

**MINUTES OF THE REGULAR MEETING OF THE
LITTLE SILVER BOROUGH COUNCIL
December 7, 2009**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:09 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 5, 2009."

The salute to the flag was led by Mr. Neff 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 Ackerman and Mr. Biehl, Administrator/Clerk

Absent: None

Mr. Biehl read the following:

RESOLUTION

WHEREAS, the Little Silver Public Works/Recycling Department is in need of one, new 2010 Peterbilt Truck with 31 Cubic Yard Loadmaster Body; and

WHEREAS, adequate funding for said purchase is contained in Bond Ordinance #677-09; and

WHEREAS, the Borough Administrator/Clerk received, opened and publicly read the following bid at 10:30 A.M. on November 24, 2009:

Hunter Jersey Peterbilt
Clarksburg, NJ

\$189,380.00; and

WHEREAS, the Borough Attorney has reviewed the bid and finding it to be in order recommends that the bid submitted by Hunter Jersey Peterbilt in the total amount of \$189,380.00 be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the bid submitted by Hunter Jersey Peterbilt for the purchase of a new 2010 Peterbilt Truck with 31 Cubic Yard Loadmaster Body in the amount of \$189,380.00 be and is hereby accepted.

Motion: Mr. Neff

Second: Mr. Bitman

Council and Public Discussion: Mr. Levine noted that this is a replacement vehicle, not an additional one.

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 Little Silver Public Works/Recycling Department is in need of one, new 2009 3.5 Cubic Yard Combination Sewer Jet and Vac Truck; and

WHEREAS, adequate funding for said purchase is contained in Bond Ordinance #663-08; and

WHEREAS, the Borough Administrator/Clerk received, opened and publicly read the following bid at 10:00 A.M. on November 24, 2009:

Peirce Equipment Co.	
Branchburg, NJ	\$182,950.00; and

WHEREAS, the Borough Attorney has reviewed the bid and finding it to be order recommends that the bid submitted by Peirce Equipment Co. in the total amount of \$182,950.00 be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the bid submitted by Peirce Equipment Co. for the purchase of a new 2009 3.5 Cubic Yard Combination Sewer Jet and Vac Truck in the amount of \$182,950.00 be and is hereby accepted.

Motion: Mr. Bitman
Second: Mr. Neff

Council and Public Discussion: Mr. Levine noted that this has been in discussion at previous Workshop Meeting, and that he thinks there are possibly other ways to accomplish the need for this truck, that he would prefer further investigation to justify the expense. He said he does not consider this purchase a priority at this time.

Mayor Castleman asked Mr. Levine if other towns, such as Shrewsbury and Oceanport, agreed to share the services of this truck, would that make his opinion different. Mr. Levine said if this was thoroughly thought out and organized, which might take a while, that it would be something to consider. Mayor Castleman added that this possibility has been discussed, and those discussions will continue. Mr. O'Hern noted that he concurred with Mr. Levine, and would be more comfortable if there was something more concrete with the other towns. Mr. Levine noted that recently a similar type agreement had been discussed with another town, and the Borough

made every effort to accommodate the agreement, and then the project fell through. He said he wants to avoid that happening again. Mayor Castleman said the purchase of this truck has been worked on since 2006, and the Public Works Supervisor has said it is no longer safe to use the present equipment. Mr. Levine again noted that there are other ways to handle the problem, and that other towns accomplish the work without owning the truck to do it. Mr. VanWinkle commented that there were some reasons brought up at the previous Workshop Meeting that had not been presented before, and that, unless there was a real and compelling reason to move ahead with the purchase, he would prefer further discussion rather than make a decision tonight.

Pete Elhers, 394 Branch Avenue, asked how often this truck is to be used. Mayor Castleman replied that it is used when the drains need to be cleaned, and cannot say how often that is. Mr. Biehl said that, according to the Public Works Superintendent, it takes approximately two men a period of two weeks to clean all the drains. Mr. Elhers asked what it would cost to rent the truck. Mayor Castleman replied that it would cost \$57,000 to clean all the catch basins twice a year. Mr. Levine referenced a website with information, noting that it is a limited amount of time that the truck is used. Mr. Biehl explained that this truck cleans not only the catch basins, but also has the ability to also clean the storm sewer pipes. It was also pointed out that the lifespan of the proposed truck is 20-25 years.

