

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 25, 2009

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Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:05 P.M. with a moment of silent prayer. She then 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.

PRESENT: Mr. Rich, Mrs. Reilly, Mr. Erbe, Mr. Quinn, Mrs. Venables, Mr. Fitzgerald, Mayor Naughton
ABSENT: NONE

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

Council Comments

There no comments from the Council this evening.

Borough Engineer's Report

Mr. Avakian reported that he has updated his current project status report. The one project that is being updated is the Train Station improvements. He would like to get everything done above the roof line by the end of fall, 2009. He would like to do this in two or three component parts. Mayor Naughton expressed her concern with wanting to get the roof work done before damage happens to the interior of the building. Mr. Avakian stated that this was discussed with Mr. Phillips. Mr. Lewis explained that the work this fall would include everything above the roof line.

Mr. Rich questioned the miscellaneous roadway improvements. He felt that the way the roads are being replaced after a road opening are not being done satisfactorily. He stated that with the infrared technology available, there should be remediation on those projects. He has seen several on Monmouth Avenue. Mr. Avakian stated that on Street Opening inspections are done, this is what they are requiring so that the final surface course is blended in. Mr. Rich asked that this be included with any improvements that are done.

Borough Administrator's Report

Mr. Lewis reported on the following items:

- As to the **Monmouth County Open Space Grant**, the application is due September 23rd and he is working with Mr. Avakian to complete this year's application. They will be removing some things and adding others in. The Public Hearing and a Resolution will be on the next Agenda.
- On our **Community Development Block Grant Application**, we have received formal notification that we are being funded from last year's monies in the amount of \$169,030 towards the First Aid/Duggan Building.
- We have also received the Grant Agreement for the **NJ State Historic Preservation Grant** that we will execute. The Historic Preservation Group has begun fund raising for the balance needed and he will be reaching out to Mr. Cassway the Architect so that we can execute a contract with him. We will have to do a Resolution to recognize the funding source.
- With respect to the **Monmouth Avenue Tank Removal**, the contractor is still hoping to target the removal the third or fourth week of September.
- He also had a couple of items for Executive Session.

Mr. Colao advised that he had two items for Executive Session.

Mayor Naughton stated that R-09-178 was being removed and would be discussed in Executive Session.

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Public Discussion

Dennis Kaloostian, Sussex Avenue, commented on a recent incident regarding Police vehicles. He called the Chief but has not received a response. He felt that the cars were traveling at excessive speed for the size of the town. He then commented on the second tier assessment for the BID. He felt that if the owner resides in the premise they are the same as a homeowner and should not be taxed. They are just residents who rent rooms. People who rent out their homes do not have to pay all of these taxes but make money. He understands the people within the district should be taxed as they benefit. He should not be taxed as he does not operate within the district and does not receive any of the benefits. People who rent out their homes do not pay sales tax, they do not pay a bed tax to the State and now he is being taxed an additional \$2,000 from the assumed benefit that people will come to our improved town and then rent a room. He stated they come to him and rent a room and he directs them downtown.

Mr. Lewis explained that this is a subject that has been discussed. They are looking into the possibility of creating a third tier. The assessment would only be 25%. As it exists now, the first tier pays 100%; the second tier pays 50%. They are also looking at whether or not part of the property could be exempt if owner occupied. The 25% is as to the overall concept.

Mr. Clayton, on behalf of the BID with his business at 1207 Third Avenue, stated that the bid is consulting with Bob Goldsmith and attorney at the State. He stated that Mr. Kaloostian's concern is not something that has not been considered. He stated that the BID has reduced its budget to help the B&B's in town. This is something that is going to take time. They also do not want to decrease too much.

Mr. Fitzgerald stated that he hoped eventually to see the BID get a mechanism to include these owners who rent their homes but at this point there is not. He feels that these people who rent is the same as having a bed and breakfast.

Mrs. Venables stated that she is sympathetic to his concern and would volunteer to work with the bid to come up with a Resolution on this issue. She stated that this is an economic time that is affecting everyone.

