

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 8, 2009

23751

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 5:01 P.M. with a moment of silent prayer. She then 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.

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
Joseph Colao, Esq., Borough Attorney
Peter Avakian, Borough Engineer (6:18 P.M.)

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

R-09-183 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

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: 5:03 P.M.

Meeting is reconvened at: 6:18 P.M.

6:18 P.M. – Mayor & Council takes a brief recess.

6:23 P.M. – Meeting is reconvened.

Mayor Naughton explained that there is a public hearing on the agenda but that will have to be held until 7:00 P.M. as it was noticed for then.

Council Comments

Mayor Naughton stated that Barry Lewis, Borough Administrator has submitted his resignation. She stated that Mr. Lewis has accepted another position closer to home and she wished him well. He will be assisting us in accomplishing some final items before he leaves. She felt that the position should be advertised as soon as possible. She would like to put an advertisement together and have the Council review it and then get it published.

Mr. Rich clarified positions and wanted to get an understanding of each person's responsibilities.

Mayor Naughton stated that specific job responsibilities cannot be discussed in open session. Mr. Rich stated he would just like to know the process. If specific job performance is going to be discussed, the people will have to be given Rice Notices. Mayor Naughton noted that the Borough Clerk and CFO assisted when we did not have an Administrator while Tom was sick but we had to put some things on hold. She stated that although she has great confidence and respect with the existing staff, we have a need to have an Administrator. Mr. Lewis concurred with the Mayor and expounded on some of the areas wherein an Administrator is needed. The number of regulations has increased in the last two years. He felt that to not have an Administrator on a long term basis would result in things not being accomplished.

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Mr. Quinn stated that he has issues dealing with long term planning that need to be discussed with certain employees. He would like to discuss it with Mr. Colao and if Rice Notices are needed to make these decisions then it should be done.

Mr. Colao explained that when policy changes are made that will impact other employees, this type of thing needs to be discussed in Executive Session and the employees effected given Rice Notices.

Mr. Rich will review the Code Book as to statutory duties.

Mr. Quinn noted that Mr. Lewis was required as part of his employment to obtain certification as a CFO.

This matter to be discussed further in Executive Session.

Mr. Fitzgerald felt that if we are happy with Mr. Lewis' description we should use the same one and get it out there.

Mr. Quinn stated that he has issues that cannot be discussed in open session.

Discussion on setting up a Special Meeting for an Executive Session next week. Meeting to be set up for 6:00 P.M. next week. Borough Clerk to issue Rice Notices to employees for this meeting.

Mayor Naughton stated that she wanted to raise the issue of smoking policies on the beach. She has had several people ask her about this. Her concern is the fact that the beach is covered with cigarette butts. She does not want a decision on this tonight but wanted to have everyone give it some thought. She has discussed this with our Beach Management and they realize that it is a policy decision of the Borough Council but asked that if it is considered, that it be a complete ban because it is hard to enforce when you have designated smoking areas. It is a serious problem on the beach.

Discussion on how this issue is handled in other towns.

Mr. Rich stated that it does need to be looked at.

Mr. Erbe congratulated Mr. Lewis on his new position and wished him luck and commented on the great job he has done here in Spring Lake. Mrs. Venables concurred.

Mr. Quinn stated that he has an issue with the South End Pool that he would like the Council to weigh in on. He has received a request to revert to the schedule we were using last year until we were forced to close the pool early and that is to stay open until 7:00 P.M. rather than 6:00 P.M. as it is currently and also extend the North End Pool hours to 7:00 P.M. until it closes on the 13th. He understands that the extra hour comes at a cost but there are commuters in town who would like to enjoy that extra hour in the pool. He would like the extra hour at the south end pool only starting as soon as possible until the pool closes.

Mr. Quinn offered a motion to extend the hours of operation at the South End and North End Pools until 7:00 P.M. from the previous scheduled hours of 6:00 P.M., seconded by Mr. Rich.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ASBSTAIN: NONE

Mr. Quinn noted that he has received letters from Peter O'Malley and Joseph Curto about the North End Pool facilities. They are residents who live around or across from the North End Pavilion. They have concerns about the north end facility being expanded from the existing footprint. It is his understanding that the direction that has been given is to stay within the existing footprint of the existing structure. Mr. Erbe felt that this is something we should wait for the architect to tell us.

Mayor Naughton advised that she has responded to them and that we have advised the architect to stay within the existing footprint.

Mr. Fitzgerald stated a lot has happened since Mr. Lewis came on board. He elaborated on the projects that he and Mr. Lewis worked on together. He also suggested to the Mayor that he would like to start working with whomever is going to take over his duties so that he can transition the information before January 1st.

Borough Engineer's Report

Mr. Avakian stated that he is prepared to hold the Public Hearing on the Open Space Application. The funding source is limited and acquisition projects are given priority.

- Arch Project - Completion of the Arch project will be completed within the next two to three weeks. Once the wall is completed, the landscaping will be installed. Mr. Rich questioned the maintenance of the landscaping. Mr. Avakian explained that it was designed to not require a lot of maintenance and would grow into the site.
- Train Station Repairs – This will be completed in two phases. There is a fall and spring construction schedule. The fall project will include above the roof line. He will go out for competitive proposals for just the installation of the materials. The Borough will purchase the roofing materials. The second competitive proposal includes the cupola repair and should be completed by the end of November. Mayor Naughton noted that his is money from the 2008 Capital Budget. The spring project includes repairs below the roof line including repair/replacement of the windows, replacement of the glass, repair of the columns on the railroad side and painting of the entire structure.

Borough Administrator's Report

Mr. Lewis stated that he appreciated all of the comments and apologized for the way the situation was handled.

He reported that the Engineer's Office has come up with a couple of different solutions to prevent the ice situation we had last year. It would entail putting in a storm drain that would run down to the lake.

He does need a brief Executive Session this evening.

Public Comments

Eleanor Twomey, Vroom Avenue questioned when the E&S would be placed back on the Agenda. Mayor Naughton advised that she did not have a response. Ms. Twomey then questioned why COAH was being discussed in Executive Session? Borough Attorney Colao advised potential litigation. Ms. Twomey then asked for an answer on the E&S and Mayor Naughton advised that at this time she was unable to respond.

Wayne Patterson, Sussex Avenue, suggested that the Council not make a quick decision on a new Administrator. Mayor Naughton explained the process that used when Mr. Lewis was hired and that they intend to follow that process. She just does not want to see no action until January. He suggested having an interim person for the position on a part-time basis with their knowing that they are a place holder. Mr. Erbe stated that there has been several other Administrators who have reached out previously and offered their assistance.

Herman Staiger, 217 Ludlow Avenue expressed his concern with pit bulls and asked that the Council consider barring them in Spring Lake as they are very unpredictable and a vicious animal. Mayor Naughton stated that we do have a vicious dog ordinance. Mr. Staiger stated that there are renters in a home adjacent to his and they have a visitor who brings a pit bull.

Public Hearing on Open Space Grant

Mrs. Reilly offered a motion to open the Public Hearing on the Monmouth County Open Space Grant Application, seconded by Mr. Erbe.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Naughton explained that this is our third application to this grant program. The Little League has gone ahead with some of the improvements so we have modified our application.

Mr. Lewis explained that there have been some changes as the previous applications included substantial improvements to the Little League building those have been completed by the Little League through donations and a contribution from the Borough. This year's application includes replacement of the tennis courts wherein the previous application included only new fencing. It includes relocation of one of the Little League fields, relocating the bathrooms which are not currently ADA compliant, a new lacrosse/soccer field that would not overlap another field. Discussion was given to adding a new tot lot.

Mr. Avakian stated that the intention was to separate the fields. The key component of this application is to create the new soccer/lacrosse field. When they were looking at the park, it was found that the tennis courts needed to be completely redone. The new plan also includes the creation of a full sized basketball court and an elementary basketball court.

Mrs. Reilly questioned if the demolition and reconstruction of the tennis courts will enhance the application? Mr. Avakian advised that he could not answer that but felt that it makes it more appealing. He explained that the newly constructed tennis courts would include a drainage system underneath which would prevent the water from getting underneath the surface and cracking the surface. Mr. Erbe noted that the Courts are not that old; they have been upgraded in stages and are not that old. Mr. Lewis noted that they were not new courts, but given many layers of new asphalt. Mr. Avakian felt that by reconstructing the courts, they will have a much longer life and that they would be much easier to maintain.

Mrs. Venables questioned the bathrooms in the plan? Mr. Avakian advised yes, the existing bathrooms would be relocated close to the soccer/lacrosse field and attached to the south side of the pavilion. There are also the bathrooms that were just redone as part of the Little League improvements. Mayor Naughton noted that the Little League bathrooms are only accessible when they are utilizing the fields. The new bathrooms would always be available.

Mr. Erbe questioned the location of the fields. Mr. Avakian reviewed the proposed layout on the map which will be submitted as part of the application.

Mr. Fitzgerald questioned the locations of the bathrooms and if a pump would be necessary? Mr. Avakian explained that that problem was with the bathrooms located as part of the Little League Shack, where there was a grade issue and part of those improvements included the inclusion of the necessary pump.

Mr. Erbe questioned if there was any thought given to adding an additional soccer field? Mr. Avakian advised yes, but it would require the moving of the area that is currently being utilized by Public Works. Mrs. Reilly felt that this should be looked at because we do experience an overuse of the fields.

Mr. Avakian advised that the maximum amount of the grant is \$500,000 and there is a 50% match required.

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Mr. Erbe felt that an additional field would be important. Mrs. Reilly concurred and stated that there are always conflicts with the use for the various sports. Mr. Lewis stated that this could be looked into but that there are also wetlands issues that would have to be looked at. Mr. Avakian stated that the Borough does have a permit for that property and its use.

Mr. Quinn questioned if there is a document outlining the cost of the project? Mr. Avakian advised yes but that is something that he has not distributed but can. Mr. Quinn asked if this could be discussed if and when the grant is approved. Mr. Avakian explained that it is hoped that the Council would embrace the application being that there is a cost involved and if the Borough received the grant we would be responsible of coming up with the matching costs. He noted that with the application two years ago, part of the proposed match included the repaving of the parking lot area which has now been done. That was approximately \$80,000 as part of the match. He has left \$20,000 in for the completion of the Little League Shack as there are some items that still need to be completed. Little League has spent about \$55,000 towards the improvements to the building.

Discussion on matching funding and those improvements to be included as part of the match can not wait until after the filing of the application. This is clearly stated in the application documents.

Mr. Quinn questioned the costs. Mr. Avakian explained that there was an increase from \$150,000 match to \$225,000 because of the decision to reconstruct the tennis courts. Mr. Lewis noted that we have already budgeted as part of this year's budget \$50,000 towards those improvements. That cash is sitting there towards our match. He then questioned the amount requested.

Discussion of Resolution and that the amount has changed. Mr. Avakian reviewed the budgeted items for Mayor & Council.

Mayor Naughton questioned if there was one important component to this plan when the County is considering it for approval? Would it be the bathrooms, reconstruction of the tennis courts? Mr. Avakian stated that if it was him, it would be the creation of the new field.

Mayor Naughton expressed her concern that \$225,000 was high and a concern. This money comes from the Capital Budget.

Mrs. Reilly suggested perhaps we could do the drainage and coordinate it with the rain garden.

Mayor Naughton questioned the cost of the tennis courts? Mr. Avakian stated that if the drainage work was not done you may be able to save \$15,000 a court.

Mayor Naughton questioned if there is ever a partial award? Mr. Lewis explained that there is that possibility but he reminded everyone that the first and foremost purpose of the grant is for land acquisition and secondly for improvements they do not approve applications for maintenance.

Mr. Erbe noted that we are losing one of the tennis courts and one of the basketball courts is significantly smaller.

Mayor Naughton stated that she is looking at what the most attractive feature is here and try and reduce the cost. Mr. Lewis felt that the addition of the multi-use field is attractive. They are not fond of maintenance, and basically without doing the reconstruction the application might be considered a maintenance issue as to the tennis courts. He suggested removing the construction of the tot lot area as a means of cutting the cost.

Mayor Naughton felt that the bathrooms are really important, the multi-use field. The playground equipment is relatively new.

Mr. Lewis stated that there was money included for site landscaping and that is something that could be given to the Shade Tree Commission and done outside of this project. The tot lot could be dropped.

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Mr. Quinn questioned when the grant application is due. He is advised September 23, 2009.

Mrs. Venables questioned if we could take less if awarded the grant? Mr. Avakian felt that it would be better to do it now. Mr. Lewis added that this is an estimate and that when the items are actually put out to bid they may come in higher and that would require us to scale the project down.

