

**MINUTES OF THE REGULAR MEETING OF THE  
LITTLE SILVER BOROUGH COUNCIL  
September 14, 2009**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:01 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. Bennett 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

**PUBLIC HEARING**

**AN ORDINANCE AMENDNG CHAPTER XXII (FLOOD DAMAGE PREVENTION) OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY (1973)"**

Mr. Biehl certified that same had been published in the Two River Times on August 14, 2009, posted on the bulletin board, with copies available to the public.

Motion hearing be opened: Mr. VanWinkle  
Second: Mr. Gilmour

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing open and called for comments. Seeing none, she called for a Motion to close the hearing.

Motion hearing be closed: Mr. Neff  
Second: Mr. O'Hern

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 CHAPTER XXII (FLOOD DAMAGE PREVENTION) OF THE  
"REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF  
MONMOUTH AND STATE OF NEW JERSEY (1973)"

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

## PUBLIC HEARING

ORDINANCE OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH AND  
STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED AT  
BLOCK(S) 30, AND 55, LOT(S) 21 AND 51.26 FROM CLUBWAY ASSOCIATES, LLC

Mr. Biehl certified that same had been published in the Two River Times on September 4, 2009 and  
September 11, 2009, posted on the bulletin board, with copies available to the public.

Motion hearing be opened: Mr. Neff

Second: Mr. VanWinkle

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing open and called for comments. Attorney Bennett stated that  
this deals with the property that is a result of a subdivision, as approved by the Planning Board, and  
was agreed to add to the Borough Open Space Inventory. He further stated that this Ordinance allows  
the Borough to accept the land being given. Sheri Conohan asked for the location of the property.  
Mayor Castleman replied that it is at the end of Woodland Street and Birch Avenue, near Birch  
Avenue. Mr. Biehl stated that the property near Woodland Street is about 1.348 acres, and the parcel  
at the end of Birch Avenue is 2.673 acres. In answer to further questions, she was advised that there  
are no plans for the properties at this time. Mr. Bennett further advised that the conveyance to the  
Borough of these properties was agreed upon between the Planning Board and property owner. Seeing  
no further comment, Mayor Castleman called for a Motion to close the hearing.

Motion hearing be closed: Mr. Gilmour

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:

ORDINANCE OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED AT BLOCK(S) 30, AND 55, LOT(S) 21 AND 51.26 FROM CLUBWAY ASSOCIATES, LLC

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

PUBLIC HEARING

MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT PROGRAM Memorial Park (Block 48 Lots 22, 22.01, 22.02, 22.03)

Mr. Biehl certified that same had been published in the Two River Times on August 28, 2009, posted on the bulletin board, with copies available to the public.

Motion hearing be opened: Mr. Gilmour

Second: Mr. Neff

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing open and called for comments. Seeing none, she called for a Motion to close the hearing.

Motion hearing be closed: Mr. Neff

Second: Mr. Gilmour

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing closed.

Mr. Biehl read the following:

## **RESOLUTION**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Program to provide Program Grant funds in connection with municipal recreational development of lands for park, recreation, conservation and farmland preservation purposes, as well as for recreation and conservation development and maintenance purposes within Monmouth County; and

WHEREAS, the Governing Body of the Borough of Little Silver desires to obtain County Open Space Trust Funds in the amount of \$80,000.00 to fund the recreational development of Memorial Park in the Borough of Little Silver, Block 48 Lots 22, 22.01, 22.02, 22.03; and

WHEREAS, the total cost of the project including all matching funds is \$160,000.00; and

WHEREAS, the Borough of Little Silver will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY the Borough of Little Silver that:

1. Gregory Blash of Leon S. Avakian, Inc., the Borough Engineer is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Borough of Little Silver is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Suzanne S. Castleman, Mayor of the Borough of Little Silver is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This Resolution shall take effect immediately.

