

**MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
JULY 14, 2009**

**23695**

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, Mrs. Reilly, Mr. Erbe, Mr. Quinn, Mrs. Venables, Mayor Naughton

ABSENT: Mr. Fitzgerald (arrived at 7:24 P.M.)

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

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**Dan Finn, Beach Supervisor – Presentation on Beach** – Mayor Naughton introduced Dan Finn our Beach Supervisor. Also present were Janet Carbin our Chief Guard and John Carbin who handles their web page. Mr. Finn expressed his gratitude for being able to serve another season. A demonstration of their new web page was given. They are also giving the local weather information and the water temperature. The flag of the day is included along with a notice that two beaches have to sometimes close because of rainfall. He noted that their employee schedules are kept online so that they can easily check their schedule. He noted that the South End Pool is running well now, they had encountered a problem early on but that has been corrected. The North End Pool is also doing great.

Mrs. Carbin then explained the Lifeguard information that is available on the web. This is her main tool used to communicate with the guards. All time off and coverage is also handled through the website. All of the Junior Guards from the local area are using our website for their information. The guards also participate in a lot of afterhour's activities. She encourages them to take ownership in their job and they have stepped up. The Policy and Procedures are on the website and is current. The emergency policies are there. They have created mobile EMT's and that is their job and when there is an emergency situation, they respond. It has enabled them to complete the required training requirements. The crew areas have been shortened so that they can see their water. Senior Guards are now required to stay until 6:00 p.m. There is a teaching beach set up for the rookie guards. She discussed the various tournaments that the guards are involved in and have been in the top 4 in our local competitions. This year we have had 5 line rescues. At there have been 5 or 6 six medical emergencies and they handled it perfectly. They have had over 45 "torp" rescues so far this year. The communications with Sea Girt and Belmar have been improved when needed for missing children.

Mr. Finn stated that want to be out in the open and accessible to the public.

Mayor Naughton questioned how many guards are there? Mrs. Carbin advised 131. She explained that they exceed the requirements of the USLG to be a guard in Spring Lake this year and she intends to expand the standards for next year. She stated that they continuously train. Mayor Naughton noted that the stands are now numbered. Mrs. Carbin stated that it has already paid off. It is for lost or missing children and a couple of them knew what stand they were at.

Mr. Rich felt that the leadership of the guards should be there until 6:00 p.m. He felt that the leadership is critical. Mrs. Carbin stated that she agreed and that is why she changed it when she came to Spring Lake. She leads by example. There is a real bond now with getting them to take ownership, or pay it forward. She felt that that this is important. Mr. Rich felt that with the saves that high the guards should be in the water. She stated that are statistics are far lower than are neighboring beaches. They do put guards in the water, it is called water watch. Mr.

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Rich stated that there are people down there who cannot read the water. He noted that in the past there wasn't good stand management. Their equipment should be right in front of them. Mrs. Carbin stated that there are new stands this year which support the watching of the water that allow for the watching of the water and there is a cordoned off area around each stand where the equipment is kept. With the new stands you are facing the water and you do not have to turn your back to the water to get down. With the old stands you had to take your eyes off of the water to get down.

Mr. Quinn noted the new Ordinance regarding no bicycle parking and questioned if there has been comments of insufficient parking at the current racks. Mayor Naughton responded that additional racks have been added, that we are just waiting for them to come in.

7:24 PM – Mr. Fitzgerald arrived.

Mr. Erbe questioned if using the filters has helped. Mr. Finn advised yes it has and he thanked Frank Phillips.

Mr. Finn also noted that Frank Phillips and his guys should be thanked for the showers that are being installed. He has received a lot of compliments on them.

Mr. Lewis noted that there may be some people here relating to a problem on the fishing beach but advised that this had been resolved. It dealt with a group of fishermen and where the boats were being launched. Mr. Lambert was here but left before the meeting started.

Mr. McConnell stated he was here for the fishing issue and it is all worked out. They did not want any problems and wanted to avoid any controversy. He thanked the Mayor and Council for allowing them to do it. They have received a lot of positive feedback from the residents.

**Approval of Minutes**

Mr. Erbe offered a motion to approve the minutes of May 12, 2009, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Rich

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Mrs. Reilly offered a motion to approve the minutes of May 26, 2009, 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

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mrs. Venables

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**23697**

Mrs. Reilly offered a motion to approve the minutes of June 23, 2009, 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

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**Council Comments & Staff Reports**

Mr. Erbe attended the concert at the Gazebo on Saturday and it was very well attended. He complimented the Drug & Alcohol Alliance on a great job.

**Borough Engineer's Report**

Mr. Avakian reported on the following items:

- Jersey Avenue Improvements – The project is complete. There are a couple of little bird bath areas that still have to be fixed but the contract will come back and plane them.
- Railroad Station Improvements – He has received the proposals. He will meet with the Borough Administrator and evaluate them for the next meeting and have a recommendation.
- Ocean Avenue Wall/Arch Project – There is a meeting tomorrow morning with Melissa Ix, who prepared the landscape plan to review the plans for the east side of Ocean Avenue.

Mayor Naughton questioned the status of the light by the Arch. Mr. Avakian advised that all of the work required by the County has been completed. The County is just waiting receipt of the light and then it will be installed. He would still like to see bollards and will continue to pursue.

**Borough Administrator's Report**

Mr. Lewis reported on the following:

- Jersey Avenue – There has been an issue raised with respect the striping in the first block. The issue was raised by the residents and was confirmed. There is frequently a problem with the Bath & Tennis Club getting deliveries and Jersey Avenue is choked down to barely a single car width. The Borough Engineer is working on it and will be making a recommendation. The parking spaces between the two driveways may be blocked out and that is why the contractor has not finished. Mr. Avakian explained that there are five (5) spaces that could be cross-hatched and marked as a loading zone or drop-off area. Mr. Avakian stated that it will have to be determined if the removal of the spaces is warranted for safety reasons to give a safer right-of-way area. Mr. Erbe questioned using Morris Avenue? Mr. Lewis stated that the delivery side is Jersey Avenue. Mr. Erbe felt Morris Avenue would be less congested.
- Wall/Arch Project – Mr. Lewis reported that there was a meeting at the site two weeks ago with the Mr. Avakian, Dave Howarth from his office, the County Engineer, Joe Ettore and John Tobia, Director of Public Works at the County. Ken Pringle and Robbin Kirk from Belmar were there as well as some residents from Belmar. The concept of lowering the wall was discussed. The County was taking the lead on evaluating the options, and design and Mr. Avakian's office was following up on the potential cost of that. The height both historic and the design height were being evaluated. Subsequently, another meeting was held last Friday. Some aspects of this will be discussed later in Executive Session. We are working on it and it is hoped that all of the information will be pulled together by our next meeting. The County will be discussing it with the Freeholders so there is no action and make a recommendation and come back to us in July. Mr. Erbe questioned if the wall is completed, is that how it is going to look? Mr. Avakian advised it still needs the final treatment and then the landscaping will be put in. The treatment will also colorize it and the landscape will enhance it.

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Mr. Erbe stated that when you are walking down the narrow part of the boardwalk towards Belmar there is an area of sand there, it is not attractive and he felt it could be slightly dangerous. Mr. Avakian stated that the entire wall will be treated. Mr. Avakian stated that he will look at the area. Mr. Erbe felt that it would be difficult but perhaps some landscaping native to the sand.

- COAH – There is a Resolution on this evening appointing the mediation team. There is a hearing scheduled this Friday and they are scheduled to meet Friday before then with Andy Bayer.
- Energy Audit – We have received approval to award the contract.
- North End Pool – The crew was in from Wallover & Associates doing their preliminary work such as measuring, etc..
- Beach – The beach is making a very strong comeback.
- Removal of Water Tower(s) - Bids will be received prior to next meeting. He will have the numbers put together.
- Finally, he has a couple of items for Executive Session.

