

BOROUGH COUNCIL MEETING
BOROUGH HALL – 7:00 P.M.
April 10, 2023

1. Meeting called to Order and Statement of Compliance with Open Public Meetings Act by Mayor Neff
2. Salute to the Flag
3. Moment of Silence
4. Roll Call
5. Communications:
6. **Ordinance Public Hearing: 866-23**

ORDINANCE AMENDING § 16A-5.7 OF CHAPTER 16A “LAND USE AND DEVELOPMENT REGULATIONS” OF THE CODE OF LITTLE SILVER, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY.

(Advertised in the TRT March 30, 2023)

Motion to open hearing:

Second:
VOTE:

- c) Mayor declares the hearing open.
Council and Public Discussion
- d) Motion hearing be closed.
Second:
VOTE:
- e) Mayor declares hearing closed.
- f) Motion to approve on second and final reading and to advertise in accordance with law.
Motion:
Second:
Roll Call:

7. **Public Hearing: Proposed Open Space Fund Maintenance Expenses**

(Advertised in the APP March 11, 2023)

Motion to open hearing:

Second:
VOTE:

- c) Mayor declares the hearing open.
Council and Public Discussion
- d) Motion hearing be closed.
Second:
VOTE:
- e) Mayor declares hearing closed.

8. Brief remarks on the agenda from members of the Public.

9. REPORTS OF COUNCILMEMBERS:

TRAFFIC AND PEDESTRIAN SAFETY,
PUBLIC WORKS, INFRASTRUCTURE AND
(Traffic Safety Committee and Municipal Court)

Mr. Brennan
(Council President)

POLICE AND EMERGENCY PREPAREDNESS:
(Open Space, Capital Projects, Emergency
Planning, Information Technology and Cyber Security)

Mr. Galante

BUDGET AND INSURANCE (Finance)
(Shade Tree, Little Silver Schools,
Little Silver Business Community and CFO)

Mr. Smith

PLANNING AND ZONING, COAH, AND
TELECOMMUNICATIONS:
(COAH, Litigation, Planning Board,
Assessor's Office and Environmental Commission)

Mr. Holzapfel

PERSONNEL
(Two River Water Reclamation Authority
Recycling and 100th Birthday Celebration Committee)

Mrs. Brannagan

PUBLIC COMMUNICATION AND INFORMATION
(Shared Services w/ Mayor, Library Trustees,
Board of Health, Red Bank Regional and Recreation.

Mr. Christensen

Mayor's Report
(Two River County of Mayors, Monmouth County Commissioners,
Governor's Office and local legislators, Parker Homestead and
Shared services in conjunction with Mr. Christensen)

Mayor Neff

Administrator's Report:

Mr. Burke

Old Business.

10. New Business

11. Public Comment

12. CONSENT AGENDA

Motion:

Second:

Council and Public discussion:

Roll Call:

1. Resolution: Authorizing the payment of bills
2. Resolution: Authorizing the disposal of surplus property through GovDeals of a Borough owned Chevrolet Tahoe VIN# 1GNSKDEC0GR349010 with an odometer reading of 93,310.
3. Resolution: Authorizing Change Order #4 for the 2021 Roadway Improvement Program with Fernandes Construction Inc. for a decrease in the amount of \$12,103.60 to an amended cost figure of \$380,699.66
4. Resolution: Authorizing Borough Administrator/Clerk Kevin J. Burke, Jr., to serve as the Borough Community Development Representative and Asst. Administrator/Asst. Clerk is hereby designated as the alternate Borough Community Development Representative.
5. Resolution: Authorizing an amendment to previously passed resolution 2023-043 at a meeting held of the Mayor and Council on February 27, 2023 for a contract between the Borough and Limbach/New Jersey Natural Gas for an increase in the amount of \$4,379.84 for the HVAC proposal for the Borough Woman's Club for a new total of \$10,487.84
6. Resolution: Approving Change order #1 for the 2022 roadway improvement program with Z. Brothers Concrete in the amount of \$44,880.94 to a new amount of \$613,771.78

Motion:

Second:

Roll Call:

13. Adjournment

ORDINANCE

ORDINANCE AMENDING § 16A-5.7 OF CHAPTER 16A “LAND USE AND DEVELOPMENT REGULATIONS” OF THE CODE OF LITTLE SILVER, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY

WHEREAS, the Mayor and Borough Council have determined the section of the code of Little Silver relating to Accessory Structures requires updating for internal consistency within the code; and

WHEREAS, the power of the Mayor and Borough Council to adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon is set forth in N.J.S.A 40:55D-62; and

WHEREAS, the Mayor and Borough Council believe § 16A-5.7 includes a definition of the term “accessory structures” that is inconsistent with the intent of the section; and

WHEREAS, the Mayor and Borough Council want to ensure consistency in the code of Little Silver, particularly regarding land use and development regulations;

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Little Silver, County of Monmouth, and State of New Jersey, (additions to text indicated by **bold text**; deletions to text indicated by ~~strikeout~~) as follows:

§ 16A-5.7 Accessory Structures.