Motion: Mr. VanWinkle

Second: Mr. O'Hern

Roll Call:

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

Negative: None

Abstentions: None

PUBLIC HEARING

MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT PROGRAM Santelle Park (Block 78 Lots 14, 15; Block 79 Lot 11.01 and Block 80 Lot 10)

Mr. Biehl certified that same had been published in the Two River Times on August 28, 2009, posted on the bulletin board, with copies available to the public.

Motion hearing be opened: Mr. Gilmour  
Second: Mr. VanWinkle

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing open and called for comments. Seeing none, she called for a Motion to close the hearing.

Motion hearing be closed: Mr. Neff  
Second: Mr. Levine

Roll Call: Voice Vote - Ayes - Unanimous

Mayor Castleman declared the hearing closed.

Mr. Biehl read the following:

**RESOLUTION**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Program to provide Program Grant funds in connection with municipal recreational development of lands for park, recreation, conservation and farmland preservation purposes, as well as for recreation and conservation development and maintenance purposes within Monmouth County; and

WHEREAS, the Governing Body of the Borough of Little Silver desires to obtain County Open Space Trust Funds in the amount of \$100,000.00 to fund the recreational development of Santelle Park in the Borough of Little Silver, Block 78 Lots 14 & 15, Block 79 Lot 11.01, Block 80 Lot 10; and

WHEREAS, the total cost of the project including all matching funds is \$200,000.00; and

WHEREAS, the Borough of Little Silver will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY the Borough of Little Silver that:

1. Gregory Blash of Leon S. Avakian, Inc., the Borough Engineer is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Borough of Little Silver is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Suzanne S. Castleman, Mayor of the Borough of Little Silver is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This Resolution shall take effect immediately.

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

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

July 16, 2009

Motion: Mr. VanWinkle  
Second: Mr. Gilmour

Council and Public Discussion: None

Roll Call: Voice Vote – Ayes – Unanimous

Consideration of Executive Session Minutes: None

Communications: Mr. Biehl read a letter (attached) from David Apy, resigning from The Two Rivers Water Reclamation Authority, effective January 3, 2010. Mayor Castleman called for a Motion to accept with regret:

Motion: Mr. Gilmour  
Second: Mr. Bitman

Council and Public Discussion: None

Roll Call: Voice Vote – Ayes – Unanimous

Mr. Biehl then read a letter (attached) from Ann Mihlon, advising of her intent to retire as Police Dispatcher, effective January 1, 2010. Mayor Castleman called for Motion to accept with thanks and regret:

Motion: Mr. Gilmour  
Second: Mr. VanWinkle

Council and Public Discussion: A discussion followed regarding the employee’s loyalty and length of service, and whether a gift should be presented to her. It was decided that the Personnel Committee would discuss it further and give their recommendation to the Mayor and Council.

Roll Call: Voice Vote - Ayes - Unanimous

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

**RESOLUTION - Payment of Bills and Claims, August 27, 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	\$ 100,739.57
Operating – Prior Year	10,692.05
School Taxes	1,325,182.66
Contra	0.00
Capital	11,590.31
Grant	142.00
Various Trusts & Reserves	1,224.80
Escrow Projects	555.00
Payroll of 8/7/09, 8/21/09	\$ 286,994.58
Void Checks:	\$ 0.00

Manual Checks:		
IDM Medical Supply Co. ck#12955	\$	274.25
JCP&L ck#12956		7,825.41
County Taxes	\$	0.00
EFT Transfer	\$	0.00
Wire Transfers:	\$	1,095,500.62
Total	\$	2,840,721.25

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. 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

**RESOLUTION** - Payment of Bills and Claims, September 14, 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	\$	105,182.87
Operating – Prior Year		1,200.00
School Taxes		1,325,182.66
Contra		0.00
Capital		5,877.12
Grant		0.00
Various Trusts & Reserves		0.00
Escrow Projects		0.00

Payroll of 9/4/09	\$ 141,673.42
Void Checks:	
Blue Cross & Blue Shield Ck#12915	\$ -87,094.79
Manual Checks:	
Blue Cross & Blue Shield Ck #13033	\$ 75,269.37
County Taxes	\$ 0.00
EFT Transfer	\$ 0.00
Wire Transfers:	\$ 0.00
Total	\$ 1,567,290.65

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: Mr. Bitman questioned the frequency of school tax payments. Mr. Biehl replied that they are made monthly.