Bill Kenney, 24 Brook Avenue, asked if there was any concrete feedback from surrounding towns, since the topic had been discussed since 2006. The Council replied that Shrewsbury is discussing it tonight. Mr. Kenney said his recommendation would be to table the purchase until further information about shared services is obtained. Mr. Neff replied that the cleaning service must be conducted, that two DPW Superintendents have made the purchase recommendation, and that there does not seem to be a more cost effective method to accomplish the obligatory cleaning.

Kevin Murray, Branch Avenue, asked if the cost had been compared to other vendors and services. Mr. Bitman replied that use of outside vendors had been investigated, and discussed the various factors, including manpower costs, involved. He added that the cost of sharing the truck with other towns had also been investigated to see how the purchase of the equipment could be deferred. Mr. Bitman added that the current Superintendent of Public Works is a good manager with expertise who is capable of implementing the kinds of services this would provide. Mayor Castleman added that there are many services currently being shared, so this potential will continue to be investigated. Discussion of cost breakdown and comparisons of purchasing a used vehicle followed. Mr. Biehl stated that the Borough does presently have a truck to perform the services of cleaning the drains and catch basins, that this is a required service and residents expect it. He said the possibility of purchasing a used vehicle had been investigated, and they are high priced compared to a new vehicle and do not include a warranty. He said the goal is to inspect and clean the catch basins and drains twice a year. He added that the existing truck is in poor condition and unsafe. The Council agreed that employee safety is the primary concern.

Roll Call:

Affirmative: Mr. Bitman, Mr. Gilmour, Mr. Neff, Mayor Castleman

Negative: Mr. Levine, Mr. O'Hern, Mr. VanWinkle

Abstentions: None

Note: Roll Call vote was 3 Affirmative, 3 Negative, which required vote from Mayor.

Mr. Biehl read the following:

RESOLUTION

WHEREAS, the Mayor and Council of the Borough of Little Silver did heretofore advertise for public bids for Improvements at Santelle Park and Markham Place Tennis Courts in the Borough of Little Silver; and

WHEREAS, specifications for the same were prepared by the Borough Engineer; and

WHEREAS, the following bids were received by the Administrator/Clerk at 10:00 a.m. on December 1, 2009 opened and publicly read as follows:

Precise Construction, Inc. Freehold, NJ	\$298,630.00
Down to Earth Landscaping, Inc. Jackson, NJ	\$299,185.00
F&P Contractors, Inc. South Amboy, NJ	\$402,625.00
L&L Paving Co., Inc. Tinton Falls, NJ	\$430,662.00
Thomas Farrell Landscape Supply, Inc. Shrewsbury, NJ; and	\$469,830.45

WHEREAS, the Borough Engineer and the Borough Administrator/Clerk have reviewed the bids and recommend to the Mayor and Council that the low bid submitted by Precise Construction, Inc. be accepted; and

WHEREAS, adequate funding for said improvements has been provided in Ordinances #663-08, #661-08, #644-07 and #619-06;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the low bid submitted by Precise Construction, Inc. in the amount of \$298,630.00 for

Improvements at Santelle Park and Markham Place Tennis Courts in the Borough of Little Silver be and is hereby accepted; and

BE IT FURTHER RESOLVED that the Borough Administrator/Clerk be and is hereby authorized to return the bid bonds to the unsuccessful bidders.

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

Council and Public Discussion: Mr. Levine asked for a breakdown of each stage of the work. Mr. Biehl replied that he had that available.

