

**MINUTES OF THE REGULAR MEETING OF THE  
LITTLE SILVER BOROUGH COUNCIL  
October 5, 2009**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:25 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. Levine and followed by a moment of silence.

Roll Call:

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

Absent: Mr. Gilmour

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

Motion: Mr. Bitman

Second: Mr. Neff

Vote: Voice Vote – Ayes – Unanimous

Mayor Castleman read and presented to Fire Chief Frank Salerno and Second Lt. Bruce MacDonald the following Resolution:

**R E S O L U T I O N**

WHEREAS, on June 12, 2009 the Little Silver Fire Department was called by Shrewsbury Borough for mutual aid on a fire call at 44 Paterson Avenue in Shrewsbury; and

WHEREAS, upon arrival at the scene the Fire Department encountered a fully involved structure fire; and

WHEREAS, Little Silver Fire Chief Frank Salerno and Second Lieutenant Bruce MacDonald assisted in a search of the premises as part of a search and rescue team and found an individual trapped in the home; and

WHEREAS, Frank Salerno and Bruce MacDonald assisted in removing the individual from the home, who was severely burned, thus saving his life;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the heartfelt thanks and grateful appreciation of the Mayor and Council and the residents of the Borough of Little Silver be and are hereby extended to Frank Salerno and Bruce MacDonald and the Little Silver Fire Department for their selfless and heroic services.

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

Motion: Mr. Neff  
Second: Mr. O’Hern

Vote: Voice Vote – Ayes – Unanimous

Roll Call:

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

Absent: Mr. Gilmour

Consideration of Minutes for Regular Meetings and/or Special Meetings: None

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	\$ 50,094.45
Operating – Prior Year	0.00
School Taxes	1,325,182.66
Contra	0.00
Capital	62,092.88
Grant	0.00
Various Trusts & Reserves	8,881.40
Escrow Projects	4,042.50

Payroll of 10/4/09	\$ 147,325.11
Void Checks:	
Fair Haven Hardware Ck#13114	-12.83
Manual Checks:	
Sheraton Denver Hotel Ck# 13099	\$ 863.67
Phillip Verange Ck#73	38,543.63
Fair Haven Hardware Ck#13139	96.69
EFT Transfer	\$ 0.00
Wire Transfers:	\$ 0.00
Total	\$1,637,110.16

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: Attorney Bennett asked if on Page 8, under “Housing Rehab Professional Consultants”, a payment to Mr. DeNoia, was a mistake. Mr. Biehl replied that the amount was two charges on one voucher, for two accounts. He said the printout supplied was not a full printout due to limited allowed characters. He further noted that the second amount was listed on the same purchase order number. Mr. Bennett said it might be better to have them on two separate vouchers. Mr. Biehl said he would look into how to better identify the charges.

Roll Call:

Affirmative: Mr. Bitman, 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 Fire Police made 14 calls, with 135 hours for the month of September. For the month of September, the EMS had a total of 43 calls, 32 in the Borough of Little Silver and 11 were assisting neighboring towns with mutual aid agreement. They answered 9 calls in Red Bank, Oceanport and Shrewsbury, and the squad participated in standby for the Red Bank Regional football game and the Bike Fair Race in Fair Haven. For the month of September, the Fire Department had 179 man hours expended with 15 calls attended.

POLICE AND EMERGENCY PREPAREDNESS (Traffic Safety Committee, Drug Alliance, Local Emergency Planning Council): Mr. Gilmour, absent, no report.

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

PERSONNEL (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 a resident, Ron Vilardi who is in the Rumson Police Department, was recently promoted to Sergeant and is also a Detective there. He offered congratulations on behalf of the Council. Mr. Bitman also noted that the next regularly scheduled meeting of the Planning Board is tomorrow night, and that he had copies of the Agenda for anyone interested. Mr. Bitman further reported that Dunkin Donuts has submitted an application for the location at Silverside Avenue and Oceanport Avenue, by the auto detailing business, that will be introduced at the Planning Board Meeting.

FINANCE AND BUDGET AND INSURANCE (Business and Professional Association, Finance Advisory, Waterfront Committee): Mr. VanWinkle reported that the Business and Professional Association would be having a used book sale at the Fire House on October 17. He said the organizers have done a great job with the event and there is great interest in it.

Council and Public Discussion:

Mayor's Report: Mayor Castleman reported that Robert Foster, Branch Avenue, had a laptop computer and brief case stolen, which was later found down the street. Mayor Castleman advised him to let the Police know of this.

Other Reports: None

Old Business: Attorney Bennett reported that the bids that were received on the NJ Transit Railroad Station Parking Lot had been forwarded to NJ Transit for review, and hopefully at the next meeting some action could be taken.

New Business:

**CONSENT AGENDA:** Mayor Castleman announced that the following Resolutions had been discussed and would now be approved by Consent Agenda, with an amendment on the Emergency Storm Drainage Repairs Resolution, changing the amount of \$92,000.00 to \$9,200.00.