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 he attended a meeting at Shrewsbury Borough, where the Mayor and Council recognized firefighters that had responded to the recent fire in Shrewsbury. Frank Salerno was one of the firefighters who saved someone from the burning building. Mr. Levine further noted that he was asked to speak during the ceremony, and it was generally well attended. Mr. Biehl noted that he had prepared Resolutions for the two Borough firefighters involved, and they will be presented at the next meeting of the Mayor and Council.

POLICE AND EMERGENCY PREPAREDNESS (Traffic Safety Committee, Drug Alliance, Local Emergency Planning Council): Mr. Gilmour reported that the Traffic Safety Committee continues to do a good job.

BUILDINGS, GROUNDS, EQUIPMENT, STREET LIGHTS (Recreation, Waterfront Committee, Downtown Development Committee, Little Silver Cross Acceptance Liaison): Mr. O'Hern reported that the Recreation Committee is considering imposing or increasing the fee for late sign-ups, with which there has been a problem. He further reported that there is an increase in the use of fields from teams comprised of players from outside Little Silver, for which there is currently no charge. He said the Committee is researching and discussing a fee structure for this use. Attorney Bennett clarified that under the Green Acres policies, access to the fields must be allowed, but fees can be charged.

PERSONNEL (Environmental Commission, Shade Tree Commission, Open Space): Mr. Neff noted that the Personnel Report had been given in the Executive Session. He further noted that the Environmental Commission had been working on various initiatives that were reported by Mr. Ackerman earlier. He said Shade Tree Commission does not have a lot going on right now.

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

FINANCE AND BUDGET AND INSURANCE (Property Maintenance, Business and Professional Association, Finance Advisory): Mr. VanWinkle reported that the Waterfront Committee will be meeting on September 23, 4:00 p.m. at Borough Hall and that members of the public are welcome to attend.

Council and Public Discussion: None

Mayor's Report: No report.

Other Reports:

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

Cash on Hand Beginning of the Month	\$ 9,507,186.00
Total Monthly Receipts	303,043.00
Total Monthly Disbursements	2,278,285.00
Cash on Hand End of Month	\$ 7,531,944.00

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 .50%.

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

Cash on Hand Beginning of the Month	\$ 7,531,944.00
Total Monthly Receipts	6,975,933.00
Total Monthly Disbursements	3,039,137.00
Cash on Hand End of Month	\$11,468,740.00

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 .50 %.

Old Business: None

New Business:

#### ORDINANCE INTRODUCTION

Mayor Castleman introduced by title:

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 5-18, ENTITLED "RECYCLING", OF CHAPTER 5, "POLICE REGULATIONS", OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE, NEW JERSEY

Mr. Biehl noted that upon introduction same would be advertised according to law, posted on the Borough bulletin board, and held over for a public hearing on October 19, 2009.

Motion: Mr. Gilmour  
Second: Mr. Bitman

Council and Public Discussion: None

Roll Call: Voice Vote - Ayes - Unanimous

#### ORDINANCE INTRODUCTION

Mayor Castleman introduced by title:

AN ORDINANCE AMENDING CHAPTER XIII, "FIRE PREVENTION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mr. Biehl noted that upon introduction same would be advertised according to law, posted on the Borough bulletin board, and held over for a public hearing on October 19, 2009.

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

Council and Public Discussion: None

Roll Call: Voice Vote - Ayes - Unanimous

## ORDINANCE INTRODUCTION

Mayor Castleman introduced by title:

**AN ORDINANCE OF THE BOROUGH OF LITTLE SILVER AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF LITTLE SILVER AND BOROUGH OF RED BANK, TO PROVIDE FOR UNIFORM FIRE CODE SERVICES**

Mr. Biehl noted that upon introduction same would be advertised according to law, posted on the Borough bulletin board, and held over for a public hearing on October 19, 2009.

Motion: Mr. Gilmour  
Second: Mr. Levine

Council and Public Discussion: None

Roll Call: Voice Vote - Ayes - Unanimous

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

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

WHEREAS, the Borough of Little Silver requires a State certified composting of mulching location for the disposal of leaves for the fall and spring (2009-2010) leaf season; and

WHEREAS, the Borough Recycling Coordinator has solicited a quote from Overbrook Farm, Colts Neck, NJ in the amount of \$3.50 per cubic yard; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-5(s) allows the Governing Body to negotiate a price without public advertising for bids through a recycling program including leaf composting;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the quote submitted by Overbrook Farm in the amount of \$3.50 per cubic yard for disposal of leaves for the fall and spring (2009-2010) leaf season be and is hereby accepted.

## RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that a resolution designating 2009 salaries for employees of the Borough of Little Silver adopted on June 29, 2009 be and is hereby amended as follows:

DELETE: (Effective August 1, 2009)

Christopher Faherty Relief Dispatcher Trainee 7.25/hr

ADD: (Effective August 2, 2009)

Christopher Faherty Relief Dispatcher 16.95/hr

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

## RESOLUTION CANCELING 2009 TAXES ON BOROUGH OWNED PROPERTY BLOCK 37, LOT 25

**WHEREAS**, on or about May 3, 2005, the Borough of Little Silver became the record owner of certain property located at 466 Prospect Avenue, Little Silver, also known as Block 37, Lot 25 on the Little Silver Borough Tax Map; and

**WHEREAS**, the Borough's acquisition of the aforesaid property requires that the municipal portion of the 2009 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 municipal portion of the 2009 real estate taxes, assessed against Block 37, Lot 25 on the Little Silver Borough Tax Map, in the following amounts be canceled:

1 <sup>st</sup> Quarter:	\$ 535.80
2 <sup>nd</sup> Quarter:	\$ 535.80
3 <sup>rd</sup> Quarter:	\$ 572.77
4 <sup>th</sup> Quarter:	<u>\$ 572.77</u>
	\$2,217.14

2. 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 and Fair Haven Police Department have agreed to enter into an Interlocal Services Agreement for Dispatch Services under the Shared Services and Consolidation Act; and

WHEREAS, the Mayor and Council previously purchased new computer hardware with installation of same along with the licensing for the Enterprise Edition of the Enforsys Police Systems to provide said shared services; and

WHEREAS, the Borough is also in need of the server setup and project management training for the Enterprise Edition of the Enforsys Police Systems; and

WHEREAS, Sergeant Daniel Shaffery has solicited the following quote:

Enforsys Police Systems, Inc. Roseland, NJ 07068                      \$19,000.00; and

WHEREAS, adequate funding for this purchase is contained in Ordinance 661-08; and

WHEREAS, Enforsys Police Systems, Inc. is the sole supplier of the software which is compatible with the hardware selected by Little Silver and Fair Haven for the purpose of effectuating the terms and conditions of the Interlocal Services Agreement; and

WHEREAS, the Borough Administrative Clerk has reviewed the quote and finding it to be in order recommends the quote of Enforsys Police Systems, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Little Silver that the quote submitted by Enforsys Police Systems, Inc. in the amount of \$19,000.00 for server setup and project management training be and is hereby accepted.

## **RESOLUTION**

WHEREAS, the Borough of Little Silver did heretofore award a bid on October 1, 2007 to A. Montone Construction, Inc., Holmdel, NJ to perform the 2007 Road Improvement Program within the Borough of Little Silver in an amount not to exceed \$299,837.50 based on the Borough Engineer's estimated quantities and materials; and

WHEREAS, the Mayor and Council of the Borough of Little Silver wish to amend said Resolution due to the change of the as-built quantities in accordance with the attached Change Order #1; and

WHEREAS, this Change Order falls within the legal limit established pursuant to N.J.A.C. 5:31-4.2; and

WHEREAS, adequate funding for this purchase is contained in Bond Ordinance #643-07;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the agreement with A. Montone Construction, Inc. is hereby amended to \$291,246.57 from \$299,837.50, a decrease of \$8,590.93, for the 2007 Road Improvement Program in accordance with Change Order #1.

### **RESOLUTION**

WHEREAS, application has been made to the Borough of Little Silver by the Red Bank Regional Buccaneer Booster Club to hold an Off Premise 50/50 Raffle on October 17, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the application for an Off Premise 50/50 Raffle by the Red Bank Regional Buccaneer Booster Club be and is hereby approved.

### **RESOLUTION**

WHEREAS, Renate Reinken, property owner of Block 70 Lot 6 located at 201 Silverside Avenue, was granted a widow of a veteran deduction in 1996; and

WHEREAS, said deduction was inadvertently removed from the MODIV system and subsequently did not appear on the owner's 2008 tax bill: and

WHEREAS, J. Stephen Walters, the borough's assessor has determined that the deduction is valid; and

WHEREAS, the property owner paid the total taxes billed in 2008;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Little Silver, that the 2008 Widow of a Veteran tax deduction in the amount of \$250.00 be refunded.

### **RESOLUTION**

BE IT RESOLVED, by the Mayor and Council of the Borough of Little Silver, that a check be drawn to the owners of record on the date of overpayment, representing the refund of the overpayment of 2009 property taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME &amp; LOCATION</u>	<u>AMOUNT</u>
24	21	Brian & Jennifer McCabe	\$1,965.81

### **RESOLUTION**

WHEREAS, Verange/Wheeler did previously post a Performance Bond in the amount of \$37,680 in cash for improvements to 185 Fox Hill Drive, Block 13, Lot 24 in the Borough of Little Silver; and

WHEREAS, by letter dated July 30, 2009 the Borough Engineer recommended release of the Performance Bond and final certificate of occupancy conditional upon payment of all fees;

WHEREAS, all fees have been paid;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the aforementioned Performance Bond in the amount of \$38,543.63, principle plus interest, for improvements to 185 Fox Hill Drive, Block 13 Lot 24 in the Borough of Little Silver be and is hereby released.

BE IT FURTHER RESOLVED any accrued interest after August 31, 2009 to the actual date of payment shall accrue to the Borough of Little Silver.

### **RESOLUTION**

WHEREAS, J.B. Schultz, property owner of Block 66 Lot 11 located at 26 Paag Lane, professed she made payment of third quarter property taxes in person at the tax office window the second week of August; and

WHEREAS, the tax office had no proof of receipt of payment and mailed a delinquent notice August 31, 2009; and

WHEREAS, the property owner has a record of timely tax payments and subsequently paid the third quarter taxes;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Little Silver, that interest for the third quarter 2009 be waived for Block 66 Lot 11.

## RESOLUTION

WHEREAS, the Borough of Little Silver did heretofore award a bid on August 28, 2008 to MECO, Inc, Clarksburg, NJ to perform the 2008 Road Improvement Program within the Borough of Little Silver in an amount not to exceed \$405,965.50 and amended the amount on September 8, 2008 to \$409,400.00; and

WHEREAS, the Mayor and Council of the Borough of Little Silver further amended said Resolution November 17, 2008 as Change Order #1, and July 16, 2009 as Change Order #2; and

WHEREAS, the Mayor and Council of the Borough of Little Silver wish to further amend said Resolution to include a deduction for the repair of a sprinkler system on Silverton Avenue as per the attached Change Order #3; and

WHEREAS, this Change Order falls within the legal limit established pursuant to N.J.A.C. 5:31-4.2; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the agreement with MECO, Inc. is hereby amended to \$427,368.69 from \$427,547.95, a decrease of \$179.26, for the 2008 Road Improvement Program in accordance with Change Order #3.

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

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

Roll Call: Voice Vote - Ayes – Unanimous

The meeting was adjourned at 8:45 p.m.

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Michael D. Biehl  
Administrator/Clerk