

SEASIDE PARK BOROUGH COUNCIL

The Regular Meeting of the Borough Council of the Borough of Seaside Park was called to order at 8:00 p.m. on Thursday, Jan. 22, 2009 in the Borough Council Meeting Room located at Sixth & Central Avenues, Seaside Park, with Mayor Thomas E. Connors presiding.

"In accordance with the requirements of New Jersey's Open Public Meetings Act, public notice of this meeting was included in the required Annual Meeting Notice which was filed in the Office of the Seaside Park Borough Clerk; posted on the Bulletin Board located in the Municipal Building; and forwarded to the Ocean County Observer, the Asbury Park Press, and to all persons requesting notice and providing self-addressed, postage-paid envelopes."

Present:

- Thomas E. Connors, Mayor
- Jim Jablonski
- Randy Appleby
- Dr. Fritz McHugh
- Andy Kelly
- Bob Brennan
- Dave Meyer

Absent:

- Also Attending:
- Adm. Julie Keizer
- Dep. Clerk Barbara Greger
- Attorney William T. Hiering, Jr.
- Chief Ed Dickson
- Jim Mackie, Dir. DPW

Mayor Connors called the meeting to order at 8:10 P.M.
 Adm. Julie Keizer read the Statement of Compliance, the announcements and no smoking policy.
 Mayor Connors read the mission statement and asked all to stand for a moment of silence and Pledge of Allegiance remembering those in the Armed Forces.
 Adm. Julie Keizer takes roll call recorded above.

Approval of minutes for Re-Organization Meeting of Jan. 4, 2009.
 Motion for approval made by Mr. Jablonski and seconded by Dr. McHugh.
 AYES: Brennan, Appleby, Jablonski, Kelly, McHugh, Meyer.
 MOTION CARRIED.

Reports: Tax Assessor Dennis Raftery was present to explain the reassessment which will bring our ratio up to about 90%. He bases his figures on real estate sale as of Oct. 2008. We asked for another extension and was denied. He answered several questions from the audience.

Public Hearings: Second and final hearing for the 2009 CDBG application.
 Mr. Appleby discusses handicap curb cuts as we can get 32 cuts for \$50,000.00. Our plan has to be finalized by Feb. 6, 2009. Mr. Schwartz suggests that if there is any money left over; we could purchase a handicap chair for the beach.
 Public Comments: Tony DiCaro, J Street: He suggests we have as many handicap curb cuts as possible.
 There were no more public comments.
 Motion made by Mr. Appleby and seconded by Mr. Jablonski to submit the application requesting handicap curb cuts.
 AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.
 MOTION CARRIED.

Ordinance Introductions: First reading of Ordinance No. 1471 entitled:
ORDINANCE NO. 1471

**AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK,
 COUNTY OF OCEAN, STATE OF NEW JERSEY,
 SUPPLEMENTING AND AMENDING CHAPTER 30 ENTITLED FEES FOR VARIOUS SERVICES OF
 THE CODE OF THE BOROUGH OF SEASIDE PARK**

WHEREAS, the governing body of the Borough of Seaside Park has determined that the following amendment to Chapter 30 entitled "Fees for Various Services" of the Borough Code is necessary for the proper administration of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter 30, Section 30-1.1 subsection F. of the Code of the Borough of Seaside Park entitled "Fees for Various Services," shall be amended and supplemented to as follows:

F. Recreation Activity Fees. The following recreation fees are hereby established:

- Arts & Craft Show \$100.00 per space
- Antique Show \$60.00 per outside space \$85.00 per inside space
- Farmers Market \$25.00 per small space \$35.00 per large space
- Yoga Monthly Rate \$30.00 for one day per week \$50.00 for two days per week
- Summer Camp \$85.00

Swimming Lessons \$30.00
Junior Lifeguard \$30.00
Surfing Lessons \$50.00 adult \$60.00 youth
Surf Board design class \$175.00

Winter Recreation Program:
Drop in fee \$ 10.00
Resident Fee \$ 65.00 (one day per week)
Non Resident \$ 75.00 (one day per week)
Resident \$ 120.00 (two days per week)
Non Resident \$ 140.00 (two days per week)

Recreation Leagues (per team)
Minimum \$200.00
Maximum \$800.00

The governing body shall establish actual team charges from time to time by resolution of the Borough Council.

Miscellaneous Other Activities (per person):
Minimum \$5.00 per person to a maximum of \$100.00 per person to be established by resolution
the Borough Council.

- H. For certified copies of birth, marriage, domestic partnership and death certificates a fee of \$10.00 per certificate.
- I. For duplication of publicly recorded meetings onto digital compact disk \$5.00.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect upon publication in the official newspaper.

Motion for approval made by Mr. Appleby and seconded by Mr. Jablonski.
AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.
MOTION CARRIED.

First reading of Ordinance No. 1472 entitled:

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPLEMENTING AND AMENDING CHAPTER 9 OF THE CODE OF THE BOROUGH OF SEASIDE PARK (BEACH BADGE FEES)

BE IT ORDAINED by the Mayor and Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter 9 of the Code of the Borough of Seaside Park entitled “Beaches”, 9-7, entitled “Permits required for the use of beach; rates.

In order to provide funds to improve, maintain and police said places of resort and to protect the same from erosion, encroachment and damage by sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged for persons twelve (12) years of age and over using said lands and bathing facilities for access to the beach and bathing and recreational facilities. **All beach fees will be waived for 100% Disabled Veterans and all active military duty personnel with appropriate identification. The waiver of fees apply only to the 100% Disabled Vet and active duty military personnel this waiver does not apply to family members or guests of those patrons.**

- A. Season Permit: Forty dollars (\$40.00) per person for a season permit when purchased **on or before June 14, 2009** and forty-five dollars (\$45.00) when purchased thereafter.
 - 1. Season Permit - Senior Citizen: Twenty dollars (\$20.00) per person for a season permit for a senior citizen. A senior citizen shall be considered an individual sixty-five (65) years of age or older.
- B. One-week Permit: Thirty dollars (\$30.00) per person for a one-week permit. Each permit shall be in effect from the opening of the beaches each Saturday morning during the summer season until the closing of the beaches the following Saturday afternoon.
- C. Daily Permits. Eight dollars (\$8.00) per person for a daily permit on weekdays and eight dollars (\$8.00) per person for a daily permit on holidays and weekends.

SECTION 2. All ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect upon publication in the official newspaper.

Motion for approval made by Mr. Brennan and seconded by Dr. McHugh.
AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.
MOTION CARRIED.

First reading of Ordinance No. 1473 entitled:

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 80 OF THE CODE OF THE BOROUGH OF SEASIDE PARTK

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

SECTION 1. Section 80-1 of the Code of the Borough of Seaside Park entitled, "Pier and Wharf Locations Designated", shall be amended and supplemented to read as follows:

"Section 80-1, Pier and Wharf Locations Designated. The following locations are hereby designated as wharfs for fishing, crabbing, and other public recreation:

- a. Areas between the curbline of "K" Street and the adjacent bulkhead.
- b. Areas between the curbline of Lake Avenue and the adjacent bulkhead, including those portions from "M" Street to "N" Street and the portion between "N" Street and "O" Street.

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Second reading will be March 12.

Motion for approval made by Mr. Jablonski and seconded by Mr. Brennan.

AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.

MOTION CARRIED.

Resolutions: Adm. Julie Keizer reading the following resolutions:

R2009-40 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING A CONFLICT CONSTRUCTION OFFICIAL FOR REVIEW OF CERTAIN CONSTRUCTION ISSUES WITHIN THE BOROUGH OF SEASIDE PARK

WHEREAS, the Borough of Seaside Park is in need of a Conflict Construction Official in order to review the construction plans and documents relating to the premises known as the Sawmill; and

WHEREAS, Stanley Sickles, Construction Official with the Borough of Red Bank is a licensed Construction Official and Fire Official with the State of New Jersey; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park that Stanley Sickles, is hereby appointed Conflict Construction Official for the Borough of Seaside Park at the rate of \$40.00 per hour, not to exceed the amount of \$5,000.00.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer, Berkeley Township Construction Office and Stanley Sickles.