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

Roll Call:

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

Negative: None

Abstentions: None

**RESOLUTION**

WHEREAS, the Borough of Little Silver was in need of emergency storm drainage repairs located at 240 White Road and the Department of Public Works Yard; and

WHEREAS, repairs were performed by Fernandes Construction, Inc. without the benefit of competitive quotes as this situation was deemed necessary as a health and safety issue to avoid a vehicular accident and flooding; and

WHEREAS, the total cost for these repairs is \$9,200.00; and

WHEREAS, adequate funding is contained in Ordinance #663-08;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the actions of the Borough Administrator/Clerk be and are hereby approved and adopted.

**RESOLUTION ENDORSING THE  
"GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND  
FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009"**

**WHEREAS**, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

**WHEREAS**, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects; and

**WHEREAS**, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

**WHEREAS**, the Garden State Preservation Trust, the financing authority for the Green Acres, Farmland Preservation, and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

**WHEREAS**, on November 3, 2009, the voters of New Jersey will be asked to approve the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," which authorizes the state to issue \$400 million in bonds to fund New Jersey's preservation programs; and

**WHEREAS**, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; and

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

1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009.
2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009, on November 3, 2009.
3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:

Duly authenticated copies of this Resolution shall be transmitted to:

The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625

State Senators

State Assemblypersons

Keep It Green c/o NJ Audubon Society, 142 W. State Street, 4<sup>th</sup> Floor, Trenton, NJ 08608

Daily and Weekly Newspapers

## **R E S O L U T I O N**

### **AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR PARTICIPATION IN THE SHREWSBURY RIVER AUTOMATED FLOOD WARNING SYSTEM**

WHEREAS, over the years, the Shrewsbury River, including the portion locally referred to as the Navesink River, has been the source of flooding that has adversely affected the communities bordering the river; and

WHEREAS, the County of Monmouth has applied for a grant through the New Jersey State Police, Office of Emergency Management, to fund the installation of a Shrewsbury River Automated Flood Warning System (the "System"); and

WHEREAS, the County of Monmouth has proposed a Shared Services Agreement with the Borough of Little Silver and other "Participating Municipalities" to establish and maintain the System, subject to the availability of the requested grant funding; and

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C.40A:65-1, et seq., local units, such as the County of Monmouth and the Participating Municipalities may enter into such an agreement; and

WHEREAS, a copy of the proposed Shared Services Agreement is attached to this Resolution; and

WHEREAS, there will be a separate Project Agreement between the County and Monmouth University (“Monmouth”) and Stevens Institute of Technology (“Stevens”), whereby Monmouth and Stevens will assist with the project generally and, in particular, will gather and post the data so that it will be available electronically to the Participating Municipalities, the County and other appropriate parties;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Little Silver that the Mayor, Municipal Clerk and OEM Coordinator be and they are hereby authorized to enter into the proposed Shared Services Agreement with the County of Monmouth for the Shrewsbury River Automated Flood Warning System;

BE IT FURTHER RESOLVED that there is no need for a certification of available funds for the initial period of the Agreement, that is, through one year from the Operational Date, since the Agreement is conditioned upon the availability of the requested grant funds for that period, payable by the County of Monmouth;

BE IT FURTHER RESOLVED that the expenditure of future funds required thereafter for the Borough of Little Silver’s continued participation in the Agreement, shall be subject to the filing of a certification by the Chief Financial Officer stating that funds are available in subsequent municipal budgets.

**RESOLUTION**

WHEREAS, the Borough of Little Silver Shade Tree Commission has advised the Governing Body that many Borough trees located on Silverton Avenue and Prospect Avenue be replaced; and

WHEREAS, adequate funding for this purchase is provided in Bond Ordinances 663-08 and 667-09; and

WHEREAS, the Borough Engineer has solicited informal quotes from landscaping companies for the supplying and planting of the trees, installing tree root barrier system, slow release water bags and other miscellaneous related work:

Precise Construction, Inc. Freehold, NJ	\$12,730.00
Down to Earth Landscaping Jackson, NJ	\$15,884.00
Weisman Landscape Corp. Little Silver, NJ	No Response
Bahr’s Nursery and Landscaping, Inc. Neptune, NJ	No Response

Honnold Landscaping  
Navesink, NJ

No Response

Molzon Landscape Nursery  
Lincroft, NJ

No Response; and

WHEREAS, the Borough Administrator/Clerk has reviewed the quotes and finding them to be in order recommends the low quote from Precise Construction, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the quote from Precise Construction in the amount of \$12,730.00 for supplying and planting of the trees, installing tree root barrier system, slow release water bags and other miscellaneous related work be and is hereby accepted.