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 Mayor and Council of the Borough of Little Silver did heretofore advertise for public bids for Drainage Improvements at Howard's Beach in the Borough of Little Silver; and

WHEREAS, specifications for the same were prepared by the Borough Engineer; and

WHEREAS, the following bids were received by the Administrator/Clerk at 10:30 a.m. on December 1, 2009 opened and publicly read as follows:

B & B Construction L.L.C. Howell, NJ	\$ 36,485.00
Precise Construction, Inc. Freehold, NJ	\$ 39,775.00
Fernandes Construction, Inc. South River, NJ	\$ 45,350.00
T. Fiotakus Construction Edison, NJ	\$ 47,275.00
F & P Contractors, Inc. South Amboy, NJ	\$ 58,980.00

R. Moslowski Excavating, Inc. Cream Ridge, NJ	\$ 77,925.58
Berto Construction, Inc. Rahway, NJ	\$ 78,400.00
Thomas Farrrell Landscape Supply, Inc. Shrewsbury, NJ	\$118,653.13
Lucas Construction Group, Inc. Morganville, NJ	\$161,925.00
Marlin Construction Jackson, NJ	\$193,405.00
Star of the Sea Concrete Corp. South River, NJ; and	\$231,500.00

WHEREAS, the Borough Engineer and the Borough Administrator/Clerk have reviewed the bids and recommend to the Mayor and Council that the low bid submitted by B&B Construction, LLC be accepted; and

WHEREAS, adequate funding for said improvements has been provided in Bond Ordinance #677-09;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the low bid submitted by B&B Construction, LLC in the amount of \$36,485.00 for Drainage Improvements at Howard's Beach in the Borough of Little Silver be and is hereby accepted; and

BE IT FURTHER RESOLVED that the Borough Administrator/Clerk be and is hereby authorized to return the bid bonds to the unsuccessful bidders.

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

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

September 21, 2009:

Motion: Mr. VanWinkle
Second: Mr. Levine

Council and Public Discussion: None

Vote: Voice Vote – Ayes – Unanimous

October 5, 2009:

Motion: Mr. O’Hern
Second: Mr. VanWinkle

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, December 7, 2009

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	\$ 71,786.48
Operating – Prior Year	0.00
School Taxes	0.00
Contra	0.00
Capital	2,403.80
Grant	0.00
Various Trusts & Reserves	4,123.65
Escrow Projects	650.00
Payroll of 11/27/09	\$226,101.78
Void Checks:	\$ 0.00

Manual Checks:	
George Wall Lincoln ck#13278	\$ 1,224.37
Shrewsbury Auto Parts ck#13279	458.27
First Priority Emerg. ck#C2245	10,954.00
NJ Transit RR ck#1812	68,000.00
Wire Transfers:	\$ 0.00
Total	\$385,702.35

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. Levine

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.

POLICE AND EMERGENCY PREPAREDNESS (Traffic Safety Committee, Drug Alliance, Local Emergency Planning Council): Mr. Gilmour commended Mr. O'Hern for conducting the Tree Lighting ceremony yesterday, which was a great success. He reported that, in regard to the speed results on N. Sunnycrest and Little Silver Point Road, Lt. Bruno placed the speed data device, and the results were that the majority of the cars were not speeding and if they were, it was no more than 5 mph over the limit, so it was determined no further action needed to be taken at this time. Mr. Levine asked if there had been any further discussion about the speed and traffic on Markham Place, noting that there might need to be more signage to make drivers aware that it is a school area. Mr. Gilmour noted that it is already a 25 mph zone, but is a narrow street that is difficult to maneuver between parking for school drop off and pick up, and moving traffic. Mr. Biehl added that the possibility of widening the street had been discussed, and determined impractical. There are utility poles at the curb and other restrictions, so widening the street would be cost prohibitive. Mayor Castleman noted that the new drop off procedure at the school is working well. Mr. Levine suggested that the front lawn area of the school be utilized for a drop off site. Mr. Gilmour replied that it had been considered during the recent school renovations, and would be an expense the school would be responsible for, and was rejected. He added that the school parking and drop off issue is discussed every year with the Board of

Education and Traffic Safety Committee. He said the PTO is becoming more active in assisting with the problem, and discussion will continue.

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, no report.

PUBLIC WORKS (Planning Board, Americans With Disabilities Act Committee, Parker Homestead Liaison, Recycling, Little Silver Cross Acceptance Liaison): Mr. Bitman reported that at the last Planning Board meeting, the application from Dunkin' Donuts was denied.

