

**MINUTES OF THE REGULAR MEETING OF THE
LITTLE SILVER BOROUGH COUNCIL
January 25, 2010**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:00 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 Mr. O'Hern and followed by a moment of silence.

Roll Call:

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

Absent: None

PUBLIC HEARING

AN ORDINANCE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF LITTLE SILVER, FOR THE YEAR 2010

Mr. Biehl certified that same had been published in the Two River Times on January 15, 2010, posted on the bulletin board, with copies available to the public.

Motion hearing be opened: Mr. Gilmour

Second: Mr. Bitman

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing open and called for comments. Mayor Castleman noted that this is the fourth year of the Police contract, and the Borough will be going into a new contract in 2011. Seeing no further comment, she called for a Motion to close the hearing.

Motion hearing be closed: Mr. O'Hern

Second: Mr. Gilmour

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing closed and called for a second reading.

Mr. Biehl introduced for second reading by title only:

AN ORDINANCE FOR SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE
BOROUGH OF LITTLE SILVER, FOR THE YEAR 2010

Motion: Mr. Neff
Second: Mr. VanWinkle

Roll Call:

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

Consideration of Minutes for Regular Meetings:

October 19, 2009

Motion: Mr. Bitman
Second: Mr. Gilmour

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

November 16, 2009

Motion: Mr. Bitman
Second: Mr. Gilmour

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

December 7, 2009

Motion: Mr. Bitman
Second: Mr. Gilmour

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	\$ 135,880.22
Operating – Prior Year	55,050.54
School Taxes	1,862,724.29
Contra	0.00
Capital	201,918.49
Grant	0.00
Tax Refund	126.88
Various Trusts & Reserves	68,160.44
Escrow Projects	0.00
Payroll of 1/8/10, 1/22/10	\$ 304,982.08
Void Checks:	
Miami Systems Corp Ck# 13419	\$ 472.00
ACH Debit	
Authorize.net LLC#100105	\$ 17.74
Manual Checks:	
Miami Systems Corp. Ck# 13443	\$ 488.94
Wire Transfers:	\$ 0.00
Total	\$2,629,821.62

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. O'Hern

Council and Public Discussion:

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 reported that the Board of Health had a meeting and elected Lester Mathis as President. He further reported that the EMS had a total of 368 calls in Little Silver this year, with a total of 499 calls for the entire year which includes 21 for Oceanport, 96 for Red Bank, 2 for Rumson and 12 for Shrewsbury. He noted that the Library has had the same balance for the last two years, 30,000 books used in 2008 and 31,000 books used in 2009. He said the Children's Programs have increased from 740 to 886, fines have gone down, damaged books have gone up, non-resident membership has gone up. He noted that the new Children's Room is impressive. Mr. Levine further reported that in the month of December the Fire Department did 366 man hours, with a total of 2,672 man hours for the year; and in 2009 the Fire Police responded to a total 158 calls, 14 drills, 923 man hours were expended, and he further specified the breakdown of the Fire Police activities.

POLICE AND EMERGENCY PREPAREDNESS (Traffic Safety Committee, Drug Alliance, Local Emergency Planning Council): Mr. Gilmour reported that the Traffic and Safety Committee has decided to meet every other month, instead of every month. He noted that most of the projects can't get done in a thirty day cycle and meetings usually fall in between projects. He outlined the specific dates, for which Mr. Biehl made a note for the official calendar.

BUILDINGS, GROUNDS, EQUIPMENT, STREET LIGHTS (Recreation, Property Maintenance, Downtown Development Committee): Mr. O'Hern reported that registration for Spring recreation programs is underway, with this being the first year for electronic registration, which has been successful so far.

PERSONNEL (Environmental Commission, Shade Tree Commission, Open Space): Mr. Neff reported that it had determined to hire Linda Goff as Website Editor to keep the website updated and accurate. He further reported that the formal process for appointing Janice Swaggerty as Municipal Court Administrator was underway, and commended her on the job she is doing in the temporary appointment.

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 reported that the banners had been placed on the light poles throughout the downtown area. He and the rest of the Governing Body thanked the Business and Professional Association for this.

Council and Public Discussion: None

Mayor's Report: None

Other Reports:

Mr. Biehl gave the Financial Summary for the Month of December, 2009:

Cash on Hand Beginning of the Month	\$ 12,069,261.00
Total Monthly Receipts	434,568.00
Total Monthly Disbursements	441,739.00
Cash on Hand End of Month	\$ 12,062,090.00

He noted that the majority of the Borough's invested funds are in the New Jersey Cash Management Fund at an average rate for the month of 0.34%.

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. Gilmour
Second: Mr. VanWinkle

Roll Call:

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

RESOLUTION

WHEREAS, the 2010 Salary Ordinance adopted on January 25, 2010 fixed the salaries and compensations for certain titles and positions of the officers and employees of the Borough of Little Silver:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the following named officers and employees shall be compensated for 2010 at the rates designated as follows. Any officer or employee employed after January 1, 2010 shall have their annual compensation pro-rated as of the date of employment:

<u>NAME</u>	<u>D.O.H</u>	<u>POSITION OR TITLE</u>	
Joseph Mazza	Before 1/1/99	Lieutenant	102,261.00
Robert Frank	Before 1/1/99	Lieutenant	102,261.00
C. Gary La Bruno	Before 1/1/99	Lieutenant	102,261.00
Martin Scherzinger	Before 1/1/99	Sergeant	96,471.00
Daniel Shaffery	Before 1/1/99	Sergeant	96,471.00
Kevin Halpin	Before 1/1/99	Sergeant	96,471.00
Thomas Mancuso	Before 1/1/99	Patrolman (4 years)	91,010.00
Steven Solari	After 1/1/99	Patrolman (6 years)	91,010.00
Peter Gibson	After 1/1/99	Patrolman (6 years)	91,010.00
Paul Halpin	After 1/1/99	Patrolman (6 years)	91,010.00
Michael Lahey	After 1/1/99	Patrolman (6 years)	91,010.00
Gregory Oliva	After 1/1/99	Patrolman (6 years)	91,010.00
Justin Bradley	After 3/15/04	Patrolman (4 years)	70,726.00
		(1/1/10-7/18/10)	
		Patrolman (5 years)	77,488.00
		(7/19/10-12/31/10)	
Francis Salerno	After 3/15/04	Patrolman (2 years)	57,203.00
		(1/1/10-8/5/10)	
		Patrolman (3 years)	63,964.00
		(8/6/10-12/31/10)	
Robert Chenoweth	After 3/15/04	Patrolman (1 year)	50,441.00
		(1/1/10-1/27/10)	
		Patrolman (2 years)	57,203.00
		(1/28/10-12/31/10)	

BE IT FURTHER RESOLVED that the following named personnel are eligible for educational credit benefits in the amount listed respectively and such amount shall be added to the Base Salary in accordance with the 2010 Salary Ordinance.

Gary LaBruno	\$ 500
Martin Scherzinger	\$1,000
Paul Halpin	\$1,000

BE IT STILL FURTHER RESOLVED that the names, designations and salaries herein provided supercede all previous names, designations and salaries heretofore by Resolution established. Longevity shall be in accordance with the 2010 Salary Ordinance.

BE IT FINALLY RESOLVED that a certified copy of this Resolution be transmitted to the Borough Chief Financial Officer to make the necessary payroll adjustments.

RESOLUTION

WHEREAS, the Borough of Little Silver has a need to acquire a Borough Public Defender Attorney and Borough Special DOAH Assistance Attorney services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Agent, Michael D. Biehl, has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Rick J. DeNoia, Jr. has submitted a proposal, January 7, 2009, indicating he will provide Borough Public Defender Attorney and Borough Special DOAH Assistance Attorney services for the Borough of Little Silver in the amount of \$200.00 per each Individual Court Appearance for Public Defender Attorney and \$165.00 per hour for special COAH Assistance Attorney; and

WHEREAS, Rick J. DeNoia, Jr. has completed and submitted a Business Entity Disclosure Certification which certifies that Rick J. DeNoia, Jr. has not made any reportable contributions to a political or candidate committee in the Borough of Little Silver in the previous one year, and that the contract will prohibit Rick J. DeNoia, Jr. from making any reportable contributions through the term of the contract, and

WHEREAS, pursuant to N.J.S.A. 40A:4-57, adequate funds are available for the payment of this contract in the 2010 Municipal Budget;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the borough of Little Silver authorizes Suzanne S. Castleman, Mayor, to enter into a contract with Rick J. DeNoia, Jr as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION

WHEREAS, the Borough of Little Silver has a need to acquire Municipal Auditing Services as contained in Government Auditing Standards as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Agent, Michael D. Biehl has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Hutchins, Farrell, Meyer & Allison, P.A. has submitted a proposal, January 7, 2010 indicating they will provide municipal auditing services as contained in Government Auditing Standards for the Borough of Little Silver in the amount of \$32,500.00, Supplemental Debt Statement in the amount of \$400.00 and LOSAP in the amount of \$1,000.00; and

WHEREAS, Hutchins, Farrell, Meyer & Allison, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Hutchins, Farrell, Meyer & Allison, P.A. has not made any reportable contributions to a political or candidate committee in the Borough of Little Silver in the previous one year, and that the contract will prohibit Hutchins, Farrell, Meyer & Allison, P.A. from making any reportable contributions through the term of the contract, and

WHEREAS, pursuant to N.J.S.A. 40A:4-57, adequate funds are available for the payment of this contract in the 2010 Municipal Budget;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver authorizes Suzanne S. Castleman, Mayor to enter into a contract with Hutchins, Farrell, Meyer & Allison, P.A. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION

WHEREAS, the Borough of Little Silver has a need to acquire a Borough Attorney and Bond Counsel services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Agent, Michael D. Biehl has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Dilworth Paxson LLP has submitted a proposal, January 4, 2010 indicating they will provide Borough Attorney and Bond Counsel services for the Borough of Little Silver in the amount of \$165.00 per hour; \$1,000 for the minimum BAN and an annual rate per the 2010 Borough of Little Silver Salary Ordinance; and

WHEREAS, Dilworth Paxson LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Dilworth Paxson LLP has not made any reportable contributions to a political or candidate committee in the Borough of Little Silver in the previous one year, and that the contract will prohibit Dilworth Paxson LLP from making any reportable contributions through the term of the contract, and

WHEREAS, pursuant to N.J.S.A. 40A:4-57, adequate funds are available for the payment of this contract in the 2010 Municipal Budget;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver authorizes Suzanne S. Castleman, Mayor to enter into a contract with Dilworth as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION

WHEREAS, the Borough of Little Silver has a need to acquire Planning Board Attorney services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Agent, Michael D. Biehl has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Michael R. Leckstein, Esq. has submitted a proposal, January 5, 2010 indicating he will provide Planning Board Attorney services for the Borough of Little Silver in the amount of \$160.00 per hour, \$125.00 for residential Resolutions which shall include service review and jurisdictional determinations; and

WHEREAS, Michael R. Leckstein, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Michael R. Leckstein, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Little Silver in the previous one year, and that the contract will prohibit Michael R. Leckstein, Esq. from making any reportable contributions through the term of the contract, and

WHEREAS, pursuant to N.J.S.A. 40A:4-57, adequate funds are available for the payment of this contract in the 2010 Municipal Budget;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver authorizes Suzanne S. Castleman, Mayor to enter into a contract with Michael R. Leckstein, Esq. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION

WHEREAS, the Borough of Little Silver has a need to acquire Borough Engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Purchasing Agent, Michael D. Biehl, has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Leon S. Avakian, Inc. has submitted a proposal indicating they will provide Borough Engineering services for the Borough of Little Silver in accordance with the attached fee schedule; and

WHEREAS, Leon S. Avakian, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Leon S. Avakian, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Little Silver in the previous one year, and that the contract will prohibit Leon S. Avakian, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, pursuant to N.J.S.A. 40A:4-57, adequate funds are available for the payment of this contract in the 2010 Municipal Budget;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver authorizes Suzanne S. Castleman, Mayor to enter into a contract with Leon S. Avakian, Inc. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION

WHEREAS, Clubway Associates, LLC donated 2 lots (Block 30/Lot 21 and Block 55/Lot 51.26) to the Borough of Little Silver on September 14, 2009, upon adoption of the Borough Ordinance authorizing acceptance of the property; and

WHEREAS, Clubway Associates, LLC paid 3rd quarter property taxes in full on said properties; and

WHEREAS, Clubway Associates, LLC are entitled to a refund of \$126.88 representing 16 days of the 3rd quarter property taxes paid;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Little Silver, that a refund check in the amount of \$126.88 be issued to Clubway Associates, LLC.

RESOLUTION

CANCELING 2009 3RD TAXES ON BOROUGH OWNED PROPERTIES BLOCK 30, LOT 21/BLOCK 55, LOT 51.26

WHEREAS, on or about September 14, 2009, the Borough of Little Silver became the record owner of certain properties located at Woodland Street and Birch Avenue, Little Silver, also known as Block 30, Lot 21; and Block 55, Lot 51.26; respectively, on the Little Silver Borough Tax Map through donation by Clubway Associates, LLC; and

WHEREAS, the Borough's acceptance of the aforesaid property requires that \$126.88 representing 16 days of the 2009 3rd quarter real estate taxes be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Little Silver as follows:

1. That the 2009 3rd quarter real estate taxes, assessed against Block 30, Lot 21 on the Little Silver Borough Tax Map, in the following amount be canceled:
3rd quarter: \$126.72

2. That the 2009 3rd quarter real estate taxes, assessed against Block 55, Lot 51.26 on the Little Silver Borough Tax Map, in the following amount be canceled:
3rd quarter: \$.16

3. That a certified copy of this Resolution shall be provided to each of the following
 - a. Borough tax collector
 - b. Borough tax assessor
 - c. Borough attorney

RESOLUTION

WHEREAS, the Borough of Little Silver has an easement across Block 58, Lot 20, commonly known as Procopio property for access to Block 58, Lot 20.03, commonly known as Challenger Field; and

WHEREAS, the Borough of Little Silver has been approached by the owner of the Procopio property for funds to repair the easement; and

WHEREAS, the Borough Engineer has determined that the Borough's share of a proper repair of the easement would cost approximately \$2,800.00, to include 2" of milling and 2" FABC paving;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the Borough Administrator/Clerk be and is hereby authorized to pay one-half the cost of the easement repairs up to \$2,800.00, for Block 58, Lot 20, known as Procopio property, upon review and approval of the work by the Borough Engineer.

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

Motion to Adjourn: Mr. Levine

Second: Mr. VanWinkle

Roll Call: Voice Vote - Ayes – Unanimous

The meeting was adjourned at 8:28 p.m.

Michael D. Biehl
Administrator/Clerk