Mr. Biehl read the following:

### **RESOLUTION**

WHEREAS, the Mayor and Council of the Borough of Little Silver adopted a Resolution on September 2, 2003 establishing fees for the use of the Woman's Club Building; and

WHEREAS, the Mayor and Council amended said Resolution on December 14, 2003; and

WHEREAS, the Mayor and Council wish to further amend the schedule of fees for the use of the Borough of Little Silver Woman's Club Building as follows:

1. Members of the Borough's volunteer fire and first-aid squads shall be exempt from the payment of any fees.
2. Borough-based groups/organizations possessing a tax-exempt status shall be exempt from the payment of any fees.
3. Bridge Groups:  
\$100.00 per session.  
(New Groups – Effective November 1, 2009)  
(Existing Groups – Effective January 1, 2010)
4. Borough-based groups or resident individuals:  
\$300.00 per use, up to three (3) hours; \$100.00 per hour thereafter.
5. All other groups, organizations or individuals:  
\$400.00 per use, up to three (3) hours; \$100.00 per hour thereafter.

BE IT FURTHER RESOLVED, that the fees for the Borough's Woman's Club Building may be amended by resolution as deemed necessary by the Mayor and Council.

Motion: Mr. VanWinkle  
Second: Mr. Neff

Roll Call:

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

Attorney Bennett read the following:

**RESOLUTION OF THE BOROUGH OF LITTLE SILVER RESOLUTION  
SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY™  
MUNICIPAL CERTIFICATION PROGRAM**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Little Silver strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, The Borough of Little Silver hereby acknowledges that the residents of desire a stable, sustainable future for themselves and future generations;  
and

WHEREAS, Borough of Little Silver wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Little Silver is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as the Mayor and Council of the Borough of Little Silver find it in the best interests of the Borough and its residents to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that on October 5, 2009 the Mayor and Council of the Borough of Little Silver wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Mayor and Council of Borough of Little Silver that we do hereby authorize Mayor Suzanne S. Castleman to serve as the Borough of Little Silver's agent for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf the Borough of Little Silver.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following: Borough Clerk and Borough Attorney.

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

Vote: Voice Vote – Ayes – Unanimous

Mayor Castleman read the following:

**Put the Brakes on Fatalities Day  
October 10, 2009**

**PROCLAMATION**

October 10, 2009, has been declared Put The Brakes On Fatalities Day by the Borough of Little Silver;

WHEREAS, Traffic crashes cause about 40,000 fatalities each year and are the leading cause of death for people ages 3 through 6 and 8 through 34;

WHEREAS, In 2008, more than half (54%) of passenger vehicle occupants killed in traffic crashes were unrestrained; however, 382 children under age 5 were saved as a result of child restraint use;

WHEREAS, Alcohol-related crashes account for 32 % of all traffic fatalities;

WHEREAS, In 2008, speeding was a contributing factor in 31% of all fatal crashes;

WHEREAS, In 2008, large trucks were involved in 12% of all fatal crashes with 75% being occupants of other vehicles, 8% non-occupants and 17% occupants of large trucks;

WHEREAS, In 2008, motorcyclists accounted for 13% of all fatalities with 41% of riders and 53% of passengers not wearing helmets at the time of the crash;

WHEREAS, Poor road conditions and obsolete highways need to be addressed in order to reduce highway deaths;

WHEREAS, The economic cost alone of motor vehicle crashes in 2008 was \$230.6 billion;

WHEREAS, The use of safer driving behaviors such as not talking or text messaging on cell phones, the use of seat belts, not drinking and driving and obeying traffic laws would dramatically reduce the number of traffic-related injuries and deaths;

WHEREAS, The use of cost-effective roadway safety improvements such as all-weather signing and markings, traffic signals, skid resistant pavements and removal of roadside hazards could also greatly reduce the number of traffic crashes;

WHEREAS, The continued development of safer vehicles and protective traffic safety equipment such as helmets will enhance people's ability to protect themselves and their families from preventable and tragic permanent injuries and deaths;

Now, THEREFORE, I Suzanne S. Castleman, Mayor of the Borough of Little Silver do hereby proclaim October 10, 2009, as Put the Brakes on Fatalities Day, and call upon everyone to help save lives by spreading these important messages throughout our communities.

Mayor Castleman called for a Motion for 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 matters of potential litigation 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: potential litigation.

Motion: Mr. Neff  
Second: Mr. Bitman

Vote: Voice Vote – Ayes – Unanimous

The Regular Meeting was adjourned to Executive Session at 9:01 p.m.

Mayor Castleman called for a Motion to return to Regular Meeting:

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

Vote: Voice Vote – Ayes – Unanimous

Roll Call:

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

Absent: Mr. Gilmour

The Regular Meeting was resumed at 9:50 p.m.

#### ORDINANCE INTRODUCTION

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16A, "LAND USE DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, MONMOUTH COUNTY, NEW JERSEY AMENDING "MANDATORY AFFORDABLE HOUSING FEES"

Mr. Biehl stated that the Ordinance would be advertised according to law and held for a Public Hearing on November 16, 2009.

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

Roll Call: Voice Vote - Ayes - Unanimous

RESOLUTION to appoint Diane Ramsey to Class 2 position as Municipal Official on Planning Board

Motion: Mr. Bitman  
Second: Mr. Neff

Roll Call:

Affirmative: Mr. Bitman, 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. Bitman  
Second: Mr. Neff

Roll Call: Voice Vote - Ayes - Unanimous

The meeting was adjourned at 10:00 p.m.

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Michael D. Biehl  
Administrator/Clerk