FINANCE AND BUDGET AND INSURANCE (Business and Professional Association, Finance Advisory, Waterfront Committee): Mr. VanWinkle reported that he had been in contact with the National Flood Insurance Community Rating System program offered through FEMA. The program operates with the goals of reducing flood losses, help assure accurate flood ratings, and to promote flood insurance awareness. Mr. VanWinkle further stated the Borough residents pay collectively about \$360,000 a year for flood insurance premiums, so efforts are being made to pursue the program and improve the town rating and reduce insurance premiums. He said a community awareness meeting with a representative from FEMA to discuss this program is being arranged.

Council and Public Discussion: None

Mayor's Report: Mayor Castleman thanked Mr. O'Hern for filling in for her at yesterday's Tree Lighting ceremony. Mayor Castleman reported that Mr. and Mrs. Dixon of Salem Lane had experienced a kitchen fire, and she commended the Police and Fire Department for their excellent response.

Other Reports:

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

Cash on Hand Beginning of the Month	\$ 9,885,873.00
Total Monthly Receipts	5,253,103.00
Total Monthly Disbursements	3,069,716.00
Cash on Hand End of Month	\$12,069,261.00

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 0.32 %.

Old Business: Mr. Biehl read the following:

RESOLUTION OF THE BOROUGH OF LITTLE SILVER COUNCIL
REQUESTING APPROVAL FROM COAH
OF MODIFICATIONS TO
MANDATORY AFFORDABLE HOUSING DEVELOPMENT FEES
LAND USE AND DEVELOPMENT ORDINANCE
BOROUGH OF LITTLE SILVER
MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Little Silver (hereinafter also referred to as the “Borough Council”) had previously established and received approval from the Council on Affordable Housing (hereinafter also referred to as the “COAH” or “Council”) of Mandatory Affordable Housing Fees under the Land Use and Development Ordinance of the Borough of Little Silver pursuant to N.J.A.C. 5:96-5.1; and

WHEREAS, the Borough Council had previously adopted Ordinance No. 670-08 on December 22, 2008 amending the Mandatory Affordable Housing Fee section under the Land Use and Development Ordinance of the Borough of Little Silver pursuant to N.J.A.C. 5:96-5.2 which was approved by COAH on November 28, 2008; and

WHEREAS, the Borough Council wishes to further amend the Mandatory Affordable Housing Fees under the Land Use and Development Ordinance of the Borough of Little Silver; and

WHEREAS, the N.J.A.C. 5:96-5.2 (a) requires that an amendment to an approved development fee ordinance shall be reviewed and approved by COAH Council prior to the imposition of fees pursuant to the amendment; and

WHEREAS, N.J.A.C. 5:96-5.2 (b) requires that a municipality shall submit a request in the form of a resolution by the governing body for the Council to review and approve any amendment to the approved development fee ordinance; and

WHEREAS, the proposed amendment to the Little Silver approved development fee ordinance entitled “An Ordinance Amending and Supplementing Section 3.4, “Fees” Subsection

3.4U, Mandatory Affordable Housing Fees” in Chapter 16A “Land Use and Development Ordinance” of the Revised General Ordinances of the Borough of Little Silver, Monmouth County, New Jersey , as amended and specifically Subsection 3.4.U.4.C.(3) regarding “Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development” and Subsection 3.4.U.6.E under “Collection of Fees” was submitted to COAH Council and receipt acknowledged by Maria Connolly on November 18, 2009; and

WHEREAS, the Planning Board of the Borough of Little Silver (hereinafter also referred to as the “Planning Board” or “Board”) reviewed and considered the proposed amendment to the Borough of Little Silver revised Mandatory Affordable Housing Fees under the Land Use and Development Ordinance of the Borough of Little Silver at a regularly scheduled meeting of the Planning Board on November 17, 2009; and

WHEREAS, the Planning Board found the proposed amendment to be in conformance with the Borough’s Master Plan and recommended its adoption;

WHEREAS, the Borough Council has reviewed proposed amendment to the Mandatory COAH fee structure under its current fee ordinance and requests the approval of Council to implement the proposed amendment pursuant to N.J.A.C. 5:96-5.2 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Little Silver that Council review and approve the amendments to the Borough of Little Silver Mandatory Affordable Housing Fee section under the Land Use and Development Ordinance pursuant to N.J.A.C. 5:96-5.2 and allow the implementation of the modifications found therein.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to Maria Connolly at the Council of Affordable Housing requesting approval of the attached amendatory Ordinance entitled “An Ordinance Amending and Supplementing Section 3.4, “Fees” Subsection

3.4U, Mandatory Affordable Housing Fees” in Chapter 16A “Land Use and Development Ordinance” of the Revised General Ordinances of the Borough of Little Silver, Monmouth County, New Jersey, as amended and specifically Subsection 3.4.U.4.C.(3) regarding “Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development” and Subsection 3.4.U.6.E under “Collection of Fees”.

Motion: Mr. Bitman
Second: Mr. O’Hern

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 HEARING (carried from November 16, 2009 Meeting)

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 3.4, “FEES”, SUBSECTION 3.4u., “MANDATORY AFFORDABLE HOUSING DEVELOPMENT FEES” IN CHAPTER 16A, “LAND USE DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, MONMOUTH COUNTY, NEW JERSEY, AS AMENDED, AND SPECIFICALLY SUBSCRTION 3.4U.4.C(3) REGARDING “ELIGIBLE EXACTIONS, INELIGIBLE EXACTIONS AND EXEMPTIONS FOR RESIDENTIAL DEVELOPMENT” AND SUBSECTION 3.4U.6.E. UNDER “COLLECTION OF FEES”

Mr. Biehl certified that same had been published in the Two River Times on October 30, 2009, 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. Mr. Biehl read a letter from Diane Ramsey, Planning Board Secretary (attached) recommending adoption of the Ordinance. Seeing no further comment, Mayor Castleman called for a Motion to close the hearing.

Motion hearing be closed: Mr. O’Hern
Second: Mr. VanWinkle

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 AMENDING AND SUPPLEMENTING SECTION 3.4, "FEES", SUBSECTION 3.4u., "MANDATORY AFFORDABLE HOUSING DEVELOPMENT FEES" IN CHAPTER 16A, "LAND USE DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, MONMOUTH COUNTY, NEW JERSEY, AS AMENDED, AND SPECIFICALLY SUBSCRTION 3.4U.4.C(3) REGARDING "ELIGIBLE EXACTIONS, INELIGIBLE EXACTIONS AND EXEMPTIONS FOR RESIDENTIAL DEVELOPMENT" AND SUBSECTION 3.4U.6.E. UNDER "COLLECTION OF FEES"

Motion: Mr. Gilmour

Second: Mr. O'Hern

Roll Call:

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

Negative: None

Abstentions: None

New Business:

CONSENT AGENDA: Mayor Castleman announced that the following Resolutions had been discussed and would now be approved by Consent Agenda, with the exception of #1 and #5.

Motion: Mr. Neff

Second: Mr. Gilmour

Roll Call:

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

Negative: None

Abstentions: None

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Little Silver, that a check be drawn to the owner of record representing the widow of a veteran tax deduction granted by the Tax Assessor on November 20, 2009 as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & LOCATION</u>	<u>AMOUNT</u>
40	59	Jeanne Lanzavecchia 59 Cheshire Square	\$250.00

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Little Silver, that (2) checks be drawn to the owners of record representing the widow of a veteran tax deduction granted by the Tax Assessor on November 10, 2009 as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & LOCATION</u>	<u>AMOUNT</u>
30	95	Arthur C. Weinkofsky 555 Branch Avenue	\$250.00
51	16.1	James Allen 113 Little Silver Point Road	\$250.00

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Little Silver, that (2) checks be drawn to the owners of record representing the widow of a veteran tax deduction granted by the Tax Assessor on November 6, 2009 as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & LOCATION</u>	<u>AMOUNT</u>
10	5	David M. Dickson 15 Salem Lane	\$250.00
40	37	Howard R. Westerman 37 Cheshire Square	\$250.00

BOROUGH OF LITTLE SILVER COUNTY OF MONMOUTH

RESOLUTION URGING ELIMINATION OF STATE-IMPOSED UNFUNDED MANDATES

WHEREAS, in 1995, New Jersey voters approved an amendment to the State Constitution that was supposed to curb lawmakers' penchant for mandating new programs for state and local governments without giving them the necessary funding; and

WHEREAS, in order to implement the law, the legislature established the Council on Local Mandates, whose job is to review complaints from the local government entities and then make a determination on whether new statutory or regulatory impositions by the State constituted “unfunded” mandates; and

WHEREAS, under the law, if a statute or regulation is deemed by the Council to be an “unfunded” mandate, it ceases to be mandatory and expires; and

WHEREAS, 12 years later, the Council has made only eight decisions and in only two of those did the Council rule in favor of local governments. In one of those cases, the decision was pointless because the Council has no power to force the State to comply and local governments have no right to seek redress in the courts; and

WHEREAS, clearly, this is not the reform that people thought they were voting for in 1995. Proof is that property taxes in New Jersey, which the people were seeking to control with the amendment, have nearly doubled since then; and

WHEREAS, the New Jersey Association of Counties (NJAC) has proposed that local and county officials join forces to push for a complete overhaul of the Council on Local Mandates, which in its view clearly has not satisfied the voters, desire for reform; and

WHEREAS, NJAC has also proposed the following:

- 1) Change the composition of the Council on Local Mandates because under the law, Members of the Council are appointed by the Governor, the Legislature and the Chief Justice of the State Supreme Court, the makers of mandates.
- 2) A review of the obvious flaw that state appointees, such as judges and prosecutors, can force county governments to hire Court personnel and expand facilities, all without approval from voters or their elected representatives.
- 3) A review of the provision that states while State officials can appeal to the Courts, County and local officials don't have that option. Under the law, decisions made by the Council on Local Mandates are not eligible for judicial review. Furthermore, when the Council makes a decision in favor of a local government, the State is free to ignore it without consequence.
- 4) A complete review of the section “unfunded mandates” Law delineating the exemptions. This should included a top to bottom review of all State mandates that would require the State to repeal the outdated ones and pay for the rest; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver in the County of Monmouth urges the elimination of State-imposed unfunded mandates.

BE IT FURTHER RESOLVED that the Borough of Little Silver strongly supports the New Jersey Association of Counties and all of its proposals to deal with the problems caused by unfunded mandates.

BE IT FURTHER RESOLVED that the Clerk forward a copy of this Resolution to Governor Jon Corzine, the Legislative Delegation representing Monmouth County, the Board of Chosen Freeholders of Monmouth County and Governor elect Chris Christie and Lt. Governor elect Kimberly M. Guadagno.

R E S O L U T I O N

Authorizing Disposal of Surplus Property

WHEREAS, the Borough of Little Silver is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough of Little Silver is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of surplus property to be sold is as follows:
2003 Ford Crown Vic (Police Interceptor) VIN #2FAHP71W63X198055
and the odometer reading is 114,000 miles.
- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Mayor and Council reserves the right to accept or reject any bid submitted.

RESOLUTION

WHEREAS, the Little Silver Department of Public Works is in need of the purchase of one new MOHAWK TP-16, 16,000 lb capacity lift with installation; and

WHEREAS, adequate funding for this purchase exists in Ordinance #99-476; and

WHEREAS, the Department of Public Works Director has solicited the following quotes:

Specialty Automotive Equipment Co. Saddle Brook, NJ	\$14,300.00
Hoffman Services, Inc. Newark NJ	\$14,300.00
Triangle Service Equipment, Inc. New Castle, DE	\$14,675.00; and

WHEREAS, the Borough Administrator/Clerk has reviewed the quotes and finds the quote submitted by Specialty Automotive Equipment Co. will provide future service free of any service charges while Hoffman Services, Inc. does not provide any service and therefore recommends the quote submitted by Specialty Automotive Equipment Co.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the quote submitted by Specialty Automotive Equipment Co. in the amount of \$14,300.00 for the purchase of a new MOHAWK TP-16 16,000 lb. capacity lift with installation and future service free of any service charge.

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

Motion to Adjourn: Mr. Gilmour

Second: Mr. Levine

Roll Call: Voice Vote - Ayes – Unanimous

The meeting was adjourned at 9:11 p.m.

Michael D. Biehl
Administrator/Clerk