Mr. Quinn questioned if we have received an updated schedule from Wallover & Associates? Mr. Lewis advised that he sent him some things and then sent him back the meeting schedule but he will follow up with him.

Mr. Colao stated that he has a couple of items for Executive Session that he will list at the time of the Resolution. He also noted that the Essex & Sussex has requested another public hearing on their requests; this was held over at the last meeting awaiting the planning report on the parking tied to the age reduction. He will distribute that report to the Mayor and Borough Council. He has spoke to both attorneys, Mr. Rubino would like it scheduled for July 28<sup>th</sup> but Mr. McLaughlin wants to have it August 11<sup>th</sup> to provide time to analyze this and address some other questions. He will speak to the attorneys and set the date. He noted that the report was just received late this afternoon. He will let everyone know once the date has been confirmed.

Mr. Colao advised that the hearing on the Grand Victorian Liquor License transfer is anticipated for July 28<sup>th</sup>.

**Public Comments**

Frank Murphy, 2014 Ocean Avenue, Belmar stated that he wanted to clarify something; he thought that the County spoke with great certainty at the meeting and questioned if the County has backed off from that? Mr. Avakian stated that the wall was designed by Borough of Spring Lake and bid by the Borough of Spring Lake and it is our project. The project is our project. That is why he was not comfortable about talking about it with a group of residents from a town he does not represent. He stated that once something is said it is taken as factual, and he was not comfortable doing that since he takes his direction from the Governing Body. The County is making recommendations. The issue will be discussed and resolved between the County of Monmouth and the Borough of Spring Lake who are the two parties involved.

Mr. Avakian further discussed representations which were made at the meeting by the County.

Mr. Murphy stated that they asked him how low should it go and he thought a balance would be worked out. The County stated that they were going to get approval at the next Freeholder's meeting.

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**23699**

Mr. Erbe stated that he has to hear what the County has to say but you have to look at the project as a whole. The landscape and streetscape is going to improve dramatically, it will be worth losing some of the view. He stated that he is shocked that the County would give that impression.

Mr. Murphy stated that Mayor Pringle was at the meeting and talked as if it was resolved.

Mrs. Reilly questioned if the purpose of the wall is also for retention? She stated that she stood on that street corner in the storm of 1992 and the waves were coming over. She felt that we need to wait and see what our Governing Body decides and what kind of recommendation is made by the County.

Mr. Murphy stated that there was some uncertainty as to what the purpose of the wall was. It was discussed at that meeting that it was not a wall to protect the sea wall, it was to protect the sand from coming across. Mayor Naughton stated that that is not what the 1990 Resolution of the Belmar Governing Body says. It says it is there to protect the life, liberty and property of the residents of Belmar. Whoever says it is just there to hold the sand back is not telling the truth and is not aware of what is going on.

Mr. Avakian stated that people have selective memories when it comes to coastal issues and their memories are only jarred when you have a significant storm. The last significant storm was in 1992. He has articles and pictures to show what it was like after that storm.

Mrs. Reilly felt that the wall does have a protection feature.

Mayor Naughton stated that we are talking with the County and that it is this Governing Body that will ultimately make a decision.

Mr. Murphy stated that the where the wall is, it is protecting the lake not the houses. Mr. Avakian advised Mr. Murphy that it is not a flood control structure. It should not be confused with protecting the water from the west. It is a structure that was designed to not be topped by a storm occurring once every twenty years and to provide protection for the infrastructure, the roadway and the connection of the ocean waters with the lake waters which could prove impassable and somewhat detrimental if there were other issues town wide for emergency egress not to mention the force main that is under there.

