

BOROUGH COUNCIL REGULAR SESSION

**OCTOBER 8, 2009
8:00 PM**

Meeting was called to order by Mayor Connors at 8:10 pm.

Statement of Compliance with the Open Public Meeting

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by notification to Island Gazette, Star Ledger, Atlantic City Press and Asbury Park Press and posted on official bulletin board of the Borough of Seaside Park.

MISSION STATEMENT: *To support, empower, and hold accountable all members of our town's work force and legislative structure as they work towards assuring a fiscally sound and open government that promotes an improved quality of life for its residents, supports and encourages business partners, and respects and protects our natural resources.*

The Borough Clerk read the announcements.

Mayor Connors announced the passing of Rose Jablonski, Councilman Jim Jablonski's mother and requested that we keep their family in our prayers.

Pledge of allegiance.

Roll call:

Members present: Councilmen, Appleby, Brennan, Kelly, McHugh and Meyer.

Members absent: Councilman Jablonski.

Approval of minutes: Regular Meeting of September 24, 2009

Reports: None.

Presentation:

RESOLUTION 2009-288

RESOLUTION RECOGNIZING KEVIN KUSION UPON RECEIVING THE PRESTIGIOUS EAGLE SCOUT AWARD

WHEREAS, Kevin Kusion, has earned the Eagle Scout Award, and Kevin will be presented the Eagle Scout rank at the Eagle Court of Honor and is well deserving of this recognition; and

WHEREAS, the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS, to earn the rank of Eagle Scout, a Boy Scout must advance through five ranks, starting with Tenderfoot, then moving to Second Class, First Class, Star, Life and then Eagle. A scout must earn 21 merit badges, and in addition to other requirements he must complete a service project that benefits a non-profit organization within the community; and

WHEREAS, Kevin Kusion, a valued member of his Boy Scout Troop, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS, he has truly exhibited a commitment to the scouting principals of honesty, fairness, and service to the community and has consistently conducted himself in a manner becoming an Eagle Scout; and

WHEREAS, Kevin Kusion is admired and honored for his service project of installing pet waste stations within Seaside Park; and

WHEREAS, it is fitting and proper that the Mayor and Borough Council recognizes Kevin Kusion for his diligence, determination, and dedication in pursuing the highest honor awarded by the Boy Scouts of America and congratulate him on attaining the rank of Eagle Scout.

Motion to adopt the foregoing Resolution was made by Councilman McHugh, seconded by Councilman Brennan.

Affirmative: Appleby, Brennan, Kelly, McHugh, Meyer Negative: None Abstain: None
Absent: Jablonski.

The Mayor and Councilman McHugh presented Kevin Kusion with the resolution and congratulated him on becoming an Eagle Scout.

ORDINANCE 1494

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NJ AMENDING CHAPTER 76 VEHICLES AND TRAFFIC OF THE BOROUGH CODE; ARTICLE X11 ENTITLED “RESTRICTED PARKING FOR HANDICAPPED PERSONS.”

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

SECTION 1. Section 76-55 of the code of the Borough of Seaside Park entitled “Locations designated” is hereby amended and supplemented at Schedule XI to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
N Street	North	108 N 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.

There were no comments from the public.

Motion was made by Councilman Brennan, seconded by Councilman Kelly to adopt the foregoing ordinance.

Affirmative: Appleby, Brennan, Kelly, McHugh, Meyer Negative: None Abstain: None Absent: Jablonski.

Resolutions of the Borough Council:

RESOLUTION 2009-290

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, NEW JERSEY APPROVING DESIGNATED YEAR 2009 RAFFLE LICENSE APPLICATIONS

WHEREAS, the designated year 2009 Raffle License Applications have been filed with the Borough Clerk; and

WHEREAS, said applicants have been issued non-profit organization Raffle Identification Numbers by the NJ Legalized Games of Chance Control Commission and have submitted the proper license fees and application; and

WHEREAS, it is the desire of the Borough Council to approve the said designated Raffle Licenses.

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 following year 2009 Raffle License applications are hereby approved:

<i>No.</i>	<i>Applicant</i>	<i>NAME</i>	<i>date</i>	<i>raffle</i>
RA2009-9	Island Jr. Baseball League		April 17, 2010	Off premise 50-50

2. The Borough Clerk is hereby authorized and directed to execute the documents necessary for this approval.

RESOLUTION 2009-291

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, NEW JERSEY APPROVING CHANGE ORDER #2 FOR BIRD CONSTRUCTION FOR BOARDWALK IMPROVEMENTS FOR 9TH TO 11TH AVENUE

WHEREAS, the Borough Council has previously awarded a Contract for boardwalk improvements for 9th to 11th Avenue in the amount of \$472,710.00; and

WHEREAS, additional contract quantities were required and supplemental items were required for satisfactory completion of the work including enlarging badge platforms, additional bulk heading, cribbing, fascia boards, and layout and substructure modification on site; and

WHEREAS, the Borough Engineer has reviewed the additional work and deemed it is necessary that Change Order #2 be authorized to increase the amount of the Contract by \$ 6,178.00 to Bird Construction ; and

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 Change Order #2 for said Contract is authorized.
2. That the Mayor is authorized to execute and the Clerk to attest to the appropriate change order form of contract aforesaid attached hereto as Schedule A.
3. That the modified cost of Improvements after this Change Order is as follows:

ORIGINAL CONTRACT	\$ 472,710.00
CHANGE ORDER #1	+ 6,178.00
TOTAL AMOUNT	\$ 478,888.00
TOTAL AMOUNT OF CHANGE ORDER	+ 6,178.00

4. That said authorization shall be conditioned upon the certification of availability of funds by the Chief Financial Officer.

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

- A. Chief Financial Officer;
- B. Borough Engineer;
- C. Bird Construction

RESOLUTION 2009-292

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, NEW JERSEY AWARDING A CONTRACT TO ERNST, ERNST & LISSENDEN FOR THE DESIGN OF PHASE II WATER MAIN DISTRIBUTION AND SANITARY SEWER IMPROVEMENTS

Whereas, the Borough Council of Seaside Park previously authorized the solicitation of Requests For Proposals for the design of Phase II Water Main Distribution and Sanitary Sewer Improvements; and

Whereas, at the time and place for the receipt of proposals twelve (12) bids were received ranging from a low of \$81,393.00 to a high of \$306,900.00; and

Whereas, the Public Works Committee, Director of Public Works and the Water & Sewer Operator have reviewed said proposals and recommend award to Ernst, Ernst & Lissenden; and

Whereas, the Borough's Chief Financial Officer has certified that funds are available for the award of said Contract; and

Whereas, it is the desire of this Governing Body to award a contract to Ernst, Ernst and Lissenden in the amount of \$81,393.00 for the design of the Phase II Water Main Distribution and Sanitary Sewer Improvements; and

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 a contract to Ernst, Ernst & Lissenden in the amount of \$81,393.00 in accordance with the Borough's request for proposals for the Phase II Water Main Distribution and Sanitary Sewer Improvements

2. That upon adoption of the within Resolution the Clerk Administrator is authorized to forward duly authenticated copies of it to the Borough Water and Sewer Operator, the Borough of Public Works Director, the Borough CFO, and Ernst, Ernst & Lissenden.

RESOLUTION 2009-293

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN,
STATE OF NEW JERSEY, APPROVING CHANGE ORDER #1 FOR PHASE I WATER
AND SEWER IMPROVEMENTS TO PM CONSTRUCTION**

WHEREAS, the Borough Council has previously awarded a contract for the water and sewer improvements for Phase I, to PM Construction in the amount of \$5,888,794.27; and

WHEREAS, additional water and sewer improvement are required along Seventh Avenue and are a integral part of the Phase I improvements; and

WHEREAS, the Borough Engineer and Licensed Water Operator have recommended the additional work it is necessary that Change Order #1 be authorized to increase the amount of the Contract by \$200,956.50 to PM Construction; and

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 Change Order #1 for said Contract is authorized.
2. That the Mayor is authorized to execute and the Clerk to attest to the appropriate change order form of contract aforesaid attached hereto as Schedule A.
3. That the modified cost of Improvements after this Change Order is as follows:

ORIGINAL CONTRACT	\$ 5,888,794.27
CHANGE ORDER #1	+ 200,956.50
TOTAL AMOUNT	\$ 6,089,750.77
TOTAL AMOUNT OF CHANGE ORDER	+ 200,956.50

4. That said authorization shall be conditioned upon the certification of availability of funds by the Chief Financial Officer.

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

- D. Chief Financial Officer.
- E. Borough Engineer.
- F. PM Construction.