R2009-41 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF MONTENEGRO, THOMPSON, MONTENEGRO & GENZ AS PLANNING BOARD ATTORNEY PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

WHEREAS, the Borough of Seaside Park has received bids in accordance with N.J.S.A. 19:44A-20.4 et seq. for professional services; and,

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. provides the procedure for soliciting proposals through a "fair and open process"; and,

WHEREAS, the Borough Council of the Borough of Seaside Park has elected to select and appoint its professionals through the "fair and open process"; and,

WHEREAS, the Borough Council desires to confirm the appointment of to the position of Planning Board Attorney based on the recommendation of the Planning Board; and,

WHEREAS, the maximum amount of the contract to be awarded under this resolution is as set forth in the year 2009 Municipal Budget for Planning Board Legal services; and,

WHEREAS, the "New Jersey Local Unit Pay to Play" Law, N.J.S.A. 19:44A-20.4 et. seq., requires that the resolution authorizing the award of a contract for "Professional Services" and the contract itself must be made available for public inspection; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the year 2009 temporary budget and will be available in the final budget when adopted under:

Planning Board - Legal Services; and,

WHEREAS, has **MONTENEGRO, THOMPSON, MONTENEGRO & GENZ** submitted a proposal in accordance with the "Pay to Play" Law; and,

WHEREAS, the Borough Council is satisfied with the terms of the proposed form of contract aforesaid.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

1. That **MONTENEGRO, THOMPSON, MONTENEGRO & GENZ** be and is hereby appointed Planning Board Attorney for a term of one (1) year commencing on January 1, 2009 and ending on December 31, 2009.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to an agreement with **MONTENEGRO, THOMPSON, MONTENEGRO & GENZ** .
3. That the contract to be entered into is awarded through the "fair and open process" as a "Professional Service" in accordance with N.J.S.A. 19:44A-20.4 of the Pay to Play Law.
4. That a notice of this action shall be printed once in the official newspaper of the Borough of Seaside Park.
5. That this resolution shall take effect January 1, 2009.
6. That the Borough Clerk shall forward a certified copy of this Resolution to the following:

R2009-42 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AWARDING A CONTRACT TO AND AUTHORIZING THE
APPOINTMENT OF CME ASSOCIATES
AS PLANNING BOARD ENGINEER PURSUANT TO AND IN
ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.**

WHEREAS, the Borough of Seaside Park has received bids in accordance with N.J.S.A. 19:44A-20.4 et seq. for professional services; and,

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. provides the procedure for soliciting proposals through a "fair and open process"; and,

WHEREAS, the Borough Council of the Borough of Seaside Park has elected to select and appoint its professionals through the "fair and open process"; and,

WHEREAS, the Borough Council desires to appoint CME ASSOCIATES, to the position of Planning Board Engineer based on the recommendation of the Planning Board; and,

WHEREAS, the maximum amount of the contract to be awarded under this resolution is as set forth in the year 2009 Municipal Budget for Planning Board engineering services; and,

WHEREAS, the "New Jersey Local Unit Pay to Play" Law, N.J.S.A. 19:44A-20.4 et. seq., requires that the resolution authorizing the award of a contract for "Professional Services" and the contract itself must be made available for public inspection; and

WHEREAS, the Borough Treasurer has certified that funds are available in the year 2009 temporary budget and will be available in the final budget when adopted under:

Planning Board Engineer – Engineering services; and,

WHEREAS, CME ASSOCIATES, has submitted a proposal in accordance with the "Pay to Play" Law; and,

WHEREAS, the Borough Council is satisfied with the terms of the proposed form of contract aforesaid.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

1. That CME ASSOCIATES, be and is hereby appointed Planning Board Engineer for a term of one (1) year commencing on January 1, 2009 and ending on December 31, 2009.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to an agreement with CME ASSOCIATES.
3. That the contract to be entered into is awarded through the "fair and open process" as a "Professional Service" in accordance with N.J.S.A. 19:44A-20.4 of the Pay to Play Law.

4. That a notice of this action shall be printed once in the official newspaper of the Borough of Seaside Park.

5. That this resolution shall take effect January 1, 2009.

6. That the Borough Clerk shall forward a certified copy of this Resolution to the following:

- A. Administrator;
- B. Chief Financial Officer;
- C. CME ASSOCIATES

R2009-43 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AWARDING A CONTRACT TO AND AUTHORIZING THE
APPOINTMENT OF INNOVATIVE ENGINEERING
AS ZONING BOARD ENGINEER PURSUANT TO AND IN
ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.**

WHEREAS, the Borough of Seaside Park has received bids in accordance with N.J.S.A. 19:44A-20.4 et seq. for professional services; and,

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. provides the procedure for soliciting proposals through a “fair and open process”; and,

WHEREAS, the Borough Council of the Borough of Seaside Park has elected to select and appoint its professionals through the “fair and open process”; and,

WHEREAS, the Borough Council desires to appoint INNOVATIVE ENGINEERING, to the position of Zoning Board Engineer based on the recommendation of the Zoning Board; and,

WHEREAS, the maximum amount of the contract to be awarded under this resolution is as set forth in the year 2009 Municipal Budget for Board engineering services; and,

WHEREAS, the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.4 et. seq., requires that the resolution authorizing the award of a contract for "Professional Services" and the contract itself must be made available for public inspection; and

WHEREAS, the Borough Treasurer has certified that funds are available in the year 2009 temporary budget and will be available in the final budget when adopted under:

Zoning Board Engineer – Engineering services; and,

WHEREAS, INNOVATIVE ENGINEERING, has submitted a proposal in accordance with the “Pay to Play” Law; and,

WHEREAS, the Borough Council is satisfied with the terms of the proposed form of contract aforesaid.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

1. That INNOVATIVE ENGINEERING, be and is hereby appointed Zoning Board Engineer for a term of one (1) year commencing on January 1, 2009 and ending on December 31, 2009.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to an agreement with INNOVATIVE ENGINEERING.

3. That the contract to be entered into is awarded through the “fair and open process” as a "Professional Service" in accordance with N.J.S.A. 19:44A-20.4 of the Pay to Play Law.

4. That a notice of this action shall be printed once in the official newspaper of the Borough of Seaside Park.

5. That this resolution shall take effect January 1, 2009.

6. That the Borough Clerk shall forward a certified copy of this Resolution to the following:

- A. Administrator;
- B. Chief Financial Officer;
- C. INNOVATIVE ENGINEERING

R2009-44 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AWARDING A CONTRACT TO AND AUTHORIZING THE**

**APPOINTMENT OF CITTA, HOLZAPFEL & ZABARSKY
AS ZONING BOARD ATTORNEY PURSUANT TO AND IN
ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.**

WHEREAS, the Borough of Seaside Park has received bids in accordance with N.J.S.A. 19:44A-20.4 et seq. for professional services; and,

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. provides the procedure for soliciting proposals through a “fair and open process”; and,

WHEREAS, the Borough Council of the Borough of Seaside Park has elected to select and appoint its professionals through the “fair and open process”; and,

WHEREAS, the Borough Council desires to appoint **CITTA, HOLZAPFEL & ZABARSKY** to the position of Zoning Board Attorney based on the recommendation of the Zoning Board; and,

WHEREAS, the maximum amount of the contract to be awarded under this resolution is as set forth in the year 2009 Municipal Budget for Zoning Board Legal services; and,

WHEREAS, the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.4 et. seq., requires that the resolution authorizing the award of a contract for "Professional Services" and the contract itself must be made available for public inspection; and

WHEREAS, the Borough Treasurer has certified that funds are available in the year 2009 temporary budget and will be available in the final budget when adopted under:

ZONING BOARD - Legal Services; and,

WHEREAS, **CITTA, HOLZAPFEL & ZABARSKY** has submitted a proposal in accordance with the “Pay to Play” Law; and,

WHEREAS, the Borough Council is satisfied with the terms of the proposed form of contract aforesaid.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey, as follows:

1. That be a **CITTA, HOLZAPFEL & ZABARSKY** and is hereby appointed Zoning Board Attorney for a term of one (1) year commencing on January 1, 2009 and ending on December 31, 2009.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to an agreement with **CITTA, HOLZAPFEL & ZABARSKY**.
3. That the contract to be entered into is awarded through the “fair and open process” as a "Professional Service" in accordance with N.J.S.A. 19:44A-20.4 of the Pay to Play Law.
4. That a notice of this action shall be printed once in the official newspaper of the Borough of Seaside Park.
5. That this resolution shall take effect January 1, 2009.
6. That the Borough Clerk shall forward a certified copy of this Resolution to the following:
 - A. Administrator;
 - B. Chief Financial Officer;
 - C. **CITTA, HOLZAPFEL & ZABARSKY**

R2009-45 entitled:

BOROUGH OF SEASIDE PARK

Resolution of the Borough Council authorizing the adjustment of designated Water-Sewer Utility Accounts.

WHEREAS, the Borough of Seaside Park operates a Water-Sewer Utility and it is the policy of the Borough that a resolution of the Mayor and Council is required in any instance where the adjustment of an account would reduce the amount which had been previously billed; and

WHEREAS, the below designated accounts were previously billed for amounts which need to be adjusted. To cancel small W/S balances under \$1.00 and overpayments under \$1.00.

WHEREAS, the Water-Sewer Utility collector and the Borough Water/Sewer Committee has recommended that the charges previously billed be cancelled and the account is adjusted accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park in the County of Ocean, State of N.J. as follows:

1. The Water-Sewer Utility collector is hereby directed to cancel the charges previously billed to the designated accounts:

<i>Bl. & Lot</i>	<i>Prop. Owner</i>	<i>Premises</i>	<i>Billing</i>	<i>Amount</i>	<i>Revised</i>
----------------------	--------------------	-----------------	----------------	---------------	----------------

See Attached Sheet.

The Borough Clerk is hereby directed to forward a copy of this resolution to the Water Sewer Utility Collector.

R2009-46 entitled:

BOROUGH OF SEASIDE PARK

Resolution of the Borough Council authorizing the adjustment of designated Water-Sewer Utility Accounts.

WHEREAS, the Borough of Seaside Park operates a Water-Sewer Utility and it is the policy of the Borough that a resolution of the Mayor and Council is required in any instance where the adjustment of an account would reduce the amount which had been previously billed; and

WHEREAS, the below designated accounts were previously billed for amounts which need to be adjusted due to a water leak. Water did not pass through sewer system.

WHEREAS, the Water-Sewer Utility collector and the Borough Water/Sewer Committee has recommended that the charges previously billed be cancelled and the account is adjusted accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park in the County of Ocean, State of N.J. as follows:

2. The Water-Sewer Utility collector is hereby directed to cancel the charges previously billed to the designated accounts:

<i>Bl. & Lot</i>	<i>Prop. Owner</i>	<i>Premises</i>	<i>Billing</i>	<i>Amount</i>	<i>Revised</i>
----------------------	--------------------	-----------------	----------------	---------------	----------------

83/5	Vescera	1907 NW Central Ave	08-4	195.00	0
------	---------	---------------------	------	--------	---

The Borough Clerk is hereby directed to forward a copy of this resolution to the Water Sewer Utility Collector.

R2009-47 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF A PERFORMANCE BOND IN THE AMOUNT OF \$18,251.00 FOR ALLIED PAINTING, INC.

WHEREAS, the Borough Clerk of the Borough of Seaside Park has received the following:

ITEM: Performance Bond
 NAME OF CONTRACTOR: Allied Painting, Inc.
 ADDRESS OF CONTRACTOR: 321 Leonard Cake Road, Franklinville, NJ 08322
 NUMBER: PAIFSU 0451066
 INSURANCE COMPANY: International Fidelity Company
 IN THE AMOUNT OF: \$182,510.00
 FOR: Rehabilitation of Decatur Avenue Water Tank

WHEREAS, the aforesaid contractor has requested release of the aforesaid Performance Bond; and

WHEREAS, the Borough Engineer, after inspection, recommended release of the aforesaid Performance Bond;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey that the aforesaid Maintenance Bond in the amount of \$182,510.00 be released to the above named contractor..

R2009-48 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A MAINTENANCE BOND IN THE AMOUNT OF \$18,251.00.00 FOR ALLIED PAINTING, INC.

WHEREAS, the Borough Clerk of the Borough of Seaside Park has received the following:

ITEM: Maintenance Bond
 NAME OF CONTRACTOR: Allied Painting, Inc.
 ADDRESS OF CONTRACTOR: 321 Leonard Cake Road, Franklinville, NJ 08322

NUMBER: PAIFSU 0451066
INSURANCE COMPANY: International Fidelity Company
IN THE AMOUNT OF: \$18,251.000
FOR: Rehabilitation of Decatur Avenue Water Tank

WHEREAS, the Borough Engineer, after inspection, recommended release of the Performance Bond and acceptance of the two year maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey that the aforesaid Maintenance Bond in the amount of \$18,251.00 be and is hereby accepted.

R2009-49 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY ESTABLISHING POLICY FOR EXCESS WATER USAGE CHARGES

WHEREAS, the Borough Council wishes to establish a policy for excess water use charges; and

WHEREAS, the Water & Sewer Collector and the Water Superintendent have recommended the policy and the Water & Sewer Committee members concur;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey as follows:

Excess water & sewer usage fees will be canceled for faulty meters or leaks at the Borough connection. These fees will be canceled upon Borough confirmation or meter testing.

Excess Sewer fees will be canceled only if the water did not enter the sewer system due to broken pipes, leaks at homeowner's connection, or outside water left on with no drain to sewer system. Verification by a licensed plumber of the State of New Jersey that the water did not enter the sewer system will be required in order for the sewer fees to be canceled.

No cancellation of water and sewer fees will be considered for usage due to running toilets, water left on in the home, or water leaks that entered the sewer system.

R2009-50 entitled:

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING PURCHASING MANUAL FOR THE BOROUGH OF SEASIDE PARK

WHEREAS, it is the desire of the Borough Council to adopt a Purchasing Manual for use within the Borough of Seaside Park; and

WHEREAS, the Administration and Finance Committee has reviewed the format and content to be adopted by the Borough Council and recommends said adoption; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby adopts the attached Purchasing Policy for use within the Borough of Seaside Park.

R2009-51 entitled:

BOROUGH OF SEASIDE PARK

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN AWARDED A CONTRACT TO JOHN BOYD, INC. IN THE AMOUNT OF \$104,141.00 FOR SEASIDE PARK MARINA WATER IMPROVEMENTS INCLUDING THE BASE BID AND ADDITION ITEM NUMBER

Whereas, the Borough of Seaside Park previously authorized the advertisement for the receipt of bids on January 15, 2009 for Seaside Park Marina Water Improvement Project; and

Whereas, at the time and place for the receipt of bids ten (10) bids were received ranging from a low of \$89,200.00 for the base bid plus addition item 1 to a high of \$1,431,940.00; and

Whereas, the Borough's Engineers, CME Associates, have reviewed said bids and noted that the low bidder, LVN Construction Co., Inc., and second low bidder, D&D Utility Contractors, had failed to list the required plumbing subcontractor as required by the Borough's bid specifications; and

Whereas, said failure to list the required subcontractors is fatal to both the bid submission of LVN Construction Co., Inc. and D&D Utility Contractor; and

Whereas, CME Associates has recommended the award of the contract for the Seaside Park Marina Water Improvements to the third low bidder, John Boyd, Inc., in the amount of \$108,221.00 for the base bid plus addition item number 1; and

Whereas, said bid award is still well within the Engineer's estimate and the Borough CFO has certified that funds are available for said project; and

Whereas, it is now the desire of this Governing Body to award a contract to John Boyd, Inc. for the Seaside Park Marina Water Improvements.

Now Therefore be it resolved by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey as follows:

1. That the Borough Council of the Borough of Seaside Park hereby awards the contract for the Seaside Park Marina Water Improvements for the total base bid plus addition number 1 to John Boyd, Inc. in the amount of \$108,221.00.

2. That upon adoption of the within Resolution the Clerk is authorized to forward duly authenticated copies of it to CME Associates, John Boyd, Inc. and both LVN Construction Co., Inc. and D&D Utility Contractors.

R2009-52 entitled:

WHEREAS, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the “Open Public Meetings Act” states that, except as provided by in Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times; and

WHEREAS, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and.

WHEREAS, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting held on February 12, 2009 at which the Borough Council will discuss said subject(s); and,

WHEREAS, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey, as follows:

1. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session is as follows:

Litigation – Central Regional Joint Executive Session with Board of Education
Sawmill v. SSP

Contract Negotiations – Blue & White Collar

Personnel- Tax Collector’s Office
Chief of Police Contract Negotiations

2. That the Borough Council hereby declares that it’s discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised the Borough Council that the disclosure will not detrimentally affect any right, interest, or duty of the Borough or any other entity with respect to said discussion.

3. That the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Resolution will be voted upon minus R2009-50 which will be voted upon separately.
Engineer Doug Rohmeyer will present to explain the Marina improvement contract.
Karen Barna, Bd. Sec. questioned the resolutions appointing Planning Bd. attorney and engineer.
Pat Kuchon, Ocean Ave. discusses improvements at the Marina.
Motion for approval made by Mr. Jablonski and seconded by Mr. Brennan.
AYES: Appleby, Brennan, Jablonski, McHugh, Kelly, Meyer.
MOTION CARRIED.

Council now votes on R2009-50 regarding adopting purchasing policy.
Motion for approval made by Mr. Jablonski seconded by Dr. McHugh.
AYES: Brennan, Jablonski, McHugh
NAYS: Appleby, Kelly, Meyer. Mayor broke the tie with an aye vote.
MOTION CARRIED.

Reports:

Mr. Meyer: He had a meeting with Mr. Gallagher regarding his property and fishing/crabbing as well as Mr. D’Onofrio and the Sawmill issues. Both meetings productive. He also had meetings regarding the lights at the ball field and dogs on the beach. The little bridge will be closed for 4 construction years for repairs. The big bridge will be 4 lanes from Oct. to May. St. Patrick’s Day parade planned as usual. Met with Code Enf. Officer Geoffrey Schwartz regarding code changes.

Mr. Kelly: Committee meeting planned for next week. There will be finance training in February. Budget meeting should begin in February.

Mr. Appleby: His committee met last Thursday regarding beaches, placement of temporary boxes near the stands; repairs to lifeguard building about \$10,500.00. Bath House meeting will be tomorrow regarding changes there. Boardwalk reconstruction should start up again this week. He attended a Planning Bd. use meeting.

Mr. Brennan: He used a map of the town to discuss the upcoming water/sewer project, hoping to begin soon and with construction beginning late March.

Dr. McHugh: We saved money with the second bid request for Marina improvements. Committee is meeting to fine tune the ordinance.

Mr. Jablonski: We have gone from 6 committees to 4 committees this year. He discusses the energy audit which has been approved. He would like to make a list of Borough owned vehicles, the expected retirement date and replace with energy efficient vehicles. The appointment of Zoning Bd. Engineer should provide savings for the town. He attended the bay front flooding meeting.

Adm. Julie Keizer: Parking meeting held last Saturday morning to a standing room only crowd, most of whom were opposed to parking kiosks on Ocean Avenue. Our website will be updated with the help of Matt Burke from the Borough of Lavallette. The policy procedure manual will be re-circulated to Council.

Public: Pat DeGutis, Stockton Ave. Discusses purchasing policy and website update. She discusses the taxpayer's survey results.

Jim Iozia, 1010 SE Central Ave: Discusses free beach access for disabled veterans.

Pat Kuchon, Ocean Avenue: Discusses parking on Ocean Avenue, kiosks would create heavy parking on side streets.

Tony DiCaro, J Street: He states side street parking was not discussed regarding kiosks.

Cheryl Raley, Ocean Avenue: Discusses parking on Ocean Ave.

Meeting adjourned at 10:25 P.M.

Attend: 50

Res. submitted,

Barbara Greger, Dep. Borough Clerk