Mayor Naughton was concerned with the cost as it is on a project that would be nice to do but we do not have to do. She agrees with the need for the multi-use field. It is a wreck over there and it is a big priority as are the tennis courts and bathrooms.

Mr. Avakian stated that other than the expansion of the tot lot, he can redesign some of the components and bring the cost down to a match of \$175,000 or a \$350,000 project. Mr. Lewis stated that we would have some of that money already in the bank.

Mr. Quinn questioned the balance would be 2010 money? Mr. Lewis advised yes, we probably won't hear about the grant until the end of the year.

It is noted that the park is used by the various entities, St. Catharine's School, St. Rose School, Manasquan River Lacrosse, our various recreation programs and the Spring Lake/Sea Girt Little League.

Mr. Avakian noted that they do read the minutes so that they are aware of the Governing Body's feelings on the application.

Mr. Erbe expressed his concern over losing a court. He stated that when the schools use it for their matches, five courts are needed. He felt that this could be a weakness. Mr. Avakian stated that the five courts could remain but the expanded tot lot would be lost.

Mr. Avakian to review the budget costs and remove the items discussed and keep the application within \$350,000 which would require a \$175,000 match if approved.

Mrs. Reilly suggested obtaining the rain garden funding from another entity.

Mayor & Council expressed their support of this application with the revised budget figures.

Mr. Avakian to prepare necessary documents based upon this evening's discussions for submission to the Monmouth County Open Space Grant Program.

There being no comments from the public on this application, Mr. Rich offered a motion to close the Public Hearing, seconded by Mrs. Reilly.

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Completion: 7:48 PM

Ordinances for Introduction - None

Ordinances for Adoption - None

Consent Agenda

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

R-09-178 RESOLUTION - AUTHORIZING CANCELLATION OF CERTAIN 2006 TAXES

WHEREAS, certain 2006 taxes remain outstanding on the Borough of Spring Lake tax records; and

WHEREAS, the total 2006 taxes amount to \$3,653.56 as analyzed:

Table with 4 columns: NAME, BLOCK, LOT, AMOUNT. Row 1: Christopher Lindstrom, 36, 7.02, \$3,653.56

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413 Monmouth Avenue
Spring Lake, NJ 07762

Property address: 413 Monmouth Avenue

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Tax Collector is hereby authorized to cancel the amount of \$3,653.56 from the tax records for the tax year 2006.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the amount to be cancelled for 2006 is \$3,653.56. /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. Erbe.

**R-09-184 RESOLUTION – APPROVING FIREWORKS TO BE
HELD IN LAKE COMO – OCTOBER 3, 2009**

WHEREAS, the Mayor and Borough Council of the Borough of Spring Lake have received notice from the Borough of its intent to hold a fireworks display at Lake Como on October 3, 2009, and

WHEREAS, the Borough of Lake Como has included the Borough of Spring Lake as an additional insured on their policy for the event, and

WHEREAS, the Borough Administrator, Spring Lake Fire Chief and Chief of Police have taken part in meetings to insure the safety of the residents of the Borough of Spring Lake.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that it hereby acknowledges and approves the fireworks to be held at Lake Como on October 3, 2009 provided any and all recommendations from the Spring Lake Borough Administrator, Fire Chief and Chief of Police are adhered to and that all safety precautions are followed and all statutory requirements are met.

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. Erbe.

R-09-185 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 Property Transfer Company and the Mortgage Company as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Property Transfer Services, Inc.	128	7	\$1,207.82

Property address: 401 Church Street

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$1,207.82 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 \$1,207.82 /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. Erbe.

R-09-186 RESOLUTION – REFUNDING UNUSED ESCROW FEES

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WHEREAS, escrow fees were submitted to the Borough for the block and lot set forth below, and

WHEREAS, the Planning Board Secretary has reviewed this account and found that the monies should be returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned as recommended by the Planning Board Secretary:

Table with 5 columns: Name (Chris Nakatani), Block (Block 117), Lot (Lot 12), Address (320 Ludlow Avenue), and Amount (\$513.00).

