

BOROUGH COUNCIL MEETING
BOROUGH HALL – 7:00 P.M.
March 27, 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: Update of the 2023 Borough Budget by the Borough Chief Financial Officer

6. **Ordinance Introduction: 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.
(Public Hearing April 10, 2023)**

**Motion:
Second:
Roll Call:**

7. **Ordinance Introduction: 867-23**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK. (N.J.S.A. 40A:4-45.14)

(Public Hearing April 24, 2023)

**Motion:
Second:
Roll Call:**

8. Suspend regular order of business.
9. Governing Body discussion of the Brickwall In-Pocket Liquor License.
10. Resume normal order of business.
11. Brief remarks on the agenda from members of the Public.

12. 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.

13. New Business

14. Public Comment

15. Resolution: Introduction of the 2023 Borough of Little Silver Budget
(Public hearing on the 2023 budget will be held on April 24, 2023)

Motion:
Second:
Roll Call:

16. Resolution: Authorizing the certification of compliance by the governing body of the Borough with the US EEOC enforcement guidance on the consideration of arrest and conviction records in employment decision under Title VII of the Civil Rights Act of 1964.

Motion:
Second:
Roll Call:

17. Resolution: Approving the self-examination of the 2023 budget submission of the Borough of Little Silver to the Department of Community Affairs, Local Finance Board.

Motion:
Second:
Roll Call:

18. CONSENT AGENDA

Motion:
Second:
Council and Public discussion:
Roll Call:

1. Resolution: Authorizing the payment of bills
2. Resolution: Approving the renewal of the shared service inter-local agreement between the Boroughs of Rumson, and Little Silver for Uniform Construction Services for the period of January 1, 2023 until December 31, 2026.
3. Resolution: Approving the Memorandum of Understanding with the New Jersey State Police, Office of Emergency Management for disaster assistance
4. Resolution: Authorizing a contract with Quantum Health for an Employees Assistance Program for the Borough Workforce and the Volunteer First Responders of the Borough.
5. Resolution: Authorizing the release of escrow funds from previous project(s) for Block 23 Lot 2 in the amount of \$825.00

19. Resolution: Approving the governing body to enter executive session to discuss personnel matters and contract negotiations.

Motion:

Second:

Roll Call:

20. 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.

CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Little Silver in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1% increase in the budget for said year, amounting to \$94,102.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Little Silver, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Little Silver shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1%, amounting to \$94,102.44, and that the CY 2023 municipal budget for the Borough of Little Silver be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**BOROUGH OF LITTLE SILVER
VOUCHERS PAYABLE
March 27, 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

| | | | |
|--------------------|---------------------------------------|-----------|---------------------|
| | | \$ | 88,390.48 |
| | Operating-Current Year | | 5,351.78 |
| | Operating-Prior Year | | 25,907.45 |
| | Capital | | 15,187.00 |
| | Grant | | 5,037.94 |
| | Various Trusts & Reserves | | 1,737.50 |
| | Escrow Projects | | |
| | | | |
| PAYROLL | 3/17 | | 158,247.32 |
| | | | |
| VOID CHECKS | | | |
| | | | |
| MANUAL CHECKS | State Treasurer, Ck#36551 | | 25.00 |
| | | | |
| ACH DEBIT | Lincoln Nat. Life Insur.-Apr. 2023 | | 298.00 |
| | | | |
| WIRE TRANSFERS | School Taxes April 2023 | | 1,803,270.17 |
| | Retiree Healthcare Stipend Adjustment | | 89.02 |
| | | | |
| TOTAL | | \$ | 2,103,541.66 |

Craig R. Marshall, CFO

RESOLUTION

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023;

| | |
|---|-----------------|
| General Appropriations for: | |
| Appropriations within "CAPS" | |
| Municipal Purposes | \$ 9,548,063.00 |
| Appropriations excluded from "CAPS" | |
| Municipal Purposes | \$ 1,826,100.57 |
| Reserve for Uncollected Taxes | \$ 690,836.43 |
| Total General Appropriations | \$12,065,000.00 |
| Less: Anticipated Revenues other than Current Property Tax | \$ 3,530,000.00 |
| Difference: Amount to be Raised by Taxes for Support of Municipal Budget | \$ 8,535,000.00 |

BE IT FURTHER RESOLVED, that said Budget be published in the Two River Times in the issue dated April 6, 2023

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Little Silver does hereby introduce and approve the following as the Budget for the year 2023.

BE IT FINALLY RESOLVED that a Hearing on the Budget and Tax Resolution will be held at Little Silver Borough Hall, 480 Prospect Ave., Little Silver, NJ on April 24, 2023 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE
WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF *Monmouth*

We, members of the governing body of the *Borough of Little Silver* being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the *Mayor and Council* of the *Borough of Little Silver* in the county of Monmouth;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.) Mayor R. Neff

(L.S.) Councilman Holzaphel

(L.S.) Council President Brennan

(L.S.) Councilman Smith

(L.S.) Councilwoman Brannagan

(L.S.)

(L.S.) Councilman Christensen

(L.S.)

(L.S.) Councilman Galante

(L.S.)

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Borough Clerk Kevin J. Burke, Jr.

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

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.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON March 27, 2023.

Borough Clerk Kevin J. Burke, Jr.

RESOLUTION

WHEREAS, The Borough of Rumson is presently providing Uniform Construction Code services to the Borough of Little Silver; and

WHEREAS, the Borough of Rumson will continue to serve as the Interlocal Enforcing Agency pursuant to N.J.A.C. 5:23-4.6 et seq and said services shall include that of the Construction Code Official and of the Building, Electrical, Fire and Plumbing Subcodes; and

WHEREAS, the proposed agreement under the Interlocal Services Act, N.J.S.A. 40:8A-1, is in the best interests of the municipalities and will tend to promote economy and efficiency in government;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the Mayor and Borough Clerk be and are hereby authorized to enter into an agreement with the Borough of Rumson for the provision of Construction Code Services to the Borough of Little Silver for the period from January 1, 2023 through December 31, 2026.

resSharedserviceconstructionRumson2023

RESOLUTION

WHEREAS the Borough of Little Silver wishes to be able to apply for grants under Federal Emergency Management Agency (FEMA) Public Assistance and/or Hazard Mitigation programs in the case of presidentially declared major disasters and;

WHEREAS the Borough wishes to enter into a Memorandum Of Understanding (MOU) with the State of New Jersey and they will if needed provide documentation that we have met our grant activities; and

WHEREAS the Mayor has designated Borough Administrator Kevin J. Burke, Jr. as the Borough's primary agent and to ask on its behalf.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Little Silver that the Borough is entering into a Memorandum Of Understanding (MOU) with the State of New Jersey for the good of the residents and town.

ResMOU

RESOLUTION

WHEREAS, the Borough is desirous to establish a formal employee's assistance program for the employees and volunteer first responders of the Borough of Little Silver; and

WHEREAS, a proposal was received on December 8, 2022 from Quantum Health interested in performing said services for the Borough for a period beginning on April 1, 2023 and ending April 1, 2024. These services include critical incident stress management and debriefing, 24-hour in the moment assessment and consultation, coordination for SAP services for CDL holders etc.; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that Quantum Health be appointed as the employee's assistance provider (three session model) for the Borough commencing on April 1, 2023 through, April 1, 2024 in accordance with their proposal that was submitted on December 8, 2022. The three session model contract is not to exceed \$4,800.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Clerk, CFO and QPA.

RESOLUTION

WHEREAS, the Borough Engineer has determined that the following projects have been completed and recommends that the following escrow balances and construction fees be released:

Nicholas Gazzola
92 Silverton Ave.
Little Silver, NJ 07739
Block 23 Lot 2

Escrow: \$825.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver that the above escrow balances be and are hereby released.

Resolution

Borough of Little Silver

WHEREAS, the Borough Council of the Borough of Little Silver is subject to certain requirements of the Open Public Meetings Act (N.J.S.A. 10:4-6, et seq.); and

WHEREAS, the Open Public Meeting Act (N.J.S.A. 10:4-12) provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough Council of the Borough of Little Silver to discuss in a session not open to the public certain matters relating to the item or items authorized by law (N.J.S.A. 10:4-12b) and designated as personnel matters and contract negotiations.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Little Silver, assembled in public session on March 27, 2023, that an Executive Session closed to the public shall be held on March 27, 2023 at 7:00 p.m. at Little Silver Borough Hall, 480 Prospect Ave., Little Silver, NJ for matters relating to the specific items designated above.

BE IT FURTHER RESOLVED that formal action may be taken after the Executive Session.