

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

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Mayor Naughton called the Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:02 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, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald, Mayor Naughton
ABSENT: NONE

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

Public Hearing: CDBG Application – Frederick Duggan First Aid Building

Mrs. Venables offered a motion to open the Public Hearing on the Borough's Community Development Block Grant Program application, 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

HEARING BEGINS AT: 7:02 P.M.

Mr. Lewis explained that the application is the same application as last year. In Spring Lake we are only eligible for ADA improvements. The application is for the old First Aid Building. We are looking to restore it and add accessibility by the inclusion of an elevator and accessible bathrooms as we do not qualify under the other guidelines relating to low and moderate income improvements the category we qualify for is for seniors. We are going to make the room upstairs available for senior activities. The hearing is to answer any questions or to hear input or suggestions from the public. Last year we were first below in the line of funding and could still be funded from last year's leftover money but because we were not directly funded, we can still apply this year. The only significant factor that has changed is that we have made note that we have received the Historic Trust Grant in the amount of \$500,000 and he hopes that this will enhance our application.

Mr. Rich questioned if there are any additional funds needed to finish the project. Mr. Lewis explained that \$500,000 was ½ and we are applying for \$250,000 from CDBG and the Historic Preservation group hopes to raise the additional funding so that no money will be needed from the Municipal Budget.

Mayor Naughton confirmed that it is the intention that no money will be needed from the Borough, we were successful with the Historic Trust Grant and are hoping to be just as successful with this grant. The Preservation Alliance is beginning a fund raising drive to fill in the gap.

There being no questions from the public. Mr. Fitzgerald offered a motion to close the Public Hearing on the Community Development Block Grant application, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

TIME OF HEARING END: 7:06 P.M.

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ENGINEER'S REPORT

Mr. Avakian reported on the following:

- Arch Project – The landscaping is complete on the west side of the street along with the irrigation working. It will look similar on the east side and will be completed when the wall is complete.
- Wall Project – Steel is installed and they are progressing slowly with the wall. Subsequent to that the landscaping will be completed. The boulders will be buried to buttress the wall. They were put there by the Army Corp during the beach replenishment and were from the jetty.
- Jersey Avenue Improvements – The Contractor has commenced work. The curbing is completed on the north side and two there are two blocks on the south side to be completed. He is doing other work and restoration work and may start milling by the end of the week. He expects to have the job completed by June 5th. Work will be coordinated with the property owners.
- CAFRA Permit Application – He contacted DEP on our application and was advised that we have received ten to twelve letters of support. They have not scheduled a public hearing which he hoped it will and continue through the review process.
- Train Station Improvements – The plans for the roof are virtually complete. The roofing will include restoration and installation of the weather vane on top. The drive-thru will not be removed at this time as they feel that it will have too much of an impact on the roof line and increase the cost dramatically. The second phase includes the restoration and painting and includes window repairs and they have looked at the columns on the west side in response to letters received from the management company for NJ Transit. Mr. Lewis stated that the drive thru bank machines will be removed and a paver patio installed in that area. Mr. Avakian stated that it will be done this summer. He is going to out with competitive proposals and hope it is under the bid threshold so that we do not have to go out to bid.

Council Comments & Staff Reports

Mayor Naughton reported on the following:

- SL5 & Kids Race - She stated that it was huge success. She thanked the committee, the hundreds of volunteers, our First Aid, Fire Departments and Public Works Department. A concerted effort is needed to make it a huge success.
- Memorial Day Ceremony – Everyone on the Dais participated and it is really a special day and the residents come out for the parade and ceremony. Every year the crowd gets bigger. Keith Kology, Commander of the American Legion #432 and our recreation volunteers really put it together. Bernadette Sherman was the speaker and she was remarkable and she is from Spring Lake Heights and lost her son in Iraq. She spoke about how Memorial Day is no longer just a day off for her.
- Spring Lake Garden Club – Karen Tanzola contacted her and advised that as soon as the Gazebo is painted now that the pavers are completed the Club will be coming in and installing plantings and irrigation.
- Portable Access for Beach - Mayor Naughton advised that she has spoken to Councilman Quinn on this issue as it relates to the beach but wanted to discuss it with the rest of Council. She was approached at her Mayor's meeting and on previous occasions about a mobile pathway for beach entrance for the handicapped. It allows people with disabilities to get from the soft sand at the stairs to the water level. We have a chair but some will not