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

R-09-187 RESOLUTION – RELEASING PERFORMANCE GUARANTEES
UPON POSTING OF MAINTENANCE GUARANTEES – Van Amburgh
BLOCK 65, Lots 11.01 & 11.02 – 11 & 15 Passaic Avenue

WHEREAS, Frank & Michelle Van Amburgh have requested release of performance guarantees he posted for Block 65, Lots 11.01 and 11.02, and

WHEREAS, by letter dated August 14, 2009 the Zoning Review Agent, Philip Kavanaugh has recommended the release of the guarantee as the required improvements have been completed and are acceptable upon the posting of maintenance guarantees as required by the Ordinance and that the escrow be released retaining \$250.00 for final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the performance guarantees be and hereby are released for Frank & Michelle Van Amburgh posted for Block 65, Lots 11.01 & 11.02 upon the posting of the required maintenance guarantees, and

BE IT FURTHER RESOLVED that the escrow posted be and hereby is released retaining \$250.00 for final inspection.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-09-188 RESOLUTION – APPROVAL OF BILLS – August 31, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 31, 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.

SUMMARY table with 2 columns: Fund Name (CURRENT FUND, WATER/SEWER OPERATING, RECREATION, BEACH OPERATING, POOL OPERATING, TOTAL) and Amount (154,255.31, 11,706.57, 2,068.23, 160,807.49, 32,252.57, \$361,252.57).

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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

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

R-09-189 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 8, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 8, 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	487,551.40
GENERAL CAPITAL	30,468.81
WATER/SEWER CAPITAL	140.00
WATER/SEWER OPERATING	9,167.40
DOG TRUST	4.80
SPRING LAKE TRUST	2,125.50
PLANNING BOARD ESCROW I	150.00
RECREATION	11,679.65
BEACH OPERATING	26,476.88
POOL OPERATING	25,557.66
TOTAL	\$593,322.10

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn offered Resolution R-09-180, seconded by Mr. Fitzgerald. Ms. Gillespie advised that the contract was not going to be awarded this evening. Mr. Lewis advised that the bid was received today and that he needed more time to certify the funding.

Mr. Quinn rescinded his motion to approve R-09-180, 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

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

R-09-190 RESOLUTION – MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space trust Fund and established a Municipal Open Space Program to provide Program Grant Funds in connection with municipal acquisition of lands for County park, recreation, conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Spring Lake desires to obtain County Open Space Trust Funds in the amount of \$175,000.00 to fund "Improvements to Marucci Park", Third Avenue and South Boulevard, Block 151, Lot 1; and

WHEREAS, the total cost of the project including all matching funds is \$350,000.00; and

WHEREAS, the Borough of Spring Lake is the owner of and controls the project site.

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NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Borough Council of the Borough of Spring Lake THAT:

1. Jane L. Gillespie, Borough Clerk and/or the Borough Administrator are authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Mayor and Borough Council of the Borough of Spring Lake is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Jane L. Gillespie, Borough Clerk and/or the Borough Administrator are hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This Resolution shall take effect immediately.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-09-191 RESOLUTION – APPOINTMENT OF CLASS II SPECIALS
SPRING LAKE POLICE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed to the respective positions for the Spring Lake Police Department:

NAME	POSITION
CHREPTA, ANTHONY	CLASS II
BRADY, PATRICK	CLASS II

Mr. Lewis explained that they both worked for us as Class I Specials and they need to be appointed as Class II's so that they can attend the Class II Academy which begins in a couple of weeks.

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 to Use Train Station – Manasquan River Lacrosse Club – The dates have been approved by Recreation. Mr. Erbe offered a motion to approve their request to use the Train Station for registration on November 10, 11th and 14th, seconded by Mr. Rich. Unanimously approved.

Mr. Fitzgerald wanted to be sure we moved forward with the sump pump issue. Mr. Lewis advised that if Council wants to move forward with the front end one, firm prices would have to be obtained before anything could be approved. Mr. Rich questioned it being the Borough's responsibility. Mayor Naughton stated that it is a safety issue and we have to maintain our road and curbs. Mr. Fitzgerald stated that the new houses have to conform but there are still the old houses that run into the street.

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EXECUTIVE SESSION

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

R-09-192 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 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.

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: 7:57 P.M.

MEETING IS RECOVERED AT: 8:06 P.M.

Mr. Erbe 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: 8:06 P.M.

Respectfully submitted,


JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: December 8, 2009.