Mayor Naughton stated that this project was a long time in waiting. It has been several years each phase of it. It is a fantastic project regardless of what we do or don't do with the wall. She would hate to see the overall benefit of that project which is the restoration of an arch that was in danger of toppling down on Ocean Avenue, the traffic control we have achieved there by narrowing the road, the pedestrian safety we have achieved there by putting the sidewalk in instead of having people running behind diagonally parked cars and the beautification of that area and the shoring up of the sea wall. She recognized that Mr. Murphy's interest in this is not the same as ours but she wants to be clear that the project overall is a really strong project certainly for the Borough of Spring Lake but for the entrance to Belmar and the County of Monmouth. We will get this resolved one way or the other but she does not want the overall success of the project marred by this particular argument.

Mr. Murphy stated that they all left on July 2<sup>nd</sup> thinking it was going to be taken care of. She does not want to take away from the project but would like to see a balance.

Rich Clayton, representing the BID, 1207 Third Avenue asked if now that the improvements to Jersey Avenue are complete, the BID would like to put plantings on the west side of Jersey & Third Avenues, and asked for approval. He stated that they would like 8x8 planting areas. It is sandy and does not fit the image. Pavers are going to be added to the four corners Mr. Lewis advised. Each section would be 7-8 plantings to beautify it. Mr. Lewis to verify with Frank Phillips.

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Ordinances for Introduction - NONE

Ordinances for Adoption

Borough Attorney read Ordinance No. 2009-012 – AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION OF CHAPTER 225-7, LAND DEVELOPMENT OF THE BOROUGH CODE by title.

Mr. Rich offered a motion to open the Public Hearing on Ordinance No. 2009-012, 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 NOW OPEN

Mr. Rich questioned 6 ft., is that on top of the 35 so we are talking about 41 ft.? He is advised yes, at the very top. He questioned if the top could be 4x4x4? Mr. Lewis explained that it is a percentage of the first floor area square footage.

Discussion that it is not living area. It was felt that this was the Planning Board's concern.

Mr. Colao noted that we have received Mr. McGill's letter of July 13, 2009 from the Planning Board that recommends 1%.

It is noted that it is the total of all of them.

Mr. Quinn was surprised that it was not found to be in conflict with the Master Plan. If it is not in conflict with the current Master Plan it has got to be in conflict of the new Master Plan. He feels that although the Planning Board seems to go off in different directions, he agrees that the houses are being built too large. There is a sense in the R-2 zone that people are overbuilding. Through this Ordinance we are allowing an inappropriate building height. He knows it does not impact living space but requires a variance and then the Zoning Official comes to the Council with a recommendation. He would have supported this Ordinance if it was not for the comments of the Planning Board and that is why he feels that he must oppose it.

Mr. Rich questioned the genesis of this? What was the reasoning? Mayor Naughton stated that it was part of a recommendation from the Zoning Officer who came before the Council at a workshop with issues that he was facing that were minor issues that were requiring the residents to go to the Planning Board.

Mr. Erbe is not sure he agrees with people wanting to shrinking houses. He does not feel that shrinking height and expanding porches is not necessarily contradictory. He felt it was a style issue more than anything and lends itself to some of the nicer houses in town in his opinion.

Mr. Quinn felt that from their letter the Planning Board felt that it is a bad idea. They have spent month after month looking at applications and do not think this is a good idea.

Mrs. Venables she has concerns about appearing to expand the size of things on the roof but at the same time it is hard to have a height on some of these ornamental features. He may be hard to accomplish those things in less than 6 ft. in height. We have to decide if we want to send someone to the Planning Board for \$8,000 - \$10,000 on some of these items just to put an application in.

Mr. Quinn stated that their concern was not with the height, but with the percentage.

Mrs. Reilly questioned if this would be architectural and should conform to the size of the house.

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**23701**

Mr. Lewis stated that he had discussed this with Mr. Rizzo. After receiving the Planning Board's letter is when he tried to visualize it himself.

Mr. Quinn stated that there is no reason that the Council has to take action on this tonight. Perhaps there is a better solution that the Planning Board would support. They could come back with a recommendation that the Council would support.

