

**MINUTES OF THE MEETING OF THE
LITTLE SILVER BOROUGH COUNCIL
April 10, 2023**

The meeting was called to order and the Statement of Compliance with the Open Public Meetings Act given by Mayor Neff at 7:00 pm.

“Adequate notice of this meeting has been provided by the mailing of a notice to the Asbury Park Press and The Two River Times on January 12, 2023, and 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, the Borough Website, the Borough Facebook Page, Borough Newsletter, Electronic Sign and Constant Contact. Notice about how to attend the meeting virtually was posted on the Borough website, Borough Facebook page, and Constant Contact.”

The salute to the flag was led by Councilman Holzapfel and followed by a moment of silence.

Roll Call:

Present: Mayor Neff, Councilpersons Brennan, Christensen, Galante, Holzapfel, Smith, Attorney Caitlin Harney, and Administrator/Clerk Burke.

Absent: Councilwoman Brannagan

Communications: Increase in the HVAC proposal for the Woman’s Club from Limbach on the Consent Agenda

Ordinance Public Hearing: 866-23

ORDINANCE AMENDING §A-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)

A) Motion to open hearing: Councilman Smith

Second: Councilman Brennan

Discussion: None

Vote: Unanimous voice vote

B) Mayor declares the hearing open.

Council and Public Discussion: Councilman Holzapfel stated this never went before the Planning Board. It came from the Planning Board attorney and was sent to the Borough attorney and administrator. He disagrees with making something a law without getting any Planning Board input on the definition of “structure”.

Mayor Neff stated the definition of “structure” was staying the same but changing it from the present “building”. He was concerned that the Planning Board hadn’t seen this. He would like the Planning Board to look at this at their meeting on Thursday but wasn’t sure how it would work with this being the public hearing.

Attorney Harney explained that it would not have to be reintroduced if there are no

changes from the Planning Board, but they would have to advertise for another public hearing. If there are changes, it will need to be reintroduced.

Councilman Galante asked if there were any issues outstanding that necessitated this change.

Mr. Burke answered that there are.

Councilman Holzapfel explained there have already been applications with issues. Mr. Burke read a letter from Attorney Bennett about an application for a horsehead ornament application that was denied, was actually allowed according to the current ordinance verbiage. It was interpreted incorrectly.

Multiple Council members agreed that the Planning Board should have some input before this is passed.

Attorney Harney said this can be added to the Planning Board's agenda for Thursday.

- C) Motion hearing to be closed: Councilman Smith
Second: Councilman Holzapfel
Discussion: None
Vote: Unanimous voice vote

- D) Mayor declares hearing closed.

Motion to carry ordinance public hearing and to re-advertise in accordance with law:
Councilman Brennan

Second: Councilman Holzapfel

Discussion: None

Roll Call:

Ayes: Councilpersons Brennan, Christensen, Galante, Holzapfel, Smith

Nays: None

Abstain:

Motion carried.

Public Hearing: Proposed Open Space Fund Maintenance Expenses (Advertised in the APP March 11, 2023)

Mr. Burke explained that for 2023 they would like to start using Open Space funds for parks maintenance, upkeep, equipment, etc.

- A) Motion to open hearing: Councilman Smith
Second: Councilman Brennan
Discussion: None
Vote: Unanimous voice vote

- B) Mayor declares the hearing open.
Council and Public Discussion:
Keith Wells asked if the Parker Homestead property is considered a park.
It was answered that it is considered open space.

- C) Motion hearing to be closed: Councilman Christensen

Second: Councilman Smith
Discussion: None
Vote: Unanimous voice vote

D) Mayor declares hearing closed.

Roll call to approve Open Space funds to be used for parks:

Ayes: Councilpersons Brennan, Christensen, Galante, Holzapfel, Smith
Nays: None
Abstain:

Brief remarks on the agenda from members of the public:

Keith Wells, Parker Homestead: Homestead's major restorations are complete; they took 10 years. Starting in May, the homestead will be open on Sundays from 12-4 pm.
No comments from Zoom.

