

MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
OCTOBER 27, 2009

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 and asked everyone to keep the Caughey Family in their prayers. 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

ABSENT: Mayor Naughton

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

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**Council Comments & Staff Reports**

Mr. Colao advised that he would need an Executive Session this evening to discuss the PBA Collective Bargaining Agreement and COAH Mediation.

Mr. Quinn noted that we have received a Grant from the New Jersey Department of Transportation in the amount of \$225,000 which is approximately \$50,000 more than prior years. Mr. Avakian stated that we were ambitious in our request and explained to them why we needed the additional funds.

**Borough Engineer's Report**

Mr. Avakian advised that the items he has to discuss are on the Agenda and can be discussed when they come up.

**Public Comments** - None

**Ordinances for Introduction** – None

**Ordinances for Adoption**

Borough Attorney Joseph Colao read Ordinance No. 2009-015 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 76 OF THE BOROUGH CODE TO INCLUDE SECTION 76-13 REGULATING EXTRA DUTY ASSIGNMENTS OF BOROUGH POLICE OFFICERS" by title.

Mrs. Reilly offered a motion to open the public hearing on Ordinance No. 2009-015, seconded by Mr. Rich.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

**PUBLIC HEARING NOW OPEN**

Mr. Rich questioned the responsibility of the Borough to provide insurance. He is advised that this is for activities that will occur in Spring Lake, it is extra duty pay. This is what we have been doing, we are just putting in Ordinance form. Mr. Erbe stated that his is in accordance with their contract.

There being no further comments, Mr. Quinn offered a motion to close the Public Hearing on Ordinance No. 2009-015, seconded by Mr. Rich.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

**PUBLIC HEARING NOW CLOSED**

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Mrs. Reilly offered a motion to adopt Ordinance No. 2009-015, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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**Consent Agenda**

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

**R-09-219 RESOLUTION – APPROVING OFF-DUTY PAY AND RETAINING ADMINISTRATIVE FEES**

WHEREAS the Borough of Spring Lake has received the monies as set forth below in connection with the employment of off-duty Police employees, and

WHEREAS this money has been deposited by the Borough of Spring Lake in an account designated 'RESERVE FOR OFF-DUTY EMPLOYMENT';

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that payment be made to the employees as shown on the payroll voucher as follows:

7/28/2009	New Jersey Natural Gas Company	\$240.00	\$225.00	Admin Fee \$15.00
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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: Mayor Naughton

ABSTAIN: NONE

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

**R-09-220 RESOLUTION – APPROVING OFF-DUTY PAY AND RETAINING ADMINISTRATIVE FEES**

WHEREAS the Borough of Spring Lake has received the monies as set forth below in connection with the employment of off-duty Police employees, and

WHEREAS this money has been deposited by the Borough of Spring Lake in an account designated 'RESERVE FOR OFF-DUTY EMPLOYMENT';

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that payment be made to the employees as shown on the payroll voucher as follows:

9/23/2009	JF Kiely Construction Company	\$150.00	\$150.00	Admin Fee \$22.50
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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: Mayor Naughton

ABSTAIN: NONE

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

**R-09-221 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#17-2009 – PTA ST. ROSE SCHOOL - OFF PREMISE RAFFLE**

WHEREAS, the PTA ST. ROSE SCHOOL has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#17-2009, and

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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#17-2009 be and the same is hereby approved as follows:

NAME: PTA ST. ROSE SCHOOL
Identification No.: 30-5-4581
LOCATION: SPRING LAKE BATH & TENNIS
Ocean & Jersey Avenues, Spring Lake, NJ
DATE: March 20, 2010 6:30 P.M. - Midnight

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-09-222 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#18-2009 APPROVING RAFFLE LICENSE APPLICATION- PTA ST. ROSE SCHOOL - OFF PREMISE 50/50

WHEREAS, the PTA ST. ROSE SCHOOL has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#18-2009, 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#18-2009 be and the same is hereby approved as follows:

NAME: PTA ST. ROSE SCHOOL
Identification No.: 30-5-4581
LOCATION: SPRING LAKE BATH & TENNIS
Ocean & Jersey Avenues, Spring Lake, NJ
DATE: March 20, 2010 6:30 P.M. - Midnight

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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Resolutions

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

R-09-198 RESOLUTION - APPROVING SPRING LAKE EMPLOYEES ASSOCIATION JANUARY 1, 2010 THROUGH DECEMBER 31, 2012

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the annexed agreement with the Spring Lake Employees Association for the period January 1, 2010 through December 31, 2012 be and the same is hereby approved, and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute same on behalf of the Borough of Spring Lake.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-09-206 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AUTHORIZING THE USE OF REQUEST FOR PROPOSAL PROCESS TO SOLICIT INTERESTED PARTIES FOR WARREN AVENUE COAH PROJECT**

WHEREAS, the Borough of Spring Lake has certain obligations to provide opportunities for affordable housing under the regulations promulgated by the New Jersey Council on Affordable Housing. ("COAH"); and

WHEREAS, the Housing Element and Fair Share Plan recognizes that the Borough has obtained property located at Warren Avenue, Spring Lake, NJ , for the purpose of developing 4 units of affordable rental housing to help the Borough meet its COAH obligations; and

WHEREAS, the Mayor and Council have determined that it is appropriate to utilize a Request for Proposal process to solicit proposals for the development of the Warren Avenue Property from interested parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Spring Lake, in the County of Monmouth and State of New Jersey as follows:

1. The Borough Administrator, Clerk and COAH Subcommittee are hereby authorized to advertise and distribute the attached RFP for the Warren Avenue COAH Project to interested parties and entities.

2. The COAH Subcommittee is authorized and direct to review and evaluate all proposals received and to make a recommendation to the Mayor and Council as to the acceptance of any proposal.

Mr. Colao explained that Council has received the revised RFP. Mr. Bayer felt that any issues could be dealt with in the form of an Agreement with the developer.

Mr. Fitzgerald questioned if the successful bidder would own the property? Mr. Colao explained that if the low income purpose is abandoned, the property would revert back to the Borough. They are not only going to build it, but pay for the property.

Mrs. Reilly clarified that there is the opportunity that they could have a long term lease – it is either. Mr. Colao advised yes.

Mrs. Venables asked if shall should be changed to may, it doesn't create an ambiguity of any kind? Mr. Colao stated that it could, that change could be made before it goes out. Council agreed.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-09-223 RESOLUTION APPROVING FINAL CHANGE ORDER #1 INCREASING CONTRACT FOR OCEAN AVENUE ARCH PROJECT BY ADDITIONAL \$14,313.50 AND APPROVING FINAL PAYMENT, RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND**

WHEREAS, a Contract #01-2009 for the Ocean Avenue Arch Project Improvements was awarded to Precise Construction, 1016 Highway 33, Freehold, NJ 07728, in the amount of \$368,160.00.00, and

WHEREAS, Final Engineer's Certificate (annexed hereto and made a part hereof) includes the final Change Order #1 which increases the contract in the amount of \$14,313.50, the net change to the overall award including all change orders for a total contract in the amount of \$382,473.50 and

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

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order #1 increasing the Contract for the Ocean Avenue Arch Improvements in the amount of \$14,313.50 for a total contract in the amount of \$382,473.50 is hereby authorized for the above contract awarded to Precise Construction, and that the Mayor and Municipal Clerk are authorized to execute Change Order #1 and that the Performance Bond being held by the Borough be and the same is hereby released and final payment to the contractor be made.

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Mr. Avakian explained that the Change Order included a sidewalk change required by the County and the striping. He advised that the County has funded approximately \$405,000 towards the entire project with \$182,000 towards this portion of the project.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-09-224 RESOLUTION – AWARD OF CONTRACT #07-2009 DORMER AND CUPOLA REPAIRS -  
SPRING LAKE TRAIN STATION TO G&M EASTERN CONTRACTING, INC.**

WHEREAS, on October 8, 2009 proposals were received for the rehabilitation and repair of the dormer and cupola at the Spring Lake Train Station, and

WHEREAS, two (2) proposals were received, and

WHEREAS, G&M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ 07753 was the lowest proposal in the amount of \$12,865.00 and was found to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #07-2009 is hereby awarded to G&M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ 07753 in accordance with the specifications, in the amount of \$12,865.00.

Mr. Avakian explained the proposals. All of the work to be completed is above the roof line and came in under his estimated costs.

Mr. Rich questioned the difference in the proposal costs received were pretty wide? Mr. Avakian stated that it looks unbalanced. He stated that G&M put the rehabilitation costs into his proposal, we are going to get a complete project.

The only cost not included is for the rehabilitation of the weathervane.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-09-225 RESOLUTION – AWARD OF CONTRACT #08-2009 NEW ROOFING – SPRING LAKE  
TRAIN STATION TO G&M EASTERN CONTRACTING, INC.**

WHEREAS, on October 8, 2009 proposals were received for the replacement of the roof at the Spring Lake Train Station, and

WHEREAS, two (2) proposals were received, and

WHEREAS, G&M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ 07753 was the lowest proposal in the amount of \$18,500.00 and was found to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #08-2009 is hereby awarded to G&M Eastern Contracting, Inc., 100 Steiner Avenue, Neptune City, NJ 07753 in accordance with the specifications, in the amount of \$18,500.00.

ROLL CALL:

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

NAYS: NONE

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ABSENT: Mayor Naughton  
ABSTAIN: NONE

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

**R-09-226 RESOLUTION – PROFESSIONAL SERVICES CONTRACT – ARCHITECTURAL SERVICES IN CONJUNCTION WITH NJ HISTORIC TRUST GRANT FOR FREDRICK A. DUGGAN – FIRST & EMERGENCY SQUAD BUILDING WITH IRVING L. SHAPIRO ARCHITECTS**

WHEREAS, the Borough of Spring Lake has a need for professional Architectural services in conjunction with the Grant received from the NJ Historic Trust for the Frederick A. Duggan - First Aid and Emergency Squad Building as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional architectural services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Irving L. Shapiro, Architects, 1524 Delancey Street, Philadelphia, PA 19102 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$73,450; and

WHEREAS, SPG<sub>3</sub> Architects has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate in the Borough of Spring Lake in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Spring Lake that SPG<sub>3</sub> Architects is hereby authorized to provide professional architectural services in accordance with the attached proposal in conjunction with the NJ Historic Trust Grant for the Borough of Spring Lake for an amount not to exceed \$73,450.00; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution and the Contract with the Borough Clerk of the Borough of Spring Lake; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Quinn questioned if there was a match required for this Grant? He is advised yes.

ROLL CALL:

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

NAYS: Mr. Quinn

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-09-227 RESOLUTION – PROFESSIONAL SERVICES CONTRACT – ENGINEERING SERVICES IN CONJUNCTION WITH NORTH END POOL & PAVILION**

WHEREAS, the Borough of Spring Lake has a need for professional engineering services in conjunction with the North End Pool & Pavilion as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Leon S. Avakian, Inc., 788 Wayside Road, Neptune, NJ is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$25,000.00; and

WHEREAS, Leon S. Avakian, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate in the Borough of Spring Lake in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Spring Lake that Leon S. Avakian, Inc. is hereby authorized to provide professional engineering services in accordance with the attached proposal in conjunction with the North End Pool & Pavilion for the Borough of Spring Lake for an amount not to exceed \$25,000.00; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution and the Contract with the Borough Clerk of the Borough of Spring Lake; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

Mr. Avakian explained that his office has been doing work and incurred expenses at Mr. Lewis' direction along with Wallover Architects associated with this project. The Chief Financial Officer had asked for a work description to process billing and it evolved into a Professional Services Contract. This is only for the work completed to date. There will be a geotechnical work that has to be done next.

The Council asked that Mr. Avakian provide the costs for the remainder of the project as to his services rather than doing it in stages.

Mr. Rich questioned the funding? He is advised that these expenses are being charged to an Ordinance from 2003.

Mr. Avakian advised that he would meet with Councilman Quinn and come up with a total cost based on the project.

ROLL CALL:

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

NAYES: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-09-228 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 28, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 28, 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, SUMMARY. Rows include WATER/SEWER OPERATING, RECREATION, BEACH OPERATING, POOL OPERATING, and TOTAL.

ROLL CALL:

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

NAYES: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-09-229 RESOLUTION – APPROVAL OF BILLS – OCTOBER 27, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 27, 2009, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

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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	764,801.11
GENERAL CAPITAL	36,432.15
WATER/SEWER CAPITAL	1,000.00
WATER/SEWER OPERATING	124,738.37
DOG TRUST	891.75
SPRING LAKE TRUST	4,112.50
MT LAUREL TRUST	8,504.89
RECREATION	1,632.63
BEACH OPERATING	19,355.32
BEACH CAPITAL	114,213.50
POOL OPERATING	6,039.06
POOL CAPITAL	12,000.00
TOTAL	\$1,093,721.28

ROLL CALL:

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

NAYES: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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**Business Items Under Consideration**

**Monmouth County Park System – Proposed Response to Correspondence** – Mr. Avakian advised that a letter dated October 9, 2009 was received from Steve Taylor, Program Administrator for the Municipal Open Space Grant Program – Application #09-18 for proposed improvements to Marucci Park.

Mr. Avakian explained that a request for additional information from an applicant is not uncommon if they are looking for a clarification. He is questioning the Borough's commitment to the application and was confused after reading through the minutes of our fiscal responsibility. As to the second question on wetlands, he believed that this just resulted from confusion. The following draft response was discussed.

*The following response is prepared for submission to Steve Taylor, Program Administrator for the Monmouth County Municipal Open Space Grant Program. This is in response to a request for additional information or clarification contained in a letter to the Borough Clerk dated October 9, 2009.*

1. *Municipal Commitment to the Project*

*The Mayor and Council of the Borough of Spring Lake remain fully committed to the improvement of Marucci Park. Other than the municipal beachfront, this park represents the most important active recreational resource in the Borough.*

*Over the past three years the Borough of Spring Lake has completed and submitted a Monmouth County Municipal Open Space Grant application. During that span of time, the Borough has funded over \$125,000 in capital improvement costs to this park, completing much needed parking lot improvements and field area improvements.*

*In addition, the Spring Lake / Sea Girt Little League funded a pavilion restoration project, including snack bar, bathroom and clubhouse area improvements, valued at over \$100,000. The expenditure of more than \$225,000 is representative of the Borough's financial commitment to this project. The Borough contributed an additional \$8,000.00 towards the completion of the snack bar improvements.*

*The Council discussion of project funding represented in the meeting minutes focused on the value of this project as a part of the Borough's annual capital improvement program. Other projects included in the fiscal year 2010 budget will be reconstruction of the North End Pool and Pavilion; Roadway Improvements to First Avenue and Second Avenue; and major infrastructure improvements, including storm and sanitary sewer upgrades, within the drainage area of Wreck Pond, improving water quality in this coastal watershed. These combined projects have the potential to exceed \$5,000,000 in value.*

*This discussion undertaken by the Borough Council was representative of the fiscal responsibility of each elected official, not a lack of commitment to this project.*

2. *Impact on Wetland Areas*

*In accordance with the proposed development plan submitted as an attachment to the application, there will be no wetland areas negatively impacted by the proposed project. A 'Forested Wetland' plate is also provided as an attachment to the application; identifying limits of all know wetland areas outside the scope and well beyond the limits of the project site.*

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*In fact, the proposed rain garden, included as a separate line item in the project budget estimate, will provide a positive impact to wetland areas adjoining Polly Pod Brook which run off flows across Third Avenue into Lake Como. Runoff from the parking lot in this area will be collected in the rain garden, and infiltrated, preventing potential pollutant discharge to adjacent wetland areas.*

*The Borough remains extremely sensitive to our natural environmental resources, as evidenced by our commitment to maintenance and protection of our municipal beachfront and dune areas.*

Mr. Avakian stated that this is what we have drafted to submit as a response.

Mr. Erbe stated that we have continued with the project. This should show our commitment. We have completed the parking lot portion which was part of our first application and the Little League with our assistance has completed the improvements to the Little League building which was also part of our previous applications. Even though we have not received funding, we have continued to move forward with improvements to Marucci Park.

Mr. Quinn confirmed that the amount of the grant requested is \$175,000 and asked that the correspondence include a sentence that states that the Borough Council is fully committed to this grant application for \$175,000 and expending \$175,000 if the grant is awarded.

Mrs. Reilly noted the addition of the rain garden.

As to the wetlands, Mr. Avakian advised that the area is around Polly Pod Brook but there are no wetlands that come into contact with any of the fields or the proposed improvements. There would absolutely not be any infringement on wetland areas. The addition of the rain garden will provide a positive environmental impact on the adjacent wetlands.

The Borough Council asked that the proposed response be amended and sent to Mr. Taylor along with a copy of these minutes in hopes that our application will be considered for approval.

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**Public Discussion**

Eleanor Twomey, Vroom Avenue expressed her dissatisfaction and concern with the lack of interest the candidates have shown and is not saying this for election reasons. She felt that everyone should come to meetings.

Lyle Marlowe, 110 Pennsylvania Avenue questioned what the contract covered as to R-09-198. Mr. Erbe advised that the increase approved was 2% for three years and there was a paragraph removed.

Ms. Twomey questioned the Off-Duty Pay. The process is explained to her. She then questioned what was happening that the road was closed. She is advised that it is closed because of a garage fire.

Kathleen McCusker, Ludlow Avenue thanked the Council on behalf of Historic Preservation for approving the architect's contract this evening. She also expressed her gratitude to the First Aid Squad. She had to utilize their service

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**Executive Session**

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

**R-09-230 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 COAH Mediation and PBA Contract Negotiations; and

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.

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ROLL CALL:

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

NAYES: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:37 P.M.

MEETING IS RECONVENED AT: 8:20 P.M.

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

TIME OF ADJOURNMENT: 8:21 P.M.

Respectfully submitted,



JANE L. GILLESPIE  
BOROUGH CLERK

Approved at a meeting held on: