

23564

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

Mayor Naughton called the Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 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, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald, Mayor Naughton

ABSENT: Mrs. Reilly

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

Mayor's Report

Mayor Naughton reported on the following:

- Bill Wingard ran the flag fund for years and has relinquished his role and she publicly thanked him for his services and stated that we owe him a debt of gratitude. She stated rather than trying to replace him, we will be funding it through the Borough. She noted that we do go through 3-5 flags per year.
- There will be Town Meeting held here on Feb 3rd with Senator Keane and Assemblyman Rible and Assemblywoman Angelini. She stated that anyone with any concerns about Spring Lake should come and voice them during that meeting. She stated items like Wreck Pond and the beach front should be mentioned.
- As to discussions with Sea Girt, she and Barry Lewis met with Al Bunting, the Borough Administrator and Mayor Clemmensen. Their recycling center has to be closed because of an emergency situation and they have asked to share our recycling center for a couple of months. The facts and figures were looked at and we have agreed to handle it on a trial basis. If it has an impact on our residents we will stop it. We are also looking at sharing other services with Sea Girt including the Municipal Court with Spring Lake Heights and also dispatch primarily at night. There will be more information coming.
- She attended the Casagrande Celebration and congratulated them again on their 75 years of being in business in Spring Lake.
- The First Aid Dinner was held two weeks ago. The Officers were sworn in. They were all there and have added people to their ranks and she publicly thanked them for their service to the town.
- Potter park sidewalks are under construction and will be completed within the next couple of weeks.
- The next issue of the bridge is being worked on and she asked everyone to get their articles to the bridge.

Mr. Rich asked that another notice about the Reclamation Center stickers be placed in The Bridge.

Mr. Erbe stated that he has also spoke to people in Sea Girt and they are anxious to work together as are we and he felt that it is good to have these options considering our economic climate.

Mrs. Venables reported that the Subcommittee met with the planners from Birdsall to discuss the parking ordinance, the bulk ordinance and the design standard ordinance and felt it was productive. They are going to provide some sample ordinances and what other neighboring towns are doing with similar issues. These items to be discussed further at the February 23rd meeting. Meeting start time to be moved to 6:00 p.m.

Mr. Quinn asked that the distribution of the meeting materials, the agenda and packet be distributed on Fridays. He has found it difficult to prepare and would like to review the materials ahead of time. Council would like packets on the Friday before the meeting.

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

23565

Engineer's Report

Mr. Avakian reported Jersey Avenue contractor will be mobilizing probably in March to start work. Proposals were received for Potter Park and this contractor was the low proposal and he will be doing that work in early spring.

As to the Arch & Wall Project, bids are due February 5th and includes reconstruction from northern border to the arch and rehabilitation south of Pitney Avenue. He noted that 14 bid packages have been picked up and he anticipates a lot of bids on this project.

The County Agreement is being processed so that we can be reimbursed on the County component for the first part of the arch rehabilitation project.

The base map has been prepared on the train station roof. He would like to meet with Barry and a member or two of Council and he will have a proposal shortly. It will include some exterior work.

Administrator's Report

Mr. Lewis apologized for short notice but he was unable to get out the Ordinances from home this weekend from technical problem. Ordinances 1 and 5 are pulled for this meeting.

As to the 2009 Budget, he is scheduling meetings with department heads this week along with the CFO and hopes to have the budget to the Finance Committee early next week.

They were advised today that the Master Plan is nearing a point where the Planning Board will be scheduling a public hearing. In addition, information was received on the Warren Avenue site which is our COAH project. He received feedback from one of the Judges which he will respond to. The low bidder for the demolition is below the threshold. The cost came in at \$17,800 and they are aware of the fact they will have to pay prevailing wage.

Mayor Naughton questioned the status of the boardwalk railing. Mr. Lewis responded that he will be getting that out to bid as soon as possible.

Mr. Quinn questioned if additional authorization is needed for the work that Birdsall is doing. Mr. Lewis stated that they had submitted a proposal for \$3,500 for the parking and \$3,500 for the bulk which included attendance at the workshop meeting.

Mr. Quinn offered a motion for the Borough Administrator to complete the engagement of those services, seconded by Mr. Fitzgerald.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Public Comments

Eleanor Twomey, Vroom Avenue questioned the brick pavers around the gazebo? Mayor Naughton stated yes the Borough is installing pavers. She stated that the sidewalks there are in bad shape. Ms. Twomey questioned tree roots? Mayor Naughton advised her that our Public Works was doing the installation and would be aware of any roots. She questioned if they were memorial pavers and was advised no.

Pablo Depinies, 600 Fourth Avenue state that there is a hazard he would like to discuss. There is water being pumped out a couple of blocks away and his house this time of year is surrounded by 4-6 ft of water/ice. His Uncle can not visit him when this occurs. When he recently had surgery he could not leave his house. He went to the house in question and was told to sell his house from the female homeowner. He felt that this needs to be addressed. Mr. Depinies distributed pictures of

23566

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

the situation. Mr. Fitzgerald noted that the County prohibits sump pumps on their roads so we can prohibit them. Mr. Lewis explained that our existing ordinance provides for grandfathering but he is looking into that from a health and safety issue to eliminate the grandfathering and making everyone run them to a seepage pit. In the most recent road improvement projects, this type of improvement has been done. He hoped to have concrete recommendations soon. By next meeting he will have an ordinance recommendation ready. As to implementation, we will have to provide a time frame to allow them to do the change.

Mr. Depinies stated that the house in question is 315 Sussex Avenue, they have in addition to their sump pump, a 4" in diameter pipe over their yard and when that thing goes, the amount of water that runs is extreme. Mr. Avakian explained that he will have to look at this site as it could be affected by the water table. He will look at this property with either Mr. Lewis or Mr. Phillips. Mr. Depinies stated that it flows down two blocks and then down one block. Mr. Avakian stated that there are three scenarios, one is to include it as part of a roadway improvement project and it is tied into the underground system. Secondly, with new construction it can be mandatory to tie into a pit as part of the approval and third, if it is an existing home and an existing sump pump but having a negative impact and must be addressed by the homeowner. He will look before the next meeting and come up with recommendations, both regulatory and practical.

Genevieve Casagrande of Casagrande Liquors thanked the Mayor and Council for the Proclamation and thanked the Mayor for her presence at their celebration. They are proud to be a member of the community and look forward to being a member for the next 75 or more years. It is important in this economic climate for everyone to work together. They are looking forward to becoming more involved in the future.

Proclamations, Presentations & Special Guests

Proclamation – Casagrande Liquors

**HONORING CASAGRANDE LIQUORS FOR 75 YEARS OF
RETAIL BUSINESS IN THE BOROUGH OF SPRING LAKE**

WHEREAS, Casagrande Liquors has been a pillar of the Spring Lake Business Community for the last seventy five (75) years, and

WHEREAS, Casagrande Liquors is one of the longest running retail businesses in the history of Spring Lake, and

WHEREAS, Casagrande Liquors is evidence of a close knit family wherein the business has been family owned and operated through the generations, and

WHEREAS, 75 years of continuous support of the business by the community is a testament not only the service given to its customers, but to the personal affection Spring Lake has for the Casagrande business, and

WHEREAS, it would be difficult to find a family in Spring Lake that hasn't spent time in the store and with the Casagrande Family, and

WHEREAS products from the Casagrande business have adorned many a holiday table, backyard BBQ and family dinner in Spring Lake, and

WHEREAS, for many years Casagrande Liquors held the distinction of being the only retail business handling customers on Christmas morning, and

WHEREAS, on January 24, 2009 Casagrande Liquors will celebrate their 75th Anniversary.

NOW, THEREFORE, I Jennifer Naughton, Mayor of the Borough of Spring Lake do hereby join in the celebration of 75 Years of business by Casagrande Liquors in the Borough of Spring Lake by proclaiming on behalf of the Mayor and Borough Council January 24, 2009 as a day honoring the Casagrande Family and wishing them many more years of success in their business endeavors.

/s/ Jennifer Naughton, Mayor

Ordinances for Introduction

Mayor Naughton explained that Ordinances #09-001 – Beach Capital Appropriation Ordinance and #09-005 – Zoning Amendments have been carried to the February 9th meeting for introduction.

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

23567

Mayor Naughton read Ordinance No. 09-002 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 FOUR HUNDRED FIVE THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$405,250.00) FOR OCEAN AVENUE, ARCHWAY AND WALL IMPROVEMENTS AND PROVIDING FOR FUNDING THEREOF THROUGH A JOINT FUNDING AGREEMENT WITH THE COUNTY OF MONMOUTH FOR SAFETY IMPROVEMENT PROJECT ON COUNTY ROUTE 18, OCEAN AVENUE, IN THE BOROUGH OF SPRING LAKE by title.

Mr. Erbe offered a motion to introduce Ordinance No. 09-002, with the Public Hearing to be set at the convenience of the Borough Clerk, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Ordinance No. 09-002 in full/Ordinance Book #1

Mayor Naughton read Ordinance No. 09-003 entitled: "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY by title.

Mr. Erbe offered a motion to introduce Ordinance No. 09-003, with the Public Hearing to be set at the convenience of the Borough Clerk, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Ordinance No. 09-003 in full/Ordinance Book #1

Mayor Naughton read Ordinance No. 09-004 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 180, "FIRE PREVENTION", ARTICLE II "ENFORCEMENT OF UNIFORM FIRE CODE", TO ADD SECTION 180-21(F.) AUTHORIZING THE APPOINTMENT OF ALTERNATE FIRE OFFICIAL by title.

Mr. Erbe offered a motion to introduce Ordinance No. 09-004, with the Public Hearing to be set at the convenience of the Borough Clerk, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Ordinance No. 09-004 in full/Ordinance Book #1

Ordinances for Adoption - NONE

Consent Agenda

Mr. Rich questioned the Animal Control Services Resolution is it the same as last year? Mayor Naughton explained that it is the same service that was used last year but we are looking for another as this may be perhaps more than we need. Mr. Lewis explained that the County and his local group of Administrators are all looking into an alternative but that will not be ready for this year.

23568

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

Mr. Quinn questioned the engineering which was being charged to the beach as part of the amendment to the 2009 Temporary Municipal Budget. Mr. Lewis explained that these were actual engineering fees from Mr. Avakian.

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

**R-09-028 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:

12/15/2008 Verizon NJ \$225.00 Admin. Fee \$15.00 Total Received: \$240.00

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, Mr. Rizzo, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

R-09-029 TEMPORARY MUNICIPAL BUDGET – 2009 AMENDMENT #1

WHEREAS, the Local Budget Law provides that (where any contracts, commitments, or payments are to be made prior to the final adoption of the 2009 Budget) temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, not exceeding 26.25 percent of the total operating appropriations in the 2008 budget may be temporarily appropriated less full debt service for 2009;

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be amended and that a certified copy of the resolution be transmitted to the Chief Financial Officer for her records:

TEMPORARY BUDGET – BEACH UTILITY – 2009

	FROM	TO
ENGINEERING SERVICES 8014		
Other Prof. Cons. Spec. Service	1,000.00	10,000.00
BEACH UTILITY 2009 TEMPORARY BUDGET APPROP.	\$283,749.55	\$292,749.55

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-09-030 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT
WITH ASSOCIATED HUMANCE SOCIETY**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Associated Humane Society for animal control services.

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

23569

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-09-031 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT
WITH CONNER STRONG RISK CONTROL FOR CDL DRUG & ALCOHOL TESTING PROGRAM**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with Conner Strong Risk Control for CDL Drug & Alcohol Testing Program.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Resolutions

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

R-09-032 RESOLUTION – APPROVAL OF BILLS – JANUARY 26, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 26, 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.

<u>SUMMARY</u>	
CURRENT FUND	517,932.93
GENERAL CAPITAL	6,800.00
WATER/SEWER OPERATING	17,468.16
DOG TRUST	584.73
SPRING LAKE TRUST	5,343.00
MT. LAUREL TRUST	47.31
PLANNING BOARD ESCROW 1	1,556.76
RECREATION	701.71
BEACH OPERATING	20,331.50
POOL OPERATING	1,243.45
POOL CAPITAL	6,360.00
TOTAL	\$578,369.55

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

R-09-033 - Spring Lake 5 Agreement

Mr. Rich stated that Mr. Quinn had some questions about the reporting.

23570

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

Mr. Quinn stated that the points raised were that they were not in compliance with certain terms of the agreement. They are required to report the revenues, the expenses and the donations they make within ninety days of the event. As for 2007 we have now been supplied the information which address the revenues and expenses and in December the list of donations. He noted the \$17,000 paid in consulting fees. He has since been advised that those fees were paid to the race director. He also questioned the purpose of the charitable donations to the Asbury Park 5K Race and a donation to a group called Grand Prix. He asked Mr. Lewis to obtain more information and why they are making donations to other road race events. He does not feel some of the donations are proper from this type of event.

Mr. Rich questioned if they are responsible to us for the disbursement. Mayor Naughton stated that they are a 501C it is different then when the race first started. She stated with the exception of giving their report in within ninety days, which are not prepared yet, she felt that they are in compliance. They are free to donate their money within the terms of the agreement which she felt they have. She stated that they have donated over \$400,000 back to the Borough. She felt that the group does an extraordinary job. In addition to the paid director, they have hundreds of volunteers.

Mr. Quinn stated that there is accountability built into this Agreement and it was not being done. He mentioned that some of the donations were made to races where the Race Director has affiliations. He stated that they are not in compliance with the contract. They have not told us how many people run. Some of the volunteers are not happy with the way it is run and no longer volunteer.

Discussion on fact that they have asked for the new agreement to be changed to allow for the reporting to be done following their annual tax return and the fact that in the passed the enforcement of the agreement was lax.

Mr. Colao stated that there is still two years governed by the old Agreement. Mr. Lewis felt that they would seek an amendment to that agreement to provide for more time. Mr. Lewis reviews the agreement as to the donations and contributions back to the Borough.

Mr. Quinn stated that our auditor has not been given an opportunity to review the reports on the race in accordance with the agreement. He felt that Mrs. Reilly would have more insight into this if she was here because she was involved. He felt that it has become a major commercial enterprise.

Mrs. Venables stated that before this group took over, it is her understanding that the Borough received a fraction of what we receive now. There is more transparency and accountability now then ever existed before this group took over. This is free money and it doesn't cost the Borough. We need to have accountability but it does not need to be done in an accusatory way. She felt that the Borough needs to be grateful. She supports the agreement and happy to have them on board.

Mr. Quinn asked that this agreement be renegotiated without just some modest revisions. He stated that continuance requires additional consent and he thought that this is what was being voted on. After reviewing, it is found that the Council approved the race for 2009 on July 8, 2008.

The Mayor was concerned that we are trying to micromanage their race. They are pulled in different directions and seek requests for donations all of the time.

Mr. Rich felt that the recording piece of the agreement needs to be changed.

Mr. Quinn stated that an accounting is something different and that is what we are entitled to. It would provide us with a detail that would show where the fees were paid. What they have supplied is not an accounting and that is what the agreement calls for.

Discussion on time frame needed for them to complete their reports in order to be compliant.

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

23571

Mr. Quinn stated that they are not present this evening to address his concerns and therefore this should be carried. He felt that the entities to which they are making charitable donations should be tightened up. They should be asked to provide us with more meaningful information than would be in financial statements and comply with estimating the number of runners so this can be evaluated.

Mr. Lewis explained that the time frame for reporting is changed in the proposed agreement and that the amounts per registrant to be given to recreation is increased the .10 cents each year of the agreement. He asked for the information the Council wants so that he can relay it to them so that they know what information we are seeking.

Mr. Colao stated that we should address what we want beginning with the 2009 race.

Mr. Fitzgerald stated that the information received for 2007 was probably sufficient for this Council and if it was then they will know what we want.

Mayor Naughton summed up the discussion stating that it is a paperwork issue and she is sure that it will be resolved.

Mr. Erbe stated that they do give to groups out of Spring Lake but that the vast amount does stay in Spring Lake and we should be thankful.

Mayor Naughton advised that this Resolution would be tabled for two weeks and Mr. Lewis will handle the matter with the Friends of the Spring Lake 5.

Mr. Fitzgerald offered a motion to approve the following Resolution and moved its adoption, seconded by Mr. Erbe.

**R-09-034 RESOLUTION – APPROVING RETIREMENT AGREEMENT WITH
WILLIAM PHILBROOK - DEPARTMENT OF PUBLIC WORKS**

WHEREAS, William Philbrook has been employed by the Borough of Spring Lake in the Department of Public Works since 1976, as a result of which he enjoys salary and benefits, including longevity, at the highest level of the pay scale provided in the Collective Bargaining Agreement; and

WHEREAS, Mr. Philbrook had advised the Borough of his intention to retire from the Borough at the end of September 2009; and

WHEREAS, Mr. Philbrook, due to personal considerations, is amenable to retiring earlier than his scheduled date, his retirement to be effective March 1, 2009 in exchange for the Borough's Agreement as set forth hereinafter; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough and Mr. Philbrook to facilitate the early retirement effective March 1, 2009 through the continuation of his medical benefits through September, 2009 at which time Mr. Philbrook would be 65 years of age and Medicare eligible and thus not eligible for any Borough payment towards post retirement health coverage as provided under the Collective Bargaining Agreement; and

WHEREAS, the Borough has determined that facilitating Mr. Philbrook's early retirement effective March 1, 2009, and replacement with an entry level Probationary employee at the lowest level of the pay scale, will result in net savings to the Borough of approximately \$20,000 over the seven month period of accelerated retirement;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Borough of Spring Lake, for and in consideration of William Philbrook's irrevocable retirement effective March 1, 2009 agrees to continue to pay for Mr. Philbrook's member and spouse health insurance coverage in the NJSHBP through September 2009, in lieu of any reimbursement or payment for post retirement health insurance provided under the Collective Bargaining Agreement with the Spring Lake Employees Association. All other aspects of Mr. Philbrook's retirement, including any accrued vacation or sick time and use thereof or payment therefore, will be governed by the Collective Bargaining Agreement between the Borough and the Spring Lake Employees Association

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

23572

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

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

**R-09-035 RESOLUTION – APPOINTING JONATHAN REA
FULL-TIME – DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Jonathan Rea be and hereby is appointed full-time for the Department of Public Works effective March 1, 2009 as Laborer – Probationary in accordance with the Collective Bargaining Agreement with the Spring Lake Employees Association.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Business Items Under Consideration

Juvenile Diabetes Research Foundation – Annual Walk Request – October 11, 2009 – Mr. Erbe offered a motion to approve the JDRF Walk, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Public Comments - NONE

Mr. Fitzgerald advised that he was distributing a business plan for the North End Pavilion for the Council’s review. He stated that we will probably sell less locker and badges this year. If we can cut down on the amount of lockers we can add more space for other things and we would not have to go to CAFRA to expand. Mr. Quinn stated that if one end is reduced someone else is going to have to pay more. He stated that we are going to have to increase our revenue stream from the users. He does not think that we are in a position to talk about this for the current year. Mrs. Venables stated that it is worth looking at but the books have to go out next month.

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

Borough Attorney Colao advised that the following matters would be discussed and that there may be formal action taken on one of the matters.

R-09-036 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 101 St. Clair Avenue, Former Code Enforcement Officer, Corey vs. The Breakers, 125 Monroe Avenue, Municipal Proceedings - Feeley and Schultes Litigation.

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, Mr. Rizzo, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:26 P.M.

MEETING IS RECONVENED AT: 8:48 P.M.

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 26, 2009**

23573

Mr. Erbe offered a motion to authorize the Borough Attorney to settle the claims made by Ronald Kirk the former Code Enforcement Officer for the sum of \$2,000.00, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

ROLL CALL:

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

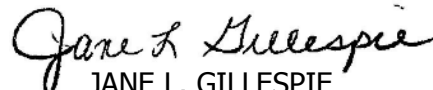
NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

TIME OF ADJOURNMENT: 8:51 P.M.

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: February 9, 2009