RESOLUTION 2009-295

**RESOLUTION EXTENDING INTERLOCAL SERVICE AGREEMENT WITH THE
TOWNSHIP OF BERKELEY FOR THE PROVISION OF CONSTRUCTION
INSPECTION SERVICES**

WHEREAS, the Borough of Seaside Park and the Township of Berkeley have an Interlocal Agreement in order for the Township of Berkeley to provide construction inspection services to the Borough of Seaside Park; and

WHEREAS, the Interlocal Agreement is about to expire on October 31, 2009; and

WHEREAS, it is the desire of the Borough of Seaside Park to extend for a period of sixty (60) days the agreement to expire December 31, 2009; and

NOW, THEREFORE BE IT RESOLVED by the Borough of Seaside Park that the Interlocal Services Agreement with the Township of Berkeley for the provision of Construction Inspection Services is hereby extended to December 31, 2009.

Public comment on Resolutions:

Al Vassalo asked why resolutions were skipped. The Mayor explained that two resolutions were pulled off the consent agenda.

The foregoing resolutions were adopted by consent.

Motion was made by Mr. Kelly, seconded by Mr. Brennan to approve.

Affirmative: Appleby, Brennan, Kelly, McHugh, Meyer Negative: None Abstain: None

Absent: Jablonski.

RESOLUTION 2009-289

RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE NO. 1527-33-006-011 CURRENTLY HELD BY MILLION BUCKS, INC., T/A SAWMILL & THE GREEN ROOM TO PARK PAVILION, LLC TO TRADE AS SAWMILL CAFÉ/THE BOATYARD GRILL/THE GREEN ROOM FOR PREMISES TO BE CONTINUED TO BE LOCATED AT 1801-23 BOARDWALK AND 1800 NORTH OCEAN AVENUE, SEASIDE PARK, NEW JERSEY

Whereas, application has been made by Park Pavilion, LLC, to trade as Sawmill Café/The Boatyard Grill/The Green Room for Plenary Retail Alcoholic Beverage Consumption License No. 1527-33-006-011 from the current holder the license, Million Bucks, Inc., t/a Sawmill Café and The Green Room for premises to be continued to be located at 1801-23 Boardwalk and 1800 North Ocean Avenue, Seaside Park, New Jersey; and

Whereas, written consent to the transfer signed by the present holder of the license has been made and filed with the Borough Clerk and the applicant has paid all necessary transfer fees to the Borough; and

Whereas, the Police Department has investigated the applicant and have determined that said proposed licensee is qualified to hold said plenary alcoholic beverage consumption license; and

Whereas, the Police Department has further reviewed the source of funds for said transfer and found the same to be in accordance with the rules and regulations of the Division of Alcoholic Beverage Control; and

Whereas, the Borough Clerk has received the tax clearance certificate as required in connection with said transfer application; and

Whereas, the applicant has submitted proof of publication as required by the rules and regulations of the Division of Alcoholic Beverage Control.

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 formally authorizes the person-to-person transfer of Plenary Retail Alcoholic Beverage Consumption License No. 1527-33-006-011 from the current holder of said license, Million Bucks, Inc., t/a The Sawmill Café and The Green Room to Park Pavilion, LLC to trade as Sawmill Café/The Boatyard Grill/The Green Room for premises to be continued to be located at 1801-23 Boardwalk and 1800 North Ocean Avenue, Seaside Park, New Jersey.
2. This resolution shall become effective upon presentation of the Plenary Retail Alcoholic Beverage Consumption License to the Borough Clerk for formal endorsement and transfer.
3. That upon adoption of the within Resolution and upon presentation and execution of the Plenary Retail Alcoholic Beverage Consumption License for transfer, the Clerk is authorized and directed to forward a certified copy of it to the Director of the Division of Alcoholic Beverage Control.

Pubic Comment:

Mr. Bomeo, the current operator of the Sawmill explained that he has removed the lights, DJ booth and staging area from the Green Room and is booking birthday and anniversary parties.

Mr. Kelly commented that it appears this is moving in the right direction and wished the new owners luck.

Pat Degutis, Stockton Avenue spoke on behalf of the new owner and stated that it is a nice place to go now.

Motion was made by Mr. Kelly, seconded by Mr. Brennan to approve.
Affirmative: Appleby, Brennan, Kelly, McHugh, Meyer Negative: None Abstain: None
Absent: Jablonski.

**RESOLUTION 2009-294
RESOLUTION APPPROVING BILL LIST**

FUND ACCOUNT	CHECK NUMBERS	AMOUNT
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Computer Checks:	CURRENT ACCOUNT	025872 - 025905	\$ 1,497,768.28
	Manual - Treasurer, State of NJ	24143	\$ 100.00
	WATER & SEWER ACCOUNT	007548 - '007552	\$ 1,251.08
	MARINA OPERATING	002864 - 002868	\$ 3,398.75
	GENERAL CAPITAL ACCOUNT	003961 - 003962	\$ 10,691.12
	WATER SEWER CAPITAL	003825 - '003827	\$ 15,603.89
	MARINA CAPITAL	050218	\$ 3,293.25
	GENERAL TRUST	000434	\$ 600.00
	DEVELOPERS ESCROW	001532	
	ANIMAL TRUST ACCOUNT		
	RECREATION TRUST	001045 - '001048	\$ 4,294.00
	TOTAL*		\$ 1,537,000.37

Mr. Appleby explained that he has concerns with the bill list in particular the payments to Central Regional. He expressed concerns that there may not be funds to cover the bill list. He also expressed concern that he was not informed that we had an outstanding bill from 2008 from Central Regional even though there had been Administration Committee meetings and he was in the Borough Hall this week. He also expressed concerns that we utilized the money due to Central in order to

Mr. Meyer directed the Borough Administrator to find out if there are any other outstanding bills from 2008.

Mayor Connors stated that he spoke with the C.M.F.O. about the Central Regional bills and that she wanted the Auditor to confirm that the payment from 2008 was in fact due. He also pointed out that the C.M.F.O. was instructed by Councilman Kelly to not attend the meeting.

Mr. McHugh stated that he was not comfortable discussing this without the C.M.F.O. present and felt that she should be in attendance in order to explain what happened.

Councilman Appleby distributed correspondence to the Council from Central Regional that Dr. Parlapanides, the Superintendent of Central had given him.

The Borough Council continued to discuss the issue.

The Borough Administrator explained that the bill not being paid was an oversight during the transition from the former C.M.F.O. to the new C.M.F.O. and was not caught until the C.M.F.O. received a letter from Central Regional on July 16th. She also explained the difference between surplus balance and cash balance. She also suggested that all future correspondence with the Borough from Central Regional should be carbon copied to the Borough Council and the Borough Administrator.

Public comment:

Cheryl Raley, Ocean Avenue, asked where exactly the \$700,000 plus is and if it will cause problems down the road.

The Borough Administrator explained that the Borough collects taxes for the schools and county and that those funds go into the current account. She further explained that if the tax bills had

gone out in time funds would have been available and the \$700,000 plus would have still be in the account. But since the bills did not go out and people were not paying their taxes the borough utilized monies that were due to Central Regional.

Dr. Parlapanides, Superintendent Central Regional addressed Council and stated that in addition to the letter of July 16th that Central Regional had placed calls to the C.M.F.O. before writing the letter.

Nancy Koury, Sixth Avenue, asked Mr. Kelly if he knew this was going to be discussed tonight. She also pointed out that at a prior meeting he had stated that there had been no Administration Committee meetings.

Councilman Kelly stated that he had spoken with the C.M.F.O. but was not aware that it was going to be discussed at this level tonight. He also clarified that what he said previously was that he was not going to have meeting just to have meetings. He further stated that he was going to vote to vote to approve the bill list.

Councilman Meyer expressed that this matter was not handled appropriately.

The Mayor stated that he felt that this was political in nature and categorized it as a “witch hunt”.

Mr. Appleby took offense to that remark and stated that he was asking the questions and expressing concerns that needed to be addressed.

Motion was made by Mr. Kelly, seconded by Mr. McHugh to approve the bill list.
Affirmative: Brennan, Kelly, McHugh, Meyer Negative: None Abstain: Appleby
Absent: Jablonski.

There was discussion during the motion about whether or not Council members can provide an explanation along with their vote.

Committee Reports:

Councilman Meyer – No report.

Councilman Kelly – No report.

Councilman McHugh stated that the Marina Committee has been discussing the utilization of surplus funds in support of the current fund budget for 2010. He also reported that boats are starting to leave the marina for the winter.

Councilman Brennan reported on the progress of Phase I water and sewer improvements.

Councilman Appleby briefly reported on the beach and concession numbers and stated that at the next meeting a more detailed report would follow. He asked Mr. Brennan about the status of the handrails.

Mr. Brennan explained that there are spots of rust on the railings. Mr. Mackie further explained to the Council that they are investigating if it is a manufacturing defect or if in there was cross contamination when applying the polish. The Borough Engineer, Mr. Mackie, the contractor and manufacturer are working to resolve the issue.

Public Comment:

Cheryl Raley, Ocean Avenue asked the Borough Attorney if it was improper for the Mayor to not allow Mr. Appleby to comment during the vote for the bill list.

Mr. McKenna explained that it happens in many towns that governing body members to make comments on their votes.

Motion was made and seconded to adjourn at 9:35 pm.

Adjournment