Unless otherwise specified in this chapter, accessory structures shall conform to the following regulations as to their locations on the lot.

- A. An accessory structure attached to a principal structure shall comply in all respects with the yard requirements of this chapter for the principal structure. Detached accessory ~~buildings~~ **structures** shall be located in other than a front yard, and if located in a side or rear yard area shall be setback as provided in Article 10 of the ordinance from all lot lines, except that one storage shed containing 100 square feet or less of floor area and not more than 12 feet in height measured from the existing finished grade may be located not less than eight feet from any side or rear lot line.
- B. Accessory structures shall not exceed 16 feet in height.
- C. Accessory structures shall not exceed 150 square feet in size, except free standing garages, which may not exceed 600 square feet in size.
- D. A detached accessory structure, in any residential zone, shall be at least five feet from the principal structure and any other accessory structure.

- E. No accessory building shall be used for residence purposes.
- F. Air conditioners and condenser units shall be allowed three feet of the principal structure and at least 15 feet from the property line, except that the distance to the property line can be reduced to as little as eight feet if a sound absorption/reduction system to determine noise levels is installed.

**NOTICE OF PUBLIC HEARING
BOROUGH OF LITTLE SILVER
OPEN SPACE FUND MAINTENANCE EXPENSES**

Notice is hereby given that the Mayor and Council of the Borough of Little Silver will conduct a public hearing concerning Open Space Fund Maintenance Expenses and Improvement Projects pursuant to the requirements of N.J.S.A. 40:12-15.3.

The time and place of the public hearing are:

Monday April 10, 2023
Borough Hall
480 Prospect Ave., Little Silver, NJ 07739
7:00 pm

The subject of the public hearing will be those Maintenance Expenses described on the list below.

OPEN SPACE FUND MAINTENANCE EXPENSES

The 2023 Maintenance Expenses, in the amount of \$195,000 of Trust Fund Collections, are estimated at this time to be expended by the Borough of Little Silver, within the County of Monmouth, in the maintenance of various park areas, recreation areas, greenways, trails and other lands acquired for recreation and conservation purposes at Borough owned parks in 2023.

Construction and Maintenance Materials including but not limited to various building materials such as paint, hardware, lumber, plumbing, heating/air conditioning, electrical, masonry, fencing, doors, windows, wall and floor coverings, locks, alarms, and welding supplies; various road materials such as gravel, sand, bituminous mix, and drainage pipes; and various vehicle equipment such as toolboxes and storage racks.

Janitorial Services including but not limited to supplies, subcontracted cleaning services and cleaning.

Maintenance, Repairs, Improvements and Servicing including but not limited to painting, roofing, masonry, septic, deep well, water treatment, alarms, roadways, plumbing, heating, ventilating, air conditioning and irrigation systems.

Grounds Maintenance, Renovation and Restoration Work including but not limited to seeding, spraying, aerifying, brush clearing and chipping, tree trimming, tree removal and planting of shrubbery and trees.

Equipment and Vehicle Maintenance Repair including but not limited to irrigation equipment.

Professional Consulting Services including but not limited to engineering, architectural, environmental, surveying, topography mapping, and wetland delineation.

DPW Employee Salary and Wages for maintaining, repairing, improving, and developing grounds, lands, buildings, facilities, etc.

The public is invited to submit all comments in writing and any requests for additional information should be directed to Borough Administrator/Clerk Kevin Burke at 480 Prospect Ave., Little Silver, NJ or by email at kburke@littlesilver.org; or 732-842-2400.

**BOROUGH OF LITTLE SILVER
VOUCHERS PAYABLE
April 10, 2023**

I offer this Resolution in favor of the payment of the following vouchers which have been authenticated and presented for payment. These payments represent expenditures for which an appropriation was duly made in the budget adopted by the governing body, including any emergency expenditures. The Chief Financial Officer has certified that sufficient funds are available to pay the same from each designated appropriation.

CHECK DISBURSEMENTS

Operating-Current Year	\$	107,226.44
Operating-Prior Year		19,711.58
Capital		95,802.74
Grant		0.00
Various Trusts & Reserves		13,735.93
Escrow Projects		3,800.00

PAYROLL	3/31	156,844.15
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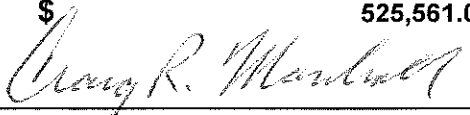
VOID CHECKS

MANUAL CHECKS

ACH DEBIT	Ameriflex Claims-Mar 2023	3,642.36
	Ameriflex-Apr 2023	197.00
	CapturePoint-Apr. 2023	73.02
	Chase Paymentech Sol-Mar. 2023	1,095.92

WIRE TRANSFERS	Treasurer, State of NJ Green Trust	3,310.33
	American Express	1,312.98
	SHBP-April 2023	118,808.58

TOTAL	\$	525,561.03
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Craig R. Marshall, CFO

RESOLUTION

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 T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are 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 2008-09.
4. A list of surplus property to be sold is as follows:

2016 Chevrolet Tahoe, VIN #1GNSKDEC0GR349010 and the odometer reading is 93,310 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 Borough of Little Silver did heretofore award a bid on October 25, 2021, to Fernandes Construction, Inc., Monroe, NJ to perform the 2021 Roadway Improvement Program within the Borough of Little Silver 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 agreement with a decrease in accordance with the attached Change Order #4 in the sum of \$12,103.60; and

WHEREAS, the Change Orders 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 #845-21.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the agreement with Fernandes Construction, Inc. is hereby amended to \$380,699.66, an additional decrease of \$12,103.60, for the 2021 Roadway Improvement Program in accordance with Change Order #4.

Resolution

WHEREAS, the New Jersey Board of Public Utilities Clean Energy Program created the Direct Install program in part to assist local governments with reducing their energy consumption and lowering their utility costs; and

WHEREAS, the Direct Install program is now administered by investor owned-utility companies including New Jersey Natural Gas; and

WHEREAS, Limbach Company, LLC (“Limbach”), is a building systems solutions firm with expertise in the design, installation, management, service, and maintenance of HVAC, mechanical, electrical, plumbing and control systems inside buildings; and

WHEREAS, Limbach has approached the Borough of Little Silver (“the Borough”) with project proposals to renovate the Borough Hall (attached as Exhibit “A”) and the Borough of Little Silver Women's Center (attached as Exhibit “B”); and

WHEREAS, the proposal for renovation of the Borough Hall totals \$168,638.00, but would result in a cost to the Borough of only \$36,805.00; and

WHEREAS, the proposal for renovation of the Women’s Center totals \$30,540.00, but would result in a cost to the Borough of only \$6,108.00; and

WHEREAS, at the Mayor and Council meeting on February 27, 2023 the governing body of the Borough of Little Silver passed resolution #043-23 approving the above contract between the Borough and Limbach, LLC.

WHEREAS, on April 3, 2023, the Borough of Little Silver was notified by the project manager of the Direct Install Program from New Jersey Natural Gas of an error in previous calculations of energy consumption for the Borough owned Woman’s Club. This error would result in an increase of the Borough’s share of improvements to \$4,379.84 from the original proposal to replace the HVAC System at the Woman’s Club for a new total of \$10,487.84.

WHEREAS, the goal of these renovations is the reduction in energy consumption and utility costs from the buildings receiving the renovations.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Little Silver, County of Monmouth, and State of New Jersey that the Mayor and Borough Council authorize the Borough to approve the additional expenditure and increased amount for HVAC renovations of the Women’s Club as proposed by Limbach Company, LLC in Exhibit “A” through the Direct Install program administered by New Jersey Natural Gas.

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to the following:

1. Robert Neff, Jr., Borough Mayor
2. Kevin Burke, Borough Administrator
3. Craig Marshall, Borough CFO
4. Meghan Ann Bennett, Esq., Township Attorney

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver:

Kevin Burke, Jr. is hereby designated Community Development Representative and Sharon Kavendek is hereby designated Alternate Community Development Representative of the Borough of Little Silver for 2023.

ResCDBGReps

RESOLUTION

WHEREAS, the Borough of Little Silver did heretofore award a bid on December 19, 2022 to Z Brothers Concrete Inc., Sayreville, NJ to perform the 2022 Roadway Improvement Program within the Borough of Little Silver in an amount not to exceed \$549,431.44 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 agreement in accordance with the attached Change Order #1 (\$44,880.94); and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the agreement with Z. Brothers Concrete, Inc. is hereby amended to \$594,312.38 from \$549,431.44, an increase of \$44,880.94 for the 2022 Roadway Improvement Program in accordance with Change Order #1.