

**SEASIDE PARK BOROUGH COUNCIL**

The Regular Meeting of the Borough Council of the Borough of Seaside Park was called to order at 8:20 p.m. on Thursday, April 23, 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  
Fritz McHugh  
Randy Appleby  
Andy Kelly  
Bob Brennan

Absent: James Jablonski

Mayor Connors called the meeting to order at 8:20 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 Regular Meeting March 12, 26 and Work Session of April 9, 2009.

Mr. Appleby asks that the resolution from March 12 meeting pertaining to the salary of Carol Kane be broken down.

Motion for approval made by Mr. Appleby and seconded by Mr. Kelly.

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

MOTION CARRIED.

Reports: None

Public Hearings: Final reading of Ordinance No. 1478 entitled:

**ORDINANCE REAPPROPRIATING \$76,902.10 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF TURNOUT GEAR FOR THE FIRE DEPARTMENT AND RENOVATIONS AND CONSTRUCTION OF PAVILIONS AND PUBLIC BUILDINGS IN AND BY THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEASIDE PARK, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section i) Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$76,902.10 of the proceeds of obligations originally made available pursuant to bond ordinance #1353 of the Borough of Seaside Park, in the County of Ocean, New Jersey, finally adopted September 8, 2004, is no longer necessary for the purposes and improvements throughout the Borough for which the obligations previously were authorized.

Section ii) The \$76,902.10 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the acquisition of turnout gear for the Fire Department and renovations and construction of pavilions and public buildings, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefore and incidental thereto.

Section iii) The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section iv) This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

There were no comments from the audience.

Motion for approval made by Mr. Kelly and seconded by Mr. Appleby.

AYES: Appleby, Brennan, McHugh, Kelly, Meyer

MOTION CARRIED.

Ordinance Introductions: First reading of Ordinance No. 1479 entitled:

**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:

J. Concession Stand Fees:

Breakfast Items	\$1.00	to	\$6.00
Lunch Items	\$1.50	to	\$8.50
Beverages	\$1.00	to	\$4.00
Snacks	\$0.50	to	\$7.00
Sun Products	\$1.00	to	\$15.00
First Aid Products	\$1.00	to	\$10.00
Clothing	\$1.00	to	\$30.00
Beach Supplies	\$1.00	to	\$25.00

**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.

Mr. Appleby suggests postpone this ordinance for further review. After discussion, it is decided to have first reading and review it before the second reading.

Motion for approval made by Mr. Meyer and seconded by Dr. McHugh.

Motion to amend the agenda to include resolutions not listed and delete resolution “k” regarding the O Street bulkhead made by Mr. Meyer and seconded by Mr. Kelly. All in favor.

Resolutions: Adm. Julie Keizer reviewed the following resolutions.

R2009-119 entitled:

**RESOLUTION OF THE BOROUGH COUNCIL APPOINTING MARINA EMPLOYEES FOR THE SUMMER OF 2009**

WHEREAS, N.J.S.A.40A:14-146.8 authorizes a Municipality to appoint summer employees for the Marina Utility; and

WHEREAS, in accordance with this authorization, the Marina Committee has recommended the employment of the following individuals for the summer of 2009.

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

1. The following individuals are hereby appointed as employees in the Marina Utility:

John Moyse, 135 Tenth Avenue, Seaside Park at a rate of \$15.00 per hour, not to exceed \$15,000 per annum.

John Schmitt, 959 Meredith Drive, Toms River at a rate of \$12.00 per hour, not to exceed 19 weeks of employment.

John Kleva, 49 First Avenue, Seaside Park at a rate of \$12.00 per hour, not to exceed 19 weeks of employment.

The Borough Clerk is hereby directed to forward a certified copy of this Resolution to John Moyse, John Schmitt, John Kleva and a copy to the Borough CMFO.

R2009-120 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING GERRY GOLEMESKI AND ROBERT CARDWELL AS PUMP-OUT BOAT OPERATORS FOR THE BOROUGH OF SEASIDE PARK**

WHEREAS, the Borough of Seaside Park operates Pump Out Boats throughout the boating season; and

WHEREAS, Jerry Golembeski and Robert Cardwell have previously served and are qualified as Captains of the Pump Out Boats; and

WHEREAS, Jerry Golembeski and Robert Cardwell are licensed Boat Operators in the State of New Jersey and meet the requirements of the position; and

NOW, THEREFORE, BE IT RESOLVED that Gerry Golembeski and Robert Cardwell are hereby appointed as Pump Out Boat Operators for the 2009 season, at an hourly rate of \$18.00 pursuant to the salary ordinance in effect,

R2009-121 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE BARNEGAT BAY SEWERAGE PUMP OUT VESSEL PROGRAM**

**WHEREAS**, the “Circle of Life” and the “Water Warrior” are mobile pump out vessels operated by the Borough of Seaside Park in central Barnegat Bay; and

**WHEREAS**, the Board of Chosen Freeholders and the Borough of Seaside Park have determined that it is in the best interest of the public health, safety and welfare of the residents and visitors of the County of Ocean to protect the quality of the Barnegat Bay; and

**WHEREAS**, the Borough of Seaside Park recognizes the environmental benefits in reducing the amount of sewerage from entering bay waters from boats; and

**WHEREAS**, the Borough of Seaside Park has participated with the County of Ocean in support of the operation of the pump out vessel in years past.

**WHEREAS**, the County of Ocean has appropriated funds in the amount not to exceed \$40,000.00 in support of the program.

**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. The Mayor and Borough Clerk are hereby authorized and directed to enter into an intergovernmental agreement to participate in the Barnegat Bay Sewerage pump out vessel program for the year 2009 in the amount not to exceed by \$40,000.
2. That a copy of this resolution and said agreement will be kept on file in the Municipal Clerk’s office.
3. That a copy of this resolution together with the agreement will be made available to the Chief Financial Officer of the Borough of Seaside Park and forwarded to the Clerk of the Board of Ocean County.

R2009-122 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY MEMORIALIZING PAYMENTS THROUGH THE LOSAP PROGRAM**

**WHEREAS**, the Borough of Seaside Park has a approved LOSAP (Length of Service Awards Program); and

**WHEREAS**, the Seaside Park Fire Department had provided a list of eligible members in 2004 & 2005; and

**WHEREAS**, Paul Wroblewski, Jr. was on the qualified and eligible list for participation in LOSAP but inadvertently did not have an account established;

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park that the Paul Wroblewski, Jr. shall receive \$1,150.00 for the year 2004 and \$1,191.40 for the year 2005 LOSAP contribution administered by Lincoln Financial.

R2009-123 entitled:

**RESOLUTION PROMOTING SUSAN BUTLER TO THE POSITION OF PROVISIONAL SENIOR CLERK/TYPIST IN THE BOROUGH OF SEASIDE PARK**

**WHEREAS**, the Department of Personnel performed a classification review of Ms. Butler’s duties and found that Ms. Butler should be serving in the title of Senior Clerk/Typist and not classified as a Account Clerk; and

**WHEREAS**, the Borough Council desires to confirm the promotion of Susan Butler as Provisional Senior Clerk/Typist pursuant to the Department of Personnel Rules and Regulations.

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

1. The Borough Council of the Borough of Seaside Park hereby appoints Susan Butler as Provisional Senior Clerk/Typist within the Borough of Seaside Park at the rate established by contract with the Office

and Professional Employees International Union, Local No. 32, said rate being \$28,589, retroactive to December 6, 2008.

2. Upon adoption of this Resolution the Clerk is directed to forward a certified copy of it to the New Jersey Department of Personnel and the Borough's CFO.

R2009-124 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK HONORING THE RETIREMENT OF GUY L. MUELLER AS EMERGENCY MANAGEMENT COORDINATOR..**

WHEREAS, Guy L. Mueller was appointed Deputy Emergency Management Coordinator under Mr. Walter Larsen in 1978; and

WHEREAS, Guy L. Mueller was appointed Emergency Management Coordinator, a volunteer position, upon the retirement of Mr. Walter Larsen in 1979; and

WHEREAS, Guy L. Mueller developed an Emergency Management Plan for the Borough of Seaside Park, seeing us through all of the storms and nuclear drills as well as developing all of our emergency and evacuation plans; and

WHEREAS, when the plan was sent to the State, the State adopted his plan as the official plan to follow for the State of New Jersey; and

WHEREAS, Guy L. Mueller retired from the position of Emergency Management Coordinator effective Jan. 1, 2009 after 30 years of service; and

WHEREAS, it is the desire of Mayor and Council of the Borough of Seaside Park to honor Guy L. Mueller upon his retirement as Emergency Management Coordinator and thank him for his dedication and excellence in formulating the plan.

NOW, THEREFORE IT BE RESOLVED that Guy L. Mueller is honored upon his retirement as Emergency Management Coordinator.

R2009-125 entitled:

**RESOLUTION ESTABLISHING PETTY CASH FUNDS FOR THE YEAR 2009**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county of municipality by application and resolution, and,

WHEREAS, it is the desire of the Borough of Seaside Park, County of Ocean to establish such a fund for the following Departments within the Borough:

Beach Concession	\$400.00
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WHEREAS, the Borough Council hereby establishes a per transaction limit of \$100.00 for petty cash disbursements.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Seaside Park, County of Ocean hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

R2009-126 entitled:

**RESOLUTION AWARDED CONTRACT FOR LOCAL GOVERNMENT ENERGY AUDIT PROGRAM FOR THE PERFORMANCE OF AN ENERGY AUDIT**

WHEREAS, sealed bids were opened on February 25, 2009 in the Municipal Clerk's Office, for an Energy Audit for the Borough of Seaside Park; and

WHEREAS, the following bids were received:

CDM - Sent letter that they would not be able to submit a proposal.

Steven Winter Associates, Inc. - \$18,240.00

CHA - \$18,689.00

Dome-Tech - \$26,730.00

Concord Engineering - \$16,000.00

WHEREAS, the Clean Energy Program has reviewed the bids and approved award of the contract to Concord Engineering in the amount of \$16,000.00; and

**WHEREAS**, the Borough has received written approval in a letter dated April 8, 2009 from the Clean Energy Program approving Concord Engineering and authorizing the Energy Audit to proceed; and

**WHEREAS**, the Chief Financial Officer of the Borough of Seaside Park will certify that funds for the Energy Audit are available from a grant in the amount of \$12,000.00 from the Clean Energy Local Government Energy Program and from an appropriated amount of \$4,000.00 from the Borough of Seaside Park's temporary budget; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park that it hereby awards a contract for the Energy Audit to Concord Engineering Group, Inc., 520 South Burnt Mill Road, Voorhees, New Jersey 08043.

**BE IT FURTHER RESOLVED**, that:

1. The Mayor and Clerk are hereby authorized to execute an agreement with Concord Engineering Group, Inc.
2. That a certified copy of this Resolution be forwarded to the Chief Finance Officer of the Borough of Seaside Park, Concord Engineering Group, Inc. and the Office of Clean Energy.

R2009-127 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY ACCEPTING GRANT FROM THE LOCAL GOVERNMENT ENERGY PROGRAM**

**WHEREAS**, the Borough of Seaside Park, in the County of Ocean and State of New Jersey, has obtained funding for a energy audit for the Borough of Seaside Park in the amount of \$12,000.00.; and

**WHEREAS**, the Borough has agreed to contribute an amount not less than \$4,000.00 for the completion of the Energy Audit; and

**WHEREAS**, the Borough has determined that this audit is essential to encourage implementation of energy conservation measures within the Borough of Seaside Park; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park, in the County of Ocean, State of New Jersey that the Borough of Seaside Park accepts the grant from the Local Energy Audit Program.

R2009-128 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING PERSONNEL POLICIES FOR THE BOROUGH OF SEASIDE PARK**

**WHEREAS**, it is the policy of the Borough of Seaside Park to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Borough Council of Seaside Park has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough of Seaside Park officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by the Borough of Seaside Park employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Seaside Park Borough Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Seaside Park shall operate under the legal doctrine known as "employment at will."

R2009-129 entitled: REMOVED FROM THE AGENDA.

**RESOLUTION OF THE SEASIDE PARK BOROUGH COUNCIL AWARDING A CONTRACT FOR 'O' STREET BULKHEAD IMPROVEMENTS TO LOW BIDDER DSC CONST. CORP. IN THE AMOUNT OF \$648,864.00. THIS RESOLUTION WAS REMOVED FROM THE AGENDA.**

R2009-130 entitled:

**RESOLUTION FOR APRIL 23, 2009, FOR EMERGENCY TEMPORARY APPROPRIATIONS FOR PERIOD BETWEEN THE BEGINNING OF THE CURRENT FISCAL YEAR AND THE DATE OF THE ADOPTION OF THE BUDGET FOR SAID YEAR, ACCORDING TO 40A:4-20:**

<b>1</b>	<b>Current Fund Appropriations:</b>		
	PERS		\$ 143,915.00
	PFRS		\$ 253,996.00
	Tax Collection		
	Other Expenses		\$ 1,000.00
	Municipal Prosecutor:		
	Other Expenses		\$ 5,000.00
	Public Buildings & Grounds:		
	Other Expenses		\$ 5,000.00
	Beach, Boardwalk,		
	Other Expenses		\$ 5,000.00
	Solid Waste Disposal Cost		
	Other Expenses		\$ 20,000.00
	Administration of Public Assistance:		
	NJ Board of Public Utilities Clean Energy Program		
	Clean Energy Audit Program		\$ 12,000.00
	Ocean County "Circle of Life" Pump Out		
	Pump Out Vessel Program		\$ 40,000.00
	Capital Improvement Fund:		
	Bathhouse		\$ 10,000.00
	<b>Total - Current Fund</b>	\$ -	<b>\$ 495,911.00</b>
<b>2</b>	<b>Water Sewer Operating Fund Appropriations:</b>		
	Salaries & Wages		
	Other Expenses		\$ 50,000.00
	Social Security		
	<b>Total - Water Sewer Operating Fund</b>	\$ -	<b>\$ 50,000.00</b>
<b>3</b>	<b>Marina Operating Fund Appropriations:</b>		
	Other Expenses		\$ 10,000.00
	<b>Total - Marina Operating Fund</b>	\$ -	<b>\$ 10,000.00</b>

R2009-131 entitled:

	FUND ACCOUNT	CHECK NUMBERS	AMOUNT
<b>Computer Checks:</b>	CURRENT ACCOUNT	025259 - 025293	\$ 30,680.61

	WATER & SEWER ACCOUNT		007457 - 007464	\$ 13,258.10
	MARINA OPERATING		002821	\$ 178.10
	GENERAL CAPITAL ACCOUNT		003912 - 003914	\$ 27,972.80
	WATER SEWER CAPITAL		003807 - 003808	\$ 3,671.50
	GENERAL TRUST		000404	\$ 71.00
	DEVELOPERS ESCROW		001523 - 001524	\$ 345.75
	RECREATION TRUST		001008	\$ 525.00
<b>Manual Checks:</b>	CURRENT ACCOUNT			
	Payroll			\$ 148,062.69
	Health Benefits			\$ 51,985.29
	WATER SEWER OPERATING			
	Payroll			\$ 14,175.02
	Health Benefits			\$ 2,354.93
	MARINA OPERATING			
	Payroll			\$ 761.44
	Health Benefits			\$ 207.94
	BOND & INTEREST ACCT			
	Interfund to Current			\$ 6,178.18
	<b>TOTAL*</b>			<b>\$ 300,428.35</b>

R2009-132 entitled:

**2009 BILL LIST BOROUGH OF SEASIDE PARK**

**April 23, 2009**

	FUND ACCOUNT	CHECK NUMBERS	AMOUNT
<b>Computer Checks:</b>	CURRENT ACCOUNT	02594-02595	\$ 379.00

R2009-133 entitled:

**RESOLUTION AUTHORIZING SOUTHERN SERVICE AS A VENDOR FOR REPAIRS FOR THE SEASIDE PARK FIRE DEPARTMENT**

**WHEREAS**, quotes were requested and received from Southern Service, Seaside Park Service Center and Kelly's Sea Bay Service Center for the repair of light duty vehicles used by the Seaside Park Fire Department; and

**WHEREAS**, Southern Service and Seaside Park Service Center were responsive to the quote process; and

**WHEREAS**, the Chief Financial Officer has reviewed the two quotes which were responsive and determined that Southern Service was the lowest responsive vendor; and

**WHEREAS**, the Borough of Seaside Park wishes to disclose a potential conflict of interest exists due to the employment of Chief Wroblewski at Southern Service; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey that based on the recommendation of the Chief Financial Officer that Southern Service was the lowest responsive vendor the Borough Council hereby authorizes Southern Service as a vendor for the Seaside Park Fire Department.

**BE IT FURTHER RESOLVED** that the Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey further acknowledges the potential conflict of interest with Chief Wroblewski, but has determined that the authorization of Southern Service is in the best interest of the Borough of Seaside Park.

R2009-134 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY REQUESTING GREEN ACRES FUNDING BE TRANSFERRED FROM “O” STREET BULKHEAD PROJEFCT TO THE 13<sup>TH</sup> AVENUE PIER AND PAVILION AREA**

**WHEREAS**, the Borough has previously received funding from the Department of Environmental Protection, Green Acres Program for the “O” Street Bulkhead Project; and

**WHEREAS**, due to environmental conditions on sire and required changes in the scope of the project caused by the Department of Environmental Protection which disqualify the “O” Street Bulkhead from being a eligible project to receive Green Acres Funding; and

**WHEREAS**, the 13<sup>th</sup> Avenue Boat Ramp has received funding through the I-Boat Program fir ramp improvements; and

**WHEREAS**, the 13<sup>th</sup> Avenue Pier and Pavilion area were previously designated as Phase II improvements which are in need of repair and would fit the eligibility requirement of the Green Acres funding parameters; and

**WHEREAS**, THE Borough of Seaside Park hereby requests that the funding in the amount of \$500,000 which is a loan interest Green Acres Loan be transferred from the “O” Street Bulkhead Project to the 13<sup>th</sup> Avenue Pier and Pavilion Area for completion of the Phase II Improvements.

**NOW THEREFOR BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Seaside Park, County of Ocean, State of New Jersey that:

1. The Borough of Seaside Park hereby requests the \$500,000 Green Acres Loan be transferred to the 13<sup>th</sup> Avenue Pier and Pavilion Area.
2. That a certified copy of this resolution be sent to the Green Acres Program and the Borough Engineer and CMFO.

R2009-135 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK ESTABLISHING RECREATION FEE FOR BOATER’S SAFETY COURSE**

**WHEREAS**, the Seaside Park Recreation Department is sponsoring a Boater’s Safety Course; and

**WHEREAS**, Ordinance 1471 establishes a range for miscellaneous activities for recreation programs from \$5.00 per person to \$100.00 per person; and

**WHEREAS**, the Recreation Director has recommended that the charge for the Boater’s Safety Course be established at \$45.00 per person (non-resident), and \$35.00 per person (resident of Seaside Park).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Seaside Park that the fee for the Boater’s Safety Course is hereby established at the rate of \$45.00 per person (non-resident), and \$35.00 per person (resident of Seaside Park).

R2009-136 entitled:

**RESOLUTION OF THE BOROUGH COUNCIL, OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN AUTHORIZING THE BOROUGH CLERK TO SOLICIT QUOTES FOR AUTOMATED TELLER MACHINES FOR THE BOROUGH OF SEASIDE PARK**

**WHEREAS**, the Borough of Seaside Park is interested in providing Automated Teller Machines for the Concession Area and Borough Hall; and

**WHEREAS**, the use of these machines will provide residents and visitors with a method of utilizing credit cards and debit cards to pay for Borough services without the Borough incurring any additional expense; and

**WHEREAS**, the Borough of Seaside Park is interested in receiving quotes for Automated Teller Machines which will be placed in the Concession Area and Borough Hall at no cost to the Borough and will be eligible for a portion of each of the Shared Surcharge Fees for the use of the machine; and

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

1. The Borough Clerk is hereby authorized to solicit quotes for the installation of Automated Teller Machines.
2. That selection of the quote shall be based on the highest Shared Surcharge Percentage for each transaction that the Borough receives.

**BE, IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Chief Financial Officer.

R2009-137 entitled:

**RESOLUTION OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN  
AWARDING A CONTRACT FOR PHASE I, WATER MAIN DISTRIBUTION AND SANITARY  
SEWER IMPROVEMENTS TO THE SECOND LOW BIDDER, PM CONSTRUCTION IN THE  
AMOUNT OF \$5,888,794.27 IN ACCORDANCE WITH THE BOROUGH'S BID  
SPECIFICATIONS**

**Whereas**, the Borough of Seaside Park previously authorized the advertisement and receipt of bids on March 10, 2009; and

**Whereas**, at the time and place for the receipt of bids nine (9) were received ranging from a low of \$5,806,246.06 to a high of \$12,186,862.83; and

**Whereas**, Borough Engineers, CMX, had reviewed said bid submissions and had recommended the award of the bid to the low bidder, Stacey Contracting, Inc., who has since refused to execute and move forward with the Contract; and

**Whereas**, the Borough intends to pursue said low bidder and its bid bond for the Borough's losses in connection with said refusal; and

**Whereas**, the Borough Engineer and the Borough Attorney have reviewed said second low bidder, PM Construction, and have found their bid to be in acceptable form and order; and

**Whereas**, the Borough's Chief Financial Officer has certified that funds are available for the within project; and

**Whereas**, it is the desire of this Governing Body to act upon the award of the contract to the second low bidder as a result of the low bidder, Stacey Contracting, Inc.'s refusal to move forward and execute the Contract with the Borough; 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 formally awards a Contract to PM Construction for Phase I, Water Main Distribution and Sanitary Sewer Improvements in the amount of \$5,888,794.27 in accordance with the Borough's bid specifications and Local Contract Law.

2. That this award of contract is contingent upon prior approval of the New Jersey Department of Environmental Protection as it is being funded through the NJEIT Program.

3. A Contract in accordance with the bid specifications and Local Contract Law shall be forwarded to PM Construction for execution.

4. The Borough reserves all rights against the low bidder, Stacey Contracting, Inc., as a result of its refusal to move forward and execute the Contract awarded by the Borough.

5. The Borough Engineer shall issue a Notice of Award to PM Construction in accordance with the bid requirements.

6. That upon adoption of the within Resolution the Clerk is authorized to forward duly authenticated copies of it to the Borough Engineer, Borough's Public Works Director, and Borough CFO, and PM Construction, and the Bid Surety Company; the Clerk is further authorized to return the bid documents of the unsuccessful bidders with the exception of the four (4) lowest bidders.

R2009-138 entitled:

**Approval to submit a grant application and execute a grant agreement with the New Jersey  
Department of Transportation for the Boardwalk Improvements project.**

WHEREAS, the Borough Council of Seaside Park desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

WHEREAS, the Borough Council of Seaside Park acknowledges the importance of the reconstruction of the boardwalk and access ramps along Ocean Avenue;

NOW, THEREFORE, BE IT RESOLVED that Council of Seaside Park Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administration and Clerk are hereby authorized to submit an electronic grant application identified as \_\_\_\_\_ to the New Jersey Department of Transportation on behalf of Seaside Park Borough.

BE IT FURTHER RESOLVED that the Borough Administration and Clerk are hereby authorized to sign the grant agreement on behalf of Seaside Park Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R2009-139 entitled:

**Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Bay Front Streetscaping Improvements project.**

WHEREAS, the Borough Council of Seaside Park desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

WHEREAS, the Borough Council of Seaside Park acknowledges the importance of the restoration and beautification of the pedestrian walkways at various locations along the bay front;

NOW, THEREFORE, BE IT RESOLVED that Council of Seaside Park Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administration and Clerk are hereby authorized to submit an electronic grant application identified as \_\_\_\_\_ to the New Jersey Department of Transportation on behalf of Seaside Park Borough.

BE IT FURTHER RESOLVED that the Borough Administration and Clerk are hereby authorized to sign the grant agreement on behalf of Seaside Park Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R2009-140 entitled:

**Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 13th Avenue Walkway Improvements project.**

WHEREAS, the Borough Council of Seaside Park desires to apply for funds through the Transportation Trust Fund Authority Act, New Jersey Department of Transportation (NJDOT), Municipal Aid Program; and

WHEREAS, the Borough Council of Seaside Park acknowledges the importance of constructing pedestrian facilities along the bay front in the vicinity of 13th Avenue;

NOW, THEREFORE, BE IT RESOLVED that Council of Seaside Park Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administration and Clerk are hereby authorized to submit an electronic grant application identified as \_\_\_\_\_ to the New Jersey Department of Transportation on behalf of Seaside Park Borough.

BE IT FURTHER RESOLVED that the Borough Administration and Clerk are hereby authorized to sign the grant agreement on behalf of Seaside Park Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Audience: John Kleva, 29 1<sup>st</sup> Avenue: He discusses the boater's safety course and the I-boat ramp.

Chuck Appleby, 215 10<sup>th</sup> Avenue: He discusses the 13<sup>th</sup> Avenue ramp as well as the MAC machines, should keep them user friendly as far as costs are concerned.

Joe Safaryn, 10<sup>th</sup> Avenue: He discusses the implementation of the new employee's manual.

Motion for approval made by Mr. Appleby and seconded by Dr. McHugh.

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

MOTION CARRIED.

Committee Reports:

Adm. Julie Keizer: The O Street bulkhead contractor cannot begin until after Labor Day. There is a meeting tomorrow regarding the O Street play ground equipment.

Mayor Tom Connors: Congratulations to Mary Jo Sites and Chuck Appleby on winning their seats on the Seaside Park School Board. The light at J Street is working; we are still working on the budget.

Mr. Meyer: Welcome Matt Brady who is here and back from Iraq. He is a Police Officer serving in the Marines. He also offers congratulations to Mary Jo Sites and Chuck Appleby. Central Reg. School budget was defeated but won in our town. The funding question won in Seaside Park, Seaside Heights, Island Heights, Ocean Gate, not in Berkeley Township; therefore, it did not pass.

Mr. Kelly: He thanks Adm. Julie Keizer and CFO Eugenia for all their hard work on the budget. He congratulates Guy Mueller upon his retirement as Emergency Management Coordinator.

Dr. McHugh: The Marina water improvements are almost done. There is a meeting tomorrow night to go over several items. The sign on the S curve was moved to the Marina corner. The sign at the recycling center will be harder to move than we originally anticipated. Right now it is still at the recycling yard.

Mr. Brennan: The clock tower is down. A contract will be awarded to the second lowest bidder for the water/sewer project. A camera is going down well #7 Friday, hope for the best. Well #8 will be a fall project. A letter was sent to the DEP regarding a meeting on bay front flooding, they cannot come here until May 28<sup>th</sup>.

Mr. Appleby: The decking on the boardwalk is getting done. The boater's safety course will be held May 11<sup>th</sup> and 12<sup>th</sup>. Sign up sheets and information in Borough Hall.

Public comments: Pat DeGutis, Stockton Avenue: She questions the progress being made on the budget. Adm. Julie Keizer states cuts were made in each department so far totaling \$71,530.00. The budget still needs work and cuts.

Joe Urso, 10<sup>th</sup> Avenue: He discusses the boardwalk construction and the railings.

Connie Hourihan, North Avenue: She also discusses the boardwalk and handicap railings stating the railings will be unsafe as children will climb on them. Mr. Brennan and Adm. Julie Keizer both explain the process which led to our decision to install the railings.

Council goes into closed session authorized by R2009-141.  
Meeting adjourned at 9:35 P.M.  
Attend: 25

Res. submitted,

Barbara Greger, Dep. Borough Clerk.