

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
FEBRUARY 23, 2009**

Mayor Naughton called the Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:04 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

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

Workshop Discussion

Mayor explained that there is still work to be done on these Ordinances.

As to parking, Mr. Quinn stated it is clear that we will have to amend the Ordinances but we are not far from some of our peers. Where we are out of line is the requirement for offices. They are going to start with bulk and height and they bounced some ideas around and Mr. Lewis is going to put them together into something that can be presented to the Council.

Mr. Lewis advised that he would have the Ordinance with the zoning amendments ready for the next meeting.

Approval of Minutes

Mr. Fitzgerald offered a motion to approve the minutes of February 9, 2009, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: Mrs. Venables

Council Comments & Staff Reports

Mayor Naughton reported on the following:

- The Finance Committee had a meeting earlier this evening. Mr. Erbe was unable to attend as he is on vacation this week. The Committee is comfortable enough with budget to present it to the Council tomorrow and schedule the introduction for the meeting on March 9, 2009.
- There are some conflicts with the meeting on April 27th and asked if Council had any objection to moving the meeting to April 20th. Council approved moving meeting to April 20, 2009.
- Recognized the passing of Rosemary Rizzi. Rosemary was a member of several clubs and organizations in town and will be missed. A memorial service will be held at St. Andrews Church on Thursday.
- We will be advertising for the rails on the boardwalk in the next issue of the Coast Star. It will be for a section up through the north end pavilion.
- As to the beachfront, the water fountains are broken and parts were ordered but have not been received yet but should be in shortly and they will be repaired.
- We implemented the Code Red System 12 months ago. It was used for the power outage a couple of weeks ago. It was really helpful and it worked.

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Mrs. Reilly reported on Rain Gardens. She noted that there was a great article in the Coast Star. The Schools will be doing a research project on rain gardens as part of their science fair. We have received a Grant totaling \$7,000 and the County will be involved in the site selection. She requested permission to use a site at Fourth and Tuttle as one location. She hopes to have enough money to do three of them. Their next meeting is March 3rd at 3:30 p.m. here at Borough Hall. Later we can encourage rain gardens instead of dry wells or meerscham pits.

Mr. Quinn stated that a meeting is scheduled with Dan Finn and the Borough Administrator this week as to the various Pool Operations, etc.. so that the brochure can go out. He hopes to report back at the March 9th meeting.

As to the review of the 2009 Budget, he echoed Mayor Naughton's comments on the budget. The budget presentation to them was very clear and was very easy to follow and he thanked Mr. Lewis for that.

Borough Engineer's Report

Mr. Avakian reported as follows:

- The South Blvd change order that is on the Agenda this evening with final payment is a decrease in the contractor. That contractor, Fernandes Construction, will also be doing our Jersey Avenue project. They will be looking to start work in the next couple of weeks.
- Second Avenue improvements are being designed.
- As to the request for projects for the stimulus monies, he has submitted road projects for Second Avenue & First Avenue because in those areas sewer improvements will be necessary and he felt that this may impact their decision and how the money is distributed.
- Arch Project they are closing out the first phase. The second phase is the wall and that will be progressing after award on March 9th.
- He has met with the Borough Administrator and Frank Phillips as to the pavilion at Marucci Park. The restroom facilities are going up and he has been asked to evaluate the installation of an ejector pump. He has had conversations with Lake Como on going into the closest manhole. Without a pump there is not the grade.
- North End Pavilion – They are working on the costs in effort to reduce them and his office is compiling a list of pool consultants. The design of the pool is done by a consultant not the Architect.
- Mayor Naughton questioned the status of the light at the arches. Mr. Avakian advised that there is no resolution on the bollards and the additional lights. He hoped to discuss this with the preconstruction meeting for the second phase. Mayor concerned that the condition is worse without the light, not to mention that it looks bad.

Administrator's Report

Mr. Lewis Barry reported as follows:

- The award of the bid for the second phase of the arch project will be on the March 9th Agenda.
- He asked Council for any Capital Improvement projects to be included in the budget as soon as possible.
- Fran Florentine is going through the utility bills for the information needed for the energy audit.
- Concerns of infiltration of groundwater has been identified by Public Works. Through the Borough Engineer's Office we are receiving quotes to have some video done of the lines.
- Resolution on the Agenda this evening to begin a single seasonal DW worker. This is an interim solution to consider hiring a full time person, we agreed to bring on one seasonal employee approximately a month earlier.

Proclamations, Presentations & Special Guests

Mayor Naughton noted that she has signed the following Proclamations:

1. Proclamation – ARC Awareness Month – March 2009
2. Proclamation – Youth Art Month – March 2009
3. Proclamation – Autism Awareness Month – April 2009
4. Proclamation – Read Across America Day – March 2, 2009

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Public Comments

Eleanor Twomey, Vroom Avenue questioned when the Master Plan report will be available. It was announced at the Planning Board meeting that it was coming and she questioned when it will be available to the public. Mr. Lewis advised that they will have to hold a public hearing on it.

Ms. Twomey then questioned the status of the E&S situation? She was advised that the E&S Group is currently working with the Concerned Citizens on an amicable solution.

Ordinances for Introduction

Ordinance No. 2009-005 – Zoning Amendments – Carried to the next meeting.

Ordinances for Adoption

Borough Attorney Joseph Colao read Ordinance No. 2009-001 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 EIGHTY FIVE THOUSAND DOLLARS (\$85,000.00) FROM THE BEACH UTILITY CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF EQUIPMENT AND IMPROVEMENTS."

Mr. Quinn offered a motion to open the public hearing on Ordinance No. 2009-001, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mr. Robinson, Sussex Avenue, questioned what the tractor was for. He is advised that the tractor is used to clean the beach.

There being no further questions from the public, Mr. Quinn offered a motion to close the public hearing on Ordinance No. 2009-001, seconded by Mr. Fitzgerald.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Quinn offered a Resolution to adopt Ordinance No. 2009-001, seconded by Mr. Fitzgerald.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Consent Agenda

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

**R-09-042 RESOLUTION – RELEASING MAINTENANCE GUARANTEES
HERBERMANN – BLOCK 50, LOTS 19.01 & 19.02**

WHEREAS, the Herbermann's have requested release of maintenance guarantees posted for a subdivision known as Block 50, Lots 19.01 & 19.02 known as the 414 Sussex Avenue, and

WHEREAS, by letter dated February 13, 2009 the Engineer for the Project, T&M Associates has recommended the release of the guarantee as the required improvements have been completed.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the maintenance guarantees be and hereby are released for the Herbermann Subdivision posted for Block 50, Lots 19.01 & 19.02, 414 Sussex Avenue.

BE IT FURTHER RESOLVED that the escrow posted be and hereby is released upon receipt and payment of the Engineer's final inspection bill.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

R-09-043 RESOLUTION APPROVING FINAL CHANGE ORDER #2 INCREASING CONTRACT FOR OCEAN AVENUE ARCH PROJECT BY ADDITIONAL \$154.50 AND APPROVING FINAL PAYMENT, RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND

WHEREAS, a contract for the Ocean Avenue Arch Project Improvements was awarded to Precise Construction, 1016 Highway 33, Freehold, NJ 07728, in the amount of \$325,800.00, and

WHEREAS, Final Engineer's Certificate (annexed hereto and made a part hereof) includes the final Change Order #2 which increases the contract in the amount of \$154.50, for a total increase of the contract by \$117,016.70 the net change to the overall award including all change orders for a total contract in the amount of \$442,816.70 and

WHEREAS, the Engineer (Leon S. Avakian, Inc.) has recommended that the Performance Bond be released as a Maintenance Bond has been posted in accordance with said contract.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order #2 increasing the Contract for the Ocean Avenue Arch Improvements in the amount of \$154.50 for a total contract in the amount of \$442,816.70 is hereby authorized for the above contract awarded to Precise Construction, and that the Mayor and Municipal Clerk are authorized to execute Change Order #2 and that the Performance Bond being held by the Borough be and the same is hereby released and final payment to the contractor be made.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

R-09-044 RESOLUTION APPROVING FINAL CHANGE ORDER #1 DECREASING CONTRACT FOR SOUTH BOULEVARD IMPROVEMENTS BY \$11,143.98 AND APPROVING FINAL PAYMENT, RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND

WHEREAS, a contract for the South Boulevard Roadway Improvements was awarded to Fernandes Construction, 32 John Street, South River, NJ 08882, in the amount of \$276,993.00, and

WHEREAS, Final Engineer's Certificate (annexed hereto and made a part hereof) includes the final Change Order #1 which decreases the contract in the amount of \$11,143.98, the net change to the overall award including all change orders for a total contract in the amount of \$265,849.02 and

WHEREAS, the Engineer (Leon S. Avakian, Inc.) has recommended that the Performance Bond be released as a Maintenance Bond has been posted in accordance with said contract.

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NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order #1 decreasing Contract for the South Boulevard Roadway Improvements in the amount of \$11,143.98 for a total contract in the amount of \$265,849.02 is hereby authorized for the above contract awarded to Fernandes Construction, and that the Mayor and Municipal Clerk are authorized to execute Change Order #1 and that the Performance Bond being held by the Borough be and the same is hereby released and final payment to the contractor be made.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

R-09-045 RESOLUTION – ACCEPTING HAZARD MITIGATION PLAN

WHEREAS the Borough of Spring Lake, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the Monmouth County Multi-jurisdictional All Natural Hazards Pre-Disaster Mitigation Plan;

WHEREAS this Hazard Mitigation Plan has been developed by the Mitigation Planning Committee;

WHEREAS this Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS two public meetings were held on, July 17, 2007 and November 29, 2007, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law,

NOW THEREFORE BE IT RESOLVED by the Borough Council of Spring Lake :

1. The Hazard Mitigation Plan is hereby adopted as an official plan of Spring Lake; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Spring Lake Office of Emergency Management and the various Municipal Departments identified in the Plan are hereby encouraged to pursue implementation of the recommended high priority activities that are applicable to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough Council, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Borough of Spring Lake Office of Emergency Management is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15th of each year.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

R-09-046 RESOLUTION – APPOINTING EMERGENCY MANAGEMENT PERSONNEL

Be it resolved by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed and confirmed to serve on Emergency Management for the year 2009:

Jennifer Naughton	Mayor
John Fitzgerald	Council Liaison
James Mullen	OEM Coordinator
Robert Dawson	Police Dept./Assistant OEM Coordinator
Wade Algeo	EMS/First Aid
Frank Phillips	Public Works
Edward Megill	Fire Department
Jane Gillespie	Broadcast/ Print Media
Peter Avakian-Engineer	Damage Assessment
Michael Burke	Environmental
Suzanne Herrmann	Evacuation Shelter/ Red Cross POC
Liz Finnerty	Public Health
Suzanne Herrmann	Social Services
Barry Lewis	Administrator
Steven Roe	Code Enforcement/Const.
Sandy Ratz	Construction
Barry Lewis	Finance/CMFO
Michael Giblin	Fire Inspector

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Resolutions

R-09-033 Approving Agreement with Friends of the Spring Lake 5 – Carried to the next meeting for additional information.

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

R-09-47 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 23, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 23, 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.

CURRENT FUND	<u>SUMMARY</u>
GENERAL CAPITAL	605,638.37
WATER/SEWER OPERATING	64,558.39
DOG TRUST	17,145.01
SPRING LAKE TRUST	1,067.55
MT. LAUREL TRUST	3,687.50
PLANNING BD ESCROW 1	105.00
RECREATION	3,583.56
BEACH OPERATING	1,136.13
POOL OPERATING	22,397.74
TOTAL	8,326.19
	\$727,645.44

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

R-09-048 RESOLUTION – APPOINTMENT OF SEASONAL EMPLOYEE

BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake, that the following individual is hereby appointed as a seasonal employee with the Spring Lake Department of Public Works for the 2009 season:

Joseph A. Crowley 2914 McKinley St., Wall, NJ \$12.50 per hr

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Business Items Under Consideration

Reminder – Town Meeting with Legislators – February 25, 2009 7PM – The Legislators representing our area will host a town meeting here in Borough Hall. The Public is invited to attend.

Goodwill Fire Company #2 – Easter Egg Hunt – April 11, 2009 – Divine Park – Mr. Quinn offered a motion to approve their request, seconded by Mr. Fitzgerald. Unanimously approved.

Shark River Surf Anglers – Children’s Trout Fishing Contest – April 11, 2009 – Mr. Fitzgerald offered a motion to approve their request, seconded by Mr. Rich. Unanimously approved.

Public Comments

Eleanor Twomey, Vroom Avenue, complimented the Public Works Department on their fast response in picking up all of the brush as a result of the recent storm.

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

ROLL CALL:

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

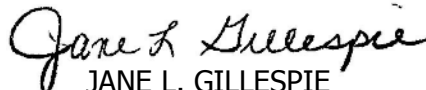
NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Time of Adjournment 6:48 PM

Respectfully submitted,


JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: March 9, 2009.