Discussion on the fact that the Planning Board wants 1%.

Mayor Naughton stated that we are going to have to make a decision, but it doesn't have to be tonight. We have to decide what the percentage is. The Planning Board wants 1%. Mr. Erbe felt that 1% is outlawing a second fireplace. Mrs. Reilly questioned if 3% would be a compromise. Mr. Quinn advised that he will vote for 1%.

Mr. Colao suggested having a separate percentage for chimneys could be done because you do not have a question of livable area.

Mr. Lewis stated that right now, nothing can go over 35 ft. without a variance. The other issue is the 6 ft. he does not know where Mr. Kavanaugh came up with that figure. Mr. Lewis stated that to comply with the current ordinance, people are building these structures but squishing them down to meet the height requirements. Some people do not like this look.

Mr. Erbe points out that the Planning Board states something near 1%. Council discusses the options.

Mr. Colao suggested having the land use committee look at it with the Planner.

Mr. Quinn suggested having all zoning ordinances go through the Professional Planner before reaching the Council and then have the Planner here to discuss it.

Mrs. Venables felt that this type of feature is common to the homes in Spring Lake. It is just a question what the percentage should be. She felt that it should be addressed so that each homeowner does not have to go before the Planning Board but we do not have to act upon it tonight.

Mayor Naughton stated that it is a matter of opinion what is too big or too tall. It is the Council's decision. She is not convinced that a Planner would help with this matter.

Mr. Fitzgerald questioned if the Ordinance is passed as it is, we are saying we do not agree with the Planning Board, if you think it is going to be something different, then redo it and come back. He felt that the Planning Board should explain why they want something closer to 1%.

Mr. Lewis felt that their concern was that it would be used as additional living space.

It was noted that this information may be obtained through the Planning Board's annual report.

Lyle Marlowe, Worthington Avenue stated that he regularly attends Planning Board meetings. The Board's concern was that everyone pushes the Ordinances to the limit. He noted that there was a variance granted for a home and now it is up for sale and is being marketed that there is the possibility of additional living space for which the people had received the variance.

There being no further comments from the public, Mr. Rich offered a motion to close the Public Hearing on Ordinance No. 2009-012, 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

**23702**

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**PUBLIC HEARING NOW CLOSED**

Mr. Erbe offered a motion to deny Ordinance No. 2009-012, 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 IS NOT ADOPTED**

Mr. Avakian suggested asking for some of the applications that have been received and review them for percentages. He felt that this may be very helpful in this decision.

Mr. Fitzgerald expressed his concern with the look of the crew cut houses so that they can meet the requirements.

Mr. Rich felt that we have good property values and felt that we should consider leaving it where it is.

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Borough Attorney read Ordinance No. 2009-013 – AN ORDINANCE AMENDING CHAPTER 225, ARTICLE V, SECTION 21(B) OF THE BOROUGH CODE REGULATING SPECIFIC REQUIREMENTS FOR OFF-STREET PARKING IN THE BOROUGH OF SPRING LAKE by title.

Mr. Rich offered a motion to open the Public Hearing on Ordinance No. 2009-013, 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**

Mr. Quinn explained that this was an attempt to address an issue raised by the Planning Board that it was difficult to comply with our Zoning Ordinances in the RC Zone. This is a stop gap measure and is in the interest of the Borough to adopt it so that someone can not say it is impossible to meet the requirements of our Ordinance.

Mr. Rich offered a motion to close the Public Hearing on Ordinance No. 2009-013, 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 CLOSED**

Mr. Quinn offered a motion to adopt Ordinance No. 2009-013, 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

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**MAYOR & BOROUGH COUNCIL  
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**23703**

Mr. Rich questioned the COAH Resolution. Mr. Lewis explained that this is the result of the objection received from the Fair Share Housing Center to our Third Round application. It was deemed sufficient so now a hearing has been scheduled for next Friday and a Committee has to be appointed.

**Consent Agenda**

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

**R-09-142 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE APPOINTING MEDIATION TEAM FOR THIRD ROUND COAH MEDIATION AND AUTHORIZING THE MEDIATION TEAM TO NEGOTIATE ON BEHALF OF THE BOROUGH OF SPRING LAKE**

WHEREAS, the Borough of Spring Lake has submitted its Third Round Petition with Amended Housing Element and Fair Share Plan to the Council on Affordable Housing ("COAH") and requested approval and substantive certification thereof; and

WHEREAS, an objection to the Borough's Plan was filed by the Fair Share Housing Center; and

WHEREAS, pursuant to the applicable COAH regulations, upon receipt of an objection found to be compliant by COAH, the Borough is required to participate in non-binding mediation before a COAH appointed mediator to attempt to resolve the objections; and

WHEREAS, pursuant to NJAC 5:96-8.2 the Borough, by Resolution of the Governing Body, is to appoint a Mediation Team consisting of 4 members, including at least one member of the Borough Council and one member of the Planning Board, who shall not be the same person, which Mediation Team shall be authorized to negotiate on behalf of the Borough and at least one of whom shall be authorized to execute any written agreement reached during mediation on the Borough's behalf.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Borough's COAH Mediation Team shall be comprised of Councilman Francis S. Quinn, Jr., Councilwoman Janice Venables, Planning Board Chairwoman Colleen Panzini, and Borough Administrator, Barry R. Lewis, Jr., who are hereby so appointed and authorized to negotiate on behalf of the Borough in the COAH mediation of the Objection to the Borough's Housing Element and Fair Share Plan filed by the Fair Share Housing Center.

BE IT FURTHER RESOLVED that Councilman Francis S. Quinn, Jr. and/or Councilwoman Janice Venables are hereby authorized to execute any written agreement reached during mediation on the Borough's behalf.

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

**R-09-143 RESOLUTION – AUTHORIZING REFUND OF WATER SERVICE OVERPAYMENT**

WHEREAS, payment was made for a water service application for 304 St. Clair Avenue, Block 104, Lot 20 by Catherine Tafaro in the amount of \$3,800.00 December 29, 2009, and

WHEREAS, said money was deposited by the Borough of Spring Lake in accordance with law, and

WHEREAS, the fee due was \$1,900.00 and therefore is due a refund in the amount of \$1,900.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$1,900.00 is hereby approved for the aforementioned applicant.

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

R-09-144 REAFFIRMATION OF 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 :

Table with financial details: \$ 6,747,709.69 for municipal purposes, \$ 0.00 for school purposes, \$ 0.00 to be added to the certificate of amount to be raised by taxation for local school purposes, \$ 0.00 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy. Includes items like General Revenues, Surplus Anticipated, and Total Appropriations.

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

R-09-145 RESOLUTION REAFFIRMING R-09-102 AUTHORIZING THE INSERTION OF
SPECIAL ITEM OF REVENUE INTO THE 2009 MUNICIPAL BUDGET PURSUANT TO N.J.S.A.
40A:4-87, WITH THE REVENUES RECEIVED FROM MONMOUTH COUNTY AND VERIZON
COMMUNICATIONS IN THE TOTAL AMOUNT OF \$7,000.00 WITH OFFSETTING
APPROPRIATION FOR THE CONSTRUCTION OF RAIN GARDENS

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the
insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made
available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Spring Lake has received notice of an award of \$6,000.00 from the County of Monmouth
Rain Garden Grant and an award amount of \$1,000.00 from the Verizon Communications "Rain Garden Environmental
Grant 2008" and wishes to amend its 2009 Budget to include these amounts as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth,
State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of
an item of revenue in the budget of the year 2009 in the sum of SEVEN THOUSAND AND 00/100 DOLLARS (\$7,000.00)

Which is now available as revenue from:
Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local
Government Services: State and Federal Revenues Off-set with Appropriations: