

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
APRIL 20, 2009**

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Mayor Naughton called the Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:01 P.M. with a moment of silent prayer and proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings Act and that adequate notice of the meeting has been published and posted per Chapter 231, P.L. 1975.

PRESENT: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald, Mayor Naughton

ABSENT: Mr. Erbe (arrived at 7:18 P.M.)

ALSO PRESENT: Jane L. Gillespie, Borough Clerk
Barry Lewis, Borough Administrator
Joseph Colao, Esq., Borough Attorney
Peter Avakian, Borough Engineer

Proclamations, Presentations & Special Guests

American Legion Post #432 – Mayor Naughton introduced Keith Kology, Commander of the American Legion Post #432. The American Legion held their annual fishing contest two weeks ago. Gabby Freeman reeled in a 5 ½ lb. fish and was the winner. He thanked the Mayor and Council for their contribution to the event. Every child who catches a fish wins a prize. The Tom Fulton award was given out and it hangs in the Barbershop downtown.

Mr. Kology reminded everyone that Memorial Day is approaching. Bernadette Sherman is the speaker at this year's service. Mrs. Sherman's son was killed in Iraq in 2004.

Proclamation – Arbor Day – April 23, 2009 – Mayor Naughton read the Proclamation for Arbor Day. She noted that our local Garden Club is holding a service at 10 AM this Thursday in Potter Park for Arbor Day. As part of the service, a tree will be planted in memory of Rosemary Rizzi.

2009 Municipal Budget

Mayor Naughton that Susan Schreck our Chief Financial Officer and Richard Hellenbreck from Robert A Hulsart & Company, the Borough's Auditor.

Adoption of Ordinance No. 2009-006- AN ORDINANCE OF THE BOROUGH OF SPRING LAKE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Mr. Colao read the Ordinance by title.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2009-006, seconded by Mr. Quinn.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

There being no comments from the public, Mrs. Reilly offered a motion to close the Public Hearing on Ordinance No. 2009-006, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a Resolution to adopt Ordinance No. 2009-006, seconded by Mr. Quinn.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Mr. Quinn offered the following Resolution and moved its adoption, seconded by Mr. Fitzgerald.

R-09-080 RESOLUTION - TO READ 2009 MUNICIPAL BUDGET BY TITLE

WHEREAS, the 2009 Municipal Budget was introduced by the Mayor and Borough Council on March 9, 2009, and

WHEREAS, the 2009 Municipal Budget was advertised on March 19, 2009 in The Coast Star, and

WHEREAS, the 2009 Municipal Budget was posted on the official Bulletin Board in Borough Hall, posted on the Borough's Website and a copy was made available in the Spring Lake Public Library, and

WHEREAS, the 2009 Municipal Budget has been made available to any and all persons requesting same, and

WHEREAS, in accordance with N.J.S.A. 40A:4-8, a Resolution shall be passed at the time of the Public Hearing by not less than a majority of full membership that said budget be read by title only as set forth herein before.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the 2009 Municipal Budget be read by title only at the Public Hearing on April 20, 2009.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

PUBLIC HEARING ON 2009 MUNICIPAL BUDGET

Mr. Quinn offered a motion to open the Public Hearing on the 2009 Municipal Budget, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

PUBLIC HEARING ON 2009 MUNICIPAL BUDGET OPEN

Mr. Lewis stated that this is a very responsible budget. There is no tax increase. We have not increased our tax levy CAP which is allowed by law. Our appropriations are \$475,000 below what we could have been spent under the State Regulations. Our expenditures are \$17,000 less than last year. There are three items within the budget that stand out with increases. He explained that one of them is because this is the last year of phasing PERS pension payments back in. It was paid in over a five year period. The Police and Fire phased in last year and this is the last year for PERS. That resulted in an increase in the budget of \$60,000. Another is the increase to the library as mandated of \$60,000 and our utilities are up about \$33,000. Those three items alone are a \$154,000 increase. We have continued to pay more on our debt service than we are legally obligated to so, this year by about \$200,000. We have started the trend of fully funding our capital improvements so an additional \$150,000 was put towards the cash capital improvements so we are funding \$365,000. Despite that, we are still leaving approximately \$470,000 in cash in surplus.

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As to the water & Sewer Utility Budget, Mr. Lewis advised that there is no increase and they are self-liquidating. Similarly the beach and pool budgets were maintained with no fee increases. Mr. Lewis thanked Mayor Naughton, Councilman Quinn and Councilman Erbe for all of their hard work on this budget. This is something we can all be proud of.

Ed Megill, Spring Lake Fire Chief, congratulated on behalf of the Fire Companies and with him is Chief Mullaney, Barry Lewis and Susan Schreck for the work they did and the Finance Committee for the work that was done on the budget on behalf of the Fire Department. They made a presentation justifying their case. Their budget was improved last year and there was improvement this year. The cooperation is phenomenal. He also thanked the girls in the office for their cooperation. There are equipment upgrades that are needed in addition to additional training that is now required. There was a departmental meeting on this and it was unanimous that he should appear and make these comments on behalf of the departments.

7:18 P.M. – Mr. Erbe arrived.

Susan Schreck noted that it is Fran Florentine who processes all of the requests.

Mr. Megill noted that they had a lot of activities they did last year.

Ms. Twomey noted that the Administrator is not listed on the title page of the Budget.

There being no further comments from the public, Mrs. Reilly offered a motion to close the Public Hearing on the 2009 Municipal Budget, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING ON 2009 MUNICIPAL BUDGET CLOSED

Mr. Lewis explained that the next Resolution is an amendment to the Budget as a result of reduced State Aid, misstated revenue and offset by energy receipts tax.

Mr. Quinn offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

R-09-081 RESOLUTION – AMENDING 2009 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2009 was approved on the 9th day of March, 2009, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Spring Lake, County of Monmouth, that the following amendments to the approved budget of 2009 be made.

Recorded Vote

(Insert Last Names)

(Mr. Rich		(
(Mrs. Reilly	(Abstain (NONE
Ayes (Mr. Erbe	Nays (NONE	(
(Mrs. Venables	(
(Mr. Quinn	(Absent (NONE
(Mr. Fitzgerald		(

	From	To
General Revenues		
1. Surplus Anticipated	\$ 1,592,200.00	1,609,661.00
3. Miscellaneous Revenues Section B:		
Energy Receipts Tax	349,217.00	331,756.00

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BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn offered the following Resolution to adopt the 2009 Municipal Budget as amended, seconded by Mr. Erbe.

R-09-082 ADOPTION OF 2009 MUNICIPAL BUDGET AS AMENDED

BE IT RESOLVED by the Borough Council of the Borough of Spring Lake, County of Monmouth that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of :

\$	6,747,709.69	for municipal purposes, and	
\$	0.00	for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,	
\$	0.00	to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.	
\$	0.00	Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy	
1.	General Revenues		
	Surplus Anticipated		\$1,592,200.00
	Miscellaneous Revenues Anticipated		\$1,531,474.33
	Receipts from Delinquent Taxes		\$210,846.44
2.	AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES		\$6,747,709.69
3.	AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE I SCHOOL DISTRICTS ONLY		0.00
4.	To be added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY		0.00
	Total Revenues		\$10,082,230.46
5.	GENERAL APPROPRIATIONS Within "CAPS"		
	Operations Including Contingent		\$5,794,616.03
	Deferred Charges and Statutory Expenditures – Municipal		665,675.06
	Cash Deficit		0.00
	Excluded from "CAPS"		
	Operations – total Operations Excluded from "CAPS"		\$1,770,918.55
	Capital Improvements		\$525,000.00
	Municipal Debt Service		\$899,868.65
	Deferred Charges – Municipal		\$0.00
	Judgments		\$0.00
	Transferred to Board of Education for use of Local Schools (N.J.S. 40:48-17.1 & 17.3)		\$0.00
	Cash Deficit		\$0.00
	For Local District School Purposes		\$0.00
	Reserve for Uncollected Taxes		\$426,152.17
	Total Appropriations		\$10,082,230.46

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

7:21 P.M. Susan Schreck and Richard Hellenbreck left the meeting.

Council Comments & Staff Reports

Mayor Naughton reported on the following:

- She noted how good the vacant property on Warren Avenue looks. There is now grass growing. Mr. Phillips has stated that it will look even better.
- We are waiting for bids to come in for boardwalk railings, it has been advertised. As soon as they come in, work will begin from where it was ended to the North End Pavilion.
- Lifeguard stands have been all been rebuilt to the Lifeguard Captain’s specs. A lot has changed in fifteen years and they are completed. She wanted to thank him publicly.

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Mrs. Venables noted that they are going to try and use the old stands to hold showers that would be located on the boardwalk instead of on the sand.

Mr. Rich noted that he did take notice of the grass also.

Mrs. Reilly reported on the proposed rain garden project. The group has another meeting tomorrow. They have decided that the gardens are going to be placed at St. Catharine's School, Mountz School and Borough Hall. St. Catharine's will be the largest as they have the largest influx of water. She is looking to have pretty gardens. NJ Sand and Gravel has agreed to donate the 30 tons of stone needed. We have enough mulch and top soil. The digging will begin in Mid May early June with the Garden Club planting it and completed by the end of June weather permitting. The County has sent their donation letter of \$6,000.00 she does not anticipate any additional cost.

Mrs. Venables noted that the Audit was received from the BID, which they were not required to provide to us but did so eagerly. She would like to acknowledge again that the bid has been very forthcoming and that the Borough's contribution was spent on design and maintenance costs as promised which would have been the Borough's responsibility anyway. She thanked the BID for sharing that with the Council.

Mrs. Venables reported that the BID had submitted some recommendations for signage guidelines for downtown. She asked that Mr. Fitzgerald and Mr. Lewis assist in the creation of an Ordinance and include also the recommendations from the Code Enforcement Officer.

Mr. Quinn stated that he has received feedback from residents on commercial activities taking place in residential zones. He does not feel that these trunk shows should be allowed. There are Ordinances to prevent this. There are businesses in the RC Zone who must contribute to the BID and it is not fair.

Mr. Quinn suggested as a funding source for the BID, that a fee be added to the Certificate of Occupancy applications. He felt that this makes sense. He would like to put that out for consideration.

Mr. Quinn asked as to COAH, he stated that we have to move forward on the RFP – he feels we should move fast on this. He has heard that the State is going to try to take the revenues of the local hands and he feels we should use our funds. We need to get our plan going.

As to parking and zoning work, Mr. Quinn felt that it needs to be revisited. He has some thoughts as to a simple ordinance change.

He also noted that he would like to keep up the momentum on the Pool. We had a productive session and he would like to meet again and discuss the next steps. Mayor Naughton added that she is looking to have a meeting next week.

Concluding, Mr. Quinn thanked everyone for the rescheduling of the meetings because of his schedule.

Borough Engineer's Report

Mr. Avakian reported that Jersey Avenue is progressing. The contractor will be back in week or so and finish curbing and then the milling and paving will be scheduled. He will also be doing some of the small projects that proposals were received for.

As to the sea wall repairs, the old wall has been removed. The new trench has been excavated and by Thursday, the dock builder crew should be there to begin. The contractor is on schedule and the wall should be substantially complete by May 23rd. He is working with the contractors for the

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irrigation and landscaping. The west side will be done first and the east side will be completed once the wall is completed.

He noted that he has not received a positive response from the County on Ocean Avenue and he has requested a meeting with them to try and have them approve our request for the bollards.

Borough Administrator's Report

Mr. Lewis reported that we have received an interest rate of 1.38% on our Bond Anticipation notes which is an extraordinary rate.

As to the 2008 Audit, copies of the report were placed on the Dais this evening; he asked that the Mayor and Council review same and that the Resolution would be on the next Agenda for adoption along with the Correction Active Plan which is required for the two items noted in the report.

With respect to COAH, Mr. Lewis advised that a committee meeting will be set up and review and fine tune the RFP. We are in the forty-five day comment period and there have been no comments received yet. If they State receives any, we receive copies.

On the North End pool, a meeting with Mr. Wallover to be set for next week.

As to the Potter Park improvements, one run of the pavers is done and is looking great. They are proceeding with the other runs but the weather has not been cooperative. Mayor Naughton added that she spoke with Karen Tanzola who told her that this exceeded their expectations and they will be following on their heels with plantings. She feels it will be a really nice spot. Mr. Lewis advised that the Gazebo repairs are finished but it just needs to be painted.

Mr. Lewis reviewed agenda items.

Mrs. Venables questioned the status of the roof at the Train Station. Mr. Avakian advised that the plan has been completed and will be ready to solicit proposals but the Borough received a notice from NJ transit questioning integrity of columns. He hopes in the next month to have a plan for the Council and depending on the projected costs some proposals or if need be ready to go out to bid.

Mr. Rich expressed his concern with the landscapers blowing residue out to street. Mayor Naughton added that is why she put it in the newsletter because we have an Ordinance that prohibits it. It is an enforcement issue. Mr. Lewis will speak to the Chief and ask his patrols to be aware. Mr. Avakian noted that he recommended this to the Wreck Pond Stormwater Management Group to make an initiative and direct it to the landscapers. Mrs. Reilly suggested a flier that would be distributed by the Police when they see the landscapers working. Mayor Naughton suggested handing out warnings for the first month and then after that there would be fines. Mr. Rich, Mayor Naughton and Mr. Lewis will work on this.

Public Comments

Eleanor Twomey suggested reaching out to them through their State License.

Helen Motzenbecker questioned the status of an Ordinance to preserve historic homes and allow them to add on. She thought it was introduced last year. Mr. Lewis stated that the Ordinance that was adopted dealt with existing homes on non-conforming lots not just historic homes.

Eleanor Twomey commented that Paziienza Park looks lovely. She saw one bench in the park and it looked so inviting and asked couldn't there be more added.

Dave Beyer, Clean Ocean Action stated that he wanted to touch on the liquefied natural gas issue. He thanked the Mayor and Council for considering a Resolution and catching the poor wording of the sourcing of it. They are currently working on rewording the draft Resolution. He discussed the

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current buying strategies. He asked that the Mayor and Council consider adopting a revised Resolution.

Rich Clayton, 1203 Third Avenue thanked the Mayor and Council for their kinds words. He noted that they are putting their audit online. He added that the Annual Statement will be available probably by the next meeting.

Mrs. Venables mentioned the meeting tomorrow night at Brookdale. Mr. Beyer responded that he is one of the speakers. He added that he has copies of the report and some newspaper articles for review.

Ordinances for Introduction

Mr. Colao read ORDINANCE NO. 2009-011 entitled: "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROPRIATING THE SUM OF TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000.00) FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF EQUIPMENT AND IMPROVEMENTS."

Mr. Erbe offered a motion to introduce Ordinance No. 2009-011 and published according to law at the convenience of the Borough Clerk, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinance No. 2009-011 in full/Ordinance Book No. 1

Ordinances for Adoption

Mr. Colao read ORDINANCE NO. 2009-008 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 114-7 OF THE BOROUGH CODE TO REGULATE THE PARKING OF BICYCLES ON THE BOARDWALK IN THE BOROUGH OF SPRING LAKE."

Mr. Quinn offered a motion to open the Public Hearing on Ordinance No. 2009-008, seconded by Mr. Fitzgerald.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Hearing Now Open

Mayor Naughton noted that this is just around the pavilions. Mr. Lewis is going to speak with the Police Department as to enforcement. There will be tasteful signs placed around. Additional bike racks are going to be added. We are not trying to eliminate them just designating a place for them to park off of the boardwalk.

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Mr. Quinn offered a motion to close the Public Hearing on Ordinance No. 2009-008, seconded by Mr. Fitzgerald.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Hearing Now Closed

Mr. Quinn offered a Resolution to adopt Ordinance No. 2009-008, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Colao read ORDINANCE NO. 2009-010 entitled: "AN ORDINANCE AMENDING THE BOROUGH CODE TO REGULATE LAND DISTURBANCE AND PROVIDE FOR SOIL STABILIZATION IN THE BOROUGH OF SPRING LAKE."

Mr. Quinn offered a motion to open the Public Hearing on Ordinance No. 2009-008, seconded by Mr. Fitzgerald.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Hearing Now Open

Mayor Naughton noted that this is based on a recommendation from our Code Enforcement Officer to regulate the condition of properties under construction in the Borough.

Mrs. Venables stated that she is concerned that is a bit on the broad side. She stated that if someone wants to plant five junipers how do they get around this Ordinance. She felt that it includes minor projects. There is not a definition of "disturb".

Mr. Avakian noted that "change of grade" is the key words.

Mr. Lewis suggested putting in an amount and it can be lower than what is used by Freehold Soil Conservation.

Mr. Colao noted that in the other ordinances, disturb was not defined. He felt that if we could define disturb it would make the Ordinance clearer.

Mayor Naughton stated that there are a number of construction sites in town and the Code Enforcement has recommended something stronger as it also impacts our storm water management. This is here in case there is an issue not just someone planting a tree.

Mr. Rich suggested adding removing all of the debris from the street daily.

Mayor Naughton advised that this Ordinance would be tabled to the next meeting.

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Consent Agenda

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

**R-09-083 RESOLUTION AMENDING RESOLUTION R-08-234 SETTING THE DATE
AND TIME FOR REGULAR MEETINGS FOR 2009**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Regular Meetings of the Governing Body of the Borough of Spring Lake for the year 2009 shall be held at the Municipal Building, 423 Warren Avenue, Spring Lake, New Jersey at 7:00 PM prevailing time unless otherwise noticed are hereby amended to the following dates: MAY 12, 2009, MAY 26, 2009, JUNE 9, 2009, JUNE 23, 2009, JULY 14, 2009, JULY 28, 2009, AUGUST 11, 2009, AUGUST 25, 2009, SEPTEMBER 8, 2009, SEPTEMBER 22, 2009, OCTOBER 13, 2009, OCTOBER 27, 2009, NOVEMBER 10, 2009, NOVEMBER 24, 2009, DECEMBER 8, 2009, DECEMBER 22, 2009.

The foregoing Resolution is in accordance with the applicable provisions of the "Open Public Meetings Act", approved October 21, 1975, per Chapter 231, P.L. 1975.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

**R-09-084 RESOLUTION –APPROVING VOLUNTEER APPLICATION
FOR FIREMAN – MICHAEL J. SMITH**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Michael J. Smith to become a volunteer firefighter with Spring Lake Fire Company #1 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

**R-08-085 RESOLUTION – APPROVING OFF-DUTY PAY AND
RETAINING ADMINISTRATIVE FEES**

WHEREAS the Borough of Spring Lake has received the monies as set forth below in connection with the employment of off-duty Police employees, and

WHEREAS this money has been deposited by the Borough of Spring Lake in an account designated 'RESERVE FOR OFF-DUTY EMPLOYMENT";

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that payment be made to the employees as shown on the payroll voucher as follows:

3/10/2009	JF Kiely Construction	\$405.00	Admin. Fee \$27.00	Total Received: \$432.00
3/25/2009	Gray Supply	\$405.00	Admin. Fee \$27.00	Total Received: \$432.00
3/26/2009	Gray Supply	\$312.00	Admin. Fee \$19.50	Total Received: \$331.50

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the administrative fee(s) are to be retained by the Borough of Spring Lake as unanticipated revenue.

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ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

**R-08-086 RESOLUTION – RELEASING STREET OPENING BOND
110 PENNSYLVANIA AVENUE**

WHEREAS, a street opening bond was posted by Finn Construction, Inc. for work being completed at 110 Pennsylvania Avenue in the amount of \$500.00, and

WHEREAS, the work has been satisfactorily completed as certified by the Public Works Superintendent.

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the street opening bond posted by Finn Construction, Inc. for 110 Pennsylvania Avenue be and the same is hereby released.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

Mr. Fitzgerald offered the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-09-087 RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING DESIGN, SITE
CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE COUNTY OF MONMOUTH FOR THE
WRECK POND BROOK WATERSHED MANUFACTURED STORMWATER TREATMENT DEVICE PROJECT**

WHEREAS, the Borough of Spring Lake and the County of Monmouth have agreed to jointly participate in the design and installation of manufactured stormwater treatment devices ("MSDs") at various locations within the Borough; and

WHEREAS, the terms of the Agreement have been set forth in the Agreement attached hereto as Exhibit A; and

WHEREAS, THE County has received grant funding in the total amount of One Million Two Hundred Thousand Dollars (\$1,200,000) for the design and construction of MSDs at locations within the Wreck Pond Brook Watershed for the purpose of improving the water quality discharging into Wreck Pond; and

WHEREAS, under the terms of the Agreement the County will assume the cost of the design and construction of the MSDs and the Borough will permit the installation of the MSDs at locations on property owned and controlled by the Borough and the Borough will agree to inspect, clean and maintain the MSDs all as set forth in the Agreement; and

WHEREAS, it is in the best interest of the Borough of Spring Lake to into enter the attached Agreement with the County of Monmouth for the installation of the MSDs which will enhance the water quality in Wreck Pond and reduce sediment accumulation currently filling of Wreck Pond.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Spring Lake that the Mayor, Administrator and Municipal Clerk be and they are hereby authorized to execute the attached Agreement with the County of Monmouth for in the Borough of Spring Lake.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with four (4) original executed copies of the Agreement to the Monmouth County Planning Board.

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Mr. Lewis explained that as part of the Wreck Pond Watershed Committee, the County got involved and offered a grant to inst all these stormceptor devices which are larger than a catch basin but they are a concrete structure that have different chambers that are designed so that as stormwater flows through it, it filters it so that you get clean water. Mayor Naughton felt that is a big improvement over nothing. The County will be installing them and our employees will be trained on how to clean them.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

**R-09-088 RESOLUTION – APPOINTMENT OF OFFICE STAFF, PAYROLL CLERK
FOR THE 2009 BEACH SEASON**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed to the respective positions for the 2009 Beach Season at the hourly rates as listed below as recommended by the Beach Director, Dan Finn:

NAME	POSITION	HOURLY WAGE
CHERNET, AMY	PAYROLL CLERK	\$12.57
CZYZYK, JILL	PAYROLL CLERK	\$12.57
PISEGNA, LEIGH	HEAD OFFICE CLERK – NORTH END	\$14.01
MacIVER, MADELINE	HEAD OFFICE CLERK – SOUTH END	\$14.01
CARBIN, JOHN	OFFICE CLERK	\$7.15
ZAYCEK, GAIL	OFFICE CLERK	\$11.81
HENNINGS, LYNN	OFFICE CLERK	\$11.81
O'DOHERTY, CAROLYN	OFFICE CLERK	\$11.81
PARSONS, SUSAN	OFFICE CLERK	\$11.81
WEST, DAWN	OFFICE CLERK	\$11.81
ERBE, SARAH	OFFICE CLERK	\$8.30
DUNNE, DEBORAH	OFFICE CLERK	\$7.50
NUNNO, ERICA	OFFICE CLERK	\$7.50

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Quinn.

**R-09-089 RESOLUTION – APPOINTMENT OF CLASS I AND CLASS II SPECIALS
SPRING LAKE POLICE FOR THE YEAR 2009**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed to the respective positions for 2009 at the hourly rates as listed below as recommended by the Chief of Police, Robert Dawson:

NAME	POSITION	HOURLY WAGE
ALBANESE, JAMES	CLASS I	\$11.81
AUSTIN, NICK	CLASS I	\$11.81
BRADY, PATRICK R.	CLASS I	\$13.52
CASAGRANDE, MARK	CLASS I	\$9.53
CHREPTA, ANTHONY D.	CLASS I	\$13.52
KAPELEWSKI, NICHOLAS J.	CLASS I	\$13.52
MATTIA, DOUGLAS R.	CLASS I	\$14.31
PANEPINTO, STEPHEN	CLASS I	\$11.81
PHILLIPS, MATTHEW	CLASS I	\$11.81
SMITH, EMMIT	CLASS I	\$9.53
RUTKA, MICHAEL	CLASS II	\$15.24
SCISCO, ROBERT	CLASS II	\$15.24

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
APRIL 20, 2009

Mr. Rich stated that he wanted to be sure that there were enough because one year they did not have enough.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn offered the following Resolution and moved its adoption, seconded by Mr. Fitzgerald.

R-09-090 RESOLUTION – APPROVAL OF BILLS – MARCH 31, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 31, 2009, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

Table with 2 columns: Category (CURRENT FUND, WATER/SEWER OPERATING, RECREATION, BEACH OPERATING, POOL OPERATING, TOTAL) and Amount (148,847.89, 11,879.70, 1,020.23, 8,0966.60, 344.56, \$170,188.98)

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn offered the following Resolution and moved its adoption, seconded by Mr. Fitzgerald.

R-09-091 RESOLUTION – APPROVAL OF BILLS – APRIL 20, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending April 20, 2009, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

Table with 2 columns: Category (CURRENT FUND, GENERAL CAPITAL, WATER/SEWER CAPITAL, WATER/SEWER OPERATING, DOG TRUST, SPRING LAKE TRUST, MOUTN LAUREL TRUST, MARRIAGE TRUST, BEACH OPERATING, BEACH CAPITAL, POOL OPERATING, RECREATION, TOTAL) and Amount (1,847,806.79, 3,056,674.85, 4,341.38, 213,465.78, 943.35, 4,995.00, 18,937.50, 50.00, 86,375.46, 498,750.00, 9,201.47, 916.23, \$5,742,457.81)

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
APRIL 20, 2009**

23637

Business Items Under Consideration

1. **Jersey Shore Running Club – Lake Como 5K – April 25, 2009** – This is a 5K which is a routine but the Chief has commented on the request, he said we may want to consider a fee schedule for future requests as there are upwards of six requests per year. Mr. Lewis stated that there are six now but they seem to be on an increase. Mr. Lewis to see what fees the other towns are charging.

Mr. Erbe offered a motion to approve the request, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Executive Session

Mr. Fitzgerald offered the following Resolution and moved its adoption, seconded by Mr. Rich.

R-09-092 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 – EXECUTIVE SESSION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that pursuant to N.J.S.A. 10:4-13, the Mayor and Council shall adjourn to Executive Session for the purpose of discussing Lifeguard Contract Negotiations, Department of Public Works Contract and potential litigation – NJ DEP Beach Management Plan.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Borough Attorney.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:31 P.M.

MEETING IS RECONVENED AT: 8:50 P.M.

Mr. Erbe offered a motion to adjourn the meeting, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

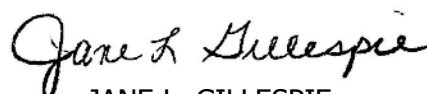
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT: 8:51 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: May 12, 2009