

**MINUTES OF THE REGULAR MEETING OF THE
LITTLE SILVER BOROUGH COUNCIL
May 4, 2009**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:04 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. Bitman 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 Bennett and Mr. Biehl, Administrator/Clerk

Absent: None

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

March 9, 2009

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

March 16, 2009

Motion: Mr. Neff

Second: Mr. VanWinkle

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

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	\$ 68,656.44
Operating – Prior Year	250.00
School Taxes	0.00
Contra	0.00
Capital	36,280.00
Grant	0.00
Various Trusts & Reserves	7,396.32
Escrow Projects	445.00
Payroll of 5/1/09	\$142,034.73
Void Checks:	\$ 0.00
Manual Checks:	\$ 0.00
EFT Payments	\$ 0.00
Wire Transfers:	\$ 0.00
Total	\$255,062.49

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 reported that he and other members had
attended the Shrewsbury Drug Alliance meeting in an effort to educate themselves for organizing
the Borough's Drug Alliance. He said more representatives are needed, and another meeting will
be scheduled, which a Shrewsbury member will attend.

BUILDINGS, GROUNDS, EQUIPMENT, STREET LIGHTS (Recreation, Waterfront
Committee, Downtown Development Committee, Little Silver Cross Acceptance Liaison):
Mr. O'Hern reported that the Spring Sports Parade held yesterday was a success. He thanked
Recreation Director Doug Glassmacher and all the volunteers for their efforts.

PERSONNEL (Environmental Commission, Shade Tree Commission, Open Space):
Mr. Neff reported that the Courtyard at Point Road School had opened and was very successful.

PUBLIC WORKS (Planning Board, Americans With Disabilities Act Committee, Parker
Homestead Liaison, Recycling): Mr. Bitman reported that the regular meeting of the Planning
Board will be tomorrow night.

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

Council and Public Discussion: None

Mayor's Report: Mayor Castleman reported that another Eagle Scout, Steven Shukin, was
awarded yesterday. She noted that this makes 150 Eagle Scouts, with four in the past month.
She reported that she, Mr. Biehl and Mr. Blash (Borough Engineer) met with Ann Weber
regarding preliminary plans for the barns. She noted it will be fairly costly, so it behooves the
effort to get on the National Registry, which will be paid for in part by a grant received this year.
She said the next step will be to get the furniture and other items out of storage and move them
into the Benovides house, closer to the Parker Homestead. Mayor Castleman said she would be
calling on volunteers to help sort through the items and determine what is to be saved.

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. VanWinkle

Second: Mr. Gilmour

Roll Call:

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

Negative: None

Abstentions: None

R E S O L U T I O N

BE IT RESOLVED that the Mayor and Council of the Borough of Little Silver hereby acknowledge receipt of the Municipal Audit for the budget year 2008.

R E S O L U T I O N

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Little Silver, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R E S O L U T I O N

WHEREAS, the 2008 Annual Audit of the Borough of Little Silver conducted by Hutchins, Farrell, Meyer & Allison, P.A. contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Borough's Deputy Chief Financial Officer; and

WHEREAS, the Deputy Chief Financial Officer, in accordance with requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditor;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the Corrective Action Plan for the 2008 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to transmit a certified copy of this Resolution and its attachments to the New Jersey Division of Local Government Services.

RESOLUTION

WHEREAS, The Great Atlantic and Pacific Tea Co., Inc., 507 Prospect Avenue, Little Silver, N.J. has applied to the Mayor and Council of the Borough of Little Silver for renewal of their Limited Retail Distribution License;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that License #1323-43-001-001 for the Great Atlantic and Pacific Tea Co., Inc.; is hereby granted for the period of July 1, 2009 through June 30, 2010.

Mr. Biehl read the following:

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that Section 2-10 of Chapter II "Administrative" of the Revised General Ordinances of the Borough of Little Silver, County of Monmouth, State of New Jersey is hereby amended as follows:

SECTION 1: 2-10 PARKS AND RECREATION COMMITTEE

2-10.8 FEES.

The Recreation Committee finds the need to revise the schedule of recreation fees as follows:

SUMMER PLAYGROUND

Kindergarten – 8 th Grade (6 Weeks, Mon-Fri, 8:00 a.m.–12:00 Noon)	\$60.00
Additional Sibling	\$50.00

SUMMER TENNIS

6 One Hour Sessions	\$60.00
Additional Sibling	\$50.00
6 Half Hour Sessions	\$30.00
Additional Sibling	\$20.00

FIELD HOCKEY

Girls Grades 6, 7 & 8	\$60.00
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Motion: Mr. O’Hern
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

Mr. Bitman then asked for clarification of the fees for additional siblings. After discussion, it was decided the Resolution would be amended to include those clarifications. Mr. Bennett explained that it would be amended to add “Additional Sibling - \$20” under “Summer Tennis”.

Motion to Amend: Mr. Gilmour

Second: Mr. Bitman

Vote: Voice Vote – Ayes – Unanimous

Mayor Castleman called for a Motion to Amend the Resolution:

Motion: Mr. Gilmour

Second: Mr. Bitman

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 Little Silver Emergency Medical Services is a public service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care to the sick and injured in our community.

WHEREAS, the Emergency Medical Technician (“EMT”) Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$ 1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and,

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Little Silver formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community.

FURTHER RESOLVED, that Governing Body of the Borough of Little Silver opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the Little Silver Emergency Medical Services, the municipality and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fund raising it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency calls to pay for their own training when they already provide so much to their community. This will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training.

FURTHER RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143.

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

Public Portion: Remarks of the public for the good of the Borough:

Florence Apy, Rivers Edge Drive, questions who the Auditor is for the Borough, and were there any recommendations or comments in the Audit. Mr. Bennett responded that the Auditor is Robert Allison of Hutchins, Farrell, Meyer and Allison. Mr. Biehl responded that the only comment was that a uniform allowance was used for a person other than the intended person, that this was done with permission of the Governing Body.

Chester Apy, Rivers Edge Drive, commented that he had attended a Monmouth County Historic Association tour. He noted that the Parker Homestead was not mentioned or included in the tour, yet is the oldest house in the county. He said the projected date of opening the Parker Homestead had been 1998. Mr. Apy further noted that he had never been in the Parker Homestead, and reviewed some of the terms of acquiring and restoring that property, which he said were clearly stated. He said he views the building and it appears to be preserved, but does not know at what cost, and is not open to the public or usable. He questioned if people in town know about this property and what a historic gem it is. He said there should be more community involvement, commenting that there was a Board of Trustees appointed, but had never met. Mayor Castleman replied that it was her fault that the Trustees had not met and that the acquisition of the Parker Homestead was her fault. Mr. Apy then questioned what the long range plans are, including funding. Mayor Castleman replied that money is an issue and Mr. Apy asked what the people of the town could do to help achieve the plan for Parker Homestead. Mayor Castleman replied that she would let him know, particularly on the matter of getting the furniture out of storage. She again noted that nothing can be done without money, and further explained some of the work and problems that have been encountered with the restoration. She explained that the property must be included in the National Registry, which is a costly and complicated process, and she further explained some of the work that had been done to make the house structurally secure and safe, which was not the condition when it was acquired. She further noted that a grant had been received from a Borough resident, which allowed for the architectural firm to be hired. Mr. Apy noted that the Trustees could help with raising funds for the house restoration. Mr. Bennett explained that the focus has been working to get the property on the National Registry for the last three years, which will then allow the Borough to be eligible for restoration and education grants. Mr. Apy stated that the people of the town would be anxious to be involved in the planning and fundraising process and urged Mayor Castleman to consider using the resources of the community, that it was not just the personal responsibility of the Mayor and Council. Florence Apy asked what the budget surplus is. Mr. Biehl replied that the total surplus as of December 31, 2008 was \$4.1 million, before the 2009 budget is implemented, which will utilize much of the surplus. Mr. Apy stated that on a historical basis, he will be returning every year with the same questions asked here, and expressed that it is a sadness. Mr. Levine asked Mr. Apy if he had the chance to participate in the planning of the Parker Homestead, what he would suggest to get it moving along. Mr. Apy replied that a starting point would be a public forum for the Trustees in the form of a Town Meeting, and present the history of the Parker Homestead from present back to 1665. He said he was sure that the Historical Association, community groups and individuals would be happy to cooperate and assist with the project. The participants were thanked for their comments.

Mayor Castleman called for a Motion to adjourn to Executive Session:

RESOLUTION EXECUTIVE SESSION:

BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the following portion of this meeting dealing with personnel and litigation matters shall not be open to the public; and

BE IT FURTHER RESOLVED that it is anticipated that the matters to be discussed and considered in private may be disclosed to the public when the reason in closed session discussion and action no longer exists; and

BE IT STILL FURTHER RESOLVED that private consideration is deemed required and is permitted because of the following noted exception set forth in the Act: personnel and litigation.

Motion: Mr. Gilmour
Second: Mr. VanWinkle

Vote: Voice Vote – Ayes – Unanimous

The Meeting adjourned at 9:15 p.m. to Executive Session.

Mayor Castleman called for a Motion to return to Regular Order of Business:

Motion: Mr. Neff
Second: Mr. O’Hern

Vote: Voice Vote – Ayes – Unanimous

The Regular Order of Business was resumed at 9:56 p.m.

Motion to Adjourn: Mr. Neff
Second: Mr. O’Hern

Roll Call: Voice Vote - Ayes – Unanimous

The meeting was adjourned at 9:59 p.m.

Michael D. Biehl
Administrator/Clerk