REPORTS OF COUNCILMEMBERS:

TRAFFIC AND PEDESTRIAN SAFETY, PUBLIC WORKS AND INFRASTRUCTURE

(Council President, Traffic Safety Committee, Municipal Court)

Council President Brennan reported on the following:

Infrastructure: Councilman Brennan, Mr. Burke, and Mr. Blash met with NJ Transit planning group to discuss the changes at Fort Monmouth and the growth that is proposed to happen. The planning group makes suggestions about how to be a commuter village around the train station; there is some funding available. Little Silver wants the planning group to understand that there will be more people using NJ Transit in the next 5-10 years. There needs to be plans on what can be done to the station and parking lot, as well as ADA accessibility.

The County approved the Dunkin Donuts from a traffic standpoint. Our police department is still concerned about the crosswalk situation and people crossing the road from Builder's General. The only thing that can be done is to post signage pointing to the crosswalk.

Traffic & Safety: A new crosswalk is being installed at Silverside Ave and Laurie Lane; a tree had to be removed to do so. An ADA compliant crosswalk is going in this week at White Road and Megan Drive. The police department got a traffic safety grant, which puts an extra police officer on the road and looks for unsafe driving; if someone is pulled over, they may just get an explanation of how they were driving unsafely and not necessarily get a ticket.

DPW: Nothing to report

POLICE AND EMERGENCY PREPAREDNESS:

(Open Space, Capital Projects, Emergency Planning, IT, Cyber Security)

Councilman Galante reported on the following:

Police: Two weeks away from the new radio repeater system being implemented completely. A new officer is being sworn in on April 24th.

Fire: Nothing to report

EMS: Nothing to report

IT: Nothing to report
OEM: Nothing to report.
Technology Committee: Nothing to report.
Fire Police: Nothing more to report.

BUDGET AND INSURANCE (aka Finance):

(Shade Tree, Little Silver Schools, Little Silver Business Community and CFO)
Councilman Smith reported on the following:

Finance: Nothing to report

Schools: Markham Place requested use of the gazebo and surrounding park for 8th grade graduation on Wednesday, June 14th. When the Board of Ed goes formal with their budget, they are being asked to present it to the Council at a meeting.

Little Silver Business Community: Mr. Burke is still working to set a date for County Commissioner Tom Arnone to speak to the Little Silver Business community.

Shade Tree Commission: New member Alex McManus. Environmental Day was on March 25th and was a success. They gave out 50 red oak seedlings to residents. Seedlings will be distributed to the students at Point Road on Arbor Day.

PLANNING AND ZONING, COAH, AND TELECOMMUNICATIONS:

(COAH, Litigation, Planning Board, Assessor's Office and Environmental Commission)

Councilman Holzapfel reported on the following:

Planning Board: Dunkin's application will be heard on Thursday, April 13th.

Environmental Commission: Nothing to report.

COAH: Nothing to report.

Litigation: Nothing to report.

Telecommunications: Nothing to report.

PERSONNEL:

(Two River Water Reclamation Authority, Recycling, 100th Birthday Celebration)

Councilwoman Brannagan was absent.

Personnel:

PUBLIC COMMUNICATION AND INFORMATION

(Shared Services w/ Mayor, Library Trustees, Board of Health, Red Bank Regional High School, Recreation)

Councilman Christensen reported on the following:

RBR: The Board successfully voted to retain all honors programs for 10th grade. Permanent signs will be put up on the street across from the parking lot. Different options will be looked at to alleviate parking issues in the future- lottery for parking space, phased departures, etc.

Rec: New preschool program with Snapology beginning April 19th. Gone Running program starts April 17th. Blood Drive on May 13th. New book going up for the Story Walk at Sickles Park. Baseball and softball begin next Monday.

Library: Nothing to report.

