

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

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Council President Erbe 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: Mrs. Reilly, Mr. Erbe, Mr. Quinn, Mrs. Venables, Mr. Fitzgerald

ABSENT: Mr. Rich, Mayor Naughton

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

Council Comments & Staff Reports

Mrs. Reilly noted all of the activities Recreation has planned for the summer. People can register Monday at Marucci Park if they haven't already for the kids' programs.

Mr. Quinn stated that he would like to ask his Council colleagues to adopt a policy with respect to the use of the filters at the South End. As he understands it, back in 1998 or thereabouts, it may be even earlier than that, the Borough installed a system down at the South End Pool to filter the water that enters the South End Pool. The purpose of the filters is not in any way to treat the water but to keep particulate matter out of the pool such as sand or silt. The Borough has on and off used the filters and we continue to examine whether in the long term, use of the filters is appropriate. We are going to examine whether the current pump and motor system there is properly structured to allow the filters all to be used at the same time and comply with the flow through requirement the State has.

Mr. Quinn offered a motion that until such time that we come to the conclusion that we have to make a further investment or whether filters are not simply viable, as the Council Liaison to the Beachfront he had asked the Borough Administrator to implement a policy and I think that he agreed with that but just to because I do not have any other authority beyond that he would like to ask the Council to agree to a Resolution that until such time and that the Borough Administrator recommends otherwise, that it would be the position of the Council that we will filter the water and use the filters going forward.

Mr. Erbe asked that it be discussed a little further first and questioned so we may not get the proper flow? Mr. Quinn stated no, we get the proper flow so long as we use the larger pumps. So we can get the flow through. There are a lot of issues that have been identified some of which he does not feel are valid i.e. there are questions as to whether our procedures for putting in the filters meets the stormwater regulations and he doesn't think there is any question about that. They are really not subject to the stormwater regulations. There have been suggestions that if we use the larger pump we will flood out the pool and that the operations would be subject to risk and would flood out onto Atlantic Avenue but last summer when we were using the larger pump that did not happen. We do not feel it is a real risk. The other suggestions to not use the filters have related to back that are that it may in fact burn out the motor for the larger of the two pumps over the course of the summer and that it what the investigation is on the use of the filters has been, which perhaps if we use the large pump, which we need to use to get the flow through. So the suggestion is that the motor might burn out when the reality is that motors might always burn out. What is being undertaken now is the review of whether or not we can find a better balance so that we are not using the large pumps all of the time or if we are we are using a motor that is better calibrated so that we do not face the risks that have been identified. The reality is that last summer when we

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lost a couple of days on that pool when the water quality did not meet our standards we basically agreed that we would use the filters going forward and then this summer when the beach began its operations the filters in fact were not being used. Mr. Quinn continued that he feels we have an obligation to the residents, our patrons, to deliver the clarity of water at the South End Pool that the filters allow us to do. The system was designed to use the filters, although it places a burden on the Department of Public Works to have to clean the filters periodically, he felt we owe it to the patrons to deliver the product we are committed to delivering, that is to provide the highest clarity of water we can with a minimum of particulate matter in the pool. He stated that he gets the responsibility of the pool as the Council Liaison so he is just asking that the Council join with him in concluding that until it is determined that it is not feasible to not use the filters, that we do in fact use the filters so that we can in fact get the clarity of water that meets the standards that our patrons expect us to meet.

Mr. Erbe questioned if he thought there would be a time when it would not be feasible to use the pumps? Mr. Quinn did not feel there would be. What he is suggesting is, and Mr. Lewis and Mr. Avakian can comment on, is what steps they recommend to just evaluate the situation but until that evaluation is completed what he is asking is that the filters be used. With the force of Council behind it, he will not have to argue the point anymore.

Mr. Lewis asked to weigh in as well. He stated that they had an opportunity last Friday with Jeff Wallach who is in an Engineer who installed the pumps back in the 1990's and also the filter system. He, Mr. Avakian and Frank Phillips met with him at length. He has subsequently had a chance to talk to Mr. Phillips and he has spoken to Mr. Quinn we agree that there were a number of issues that turned out to be non-issues in terms of how and where we can wash, in terms of whether we have the manpower, in terms of whether it is going to cause too much flow and overflow the pool a lot of that we learned last year did not happen. He is comfortable and has spoken to Frank about utilizing the filters until such time or perhaps indefinitely if everything pans out that way. It has no bearing on chemicals because it is a non-chemical pool, it can only enhance the clarity. It is not going to make anything any worse; it can only make it better. The filters were run around the clock last year for all of August into September until we had the pipe break so we know it does not burn the pipe out in a day, so he is comfortable with Mr. Quinn's recommendation that we do that. He is working through some issues with Mr. Wallach and Peter will be involved as well in terms of the pump, pump sizing. The potential risk to the pump has to do with because it is a one speed pump, it pumps at a certain speed, then when you put the filter, it gives some resistance and then you get back pressure but he is not that concerned that would cause an immediate risk and there is some studying being done how we can reduce that back pressure even through additional filters, surface area filters, a variety of things but at this point he is comfortable and he has spoken to Mr. Phillips. There are a set of filters that are in place and should be starting to be utilized if not today, within the next day or so. Mr. Lewis noted that we do have another set of filters ordered.

Mr. Avakian stated that the key thing to recognize is that it is a flow through pool and is subject to the whims of the Mother Nature and the quality of water coming in from the ocean. Mr. Avakian explains the concept of flow through. As the water deteriorates, the filter system is there to collect particulate; up to 50 microns is the size of the filter. It does provide a secondary level of filtration. That cannot hurt as long as it does not damage the pumps.

Mr. Erbe questioned if you have a crystal clear day down there are you using the pumps or not? It is clarified that he meant the filters. Mr. Lewis responded that part of the problem is you do not know if you need the filters until it is too late, you end up with dirty water and it is too late to empty it and try again. That is why the thinking is to proactively filter it all of the time. If the water is clear

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you do not need to clean the filters as often. Mr. Avakian added that you may not on a day like that.

Mr. Quinn stated that there will be days when the water arms and there is algae in the ocean there will be days where the quality of water is not what we want it to be but when those days come, we will be able to say to our patrons we have done everything we can given the constraints of the system and they will not be able to say that you have not been using the filters, if you were using the filters you wouldn't be having this problem. He felt it is a cost worth incurring and he defers to the professionals that at any time when they want to come back to the Council and say that we either need to make further investment into this system and as a Council you have to decide whether to make that investments or whether it is simply not feasible in fact, it is just too expensive to replace the motor if in fact the motor fails. If they come back with that recommendation, two weeks, a month next summer, whatever the case may be well then the Council ought to make that decision. But until then, he feels that the Council needs to be in a position to tell our patrons that we have done everything we can to provide the clarity of the water that you have expectations of. Therefore, he is willing to suggest that we accept the costs that are involved with respect to cleaning the filters, servicing and maintaining them, managing the process so that we meet requirements for the rate of flow through so that there is no question that we are compliant with the Board of Health and State regulations.

Mrs. Reilly questioned if there is a process in place for maintenance? Mr. Quinn stated yes that is in place.

Mr. Fitzgerald stated that there is a difference between a flow through pool and a fill and draw pool. He explained that a flow through pool at the size of the South End Pool should be flowing through at a rate of 480 gallons per minute or 8 gallons a second. Whether or not we use the filters, we should not be calling it a flow through pool unless there is what coming out of that pool at 8 gallons per second. That is by State Statute. When that pool was changed in 1992 the grandfather clause is out of it. When that pool is turned on it should be flowing through at 8 gallons per second. If we are going to call it a fill and draw pool, that means you can have a less water flow rate of less than the 8 gallons per second now when you do that, you are violating the law. So you have a pool that should be pumping out at 8 gallons per second similar to the waterfall that used to pump at 8 gallons per second. If it is not pumping at the 8 gallons per second don't call it a flow through pool. It is fine in the morning because that is when the freshwater from the ocean is in there but after a few hours it starts going bad and by 4:00 P.M. it is not what it used to be what it was in the morning because you are sitting there in someone else's bathwater. So that is what the South End Pool like. If you can get that flow to 480 gallons per minute using the filters fine then use the filters but if you can't you better read the rules of why a flow through pool should be running at that rate and a fill and draw pool is against the law.

Mr. Quinn stated that perhaps Mr. Lewis can answer it better but we are compliant when we are using the large pump. Mr. Lewis stated yes, he is not sure of the 8 gallons per second he has read about an 8 hour turnover with the complete body of water 8 hours. Last year we know we filled the pool with the large pump in 6.5 to 7 hours. At that capacity we know we are putting enough water turnover in 8 hours or less. It would not work filtering with the small pump that is why we went to using the large pump.

Mr. Fitzgerald questioned if that large pump runs all day long? Mr. Lewis advised it did not previously they ran the small pump without the filter but what we are talking about is running the

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large pump with the filter throughout the day to keep the eight hour turnover. The small pump through the filter forget about it, it is not remotely close to the eight hours.

Mr. Fitzgerald questioned if the eight gallons per second goes back out into the ocean? Mr. Lewis stated it goes to the discharge line that goes out to the ocean. Mr. Fitzgerald asked if we knew are we putting 8 gallons per second into the pool? Mr. Lewis stated that he did not know if it was 8 gallons a second because he had never heard of that figure. Mr. Fitzgerald stated that that is the calculation for the size of the pool. Mr. Lewis stated that he is doing on what he was basing the flow rate on ...with the large pump you can filter it and fill it in less than eight hours.

Mr. Fitzgerald questioned if you can keep the large pump going all day long the way it is supposed to work? Mr. Lewis stated that we did for the last six weeks last year and that this is where the issue becomes the potential risk to the pump and the spare pump and how long it will take that replacement pump. Those are the things we have to look at.

Mr. Erbe stated that Mr. Quinn has recommended this as the Beach Liaison and his mind is more of an operational issue but if he feels that it is important enough to get our backing on this then I will support it.

Mrs. Venables seconded the motion previously made by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

Mr. Fitzgerald advised that on June 25th at 4 P.M. we are going to have an Emergency Management Meeting and looking at the pandemic issues and doing a pandemic drill. It will be at the First Aid Building in the training room.

Borough Engineer's Report

Mr. Avakian reported on the following projects:

- Jersey Avenue Improvements – This project is substantially completed with a few punch list items outstanding. There are a couple of ponding areas that need to be corrected. They will remove the imperfections.
- Arch Rehabilitation & Wall Reconstruction – The wall has been completed at the County's wall design height. We have contacted the County with respect to the height but have not gotten any resolution. The project is proceeding very well. Within the next two weeks the light will be put back up and the pedestrian walkway will be completed. The irrigation and landscaping will be installed and he hopes everything will be completed by our next meeting. The wall does get a coating, a bonding on it called elastomeric painting service on it. It puts a seal on the concrete. When that is all done, the wall to the south will receive rehabilitation and treated. He expects everything to be done in 2-2.5 weeks.

ADMINISTRATOR'S REPORT

Mr. Lewis reported on the following items:

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- Zoning Ordinances – Because of some questions still remaining on the entire ordinance, only the height restriction portion is on for introduction. Also on for introduction is the parking requirement for downtown.
- COAH – We have received notification that they deemed was sufficient and that has been provided to Mr. Bayer our legal counsel and Birdsall and are working together on a response.
- Energy Audit Resolution – That will have to be carried as we have not received approval from the State to award it which is a requirement of the grant program.
- North End Pool – There is a committee meeting with Mr. Wallover this Friday so we will have a substantive report on that at the next meeting.
- E&S – This will be carried as Mr. Colao was unable to attend this evening but he has supplied everyone with all of the correspondence.
- Public Works Employee – There is a Resolution on this evening to hire a full-time Public Works Employee this would be to replace the 20th guy. We agreed to remain at 20 so this is to replace the unexpected retirement of one of the guys. It came with the Superintendent's full recommendation. Mr. Erbe and Mayor Naughton met and concur with the recommendation.
- Catamaran Resolution – He is still working on the Agreement but wanted to put the substantive information as part of the Resolution.
- Historic Preservation – The Historic Preservation Alliance will hold their annual meeting this Thursday at the Community House.

Public Comments

Eleanor Twomey, Vroom Avenue – stated she picked up the Recreation Summer Events calendar and thought it was very nice. She suggested everyone go see Hotel for Dogs. She asked why it is at the North End Pavilion. Mrs. Reilly because the facilities are all there, it is just easier. Ms. Twomey suggested splitting it.

Discussion of recreation sign-ups. Anyone wishing to register after Monday should go to Marucci Park. They are keeping track so that they can be sure that they have enough staff and find out what programs are not as popular and gives them a means of reconciliation.

Request for Block Party – 500 Block of Tuttle Avenue – September 5, 2009 – Stephen & Christine Burns were present. Mr. Burns stated that they are requesting to hold a block party on Tuttle Avenue west of Fifth Avenue on September 5th.

Mr. Fitzgerald offered a motion to approve the block party request, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: Mrs. Venables

Ordinances for Introduction

Mr. Lewis read Ordinance No. 2009-012 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION OF CHAPTER 225-7, LAND DEVELOPMENT OF THE BOROUGH CODE" by title.

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Mrs. Venables offered a motion to introduce Ordinance No. 2009-012 with the Public Hearing being set at the convenience of the Borough Clerk, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

Ordinance No. 2009-012 in full/Ordinance Book No. 1

Mr. Lewis read Ordinance No. 2009-013 entitled: "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. Quinn offered a motion to introduce Ordinance No. 2009-012 with the Public Hearing being set at the convenience of the Borough Clerk, seconded by Mr. Fitzgerald.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

Ordinance No. 2009-013 in full/Ordinance Book No. 1

Mr. Quinn stated that this is the result of a discussion. In paragraph 4 we are going from 6 spaces to 5 and after further discussion we are going from 6 spaces to 4 for grocery stores. There was not discussion on paragraph 5 going from 5 spaces to 3 but based on discussions with Mr. Colao this was included in the amendment. Finally, there was discussion on paragraph 8 going from 6 to 5 but also after further discussion we are going from 6 spaces to 4. These are all substantial reductions percentage wise for requirements for off-street parking particularly in the RC Zone. This is in response to the Planning Board suggestion that it was impossible to satisfy the requirement. The Committee will continue to look at the Ordinance.

Ms. Gillespie advised that these Ordinances have been placed on the next Planning Board Agenda for July 8th so we will be able to have them review it and act on both them at our July 14th meeting.

Mr. Avakian noted that on R-09-135 that the work was completed in March but they were required to post a maintenance bond and it was finally received and that is why the release is on the Agenda.

Ordinances for Adoption – None

Consent Agenda

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

R-09-128 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY OPPOSING THE PROPOSED REDIRECTION OF EMERGENCY MEDICAL TRAINING FUNDS

WHEREAS, the Emergency Medical Technician ("EMT") Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and

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testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification; and

WHEREAS, the Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$ 1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of Emergency Medical Services (OEMS) informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the Fund; and,

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Spring Lake formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community; and be it further

RESOLVED, that the Borough of Spring Lake opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the Spring Lake/Spring Lake Heights First Aid Squad, the municipality and its residents, which during this time of economic hardship, when squads continue to see a decrease in donations, contributions, and a short fall in fund raising, is fundamentally unfair to those who already volunteer their time to attend training courses and answer emergency calls and to require them to pay for their own training, when they already provide so much to their community, and which will, further, significantly impact the recruitment of new members, as well as retention of existing members since many will not be able to pay for their training; and be it further

RESOLVED, that the Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Corzine, to our State Legislators and to the New Jersey League of Municipalities.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

**R-09-129 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #11-2009 - JAMES F. ACKERMAN FEDERATION, INC. AUXILIARY TO JSUMC
OFF PREMISE RAFFLE**

WHEREAS, the James F. Ackerman Federation, Inc. Auxiliary to JSUMC has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #11-2009, 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 #11-2009 be and the same is hereby approved as follows:

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NAME: James F. Ackerman Federation, Inc. Auxiliary to JSUMC
Identification No.: 334-4-26818
LOCATION: Spring Lake Bath & Tennis Club
Jersey Avenue, Spring Lake
DATE: November 6, 2009 11:00 a.m. - 3:00 p.m.

ROLL CALL:

AYES: Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald
NAYS: NONE
ABSENT: Mr. Rich, Mayor Naughton
ABSTAIN: NONE

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

R-09-130 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #09-2009 - JAMES F. ACKERMAN FEDERATION, INC. AUXILIARY TO JSUMC
ON PREMISE 50/50 RAFFLE

WHEREAS, the James F. Ackerman Federation, Inc. Auxiliary to JSUMC has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #09-2009, 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 #09-2009 be and the same is hereby approved as follows:

NAME: James F. Ackerman Federation, Inc. Auxiliary to JSUMC
Identification No.: 334-4-26818
LOCATION: Spring Lake Bath & Tennis Club
Jersey Avenue, Spring Lake
DATE: November 6, 2009 11:00 a.m. - 3:00 p.m.

ROLL CALL:

AYES: Mrs. Reilly, Mr. Erbe, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald
NAYS: NONE
ABSENT: Mr. Rich, Mayor Naughton
ABSTAIN: NONE

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

R-09-131 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #10-2009 - JAMES F. ACKERMAN FEDERATION, INC. AUXILIARY TO JSUMC
ON PREMISE RAFFLE

WHEREAS, the James F. Ackerman Federation, Inc. Auxiliary to JSUMC has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #10-2009, 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 #10-2009 be and the same is hereby approved as follows:

NAME: James F. Ackerman Federation, Inc. Auxiliary to JSUMC
Identification No.: 334-4-26818
LOCATION: Spring Lake Bath & Tennis Club
Jersey Avenue, Spring Lake
DATE: November 6, 2009 11:00 a.m. - 3:00 p.m.

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-132 RESOLUTION – CANCELLING OUTSTANDING CHECKS

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following outstanding checks be and the same are hereby cancelled:

Current Fund 2007 Payroll

01/08/07 #2572 \$47.20

Beach Utility 2007 Payroll

06/11/07 #1005 \$125.83

08/20/07 #2763 \$171.22

09/04/07 #3082 \$ 45.26

10/01/07 #3523 \$120.63

\$462.94

Recreation

07/25/06 #2799 \$ 59.00

07/09/07 #2894 \$125.00

07/30/07 #2909 \$325.00

08/06/07 #2921 \$ 25.00 \$534.00

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-133 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 Title Company and the Mortgage Company at the time of closing as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Access NJ Title Agency Property address: 307 Atlantic Avenue	28	4	\$1,836.10

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$1,836.10 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 \$1,836.10.
/S/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

**R-09-134 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
SPRING LAKE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
AUTHORIZING TAX TITLE LIEN REDEMPTION ON BLOCK 112 LOT 3.01,
CERTIFICATE NO. 2008-0001**

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Borough of Spring Lake, Monmouth County, various blocks and lots were sold to the following persons; and

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WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount;

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Borough of Spring Lake, Monmouth County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale: 12/16/08
Block/Lot: 112/3.01
Name & Address: Crusader Lien Services
179 Washington Lane
Jenkintown, PA 19046
Amount: \$20,620.23
Make Check Payable To: Crusader Lien Services
Certificate No.: 2008-0001
Payment Received: 06 /19/09

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-135 RESOLUTION – AUTHORIZING FINAL PAYMENT FOR CONTRACT #07-2007
INSTALLATION OF NEW AUTOMATIC TRANSFER SWITCH FOR EXISTING EMERGENCY STANDBY
GENERATOR AT PUBLIC WORKS FACILITY

WHEREAS, October 30, 2007 Contract #07-2007 was awarded for the installation of a new automatic transfer switch for the existing emergency standby generator at the Public Works Facility to Starlite Electric of Howell, NJ, and

WHEREAS, Gregory S. Blash, P.E. of Leon S. Avakian, Inc. by letter dated June 17, 2009 has certified that the installation in accordance with the contract documents is complete to their satisfaction and recommends the release of the retainage to the contractor, and

WHEREAS, the required Maintenance Bond has been received from the contractor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that final payment on Contract #07-2007 be and the same is hereby authorized to Starlite Electric, 29 Nate Lane, Howell, NJ 07731 for the remainder of the contract amount for the installation of new automatic transfer switch for the existing emergency standby generator at the Public Works facility.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-136 RESOLUTION – APPOINTMENT OF 2009 SUMMER RECREATION STAFF

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed as Spring Lake Recreation Summer Staff for the 2009 Season:

Table with 4 columns: Position, Name, Salary, and another Name. Rows include Sports Director (Sherri Decorso, \$1,500 Salary), Art Director (Nicole Compos, \$1,400 Salary), and Summer Recreation Counselors (Kristin Gorman, Alan Brown, Megan Norcia, Scott Beyer, Monique Chiavaro, Nicole Kirk, all \$15.00 hourly).

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Kate Moloughney	\$15.00	Shannon Smith	\$15.00
Nicole D'Ambrosia	\$15.00	Renee Rodger	\$15.00
Allison Cleary	\$11.50	Claire Buckley	\$11.00
Keri DeCorso	\$10.50	Amber Burke	\$10.00
Antony Silverman	\$10.00	Mary Sisti	\$ 8.15
Tom Burrus	\$ 8.15	Iggy Masonius	\$ 8.15
David Attilio	\$ 8.15	Nancy Buckley	\$ 8.15
Erika Hartwyk	\$ 7.65	Samantha Iacouzzi	\$ 7.65
Sam Warner	\$ 7.15	Stephen Burns	\$ 7.15
Morgan Talty	\$ 7.15		

Pee Wee Recreation

Director Petra Rose \$1,400 Salary

Counselors:

Ella Masonius \$7.15 Hannah Sisti \$7.15 Dan Galvin \$7.15

Tennis

Director Mary Sisti	\$12.00 hourly		
Lindsay Agresti	\$7.15	William Carballeira	\$7.65
Elizabeth Mullarney	\$7.15	Isabella Doran	\$7.15

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-137 RESOLUTION – TRANSPORTATION TRUST FUND 2010 APPLICATION

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2010; and

WHEREAS, the Borough of Spring Lake is desirous of submitting an application under this program for the following purpose:

- Improvements to First Avenue from Monmouth Avenue to Brown Avenue

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Spring Lake, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Spring Lake Borough-00666 to the New Jersey Department of Transportation on behalf of the Borough of Spring Lake; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Spring Lake and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

RESOLUTIONS

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

**R-09-114 RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE
SEA GIRT CATAMARAN CLUB FOR THE 2009 BEACH SEASON**

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WHEREAS, the Sea Girt Catamaran Club, which previously kept their boats on the beach at Sea Girt, has approached Spring Lake with a request to be allowed to keep their boats on the beach in Spring Lake; and

WHEREAS, the Mayor and Council have agreed to permit the Club to place boats upon the beach of Spring Lake for the 2009 season as a trial basis on certain terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Administrator and Clerk are hereby authorized to execute an Agreement with the Catamaran Club in a form to be agreed upon and approved by the Borough Attorney and which incorporates the following terms and conditions:

- 1. The total number of catamarans shall not exceed 12 without further approval of the Borough.
2. The fee payable to the Borough's Beach utility for each boat shall be \$150 for each boat for the 2009 season. Each Catamaran must display a permit decal to be provided by the Borough upon receipt of the fee.
3. All individuals wishing to utilize boats shall be required to have valid beach badges, whether seasonal, half season, monthly or daily.
4. Each club member/catamaran owner shall be required to execute a Release, Indemnification and Hold Harmless Agreement in favor of the Borough and its officers and employees for any claims arising out of the use or placement of the boats on the Spring Lake beach.
5. Each boat owner shall carry and provide proof of liability and personal injury insurance covering the catamarans in the amount of \$100,000 per person and \$300,000 per occurrence.
6. The Borough shall have no liability for the safekeeping or security of the boats on the beach.
7. The boats shall only be kept and stored in the approved location(s) designated by the Borough.
8. The agreement shall be immediately terminable at the option of the Borough if the same is deemed to be in the interest of the public health, safety and welfare.
9. All boats will be removed from the Spring Lake beach at the end of the beach season, no later than the date determined by the Borough, which date will be communicated to the Club to provide at least two weeks' notice.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-138 RESOLUTION - APPOINTING CROWLEY
FULL-TIME - DEPARTMENT OF PUBLIC WORKS

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

Mr. Erbe stated that he met with Frank Phillips and Barry Lewis on this and one of his concerns was that these are very good jobs and that the candidate have some skills beyond the requirement. This candidate comes with plumbing and electrical knowledge. Based on recommendations from Mr. Phillips and Mr. Lewis he is recommending his hiring.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

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**R-09-139 RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION
LIQUOR LICENSES FOR THE YEAR 2009/2010**

WHEREAS, the holder of certain plenary retail distribution liquor licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects, and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations, and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following plenary retail distribution licenses be renewed for the year commencing July 1, 2009 and expiring June 30, 2010:

<u>NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>LOCATION</u>
YOJO, LLC	1348-44-005-005	\$746.00	Egan's Spring Lake Liquors

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

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

R-09-141 RESOLUTION – APPROVAL OF BILLS – JUNE 23, 2009

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

	<u>SUMMARY</u>
CURRENT FUND	508,609.67
GENERAL CAPITAL	240,104.19
WATER/SEWER CAPITAL	5,841.00
WATER/SEWER OPERATING	190,648.80
DOG TRUST	891.75
SPRING LAKE TRUST	2,262.50
PLANNING BOARD ESCROW 1	187.50
RECREATION	1,532.13
BEACH OPERATING	463,416.83
BEACH CAPITAL	1,832.41
POOL OPERATING	19,923.31
TOTAL	\$1,435,250.09

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Rich, Mayor Naughton

ABSTAIN: NONE

Business Items Under Consideration

Friends of the Spring Lake 5 – Renewal of Agreement for Race in 2010 - Informational

Update Re: Essex & Sussex – Mr. Erbe advised that this discussion would be carried. There has been a request for a parking study that he believes should be received before the next meeting.

Mr. Quinn stated that if they have not already contracted for their parking study, he would recommend that it be more comprehensive than just looking at the impact of the reduction 62 to 55. The E&S is asking for changes in our zoning that would allow for events, banquets, weddings

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and the like that are not allowed there now and clearly that will have an impact on parking. It is up to the E&S to decide if they want to do it now or later but he felt that it would be more economical to do it as one study.

Letter from COAH – Substantive Certification Objection from Fair Share Housing Center – This was discussed as part of the Administrator’s report earlier.

Public Discussion

Eleanor Twomey, Vroom Avenue asked if there was any way the wall treatment could be colored. Mr. Avakian advised that yes, it will be colored. It is supposed to be a sand color. She was wondering if it would be more obtrusive. Mr. Avakian explained that the landscaping will take away from it. Some of the landscaping to the rear is designed to be higher to help hide it.

Rick Recessano, 209 Atlantic Avenue questioned the procedure on the land use amendments? Mr. Lewis explained that they were introduced this evening, they will be published, the Planning Board will review them and a Public Hearing will be held on July 14th with the proposed adoption following the Public Hearing. Mr. Recessano questioned if there is a waiting period? He is advised no.

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

ROLL CALL:

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

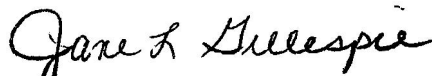
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT: 7:44 P.M.

Respectfully submitted,



JANE L. GILLESPIE

Borough Clerk

Approved at a meeting held on: July 14, 2009