castleman, Mr. Bitman, Mr. Gilmour, Mr. Levine, Mr. Neff, Mr. O'Hern, Mr. VanWinkle, Attorney Bennett and Mr. Biehl, Administrator/Clerk

Absent: None

Consideration of Minutes for Regular Meetings and/or Special Meetings:

January 4, 2010

Motion: Mr. Neff

Second: Mr. Levine

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

January 25, 2010

Motion: Mr. Gilmour

Second: Mr. Bitman

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

February 1, 2010

Motion: Mr. O'Hern

Second: Mr. Neff

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

February 22, 2010

Motion: Mr. VanWinkle

Second: Mr. Bitman

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

March 1, 2010

Motion: Mr. Gilmour

Second: Mr. O’Hern

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

Consideration of Executive Session Minutes: None

Communications: None

Student remarks and brief remarks on the Agenda from other members of the Public: None

RESOLUTION - Payment of Bills and Claims

Mr. VanWinkle offered this resolution in favor of the payment of the following vouchers which have been properly authenticated and presented for payment representing expenditures for which an appropriation was duly made in the budget adopted by the governing body, including any emergency expenditures in the said appropriation for this payment of said vouchers and which the Deputy Municipal Financial Officer has certified that sufficient funds are available to pay the same from each designated appropriation.

Check Disbursements

Operating – Current Year	\$ 56,652.07
Operating – Prior Year	7,569.93
School Taxes	0.00
Capital	29,997.49
Grant	340.00
Various Trusts & Reserves	21,908.56
Escrow Projects	2,742.50
Payroll of 3/19/10, 4/2/10	\$ 289,974.00
Void Checks:	\$ 0.00

Manual Checks:	\$	0.00
Wire Transfers:	\$	0.00
Total	\$	409,184.55

I hereby certify that there are sufficient funds available to pay the above listed vouchers as submitted. Laura M. Geraghty, C.M.F.O., Deputy Finance Officer.

Motion: Mr. VanWinkle
 Second: Mr. Gilmour

Council and Public Discussion: None

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Levine,
 Mr. Neff, Mr. O’Hern, Mr. VanWinkle
 Negative: None
 Abstentions: None

REPORTS OF COUNCIL MEMBERS:

FIRE, FIRST AID AND NEWSLETTER (Board of Health, Public Affairs, Library Trustees): Mr. Levine, no report. Mayor Castleman noted that she had put an article in the Newsletter stating that Census Forms could be obtained at Borough Hall and Post Office, but when she further checked found that they are not available at the Post Office, and that she had filled out the paperwork so they would be now be available at Borough Hall.

POLICE AND EMERGENCY PREPAREDNESS (Traffic Safety Committee, Drug Alliance, Local Emergency Planning Council): Mr. Gilmour reported that about 85 applications had been received for the Police Department vacancies and the review process would start next week. He also reported that tomorrow he and Mayor Castleman would be at Gooseneck Bridge with John Curley, to review the issues involved with the early storm warning system installed on the bridge.

BUILDINGS, GROUNDS, EQUIPMENT, STREET LIGHTS (Recreation, Property Maintenance, Downtown Development Committee): Mr. O’Hern, no report.

PERSONNEL (Environmental Commission, Shade Tree Commission, Open Space): Mr. Neff reported the Environmental Commission had a meeting last week on the Green Team project and is pursuing the project. He said there was a good turnout of potential volunteers and the Commission would be moving forward to meet the qualifications and become eligible for grants. He further reported that the Shade Tree Commission continues to move forward with plans for Memorial Park.

PUBLIC WORKS (Planning Board, Americans With Disabilities Act Committee, Parker Homestead Liaison, Recycling, Little Silver Cross Acceptance Liaison): Mr. Bitman, no report.

FINANCE AND BUDGET AND INSURANCE (Business and Professional Association, Finance Advisory, Waterfront Committee): Mr. VanWinkle, no report.

Council and Public Discussion: None

Mayor's Report: Mayor Castleman reported that on April 14 she and Mr. Biehl would be meeting with the architectural firm regarding reconstruction of the barns at Parker Homestead. She said at that time she hopes to have more information on getting the farm on the National Registry. Mr. Biehl noted that there would be a meeting on April 7 on the COAH program.

Other Reports: None

Old Business: None

New Business:

CONSENT AGENDA: Mayor Castleman announced that the following Resolutions had been discussed and would now be approved by Consent Agenda.

Motion: Mr. Levine
Second: Mr. O'Hern

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Levine,
Mr. Neff, Mr. O'Hern, Mr. VanWinkle
Negative: None
Abstentions: None

RESOLUTION

WHEREAS, application has been made to the Borough of Little Silver by the Vincent S. Mastro Montessori Academy to hold an Off Premise 50/50 Raffle on May 22, 2010; and

WHEREAS, all requirements have been complied with for the holding of such Raffle;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the application for an Off Premise 50/50 Raffle by the Vincent S. Mastro Montessori Academy be and is hereby approved.

Mr. Bennett read the following:

R E S O L U T I O N

A RESOLUTION ACCPETING THE RESIGNATION OF JUSTIN BRADLEY AND AUTHORIZING THE TOWNSHIP ATTORNEY TO EXECUTE THE SEPARATION OF SERVICE AGREEMENT FOR THE BOROUGH OF LITTLE SILVER

WHEREAS, for personal reasons, Officer Justin Bradley has voluntarily offered to resign from his position as Police Officer with the Borough of Little Silver; and

WHEREAS, the Mayor and Council, after consideration of said offer, accept the resignation of Officer Bradley effective April 1, 2010; and

WHEREAS, housing reviewed the terms and conditions of Officer Bradley's separation agreement and finds same acceptable, the Mayor and Council find the execution of this agreement to be in the best interests of both parties.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor Council of the Borough of Little Silver, in the County of Monmouth and State of New Jersey, as follows:

1. The Mayor and Council hereby accept the resignation of Officer Justin Bradley effective April 1, 2010.
2. Both parties have agreed that the accrued vacation, sick time, or any other benefits accrued from Officer Bradley's employment with the Borough shall be fixed at \$22,861.20. Under no circumstances will entry into the separation agreement entitle Officer Bradley to any more than the \$22,861.20; and
3. The Borough Attorney is authorized to execute a separation of service agreement, in a form acceptable to the Borough Attorney, between the Borough of Little Silver and Officer Justin Bradley.

Motion: Mr. Levine

Second: Mr. Gilmour

Council and Public Discussion: None

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Levine,
Mr. Neff, Mr. O'Hern, Mr. VanWinkle

Negative: None

Abstentions: None

Mr. Bennett read the following:

R E S O L U T I O N

WHEREAS, a project within the Borough of Little Silver known as the Little Silver Railroad Parking Lot Improvement is presently pending; and

WHEREAS, the project has been advertised for bids in accordance with law, on two separate occasions and all bids heretofore have been rejected; and

WHEREAS, the Borough Engineer was authorized to solicit quotes for the necessary work to be performed at the Railroad Station; and

WHEREAS, Contract #1 has previously been awarded for the repair of the curbing, sidewalks, removal of meters and other projects; and

WHEREAS, a second contract was specifically awarded for installation and purchase of ticket machines; and

WHEREAS, there is presently work to be performed for sealcoating, striping and numbering of the parking lot; and

WHEREAS, said quotes have been received by the Borough Engineer, and said Borough Engineer recommends the award of a contract to L&L Paving Company, Inc. of Tinton Falls, New Jersey, for the purposes of performing such work;

NOW, THEREFORE, BE IT RESOLVED, that the proposal of L&L Paving Company, Inc. is hereby accepted by the Borough in the unit price amount set forth in the quote and in no event shall this contract exceed the amount of \$50,000.00 for the total work to be performed; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough Engineer, Borough Clerk and Borough Attorney.

Motion: Mr. Bitman

Second: Mr. VanWinkle

Council and Public Discussion: Mr. Bennett clarified that all contracts for this project that have been awarded are paid by the parking lot fees, not tax dollars.

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Levine,
Mr. Neff, Mr. O'Hern, Mr. VanWinkle

Negative: None

Abstentions: None

Mr. Biehl read the following:

RESOLUTION

WHEREAS, Senate Bill No. S458 that calls for County consolidation:

WHEREAS, Senate Bill No. S458, if signed into law, would remove the municipality's responsibility for Assessing real property within the corporate bounds, Collection of property taxes, Health Services and Animal Control services; and

WHEREAS, the legislation calls for the decision to be made on a county by county referendum and calls for the Commissioner of Community Affairs and the Director of the Division of Taxation to develop a comprehensive Master Plan to phase out these municipal offices and transfer them to the county within two years; and

WHEREAS, S458 directs that the plan shall effectuate long range cost savings through the consolidation of these functions with NO empirical data or factual studies showing a transfer of these functions to a county authority will in any way reduce property taxes or improve the delivery of service of these functions; and

WHEREAS, the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC) was approved by the legislature and established on March 15, 2007 as part of P.L. 2007, 54 as part of the 2007 Property Tax Relief Act for the purpose of recommending legislative changes which would encourage the more efficient operation of local government; and

WHEREAS, LUARCC, in the Executive Summary of the same, 2009 Report, acknowledges that it will expand its focus to include the efficiency in services delivery and the methods used in the assessment and collection of taxes; and

WHEREAS, legislation was passed and signed into law last year authorizing a \$7,500,000.00 pilot program in Gloucester County to study, through the process of the pilot, the cost/benefits of county wide tax assessment; and

WHEREAS, the law establishing the Gloucester County pilot program for county wide tax assessment requires LUARCC to evaluate the program; and

WHEREAS, S458, if signed into law, would usurp both the function of the LUARCC, which the legislature created in 2007 and the \$7,500,000.00 pilot program in Gloucester County, which the legislature created in 2009;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Little Silver, County of Monmouth, Sate of New Jersey, as follows:

1. The Borough of Little Silver Governing Body in the County of Monmouth acknowledges the \$7,500,000.00 pilot program in Gloucester County, which the legislature created in 2009 to test the viability of County Assessing; and
2. The Borough of Little Silver Governing Body in the County of Monmouth acknowledges the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC) established by the legislature in 2007, which, as part of the pilot program in Gloucester County legislation is specifically charged with the responsibility to evaluate the pilot program in Gloucester County; and
3. The Borough of Little Silver Governing Body in the County of Monmouth memorializes its vigorous opposition to the pending legislation known as S458; and
4. The Borough of Little Silver Clerk is instructed to forward a copy of this Resolution to Governor Chris Christie, Senate President Stephen M. Sweeney, Assembly Speaker Sheila Oliver, Senator Andrew R. Ciesla, Assemblyman James W. Holzapfel, Assemblyman David W. Wolfe, Senator Sean T. Kean, Assemblywoman Mary Pat Angelini, Assemblyman David P. Rible, Senator Jennifer Beck, Assemblywoman Caroline Casagrande, Assemblyman Declan O'Scanlon, Senator Joseph M. Kyrillos, Assemblywoman Amy H. Handlin, Assemblyman Samuel D. Thompson, Senator Robert W. Singer, Assemblyman Ronald S. Dancer, Assemblyman Joseph R. Malone, Monmouth County Board of Chosen Freeholders, The New Jersey League of Municipalities, the Tax Collectors and Treasurers Association of New Jersey (TCTANJ), the New Jersey Association of County Tax Boards (NCACTB) and the Association of Municipal Assessors of New Jersey (AMANJ) and all municipalities in Monmouth County.

Motion: Mr. Bitman
Second: Mr. Gilmour

Council and Public Discussion: None

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Levine,
Mr. Neff, Mr. O'Hern, Mr. VanWinkle

Negative: None

Abstentions: None

Mr. Biehl read the following:

RESOLUTION

WHEREAS, the Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980's, when at the request and for the convenience of the taxpaying utilities, the State became the collection agent for this assessment, the law that effected this change

promised that the proceeds would be distributed back to the municipalities which provide services to utility facilities and are the source of the utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS modernization and deregulation led to a major State “reform” of utility taxes in the mid-1990’s, which legislation validated and, supposedly capped the State’s annual skim, and which included a “poison pill”, requiring the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State’s authority to collect the tax; and

WHEREAS, in the late 1990’s, a State law was passed requiring the Energy Tax distributions to be annually increased by the rate of inflation; and

WHEREAS, as State budget-makers viewed this situation, the problem was not how to comply with this requirement, but rather how state officials might evade compliance; and

WHEREAS, in order for the State to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, State officials reduced the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, in 2008, the increase of the Energy Tax Receipts of \$65,855.00 was offset by a decrease of CMPTRA aid by \$70,353.00, decreasing the total State aid to the Borough of Little Silver by \$4,498.00, resulting in the Borough of Little Silver receiving \$796,950.00. In 2009, the increase in Energy Tax Receipts of \$19,322.00 was offset by a decrease in CMPTRA aid of \$51,200.00, decreasing the total State aid to the Borough of Little Silver by \$31,878.00, resulting in the Borough of Little Silver receiving \$765,072.00; and

WHEREAS, in 2010, the Governor proposes withholding the municipal Energy Tax Receipts of \$151,230.00 and reducing CMPTRA aid in the amount of \$28,180.00 resulting in the total reduction to the Borough of Little Silver in the amount of \$179,410.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver, State of New Jersey, as follows:

1. The Governor, State Legislative leadership and all members of the State Senate and Assembly should immediately restore in full all Energy Tax Receipt funding; thereby, respecting and affirming the historic and fiduciary obligation as collector of former municipal revenues.
2. The Municipal Clerk is hereby authorized and directed to provide a copy of this Resolution to Governor Chris Christie, New Jersey Senate President Stephen Sweeney, New Jersey Senate Minority Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Minority Leader Alex DeCroce, Senator Jennifer Beck, Assemblyman Declan J. O’Scanlon, Jr., Assemblywoman Caroline Casagrande and the League of Municipalities.

Motion: Mr. VanWinkle
Second: Mr. Neff

Council and Public Discussion: None

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Levine,
Mr. Neff, Mr. O'Hern, Mr. VanWinkle
Negative: None
Abstentions: None

Public Portion: Remarks of the public for the good of the Borough: None

Motion to Adjourn: Mr. Gilmour
Second: Mr. Bitman

Roll Call: Voice Vote - Ayes – Unanimous

The meeting was adjourned at 8:40 p.m.

Michael D. Biehl
Administrator/Clerk