

**MINUTES OF THE REGULAR MEETING OF THE
LITTLE SILVER BOROUGH COUNCIL
September 21, 2009**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Castleman at 8:00 p.m.

"Adequate notice of this meeting has been provided by the mailing of a notice to the Asbury Park Press and The Two River Times, by filing same with the Clerk of the Borough of Little Silver and by prominently posting said notice on the bulletin board of the Borough Hall, all since January 5, 2009."

The salute to the flag was led by Mr. Bennett and followed by a moment of silence, during which Mayor Castleman asked for remembrance for Dr. Lester Simon, Borough resident and local physician, who passed away last Tuesday. Mr. Levine noted there would be a memorial service for Dr. Simon on October 12 at the Molly Pitcher.

Roll Call:

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

Absent: Mr. Bitman, Mr. Neff

Mr. Biehl read the following:

RESOLUTION

WHEREAS, the Mayor and Council of the Borough of Little Silver did heretofore advertise for public bids for the rental of the Little Silver Railroad Station News Stand in the Borough of Little Silver; and

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

WHEREAS, the following bids were received by the Administrator/Clerk at 10:00 a.m. on September 9, 2009, opened and publicly read as follows:

The Morning Grind Café LLC Oceanport, NJ	\$15,600.00 Annually
MAFSARK, LLC d/b/a Java Junction Little Silver, NJ	\$ 8,885.79 Annually; and

WHEREAS, the Borough Attorney has reviewed the bids and finds the Business Registration and Bid Quote Form were missing from the bid submitted by MAFSARK, LLC, d/b/a Java Junction; and

WHEREAS, the Borough Attorney finds that the low bid was defective and recommends to the Mayor and Council that the high bid submitted by The Morning Grind Café LLC be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the high bid submitted by The Morning Grind Café LLC in the annual amount of \$15,600.00 for the rental of the Little Silver Railroad Station News Stand in the Borough of Little Silver be and is hereby accepted.

BE IT FURTHER RESOLVED that the appropriate Borough officials be and hereby are authorized to execute a lease agreement, in a form acceptable to the Borough Attorney, between the Borough of Little Silver and The Morning Grind Café LLC, for the rental of the Little Silver Railroad Station News Stand in the Borough of Little Silver, for a period of three (3) years, for the lease amount of \$15,600.00 per year, with an annual adjustment after the first year in accordance with increases in the Consumer Price Index or by an increase of three percent (3%), whichever is greater, and in accordance with the bid proposal submitted by The Morning Grind Café on file with the Borough.

BE IT FURTHER RESOLVED that the bid bond submitted by MAFSARK, LLC, d/b/a Java Junction be returned.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the following:

- 1) The Morning Grind Café LLC
- 2) Borough Attorney

Motion: Mr. Levine

Second: Mr. O'Hern

Council and Public Discussion: Mr. Gilmour asked what the problem was with the low bidder. Attorney Bennett replied that because this is a real estate bid that goes to the high bidder, the reason for the disqualification of the low bid was of no consequence. Mr. Biehl noted that the defects were cited, and Mr. Bennett noted that even if the low bidder had submitted the proper forms, the award still would have gone to the high bidder.

Roll Call:

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

Negative: None

Abstentions: None

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

August 3, 2009

Motion: Mr. Gilmour

Second: Mr. Levine

Council and Public Discussion: None

Roll Call: Voice Vote – Ayes – Unanimous

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

September 14, 2009

Motion: Mr. Gilmour

Second: Mr. VanWinkle

Council and Public Discussion: None

Roll Call: Voice Vote – Ayes – Unanimous

Consideration of Executive Session Minutes: None

Communications: None

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

RESOLUTION - Payment of Bills and Claims

Mr. VanWinkle offered this resolution in favor of the payment of the following vouchers which have been properly authenticated and presented for payment representing expenditures for which an appropriation was duly made in the budget adopted by the governing body, including any emergency expenditures in the said appropriation for this payment of said vouchers and which the Deputy Municipal Financial Officer has certified that sufficient funds are available to pay the same from each designated appropriation.

Check Disbursements	
Operating – Current Year	\$ 59,926.97
Operating – Prior Year	0.00
School Taxes	0.00
Contra	0.00
Capital	0.00
Grant	0.00
Various Trusts & Reserves	1,012.92
Escrow Projects	775.00
Payroll of 9/18/09	\$150,290.11
Void Checks:	\$ 0.00
Manual Checks:	\$ 0.00
EFT Payments	\$ 0.00

ACH Debit	\$	0.00
Wire Transfers:	\$	0.00
Total		\$209,005.00

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. Gilmour, Mr. Levine, 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, no report.

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, absent, no report.

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

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

Council and Public Discussion: None

Mayor's Report: Mayor Castleman noted that most of her report had been given at the previous Workshop Meeting. She noted that Attorney Bennett would write a letter to Embury Methodist Church regarding the large tree that has lifted the sidewalk in front of the church and created a hazard.

Other Reports: Attorney Bennett noted that bids had been received for the improvements to the Railroad Station parking lot. He said they have now been referred to NJ Transit, and were waiting to hear back from them. Mr. Bennett further noted that, in accordance with the Mayor's suggestion, he spoke to NJ transit regarding a rather modest stimulus package that would result in job creation, in accordance with the President's recommendations. He said the Department of Transportation made the decision, at a much higher level, that all the transportation stimulus funds were distributed to the tunnel going through the Hudson River, and there was no money available for what they considered a small project such as this one. Mr. Bennett further noted that NJ Transit would have the funds to pay for the contract, all from parking fees.

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. Mr. Biehl noted that Resolution #6 had been pulled from the Agenda.

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

Roll Call:

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

RESOLUTION

WHEREAS, a need exists within the Little Silver Police Department for one new 2010 Ford Crown Victoria Police Interceptor along with various options as per the attached document; and

WHEREAS, adequate funding has been provided for in 2009 Police Operating Budget; and

WHEREAS, Police Lieutenant LaBruno has obtained the following quotes:

Sansone Motors Fleet Ocean, NJ	\$23,275.00
Hertrich Fleet Services, Inc. Milford, De	\$23,844.00

Winner Ford
Cherry Hill, NJ

\$24,169.00; and

WHEREAS, the Borough Administrator/Clerk has reviewed the quotes and finding them to be in order recommends the quote submitted by Sansone Motors Fleet, Ocean, NJ;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the Borough Administrator/Clerk be and is hereby authorized to purchase one new 2010 Ford Crown Victoria Police Interceptor from Sansone Motors Fleet in the amount of \$23,275.00.

RESOLUTION

WHEREAS, the Little Silver Police Department is in need of purchasing an extended warranty consisting of 5 years and/or 75,000 miles with a \$0 deductible for a new 2010 Ford Crown Victoria Police Interceptor; and

WHEREAS, adequate funding for said purchase is contained in the 2009 Police Operating Budget; and

WHEREAS, Police Lieutenant LaBruno has obtained the following quote:

George Wall Lincoln Mercury
Shrewsbury, NJ

\$2,580.00; and

WHEREAS, the Administrator/Clerk has reviewed the quote for the extended warranty and recommends purchasing the extended warranty;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the Borough Administrator/Clerk be and is hereby authorized to purchase the extended warranty of 5 years and/or 75,000 miles from George Wall Lincoln Mercury in the amount of \$2,580.00 for a new 2010 Ford Crown Victoria Police Interceptor.

RESOLUTION

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.

RESOLUTION

WHEREAS, Kathy Pearson, established a Municipal Web Site for the Borough of Little Silver in 2005; and

WHEREAS, Kathy Pearson, has faithfully served as a volunteer monitoring and maintaining the Web Site, littlesilver.org, until July 2009; and

WHEREAS, Kathy Pearson established and maintained the Little Silver Web Site in a timely and professional manner;

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 Kathy Pearson for her faithful service to the Borough.

RESOLUTION OF THE BOROUGH OF LITTLE SILVER ACCEPTING THE RETIREMENT REQUEST OF MICHAEL J. OLIMPI

WHEREAS, Michael J. Olimpi has notified the Borough of Little Silver of his intention to retire from his positions as Property Maintenance Code Enforcement Officer, Shade Tree Enforcement Officer, Facilities and Grounds Coordinator and Zoning Inspector as of October 30, 2009; and

WHEREAS, the retirement of Michael J. Olimpi will be in accordance with the September 8, 2008 Resolution regarding terminal leave capping Mr. Olimpi's retirement payout package at \$20,249; and

WHEREAS, in accordance with the terms of Mr. Olimpi's retirement package, Mr. Olimpi will receive five (5) additional vacation days prior to his retirement date.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the request for retirement by Mr. Olimpi be accepted consistent with the terms outlined above.

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

RESOLUTION

WHEREAS, the Borough of Little Silver Public Works/Recycling Department is in need of repair of the body of their 2001 International 30 Yard Packer Truck (#41); and

WHEREAS, adequate funding for said purchase is contained in Ordinance #601-05; and

WHEREAS, the Director of Public Works has solicited the following quote:

Sanitation Equipment Corporation
Paramus, NJ \$9,521.14; and

WHEREAS, Sanitation Equipment Corporation is the manufacturer of the body, therefore it is the sole vendor qualified repair facility for the repair of the packer body; and

WHEREAS, this repair will extend the life of the truck (#41) at least an additional five years; and

WHEREAS, the Borough Administrator/Clerk has reviewed the quote and finding it to be in order recommends the quote submitted by Sanitation Equipment Corporation in the amount of \$9,521.14 be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the Borough Administrator/Clerk be and is hereby authorized to repair of the body of the DPW 2001 International 30 Yard Packer Truck (#41) in the amount of \$9,521.14 from Sanitation Equipment Corporation.

Mr. Biehl read the following:

RESOLUTION

WHEREAS, the Borough of Little Silver Department of Public Works Garage is in need of increasing the height of the bay doors in order to facilitate access the larger vehicles for servicing; and

WHEREAS, the following quotes have been solicited by the Borough Department of Public Works Director:

Pax Construction Corp.
West Long Branch, NJ \$ 7,800.00

C.W. Grimmer & Sons
Tinton Falls, NJ

\$21,500.00; and

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

WHEREAS, the Borough Administrator/Clerk has reviewed the quotes and finding them to be in order recommends the low quote submitted by Pax Construction Corp.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the quote submitted by Pax Construction Corp. in the amount of \$7,800.00 for the increasing the height of the bay doors for the Borough of Little Silver Department of Public Works Garage be and is hereby accepted.

Motion: Mr. Gilmour
Second: Mr. VanWinkle

Council and Public Discussion: None

Roll Call:

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

Public Portion: Remarks of the public for the good of the Borough: Eileen Caruso asked if a Dunkin Donuts application had been approved. Mayor Castleman replied that the application had been submitted, but has not come before the Planning Board. Ms. Caruso also asked if there would be an area at Santelle Park that would be set aside for skateboarding. Mr. O'Hern replied that the rebid plan called for removal of the volleyball courts. He said the plan presently calls for that area to be left as lawn, possibly could become a skateboard area in the future, but there are no plans for it at the present time. He added that the residents were adamantly opposed to a skateboard area, and that they were not comfortable with changing the original plan to include this and to go forward with the park as originally planned.

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

Roll Call: Voice Vote - Ayes – Unanimous

The meeting was adjourned at 8:40 p.m.

Michael D. Biehl
Administrator/Clerk