Two River Council Members Group: Nothing to report

Community Events: Nothing to report

MAYOR'S REPORT

(Two River Council of Mayors, Monmouth County Commissioners, Governor's Office and local legislators, Parker Homestead and Shared Services in conjunction w/ Councilman Christensen)

Two Rivers Council of Mayors: met last week. There is proposed dredging of the Shrewsbury River. This is something to stay on top of to know exactly where and how much they'll be dredging. There are other areas in town that need to be dredged, like Little Silver Creek.

Mr. Burke stated he and Mr. Blash will be meeting with Monmouth County to discuss dredging the Chimento tract through the Army Corps. It will clear out all of the branches and debris. There is a property being developed right now that would allow access to the stream and the resident is ok with their property being used.

Keith Wells asked if this would make any of the property unusable.

Mr. Burke answered that it will not affect the property.

Administrator's Report: Moving along with Edmunds and electronic signatures; he needs everyone to sign off in order to start.

Old Business: None

New Business: None

Public Comment: Nothing on Zoom or from audience.

Consent Agenda

Motion: Councilman Brennan

Second: Councilman Smith

Discussion: None

Roll Call:

Ayes: Councilpersons Brennan, Christensen, Galante, Holzapfel, Smith

Nays: None

Abstain:

Motion carried.

1. RESOLUTION: Authorizing the payment of bills. (R-23-64)
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. (R-23-65)
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. (R-23-66)
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. (R-23-67)

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. (R-23-68)
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. (R-23-69)

**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

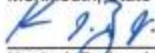
WIRE TRANSFERS	Treasurer, State of NJ Green Trust	3,310.33
	American Express	1,312.98
	SHBP-April 2023	118,808.58

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

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Resolution #064-23, passed by the Borough Council of the Borough of Little Silver, County of Monmouth, State of New Jersey, at a meeting held on April 10, 2023



 Kevin J. Burke, Jr.
 Administrator/Borough Clerk

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;

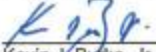
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Little Silver, County of Monmouth, as follows:

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.

ResGovDealsAuction

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Resolution #065-23, passed by the Borough Council of the Borough of Little Silver, County of Monmouth, State of New Jersey, at a meeting held on April 10, 2023



Kevin J. Burke, Jr.
Administrator/Borough Clerk

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

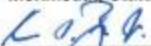
WHEREAS, the Change Orders falls within the legal limit established pursuant to N.J.A.C. 5:31-4.2; and

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.

ResChangeOrder2021RoadProgram(4)

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Resolution #066-23, passed by the Borough Council of the Borough of Little Silver, County of Monmouth, State of New Jersey, at a meeting held on April 10, 2023



Kevin J. Burke, Jr.
Administrator/Borough Clerk

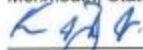
RESOLUTION

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

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Resolution #067-23, passed by the Borough Council of the Borough of Little Silver, County of Monmouth, State of New Jersey, at a meeting held on April 10, 2023



Kevin J. Burke, Jr.
Administrator/Borough Clerk

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.

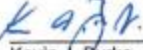
WHEREAS, the goal of these renovations is the reduction in energy consumption and utility costs from the buildings receiving the renovations.

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

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Resolution #068-23, passed by the Borough Council of the Borough of Little Silver, County of Monmouth, State of New Jersey, at a meeting held on April 10, 2023



Kevin J. Burke, Jr.
Administrator/Borough Clerk

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.

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Resolution #069-23, passed by the Borough Council of the Borough of Little Silver, County of Monmouth, State of New Jersey, at a meeting held on April 10, 2023



Kevin J. Burke, Jr.
Administrator/Borough Clerk

AJOURNMENT: There being no further business, the meeting was adjourned at 7:48 pm with a motion from Councilman Christensen and a second from Councilman Smith, followed by a unanimous voice vote.

Respectfully submitted,

Kevin Burke
Administrator/Borough Clerk