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utilize it and she wanted to know if Council would consider it at the main beaches in the north and south. While researching this, we found that Belmar just installed a number of them. Frank Phillips spoke with Belmar and we are convinced they will work. In case of a storm, they could be rolled up. Council in favor of same. Mr. Quinn just asked that Dan Finn be contacted prior to the purchase for his input.

Mr. Rich also commented on the Memorial Day Service and stated that it is something he looks forward to each year. They do such a beautiful job. The participation makes it a special town. The speeches were eloquent. He noted that with a son in the military makes it very special. Mrs. Sherman's speech really hit home. It was a great day.

Mrs. Reilly felt the same way on the Memorial Day Service. She also attended the kids race and was happy with the way it was handled. There were approximately 2,000 children who participated.

Mr. Erbe also attended the functions and thought they were great. He also felt that the sidewalk sales were great and well attended. He felt it was an awesome weekend.

Mrs. Venables enjoyed the Memorial Day Program. As to the race she would like to add that there was some concern over the landscaping that was recently planted and thanked those involved for having the fence erected. She stated that Chief Dawson had a couple of officers around it also. It is really beautiful and is not completed. It was designed by one of our local residents and was done pro-bono. The designer was Melissa Ix and her firm.

Discussion on military badges and problems that were encountered and why it was stopped. Mr. Lewis to research and discuss with Dan Finn.

Mrs. Venables congratulated Mr. Quinn on his graduation from Law School.

Mr. Quinn wanted to acknowledge and thank the American Legion for the Memorial Day Program they had yesterday. Mrs. Sherman's speech was moving and he was very proud to be a member of Council.

As to the benches, Mr. Quinn thanked those who purchased benches for their patience. We are very close to the end. The last shipment of benches has been received. The addition of these benches with the plaques enhances the beauty of the boardwalk. He thanked the volunteers that made this happen.

Mr. Fitzgerald echoed the sentiments of his colleagues. He was proud of how well everything went this weekend when there were multiple events taking place. As to the Wreck Pond Watershed Commission, Mr. Fitzgerald reported that there are several people who attend the meetings and the residents in the area of Wreck Pond and Black Creek are concerned because the water is dirty and the areas flood. He stated that Najarian Associates who are engineers and John Tiedemann are working to put together a commission. The Commission would not be a cost thing but would require a couple of hundred dollars for start-up costs. The purpose of the Commission would be to obtain grant monies. The County has authorized Mr. Tiedemann to bring the four towns together and form the Commission. They would like to come and give a presentation to the Borough on this matter.

Mr. Quinn expressed his concern with Najarian being the driving force. He was not happy with how they handled their report after we had spent in excess of \$300,000. He did not feel the study completed the project. He is not comfortable with them coming in to pitch a Commission. He would be more comfortable with the County coming in and not a preselected firm. He felt that Spring Lake should be in control of their own destiny.

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Mr. Fitzgerald explained that this in conjunction with the County who put together the project of cleaning up Wreck Pond. Also involved are the DEP and the Monmouth County Regional Health Commission. It is to bring the four towns together as one. He stated that that Mr. Tiedemann is a Professor at Monmouth University.

Mr. Quinn questioned the County sending out bids for these jobs. Mr. Fitzgerald advised that Mr. Tiedemann was bid out as the Coordinator.

Mr. Lewis explained that Najarian was also doing work for the County under a grant that they have but they have not been hired for the Commission. Najarian is not involved with the Commission. He stated that we have a second round grant that we are reviewing as to what we can do with it.

Mr. Quinn expressed his concern of not having anything before him on an item being discussed that is not on the Agenda. He felt that Najarian's report did not add anything.

Mayor Naughton stated that she is interested in hearing what they have to say which does not obligate the Borough. The stormceptors and creating weirs upstream are the first things being done to try and correct the problem. She does not feel that Spring Lake on their own could get the money to get the dredging done.

Mr. Quinn expressed his dissatisfaction with the Najarian firm who was circulating marketing firm and did not present themselves as professionals when we had a meeting with the Congressmen Smith and Oberstar. He does not feel that Professor Tiedemann has not always had favorable comments for Spring Lake. He feels that more due diligence needs to be done before any Commission is formed.

Mrs. Reilly noted that Mr. Tiedemann is part of the Urban Coastal Institute that was just formed back in 2005. She is interested in hearing what they have to say before making any decisions because there is a problem with Wreck Pond. After listening an informed decision can be made.

Mr. Rich stated that he knows Mr. Tiedemann but if he is not saying favorable things about Spring Lake that is different and he is leery of forming another Commission.

Mr. Erbe agreed with Mr. Fitzgerald that together we can probably get more done.

Mr. Quinn questioned why it has to be a Commission? Why not just the four towns acting together. He is open to listening.

Mr. Fitzgerald stated that their time frame is through the year but they would like to get to each town and give their presentation. He does not know if we want a Commission or can we as a conjunctive group get it done but we have to work together. He felt we have to start somewhere. We have to get money and will not be able to get it on our own.

Mr. Quinn asked to that no action be taken this evening. That he be allowed two weeks to discuss the issue with the Borough Engineer.

Mayor Naughton stated that they must have information and suggested that prior to any meeting being scheduled that we receive the information they have.

ADMINISTRATOR'S REPORT

Mr. Lewis reported on the following items:

- Resolution – NJ Historic Grant – We have to adopt this Resolution and get it to the State by the 28th for the funding. Once the funding comes through we will execute a Grant Agreement.
- COAH – We are still awaiting word from COAH as to whether or not they have deemed the objection to our application for Third Round Substantive approval sufficient enough for us to

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have to reply. COAH has twenty days to advise us and then we have twenty days to reply. Mr. Bayer has the objection and is preparing a response should we need to so.

- Energy Audit – The RFP's have gone out. Responses are due prior to our next meeting.
- Third Avenue – The replacement light globes are being delivered tomorrow.
- Pending Zoning Ordinances – It is the Administration's recommendation that they both be tabled once the hearing is held because they will require amendments which are substantial and it is easier to start clean.
- Water Towers – He would like to propose going out to bid for the water tower removal and break down the bid with three different scenarios. He would also go out and solicit bids for cell carriers to see what the potential revenue would be.

Mayor Naughton questioned what the revenue would be? Mr. Lewis explained that we could put in a higher base rent if we used the existing water tank. The rents of course would be less if they have to construct something to put the antennas on.

Mrs. Venables questioned what the alternative would be. Mr. Lewis explained that something has to be constructed to hold our emergency equipment.

Mr. Rich questioned what was on the new tower? Mr. Lewis advised that the new tower currently as T-Mobile and Metro PCS. Verizon is not interested in that tower because they have another location close by. They want to be on the tower on Washington Avenue.

Mayor Naughton explained that originally they thought that they would be able to gain a lot of parking back there by taking the tower down. There would have to be a lot of work done if we took it down. Disappointingly, after reviewing the area, we would only gain four spaces which deflates the importance.

7:50 PM – Mr. Erbe left the room.

Mrs. Venables stated that we have to know our options. If the equipment has to be there we should look at something that is not as obnoxious.

Mr. Quinn felt that Mr. Lewis' suggestion of bidding the options is the best way to go. He would like to see the Monmouth Avenue taken down while we are deciding what to do on Washington Avenue.

Mr. Quinn offered a motion to have Mr. Lewis proceed and determine the options for alternatives to the water tower on Washington Avenue, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Mr. Lewis concluded that he has a couple of small items for Executive Session.

7:58 PM – Mr. Erbe returned.

Public Comments

Walter Kimm thanked the Mayor and Council for a great weekend. The Memorial Day Ceremony was very solemn. He expressed his disappointment with the Police issuing tickets on the weekend in the area of Jersey Avenue when the parking was diminished. He does not see the point of issuing tickets of Third Avenue. He felt that people should be warned. He felt that the Ordinance should not be enforced or abolished.

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Mr. Kimm questioned if there is a scrap value on the water tower? Mayor Naughton stated that when they looked at this a year ago there was but she does not know what the value is now.

He stated that the Wreck Pond meeting should be at night and take several hours.

Kathleen McCusker felt that Spring Lake was a special place to be. She thanked the American Legion and the Mayor. On behalf of the Preservation, she stated that when you request help it comes abundantly.

Mr. Robinson noted that the Senior Group will begin their exercise program on Monday Wednesday and Fridays at the North End Pavilion on June 8th between 8am and 9am. He also asked for help with the vehicles that are parking in front of his house from the Spring Lake Freezer so when he has guests come to his house, they have no where to park. He asked that the parking for the area by the railroad tracks be changed to allow the employees from Spring Lake Freezer to park there.

Mr. Lewis stated that he will look at this and perhaps we can amend the Ordinance to allow for these vehicles as there are not many commercial vehicles using these spaces.

Jim Thompson, Jersey Avenue complimented the contractor who is doing Jersey Avenue. They are very accommodating and he felt that the Mayor and Council should know this. He stated that as a resident of the area, he would like to see the water tower gone. He stated with the bid the contractor should have to give protection to the surrounding homes and area during the demolition. He also agreed that the weekend was magnificent which he agrees is through cooperation.

Dennis Kaloostian, 102 Sussex Avenue, noted that in the area of the Essex & Sussex a for sale sign went up on one of the objector's property that is keeping the ball rolling the fight against the E&S. He stated that the revenue on those units have decreased from \$600,000 to \$200,000. When he was on Council he wanted to see some of the restrictions lifted. Of the four homes on the north end of the E&S, one was sold, two are currently for sale and the fourth does not live here for the summer. He asked that the Council help the residents of the E&S. Mayor Naughton stated that they have a good dialogue and should be back before the Council soon. She stated that she would like to see them work it out amicably. Mr. Kaloostian stated that he would like to see the Hotel Tax reduced. In this economy people do not want to pay it. He would like to see the Council review the taxes incurred by the bed and breakfasts in Spring Lake. We help the businesses downtown but have to pay for it.

Eleanor Twomey, Vroom Avenue questioned the sidewalk sales, previously she requested that part of Third Avenue be closed to allow for room for pedestrian traffic. This would eliminate the parking problems on Third Avenue, there would not be the speeding down Third Avenue and it would only be for three blocks. She does not feel that this would be an unreasonable request. She noted that the outdoor dining is not being enforced and felt that the merchants would like this. It would then be wide open and they could get more people in. Mayor Naughton stated that his will be taken under consideration.

Ms. Twomey then stated she was amazed at the number of bicycles under the provision. Mayor Naughton stated that the signs are on order and once they are posted the Ordinance will be enforced. There will also be additional racks.

Helen Motzenbecker, Glenwood Drive thanked the Governing Body for the curb she was forced to place in front of her home. She then questioned what the progress is on the pool? She stated that there is a Resolution on the Agenda for the approval of the Professional Services Contract with Wallover and Associates. The plan will be redone with his guidance and is a big step in moving forward.

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Ordinances for Adoption

Borough Administrator read Ordinance No. 2009-005 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 224, LAND DEVELOPMENT, OF THE BOROUGH CODE" by title.

Mr. Rich offered a motion to open the Public Hearing on Ordinance No. 2009-005, seconded by Mr. Quinn.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

There being no comments from the public, Mrs. Reilly offered a motion to close the Public Hearing on Ordinance No. 2009-005, seconded by Mr. Fitzgerald.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Quinn offered a motion to adopt Ordinance No. 2009-005. Motion died for lack of a second. ORDINANCE TABLED FOR LACK OF A SECOND UPON ADOPTION.

Borough Administrator read Ordinance No. 2009-010 entitled: "AN ORDINANCE AMENDING THE BOROUGH CODE TO REGULATE LAND DISTURBANCE AND PROVIDE FOR SOIL STABILIZATION IN THE BOROUGH OF SPRING LAKE" by title.

Mr. Quinn offered a motion to open the Public Hearing on Ordinance No. 2009-010, seconded by Mr. Rich.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

There being no comments from the public, Mr. Quinn offered a motion to close the Public Hearing on Ordinance No. 2009-010, seconded by Mr. Fitzgerald.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Quinn offered a motion to adopt Ordinance No. 2009-005. Motion died for lack of a second. ORDINANCE TABLED FOR LACK OF A SECOND UPON ADOPTION.

Consent Agenda

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

R-09-107 RESOLUTION – APPROVING OFF-DUTY PAY AND RETAINING ADMINISTRATIVE FEES

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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:

5/07/2009 JF Kiely Construction \$90.00 Admin. Fee \$6.00 Total Received: \$96.00
5/07/2009 JF Kiely Construction \$337.50 Admin. Fee \$22.50 Total Received: \$360.00

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the administrative fee(s) are to be retained by the Borough of Spring Lake as unanticipated revenue.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-104 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT

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

Table with 4 columns: NAME, BLOCK, LOT, AMOUNT. Row 1: Quinn & Kegelman, 122, 6, \$5,792.36. Below table: 309 Morris Ave, Spring Lake, NJ 07762 Property address: 11 Monroe Avenue

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$5,792.36 is hereby approved for the aforementioned property.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the amount of overpayment to be \$5,792.36. /s/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-109 RESOLUTION – APPOINTING SEASONAL PUBLIC WORKS EMPLOYEES FOR 2009

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed with their rate of pay as seasonal Public Works employees for the Borough of Spring Lake for the 2009 Season as per the annexed list.

Maintenance Justin Hagen-----11.50/hr--leader

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-110 RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO ENTER INTO THE 2009 BEACH AGREEMENT WITH THE BREAKERS HOTEL FOR BEACH BADGES

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WHEREAS, since 1994 the Borough of Spring Lake, a municipal corporation of the State of New Jersey, has entered into an Agreement with Cosmo Scardino and Linda Scardino d/b/a The Breakers Hotel for the Borough to operate the Beach by providing lifeguards, gate personnel, cleaning the beach; and

WHEREAS, it is in the best interest of the Borough and the Breakers Hotel to continue said Agreement for the 2009 season; and

WHEREAS, the contract cost will be \$8,000.00, based on the costs and beach fees for the season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Borough continue the aforesaid Agreement with The Breakers Hotel for the 2009 season at the rate of \$8,000.00, and the Mayor and Borough Clerk are authorized to execute said Agreement on behalf of the Borough of Spring Lake and adopt this as the Beach Agreement for the 2009 Season.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-111 RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO ENTER INTO THE 2009 BEACH AGREEMENT WITH THE GRAND VICTORIAN HOTEL FOR BEACH BADGES

WHEREAS, since 1994 the Borough of Spring Lake, a municipal corporation of the State of New Jersey, has entered into an Agreement with Victorian Realty d/b/a The GRAND VICTORIAN Hotel for the Borough to operate the Beach by providing lifeguards, gate personnel, cleaning the beach; and

WHEREAS, it is in the best interest of the Borough and the GRAND VICTORIAN Hotel to continue said Agreement for the 2009 season; and

WHEREAS, the contract cost will be \$3,280.00, based on the costs and beach fees for the season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Borough continue the aforesaid Agreement with The GRAND VICTORIAN Hotel for the 2009 season at the rate of \$3,280.00, and the Mayor and Borough Clerk are authorized to execute said Agreement on behalf of the Borough of Spring Lake and adopt this as the Beach Agreement for the 2009 Season.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-09-112 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #08-2009 - WOMAN'S CLUB OF SPRING LAKE - OFF PREMISE 50/50 RAFFLE**

WHEREAS, the Woman's Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #08-2009, 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 #08-2009 be and the same is hereby approved as follows:

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

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Project Name: Frederic A. Duggan – Spring Lake First Aid and Emergency Squad Building

Project Number: 2008.2022

Attachment E

R-09-113 GARDEN STATE HISTORIC PRESERVATION TRUST FUND
ADMINISTERED BY THE NEW JERSEY HISTORIC TRUST
GOVERNING BODY / BOARD RESOLUTION

The governing body/board of the Borough of Spring Lake, County of Monmouth, State of New Jersey desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of FIVE HUNDRED TWENTY SIX THOUSAND NINE HUNDRED FIFTY AND 00/100 DOLLARS (\$526,950) for the following project:

Frederic A. Duggan – Spring Lake First Aid and Emergency Squad Building

Therefore, the governing body authorizes Barry R. Lewis, Jr., Borough Administrator, to execute a grant agreement with the State in an amount up to that awarded for the proposed project, and to seal the grant agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

Mr. Quinn noted that this is adopted subject to the final contract negotiations. Mayor Naughton advised that she spoke with Mr. Colao on this and he advised that the changes to the contract would not be substantive.

R-09-114 – Carried to the next meeting.

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

R-09-115 RESOLUTION – APPROVAL OF BILLS – MAY 26, 2009

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

Table with 2 columns: CURRENT FUND and SUMMARY. Rows include WATER/SEWER OPERATING, DOG TRUST, UNEMPLOYMENT TRUST, SPRING LAKE TRUST, MOUNT LAUREL TRUST, RECREATION, BEACH OPERATING, POOL OPERATING, and TOTAL.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Business Items Under Consideration

Request for "Fallen Hero's 5k Race – September 12, 2009 – Mayor Naughton explained that this request was carried from the last meeting because of the increased number of requests and requested that the Borough Clerk provide a list of the races that had already been approved.

Mr. Lewis stated that the request was carried for generic reasons. He explained the Chief's concerns as to overtime pay. We have to set up guidelines but that is not going to be done overnight and does not want to hold up current requests.

Mr. Quinn stated that there are two current requests that we are closing down South Boulevard in addition to the fireworks. He questioned when we will stop. We used to close our streets only for the Spring Lake Five. He does not feel that the residents in this location should be continually inconvenienced. As Lake Como has already approved it for this year he will not vote against it but he felt that in the future we should ask our neighbor to limit requests to one race and the fireworks. He stated that this becomes a commercial enterprise. Our residents have a right to their privacy and a right to enjoy their homes and we have a responsibility to protect them from this and noted that he is going to go on record and oppose this request.

Mr. Rich offered a motion to approve the request for the Fallen Hero's 5K Race, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: Mr. Quinn

ABSENT: NONE

ABSTAIN: NONE

EMT Training Funds – Mr. Erbe has not had a chance to research this. This request is carried to the next meeting to allow the Council to research the issue.

Flood Damage Prevention Ordinance – Mayor Naughton stated that Peter Avakian and Barry Lewis have reviewed this and requested an extension. They are asking that we replace our Ordinance and adopt a map that is not even available. Mr. Lewis stated he has reviewed the preliminary map and the concerned areas have actually been reduced.

Public Discussion

Eleanor Twomey, Vroom Avenue questioned if anyone had renewed their homeowner's insurance? She stated that she has to have some certification as to when her house was built because of new wind damage requirements. Mrs. Reilly stated that it impacts homes within one half mile of the ocean.

Mr. Marlowe stated that there are some companies who will not insure within five miles of the ocean. He added that New York has enacted legislation prohibiting insurance companies from doing this. There are not many companies who will insure properties that are located within the five miles.

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MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
MAY 26, 2009

Walter Kimm stated that the DEP is holding this town hostage. This Government is out of control. Now they are threatening the people with insurance.

Mrs. Venables also has an executive session item.

Executive Session

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

R-09-116 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 the Lifeguard Contract Negotiations and potential litigation on 308 Morris Avenue.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Borough Attorney.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:40 p.m.

MEETING IS RECONVENED AT: 8:50 p.m.

Mr. Erbe offered a motion to adjourn the meeting, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT: 8:50 P.M.

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: July 14, 2009