Mr. Clayton stated that he would have brought information if he knew that this was going to be discussed. He stated that it came up that the end use is the issue. The end use in this case would be commercial.

Mayor Naughton stated that it will not be resolved tonight but will be taken under advisement.

Helen Motzenbecker, Glenwood Avenue questioned if the pool was going to be discussed this evening? Mayor Naughton advised no. Mr. Lewis advised that we hope to have a schematic by the mid September. Mrs. Motzenbecker then questioned the E&S meeting two weeks ago. She felt that something should be done to keep the E&S as an outstanding ratable in Spring Lake.

Wayne Patterson, 316 Sussex Avenue, stated that he does not totally disagree with Mr. Kaloostian but wanted to note that there are some owners on Third Avenue that also live in their properties. He felt that the renters should be asked to contribute to the bid as it would help alleviate the contribution from the Borough.

Mr. Kaloostian stated that within district 1 and those who live within it, are different. He was speaking of the people who live outside of district 1.

Ordinances for Introduction

Mayor Naughton advised that Ordinance No. 2009-015 has been carried to the next meeting.

Ordinances for Adoption

Borough Attorney Colao read Ordinance No. 2009-016 entitled: "AN ORDINANCE AMENDING CHAPTER 186 (FLOOD DAMAGE PREVENTION) OF THE BOROUGH OF SPRING LAKE" by title only.

Mr. Erbe offered a motion to open the Public Hearing on Ordinance No. 2009-016, 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

PUBLIC HEARING NOW OPEN

Jim Mullen, 306 Ocean Road stated that the overall Ordinance appears to address development but felt it is unclear in some areas and perhaps too large a scope to rest in the hands of the Construction Official. He was concerned that it may prevent the Borough from taking flood control measures. He noted that we do not even have the maps but was advised that we have received the maps. He asked that section 186-3.5 be amended to include a section "(d) deemed not to restrict development of other flood control measures in the flood zone as long as those measures do not increase flood risk."

Mr. Avakian stated that it cannot be amended at this point. He questioned some of the provisions of the Ordinance as it relates to our CAFRA Permit. He did make a change to allow changes performed in conjunction with a CAFRA Permit. He felt that any further changes should not be made at this time. We have to adopt this by September 30th in order to be part of the flood insurance program which gives our residents a discount on their flood insurance. If not adopted, our residents would not be able to obtain flood insurance through FEMA. He recommended that the Mayor and Council adopt this and if a problem is foreseen look to amend it at a later date.

Mr. Mullen stated that he does have FEMA flood insurance and does not want to jeopardize that.

Mr. Avakian suggested sending Mr. Mullen's comments to the State representative. He does not feel that this impedes us as to any flood control measures we may undertake. He understands that some of the wording is ambiguous. He recommended that the Mayor and Council move forward with this Ordinance.

Walter Kimm questioned if this raises the height of houses? Mr. Avakian stated that it does not raise the building height in our Ordinance.

Mr. Mullen stated that this issue was discussed but nothing was ever done. Mayor Naughton stated that a homeowner would have to make application with the Planning Board and ask for a variance if they are going to exceed the height ordinance. Mr. Avakian stated that this does give justification.

Mr. Erbe stated that he questioned a couple of weeks ago that a review the map does not show any significant change? Mr. Avakian responded that he compared the new and the old and it does not substantially change the flood areas in Spring Lake but it does change the flood classification. Mr. Erbe stated that the person who mentioned it to him expressed a concern that their flood insurance was going to increase. Mr. Erbe to speak to Mr. Avakian on that issue.

Mr. Kimm stated that you cannot build Mt. Laurel housing in a flood zone.

Mr. Erbe offered a motion to close the Public Hearing on Ordinance No. 2009-016, seconded by Mrs. Venables.

ROLL CALL:

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

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NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Erbe offered a Resolution to adopt Ordinance No. 2009-016, 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

Borough Attorney Colao read Ordinance No. 2009-017 entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 2006-010 TO AMEND DESCRIPTION OF PURPOSE FOR EMERGENCY GENERATORS AUTHORIZED FOR ACQUISITION BUT NOT INCREASING APPROPRIATIONS AND NOT AUTHORIZING ADDITIONAL DEBT" by title only.

Mr. Rich offered a motion to open the Public Hearing on Ordinance No. 2009-017, 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

PUBLIC HEARING NOW OPEN

Jim Mullen, 306 Ocean Road stated that as Emergency Management Coordinator he is happy to see this Ordinance as it is very important as Spring Lake Fire Company #1 is listed as a shelter area.

Mrs. Reilly offered a motion to close the Public Hearing on Ordinance No. 2009-017, 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

PUBLIC HEARING NOW CLOSED

Mr. Quinn offered a Resolution to adopt Ordinance No. 2009-017, seconded by Mr. Rich.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

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

R-09-170 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";

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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:

2/23/2009 JF Kiely Construction \$360.00 Admin. Fee \$24.00 Total Received: \$384.00

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.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-171 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 taxes on the following property has been overpaid as the result of a payment by the Attorney and the Mortgage Company as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Christopher Saco 142 Kilmer Road Mahwah, NJ 07430	137	10	\$5,377.40

Property address: 2201 Ocean Avenue

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$5,377.40 is hereby approved for the aforementioned property.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the amount of overpayment to be \$5,377.40
/S/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-172 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of 2009 taxes on the following property has been overpaid as the result of a payment by the Attorney and the Mortgage Company as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Citimortgage Attn: Maudie Stevens	36	7.01	\$3,653.56

Property address: 411 Monmouth Avenue

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$3,653.56 is hereby approved for the aforementioned property.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the amount of overpayment to be \$3,653.56
/S/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-173 RESOLUTION – REFUNDING UNUSED ESCROW FEES

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WHEREAS, escrow fees were submitted to the Borough for the block and lot set forth below, and

WHEREAS, the Planning Board Secretary has reviewed this account and found that the monies should be returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned as recommended by the Planning Board Secretary:

Table with 5 columns: Name (Mastrorilli), Block (38), Lot (12), Address (427 Essex Avenue), Amount (\$102.75)

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-174 RESOLUTION – REFUNDING UNUSED ESCROW FEES

WHEREAS, escrow fees were submitted to the Borough for the block and lot set forth below, and

WHEREAS, the Planning Board Secretary has reviewed this account and found that the monies should be returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned as recommended by the Planning Board Secretary:

Table with 5 columns: Name (Anthony Blasi), Block (94), Lot (3), Address (100 Newark Ave), Amount (\$55.75)

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-175 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #13-2009 – WOMAN'S CLUB OF SPRING LAKE – ON PREMISE RAFFLE

WHEREAS, the Woman's Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #13-2009, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA #13-2009 be and the same is hereby approved as follows:

- NAME: Woman's Club of Spring Lake
Identification No.: 475-8-32847
LOCATION: Spring Lake Bath & Tennis Club
Jersey Avenue, Spring Lake
DATE: October 7, 2009 12:00 p.m. - 3:00 p.m.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Resolutions

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

**R-09-176 CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE
MAYOR AND MUNICIPAL CLERK TO EXECUTE A PROJECT AGREEMENT
WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY
2009 COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2009 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY2007 to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as Borough of Spring Lake with a grant allocation of \$169,030.00

WHEREAS, the Borough of Spring Lake hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Spring Lake has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the Borough of Spring Lake authorized to execute with the County of Monmouth the attached Project Agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-09-177 CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE
MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING
THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2009; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Spring Lake execute a project agreement with Monmouth County to undertake a project known as ADA, First Aid Building and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Spring Lake sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Spring Lake has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Spring Lake has met the conditions of receiving a FY 2009 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Spring Lake is hereby authorized to sign the attached certifications which will become part of the FY 2009 Project Agreement.

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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

R-09-178 to be discussed in Executive Session.

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

R-09-179 RESOLUTION – APPROVAL OF BILLS – AUGUST 25, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 25, 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: CURRENT FUND, SUMMARY. Rows include WATER/SEWER OPERATING, DOG TRUST, SPRING LAKE TRUST, MT. LAUREL TRUST, RECREATION, BEACH OPERATING, POOL OPERATING, GENERAL CAPITAL, and TOTAL.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn offered Resolution R-09-180, seconded by Mr. Fitzgerald. Ms. Gillespie advised that the contract was not going to be awarded this evening. Mr. Lewis advised that the bid was received today and that he needed more time to certify the funding.

Mr. Quinn rescinded his motion to approve R-09-180, 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

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

R-09-181 A RESOLUTION AUTHORIZING THE USE OF A REQUEST FOR PROPOSAL PROCESS AND AUTHORIZING THE CLERK OF THE TOWNSHIP OF WALL TO ADVERTISE FOR REQUEST FOR PROPOSAL AND NOTICE TO BIDDERS FOR A DISPATCH AND PRISONER DETENTION SHARED SERVICES FEASIBILITY STUDY CONSULTANT

WHEREAS, It is the intention of a group of municipalities, including Manasquan, Spring Lake, Spring Lake Heights and Wall, (the "Participating Municipalities") to award an appointment and contract through a fair and open process as set forth in N.J.S.A. 19:44A-20.4. The Participating Municipalities are requesting a proposal from qualified individuals or firms to provide the following professional service; and,

WHEREAS, the purpose of this proposal is to analyze the feasibility of sharing certain services between and

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among the participating municipalities with respect to the elements of dispatch and prisoner detention; and

WHEREAS, the adoption of this Resolution authorizing the participation in the request for proposals, does not obligate or bind the governing body of the Borough of Spring Lake to enact or to agree with any recommendation or proposal, or to participate in the sharing of any individual element of service, as a condition of sharing in any other individual element of service, and the governing body of the Borough of Spring Lake is free to participate in the sharing in such individual elements of service as it may choose after due deliberation, including none at all; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the use of a Request for Proposal process for the following professional service is hereby authorized and that the Township of Wall is hereby appointed to administer the Request for Proposal process.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that as the lead administrative agency for the purposes of the submission of any grant application and the administration of the Request for Proposals that the Township Clerk of the Township of Wall be and is hereby authorized and directed to advertise for Request for Proposals for a Dispatch and Prisoner Detention Shared Services Feasibility Study Consultant.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Business Items Under Consideration

HW Mountz PTA – Annual Family Beach Day – September 19, 2009 – Mr. Erbe offered a motion to approve the request from HW Mountz School PTA to hold their annual family beach day on September 19, 2009, 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

Clean Ocean Action – Annual Fall Beach Sweep – October 24, 2009 – Mrs. Reilly offered a motion to approve the request from Clean Ocean Action to hold their annual beach sweep on October 24, 2009, 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

Public Discussion

Eleanor Twomey questioned if the consent agenda was adopted. She is advised yes.

Lyle Marlowe stated that Spring Lake is a fabulous town to live in. He felt that the Ordinance was a little too detailed with respect to raising the level of air conditioners, etc. He was concerned that this may change the character of the town.

Walter Kimm expressed his concern for the property at First & Union Avenues. They rounded the corner and put in a huge handicapped entrance. They changed the natural corner, it does not look like a corner any longer. Mayor Naughton advised that the Borough will look into this.

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EXECUTIVE SESSION

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

R-09-182 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 COAH Mediation, Cargill vs. E&S Subpoena and Resolution R-09-178; and

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: 8:08 P.M.

MEETING IS RECOVERED AT: 8:32 P.M.

Mr. Rich offered a motion to adjourn the meeting, 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

TIME OF ADJOURNMENT: 8:33 P.M.

Respectfully submitted,



JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: October 13, 2009