

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009**

Mayor Naughton called the Regular 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. 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, Mrs. Venables, Mr. Quinn, Mr. Fitzgerald, Mayor Naughton

ABSENT: Mr. Erbe (Arrived at 7:35 P.M.)

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

Approval of Minutes – None

Council Comments & Staff Reports

Mayor Naughton reported on the following items:

- Storm Damage at the Beach – We were walloped by the last storm. The County and Borough staff are working hard to remove all of the sand. There is still a lot of work to be done and she asked for everyone's patience and thanked the DPW Staff for their hard work. The roadway was cleared for the 911 run. The passages are not all clear yet but will be, it is not for the lack of trying.
- Water Tower Demolition – We are still within the contract period and we held off on a decision on the demolition of the Washington Avenue Water Tower for bids for a cell carrier. No bids were received. There are several options for the Chief to put his equipment that is located on that tower now. The fire whistle will have to be moved to another location. She is not convinced to keep the tower there if we are not going to be receiving any revenue and the money is in the budget to take the tower down. She would like Council approval to take the tower down. There was no big cost savings to have both towers taken down at the same time. The total cost for both is \$42,000 if taken down separately. If they were to do them both at the same time, the cost savings would have been \$3,000. They were both budgeted to come down.

Discussion on what is included in the contract. Removal of the concrete base on Washington Avenue is not included in the bid. Mr. Rich noted that there were wells that were filled at one time. Mr. Lewis stated that if the site was to be used for something, the concrete pad would have to be removed separately.

Mr. Quinn questioned what was contracted for? Mr. Lewis explained that the bids that were solicited were for each tower and then a combined price to remove both towers? He stated that we were not sure if there was revenue available so it was bid separately with an alternate to take them down together. Mr. Quinn stated that if that is the recommendation, he would support that.

Mr. Quinn offered a motion to authorize the Borough Administrator to accept the bid for the removal of the Washington Avenue Tower concurrently or consecutively with the Monmouth Avenue Tower, seconded by Mr. Fitzgerald.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

23763

- North End Pool & Pavilion – She will be meeting with Mr. Quinn and Wallover Associates a week from Monday. At the October 13th meeting she is hoping to have detailed information to discuss at the meeting on this project.
- Historic First Aid Building – We will be moving forward with a contract with Cassway to move forward on the First Aid Building design. We have received the Grants we were hoping to receive which total over \$700,000 and the Preservation is busy with fundraising on their own. Mr. Lewis explained that the Chapter 159 Resolution has to be done and approved by the State before we can proceed with the contract.
- Mercer Avenue Bridge – Mayor Naughton advised that the bridge is in bad shape. There has been a lot of vandalism and the rails and decorative panels were kicked out and the deck badly damaged. It has been temporarily fixed so that it is safe and can be open. They need to rebuild it again. It is the deck railings and high arch that need to be replaced. Frank Phillips will be coming up with a plan and cost estimate to rebuild that bridge.
- Auction Items – There are boats that have been left around the lake over the years that were picked up after the deadline for them to be removed. They are at the Borough Yard and have not been claimed. We used to charge them only \$50.00 for storage for the winter season and they would pick them up in the Spring. We increased this fee and now they no longer claim them. The Borough also has excess inventory and we need to move the stuff and get the revenue possibly holding an auction in conjunction with another town.

Mayor Naughton advised that she would like to hold the personnel discussion until Councilman Erbe arrived as is the personnel liaison. He is at an appointment and will be here shortly.

She also advised that an Executive Session would be needed this evening.

Mr. Rich stated that he has enjoyed working with Mr. Lewis for the last nine months and wished him well.

Mrs. Reilly stated that a meeting was held this afternoon on the rain gardens. Weather permitting they are hoping to have them planted during the first two weeks of October. The plants have been ordered and she hopes it comes to fruition. She reminded everyone that in the beginning it will look o.k and improve over the next two years when full grown. She thanked DPW, Mountz School, St. Catharine's School and the Garden Club. Everyone involved has been working together to make this project come to fruition. She thanked Mr. Lewis for his assistance with her green efforts. She thanked him for all his help and wished him well.

Mayor Naughton questioned the status on the energy audit. Mr. Lewis advised that the contracts just went out and once they receive them, Ms. Gillespie is the contact person so they will contact her to schedule to come in within the next couple of weeks and do the audit.

Mrs. Venables thanked Mr. Lewis for his assistance with the following items which she is grateful for; the formation of the BID, assistance with two BID Budgets which were developed by the BID Board but Barry assisted them, hopefully three Borough Budgets, the Arch Project, the change to the State Health Benefits Plan which saved us \$200,000-\$250,000 every year, Historic Trust Grant \$590,000, CDBG Grant \$170,000; the bench project – troubleshooting the problems we had; the Land Use Amendments; Shared Services Agreements; Open Space Grant Applications, DOT Grant Applications and the Police and Borough Staff Contracts, a couple of which are in the works but hoped that they would be wrapped up before he left. She is grateful for all of his help and for being accessible to the Council and the residents.

Mrs. Venables noted that the new light pole in the Arch area has been installed and moved further to the east. She is concerned about the redirection of people driving their cars. Mr. Avakian

advised after the last accident, the County came out again and evaluated the situation and will be responding back on their decision. Mr. Avakian noted that reflective markings have been added. The light standard has been moved further east out of harm's way. The County made them move the line of vehicular parking toward the boardwalk. We keep asking for reflective bollards in the area where the light was located and will keep asking the County for approval on this and will follow it up in writing.

Mrs. Venables reminded everyone that the Preservation Alliance is holding its awards ceremony this Saturday night. They will be honoring several homes and St. Andrew's Church. The awards are always great and includes a slide presentation on the winners.

Mr. Quinn also thanked Mr. Lewis for his services particularly with the pools and beach. There is a lot of work required on these seasonal operations. He has been of great assistance working with Dan Finn and Frank Phillips. He also thanked him for assistance with the bench project and wished him well with his endeavors.

Mr. Quinn asked that R-09-197 and R-09-198 be removed from the Consent Agenda and discussed briefly in Executive Session with the Council possibly taking action on them after coming out of Executive Session. He has some issues he would like to discuss on them.

Mr. Fitzgerald also reviewed a list of accomplishments Mr. Lewis has completed during his tenure. He went over some items that Barry accomplished including getting everyone together as a team, the Arch Project, Monmouth Avenue Water Tower removal, began work on the old First Aid Building and did the presentation for CDBG for which we obtained a grant in the amount of \$170,000; Potter Park refurbishment; Monmouth Avenue ice problem; the street repaving, the benches, the Police Station roof repairs; the work at the Train Station, Marucci Park repairs, the Borough Website, flag pole replacement here at Borough Hall, began the rail replacement at the beachfront, the Borough Yard buildings, helped with the Master Plan, street cleaning and leaf response has been better than ever, assistance with Emergency Management and cooperation with the BID including the refurbishment of the area around the clock and the new trash cans.

Borough Engineer's Report

Mr. Avakian reported as follows:

- Arch Project - The wall has been completed. The surface treatment is finished. They had a slight setback due to the amount of the sand that had to be moved to apply the surface coat because of the recent storm. Precise Construction's work is complete and they assisted the Borough with the sand. The irrigation company finished his work and relocated one sprinkler heads to provide proper coverage and the timing sequence was changed. The landscaping is being completed this week. That work is progressing and should be finished by the end of the week.
- Marucci Park – Open Space Grant Application – He prepared and filed with the Borough the revised Budget estimate and was included in the submission as was discussed at the last meeting. The project cost was revised to \$350,000 with a \$175,000 grant application and \$175,000 would be matched by the Borough. Since we first applied, we have completed the parking lot improvements and the snack bar has been refurbished showing our commitment to improving the Park. When they met with Mr. Taylor, he stated just because we have not been funded in the past doesn't mean that will not be funded this year. Mr. Avakian advised that he will be dropping off the application tomorrow.
- Railroad Station Improvement Projects – They have prepared three proposal requests. One for the purchase of roof materials, one for the installation of the new roof and one for the building restoration and repairs to the cupola and upper areas. Mayor Naughton asked that Mr. Avakian contact Frank Phillips on this project. Mr. Avakian stated that it is easier if they put the

proposals out and receive them. He is also scheduled to meet with Mr. Phillips to review them this week and will show him the proposal packages. He hoped to have a recommendation for the October 13th meeting. These are for the work to be completed in the fall with the final portion being completed in the spring.

Mr. Avakian stated that he also appreciated working with Barry. Together a lot of work has been completed and his administrative oversight was invaluable.

Administrator's Report

Mr. Lewis advised that Mr. Avakian has reported on most of the projects. He stated that with respect to his leaving, everyone thinks that it was an easy decision based on the commute. It was not. He stated that it was an incredibly difficult decision based on the people of Spring Lake, the residents, the Governing Body and the employees. He said that it is bittersweet for him to be leaving. He felt that he was given more credit than due. He thanked the Governing Body for their support, the refreshingly non-partisan Governing Body doing what is best for the Borough. The staff around him allowed him to do what he has accomplished. The staff here is great across the board.

7:33 PM – Mr. Erbe arrived.

Public Comments

Kathleen McCusker, Ludlow Avenue stated that everyone mentioned his specific accomplishments but she wanted to note the smile that he wore all of the time. She felt it complimentary that he picked another place with "Lake" in the name. She stated that there was never a time when they came over to Borough Hall that he would not stop to talk to them and the fact that he could walk over to one of those piles and pick out a piece of paper that was being discussed. She felt that it was detail that brought the paperwork together and got them the Grant. She thanked him on behalf of the Preservation Alliance.

Eleanor Twomey, Vroom Avenue, questioned if the DEP was advised of the sand problem. Mayor Naughton stated that some of the sand was placed to the east. She then felt that the rain gardens were costing the Borough practically nil and is a tribute to the Borough and Mrs. Reilly. She then questioned the Resolutions that were being removed and Mr. Quinn clarified that he asked that they be removed from the Consent Agenda, discussed in Executive Session with possible action following that. Ms. Twomey commented that the Borough Staff has been working without a contract for two years, if so something is wrong. She is advised that it was a paperwork issue.

Peter Meade, 300 Worthington Avenue and also Deputy Fire Chief thanked Barry for his assistance and stated that he has been a great guy to work with and that he will be missed and wished him luck in Mountain Lakes. He then stated that the light pole at the north end is now in a better spot than it was but we will see what happens. He also thanked the Mayor and Borough Council for R-09-207 – the award of the generator for Station 1. It is one of the things that Mr. Lewis assisted with.

Gil Robinson, Sussex Avenue stated that the Borough men are always there moving the sand every morning. He sees it every morning when he is down there exercising with the seniors.

Dennis Kaloostian, Ocean House, thanked Mr. Lewis and stated that he appreciated his open door policy. He then questioned if there has been any progress on the assessment on the second tier of the bid. Mrs. Venables advised that she attended the last BID Board Meeting. They are going to need a little time on this as they are consulting with an attorney who specializes in BID issues. There are nuance issues involved in this especially when addressing owner occupied issues and several related issues to be addressed. They are preparing for the meeting the attorney and hoping to have a response back before any action is taken. There was also a discussion at the meeting about getting the consensus from all of the B&B owners on how they feel on this issue. She

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

understands that some are owner occupied and some are not but felt that we do need to hear from everyone. Mr. Kaloostian felt that someone should have contact him or the other owners. Mrs. Venables advised that it is being handled methodically and apologized for not contacting him and she should have. He questioned if he would have an opportunity to sit down with this attorney? Mrs. Venables stated that the BID would be paying for his services and that it was not cheap. Mrs. Venables knows that there as an agreement to reduce the assessment by \$2,000.00 which would be reflected in the tax bills. Mr. Lewis explained the billing process. Mr. Kaloostian felt that his concerns are still not being addressed. Mr. Lewis stated that his concerns are not being ignored but are being looked into. It is not as simple as just arbitrarily making changes. The BID is seeking advice to be sure that the changes that they would like to make are legal. Mr. Quinn noted that the Borough Council reduced its contribution from \$40,000 to \$38,000. The contribution was reduced by \$2,000. The tax burden spread across all of the entities was reduced by \$2,000 pro rata. Mr. Kaloostian stated that if the houses that are owner occupied are renting are not being assessed how can you assess the businesses, bed and breakfasts' or hotels that are owner occupied. He does not understand that. Mrs. Venables was not sure that this was a perfect analogy and explained her reasoning mainly being the primary use being commercial. She stated that this is a question for the attorney how do you distinguish between the two. Mr. Colao stated that the issue is understood and it is a legal question for the BID to find the answers and then come to the Council and ask that the Ordinance be changed based on their recommendation. Mr. Kaloostian noted that the homeowners who rent out their home whether for two weeks or \$80,000 are not assessed. Mr. Quinn stated that having the rentals support the BID is something he would be opposed to. He added that it would be going down the wrong path to focus on the owner occupancy. He felt they should be making the argument that none of the B&B's benefit from the BID and resonates with him. If people who are being taxed do not want the BID come forward, he would support them, we should not be imposing that tax on you. He would have a hard time cutting everyone but the two B&B's that are not owner occupied out of the BID. The argument should be that the BID does not benefit us and we do not want to be part of it. He stated that he should not be carving out the other B&B's so that they would have to pay it but he would not. Mr. Kaloostian stated that he stated that when the Ordinance was being considered, that those businesses outside of Third Avenue do not have any benefits from the BID. Mrs. Venables stated that this is also why we need to hear from all of the B&B owners. We are moving forward on this issue.

Harry Zarb, 2205 Third Avenue stated that it was a great year at the beach. Dan and his staff did a great job and he offered his compliments. He would like to see smoking on the beach banned. Some of neighboring communities have done it and it is only the right thing to do and it is a benefit to everyone. Mayor Naughton stated that this was raised at the last meeting for the Council to consider and will be brought up again. Mrs. Venables advised that there is also legislation pending which would ban smoking in all public parks and beaches. He then mentioned about the sand on the beach. He did not feel that the damage caused was the result of not being able to put berms up. Mayor Naughton advised that it is the DEP and it is. He stated that underneath the boardwalk is full of sand, there is nowhere for it to go. He questioned what our chances are of getting permission to move this? Mayor Naughton explained that we are about to submit our final response to some things that they have requested as part of our permit application. Mr. Quinn stated that we have made a permit application and they have responded with some objections to what was being requested and we are going back with a counter response and continue to pursue that. Mayor Naughton stated that it has not been for lack of trying. Mr. Quinn stated look at the damage that has been done by a relatively minor storm. Mr. Fitzgerald stated that the more sand that piles up the more it will raise the boardwalk and the more the expense for the repairs. Mayor Naughton stated that it is one of the more frustrating things the Borough is dealing with at this time.

Dr. James Ofeldt, Wall Township stated that his family had a memorial plaque on the boardwalk that was removed and they were not contacted. He contacted the town a year ago. He stated that he obtained permission back in 1994 to put his plaque on the bench on the boardwalk. He stated that his father was one of the founding members of the American Legion here in Spring Lake and was a Municipal Court Judge in Spring Lake Heights. Mayor Naughton stated that his name has been put on the list for a future project and that the current phase is not complete as of yet. Mr. Quinn stated that before Mr. Lewis leaves, he would like to take ownership of the bench project and will report back to the Council based on Mr. Lewis' recommendation as to continuing the project. He stated that this will be discussed again in a public meeting in November and asked he leave his contact information with Mr. Lewis. Mr. Lewis explained that there were several lists that have now been combined into one and that is where the confusion was.

Lyle Marlowe, 110 Pennsylvania Avenue, stated that with regard to the sand, he remembers an obligation with the Federal Government to maintain the sand level. Mr. Avakian responded that our argument to the DEP is that the beach renourishment project had built in losses by the area along the ocean. They filled up by 8-10 ft in the beach profile and the ocean has taken it away. The main beach profile was intended to stay stabile. It was an unintended consequence that a significant amount of sand because of the wind has migrated out west, packed under the boardwalk and increased the elevation 4-6 feet and causes any minor storm incident to blow sand out onto Ocean Avenue. Mr. Marlowe questioned that the profile has not changed? Mr. Avakian advised not dramatically, only a foot or two. Mr. Fitzgerald stated that it just keeps building up sand and this is what the DEP wants, one big dune. Mr. Marlowe stated that although the sand is putting pressure on the boards, the real danger is the snowfall and it stays wet, it freezes and cannot drain and we could lose the whole boardwalk.

Mr. Marlowe questioned what the next step is for Wreck Pond. Mayor Naughton stated that she and Councilman Fitzgerald are attending the first meeting of the cooperative effort on Thursday night. The Borough also has to, on their own, use the second part of the grant but instead of another study, proposing some type of remediation for there. She has spoken with Jim Mullen our OEM Coordinator on this and they are going to look at a proposal for a deluge pump with that money.

Gil Robinson, Sussex Avenue, stated that he has been part of the exercise group for seniors over the last sixteen years. The program is now moving for the winter to the Community Center in Spring Lake Heights but in the summer it is held at the North End Pavilion and Friday is their last meeting in Spring Lake. He wanted to thank everyone for giving the seniors permission.

Eleanor Twomey commented that perhaps they will not be able to go there next year because there will be something being done on the building.

Personnel Discussion

Mayor Naughton explained that his discussion was to discussing the replacement and defining the position of the Borough Administration. The discussion at the last meeting did not go far as there was a concern about Rice Notices being given to the employees who could be involved, that was done and the discussion was carried to this evening's meeting.

Employees Present that were Riced: Frances Florentine, Susan Schreck, Margaret Costanzo, Dina Partusch, Jane Gillespie and Barry Lewis.

Mr. Erbe stated that as Personnel Liaison he has good experience with the screening of new Administrators along with Mayor Naughton who was also involved in the process and asked if there was someone else who wanted to volunteer to assist. He felt that the job description has been distributed and he felt that word of mouth was also a great way to get interested candidates.

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

Mr. Rich volunteered to assist with the search for a new Administrator.

Mrs. Reilly felt that the job description that was put together is excellent and we should get it out there as soon as possible.

Mrs. Venables stated that it is just an advertisement but the actual job description should be tweaked but it is what we are looking for and need to get it started.

Mr. Fitzgerald felt that there should be a timeline set. A decision should be made sometime in November and have late November early December date. He felt that the same process should be used and let the top candidates boil to the top.

Mr. Erbe stated that the same process would be used. He stated that with the internet it goes out to a broad audience. Mr. Lewis suggested keeping it to the League Magazine, the State Organizations but would not suggest going to the Asbury Park Press or Monster.com as the Borough would be inundated with Resumes. Mayor Naughton stated that the same process would be used. She stated that based on the ad, we will receive people that are extremely qualified and some that have no qualifications.

Mr. Erbe offered a motion to go forward with the advertisement, as recommended, the League Magazine and State Organization websites ... he stated that the employees present need to be addressed. He explained that the reason for the Rice Notices was so that the Administrator position could be discussed. Along with that, was the fact that they would like the Administrator to also become the Chief Financial Officer or agree to study to be the Chief Financial Officer and may need to speak Susan Schreck's name out loud as she may or may not decide to retire. He didn't have anything else to discuss about the other employees. That was the nature of the discussion. He thanked everyone for coming.

Mr. Fitzgerald was concerned with what was going to happen while we do not have an Administrator. Mr. Erbe advised that the other employees step up, Mr. Phillips steps up on his end, the Mayor will be around and he does not feel the need for an interim Administrator. Mr. Fitzgerald stated that when the calls come in, they are going to go to Ms. Gillespie. Mr. Quinn stated that when something similar took place approximately three years ago, Ms. Gillespie and Ms. Schreck were asked to oversee and he asked that if there are any recommendations they should come forward to the Mayor and Council with them. If it is felt that there is a need for an interim Administrator, they should come forward. He also thanked everyone for coming this evening. Mayor Naughton advised that the employees have already stepped up and taken additional responsibilities and some of the day to day things have been divvied up. Mr. Quinn thanked them for the effective that team was in ensuring the continued deliver of service to our residents but also assisting us in meeting all of the obligations, including the budget process.

Mr. Erbe offered a motion to go forward with the advertisement for Borough Administrator, as recommended, the League Magazine and State Organization websites, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Naughton thanked the employees for coming this evening.

Ordinances for Introduction

Ordinance No. 2009-018 – AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION OF CHAPTER 225-7, LAND DEVELOPMENT, OF THE BOROUGH CODE

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

23769

Mayor Naughton advised that Councilwoman Venables has asked that this Ordinance be pulled from this evening's Agenda as she would like to discuss it further before introduction. Mrs. Venables stated that she would like to discuss this further with Mr. Kavanaugh first, she has discussed it with Mr. Rizzo and wants to follow up on some of his input and wants to follow up with the Borough Planner and apologized for being too hasty in putting it on the Agenda this evening.

Mayor Naughton questioned Ordinance No. 2009-015. Mr. Lewis explained that this is something that should have been done some time ago. It sets up the financial aspect of collecting monies for various events for off-duty pay for traffic officers needed for special assignments. A Dedication by Rider setting up the trust fund was done but the Ordinance never followed. He prepared the Ordinance placed before the Council based on several other towns he found. Mr. Colao advised that he read through it, it is straight forward if the Council wanted to move forward on it.

Mr. Erbe questioned if there were any numbers included? Mr. Lewis advised no, any fees would be set by Resolution. Discussion on the practice in general. Mr. Erbe questioned the need. Mr. Quinn stated that if Mr. Erbe has concern, since it is not an emergency that needs to be addressed that Mr. Colao review it and schedule the introduction for October 13th as he does not see any rush.

Ordinance to be reviewed and scheduled for Introduction at the October 13th meeting.

Consent Agenda

Mayor Naughton reminded everyone that Resolutions R-09-197 and R-09-198 were removed from the Consent Agenda for discussion during Executive Session with possible action following that discussion.

Mr. Rich questioned the hiring of Mr. Gaskin? Mr. Lewis advised that he was being hired to assist with the sand problem at the beach. Mr. Rich questioned if there is a succession plan within the department who can handle this position. He is advised that it has been discussed.

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

**R-09-193 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA# 14-2009 - GARDEN CLUB OF SPRING LAKE - ON PREMISE RAFFLE**

WHEREAS, the Garden 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# 14-2009, 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# 14-2009 be and the same is hereby approved as follows:

NAME: Garden Club of Spring Lake
Identification No.: 475-8-35025
LOCATION: Community House of Spring Lake
Third & Madison Avenues, Spring Lake, NJ
DATE: November 4, 2009 11:00 A.M. - 3:00 P.M.

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 Mrs. Venables.

**R-09-194 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA# 15-2009 - GARDEN CLUB OF SPRING LAKE - ON PREMISE 50/50**

WHEREAS, the Garden 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# 15-2009, and

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

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# 15-2009 be and the same is hereby approved as follows:

NAME: Garden Club of Spring Lake
Identification No.: 475-8-35025
LOCATION: Community House of Spring Lake
Third & Madison Avenues, Spring Lake, NJ
DATE: November 4, 2009 11:00 A.M. - 3:00 P.M.

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 Mrs. Venables.

R-09-196 RESOLUTION AUTHORIZING AN OPEN PUBLIC RECORDS – RECORDS INFORMATION MANAGEMENT SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C. 40A:65-1, et seq., local units, such as the County of Monmouth and this Municipality, may enter into shared services agreements with each other; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. ("Sunrise"), whereby the County is licensed to access and use Sunrise's web-based system known as the Open Public Records Search System – Records Information Management ("OPRS-RIM"); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may sublicense access and use of OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a shared services agreement with this Municipality, whereby this Municipality will be authorized as a sublicensee to access and use OPRS-RIM; and

WHEREAS, a copy of the agreement is attached to this resolution; and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically.

NOW, THEREFORE, BE IT RESOLVED by the governing body of this Municipality that the Mayor and Municipal Clerk be and they are hereby authorized to enter into the proposed OPRS-RIM shared services agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that there is no need for a certification of available funds for the period of September 1, 2009 through August 31, 2010, since this Municipality's obligation will be paid through a PARIS grant obtained by the County of Monmouth.

BE IT FURTHER RESOLVED that if and when funds are required from this Municipality to pay for its continued participation in the OPRS-RIM agreement, the Chief Financial Officer shall file a certification of available funds, identifying the budget line item(s) and amount(s) certified.

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 Mrs. Venables.

**R-09-200 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
SPRING LAKE, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
ADOPTING CDL DRUG & ALCOHOL TESTING POLICY 2009**

WHEREAS, the Borough of Spring Lake employs certain individuals who are required by law to maintain Commercial Drivers Licenses (CDL's) in order to operate certain vehicles and equipment owned by the Borough; and

WHEREAS, the United States Department of Transportation regulations require that the Borough conduct certain drug and alcohol testing of those employees with CDLs; and

WHEREAS, the Mayor and Council have been advised that the previously adopted Drug & Alcohol Testing Policy is in need of revision and updating to keep it current with existing law; and

WHEREAS, the Borough Attorney's office has reviewed and revised the Policy and prepared the attached "Drug & Alcohol Policy 2009" and advised that this policy will bring the Borough into full compliance with the applicable USDOT regulations and requirements.

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 attached "Spring Lake Drug and Alcohol Policy 2009" is hereby adopted and made applicable to all employees of the Borough of Spring Lake who maintain Commercial Drivers Licenses and who operate or may operate Borough owned equipment which requires such license.

2. The Borough Administrator and Clerk are authorized and directed to notify the Spring Lake Employees Association, as the Collective Bargaining unit for the Department of Public Works, of the adoption of this policy and further to arrange for the distribution of this policy to all affected employees, including obtaining acknowledgments of receipt from those employees.

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 Mrs. Venables.

R-09-201 RESOLUTION – AMENDING R-09-072 - SETTING LAND USE FEES FOR 2009

WHEREAS, the Mayor and Council of the Borough of Spring Lake is required to establish various Land Use Fees pursuant to Ordinance 2007-005; and

WHEREAS, Resolution R-09-072 was adopted by the Mayor and Borough Council of the Borough of Spring Lake at their meeting held on March 23, 2009,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, State of New Jersey, that the following Land use Fees are hereby amended:

Fee for Tax Map Revision for subdivisions: \$250.00 per lot.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately upon adoption by the Mayor and Council of the Borough of Spring Lake, New Jersey.

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 Mrs. Venables.

**R-09-202 RESOLUTION – APPOINTING JOHN GASKIN JR. AS A
TEMPORARY PUBLIC WORKS EMPLOYEE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that John Gaskin, Jr. be and hereby is appointed as a temporary employee of the of the Department of Public Works at an hourly rate of \$16.00 per hour.

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

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 Mrs. Venables.

**R-09-203 RESOLUTION – RELEASING PERFORMANCE GUARANTEES
UPON POSTING OF MAINTENANCE GUARANTEES – Tuzzio - BLOCK 31, Lots 1.01 & 1.02**

WHEREAS, Michael and Carol Tuzzio have requested release of performance guarantees posted for Block 31, Lots 1.01 and 1.02, and

WHEREAS, by letter dated September 16, 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 Michael and Carol Tuzzio posted for Block 31, Lots 1.01 & 1.02 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

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

**R-09-204 RESOLUTION – REDUCING PERFORMANCE GUARANTEES
ANNE & JOHN FILKIN – BLOCK 71, LOTS 18.01 & 18.02**

WHEREAS, Anne & John Filkin have requested release of performance guarantees posted for Block 71, Lots 18.01 and 18.02, and

WHEREAS, by letter dated September 17, 2009 the Zoning Review Agent, Philip Kavanaugh has recommended the reduction of the guarantee based upon the amount of work completed on the required improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the performance guarantees for Anne & John Filkin be and hereby are reduced for Block 71, Lots 18.01 & 18.02 as set forth the September 17, 2009 recommendation of Philip Kavanaugh, Zoning Review Agent.

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 Mrs. Venables.

**R-09-205 RESOLUTION – CANCELLING EXCESS WATER CHARGES
ACCOUNT #13520 – 2108 EDGEWOOD PLACE**

WHEREAS, a problem was encountered with the water service for property located at 2108 Edgewood Place, water account #113520, and

WHEREAS, as a result of said problem, the Department of Public Works was required to flush the a large amount of water through the homeowner's meter causing the homeowner to be billed excess water charges over and above minimum usage in the amount of \$308.23, and

WHEREAS, a search of the records confirmed that in the same quarter in each of the previous three (3) years, the homeowner never exceed the minimum billing.

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

23773

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that excess water charges in the amount of \$308.23 be and the same are hereby cancelled because said excess was caused the Borough flushing the excess water through the homeowner's meter.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

Mr. Lewis explained that Resolution R-09-195 is required because it was a special item of revenue that was not anticipated as part of the budget and we need to do this to set up an appropriation. Following adoption, it is sent to the State of New Jersey for their approval prior to the appropriation being set up. This is for the NJ Historic Preservation and Community Development Block Grants for the Old First Aid Building.

Mr. Quinn stated that he had requested that this Resolution be moved from the Consent Agenda this evening. He had questioned the use of the name "Frederick A. Duggan First Aid Building". He was advised that the use of this name was premised upon the 2006 grant application which utilized that name. He felt that the Resolution being an act of the Borough Council, the name should comport with its prior Resolutions relative to the name but it was explained to him that in order maintain consistency with the Grant, Mr. Lewis would like us to go ahead and on those grounds as long as it is understood that it does not override the Council's prior action that the official name of the structure is the "Spring Lake First Aid & Emergency Squad". Mr. Erbe commented that he thought it was "Rescue Squad". Mr. Lewis stated that it was not his intention to address the naming. Mr. Quinn stated that this is not a controversy that has not been addressed. The Council addressed this by Resolution in 2005, the Council is the body which controls the building which determines what its name is, the Council is free to rename the building at any time but it has chosen not to do so. He does not want through the adoption of this Resolution that the position has been changed.

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

R-09-195 RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUE INTO THE 2009 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87, WITH THE REVENUES RECEIVED FROM NEW JERSEY HISTORIC TRUST IN THE AMOUNT OF \$526,950 AND MONMOUTH COUNTY COMMUNITY DEVELOPMENT IN THE AMOUNT OF \$169,030 WITH OFFSETTING APPROPRIATION FOR IMPROVEMENTS TO THE FREDERICK A. DUGGAN FIRST AID BUILDING

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

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

WHEREAS, the Borough of Spring Lake has received notice of an award of \$526,950 from the State of New Jersey, New Jersey Historic Trust Capital Grant and an award of \$169,030 from Monmouth County Community Development and wishes to amend its 2009 Budget to include these amounts as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2009 in the total sum of SIX HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED EIGHTY AND 00/100 DOLLARS (\$695,980.00)

Which is now available as a revenue from:

Miscellaneous Revenues:

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

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

New Jersey Historic Trust Grant \$ 526,950.00
County of Monmouth Community Development Grant \$ 169,030.00

BE IT FURTHER RESOLVED that the like sum of SIX HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED EIGHTY AND 00/100 DOLLARS (\$695,980.00) be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS State and Federal Programs Off-Set by Revenues:

Frederick A. Duggan First Aid Building Preservation and Rehabilitation: Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk is directed forward two certified copies of this resolution to the Director of Local Government Services for approval.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Quinn stated that he would like to take this opportunity to get a better understanding of what the agreement is with Sea Girt. When this arrangement was put forward, it was his understanding that this was put forward as an emergency condition as Sea Girt could no longer operate their recycling center because of environmental issues. He has since been advised that perhaps it was not an emergency condition and is subject to question. He accepted this arrangement as we were helping out a neighbor with a short term need and that the issue would be revisited. He felt that it needs to be revisited. It has had a negative impact on our residents with their use of the facility. He has seen the demands which have been placed on the recycling center particularly in the July timeframe. He has never seen the back-ups that we had this past summer. Living on Salem Avenue he drives past there every day and he does not want to see what was supposed to be a temporary arrangement become permanent. He felt that there is capacity problems, especially in the summer. He does not have a problem with the appointment but he felt that this needs to be revisited. Mayor Naughton concurred that it does need to be looked at to see if it makes sense, that is was supposed to be temporary and that our tipping fees have to be looked at to see what the increase has been. Mr. Lewis advised that Sea Girt is aware of this and he has reminded them of that. He stated that he is going to look at the costs involved before he leaves. Mr. Quinn stated that he disagreed with that analysis and felt that only the marginal costs and revenues are being looked at, not the capital costs or the costs of using the property. Because it was presented as an emergency, we were not given the opportunity to look at all of these issues. Mr. Lewis added that he discussed those facts with the Mayor that we were not doing this to just break even. There needs to be some benefit to the residents of Spring Lake. He again mentioned that this was pointed out to them from the beginning. There has to be compensation for the inconvenience of our own residents because this has value. There has to be a financial incentive to make it worth it for the Spring Lake residents. Mr. Rich advised that he spoke with Kevin Thompson on this issue, and felt that it should be on a term basis. He felt that more people may like the ease of running to our center versus putting it out on a specified day. He does not feel that they are going to reopen their center.

Mr. Colao asked for clarification on the Resolution. He is advised that we do not have a certified Recycling Coordinator at this time so as part of the discussions with Sea Girt, Kevin Thompson would be appointed as our certified coordinator. Mayor Naughton stated that we are required to have someone certified which we do not have right now. There is grant money available that will allow one of our employees to obtain the certification at no cost to the Borough which she felt is advantageous to us to have our own certified coordinator. The course is a 21 day course in total. The cost is \$1,600 and there is a waiting list and we have put one of our employees on that list.

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

23775

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

**R-09-199 RESOLUTION – APPOINTING KEVIN THOMPSON AS RECYCLING
COORDINATOR FOR THE BOROUGH OF SPRING LAKE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Kevin Thompson be and hereby is appointed as Recycling Coordinator for the Borough of Spring Lake in accordance with the terms of an interlocal agreement with respect to the sharing of the Spring Lake Reclamation Center with the Borough of Sea Girt.

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 Mrs. Venables.

**R-09-207 RESOLUTION – AWARD OF CONTRACT #06-2009
SUPPLY AND INSTALLATION OF EMERGENCY STANDBY POWER
SYSTEMS –GENERATOR SET AT SPRING LAKE FIRE STATION #1
TO ALLAIRE ELECTRICAL CONTRACTORS, INC.**

WHEREAS, on August 25, 2009 bids were received for the supply and installation of an emergency standby power system – generator to be set at the Spring Lake Fire Station #1, and

WHEREAS, two (2) bids were received, and

WHEREAS, Allaire Electrical Contractors, Inc., 2220 Landmark Place, Suite 4, Manasquan, NJ 08736 was the lowest responsible bidder in the amount of \$49,321 and said bid was found to be responsive and satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #06-2009 is hereby awarded to Allaire Electrical Contractors, Inc., 2220 Landmark Place, Suite 4, Manasquan, NJ 08736 in accordance with the Bid and Specifications, in the amount of \$49,321.00.

I, Susan Schreck, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Ordinance 2006-10 A in the amount of \$26,068.44 and Ordinance No. 2009-11 F in the amount of \$23,252.56. /s/Susan Schreck, Chief Financial Officer

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-09-208 RESOLUTION – APPROVAL OF BILLS – September 22, 2009

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 22, 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	504,650.45
GENERAL CAPITAL	2,686.00
WATER/SEWER OPERATING	367,255.92
DOG TRUST	941.75
SPRING LAKE TRUST	4,697.50
MT LAUREL TRUST	57,114.10
PLANNING BOARD ESCROW I	318.75
RECREATION	1,201.13
BEACH OPERATING	170,988.06
POOL OPERATING	30,507.23
TOTAL	\$1,140,360.89

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

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 from Goodwill Fire Company #2 - Annual Halloween Parade - Mayor Naughton stated that this their annual request. Mr. Fitzgerald offered a motion to approve the request, seconded by Mrs. Venables. Unanimously approved.

Mayor Naughton stated that there was an additional Resolution placed before us this evening with respect to a Grant received by the Police Department. Another Chapter 159 Resolution is needed and there is a deadline of October 7th deadline. Mayor Naughton read the Resolution into the Record as it was not received until this evening.

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

R-09-209 RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUE INTO THE 2009 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87, WITH THE REVENUES RECEIVED FROM NATIONAL HIGHWAY TRAFFIC SAFETY SECTION 410 ALCOHOL TRAFFIC SAFETY AND DRUNK DRIVING PREVENTION INCENTIVE GRANT IN THE AMOUNT OF \$5,675 WITH OFFSETTING APPROPRIATION FOR DRUNK DRIVING ENFORCEMENT OVERTIME

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

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

WHEREAS, the Borough of Spring Lake has received notice of an award of up to \$6,000 from the National Highway Traffic Safety Agency Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant program for Drunk Driving Enforcement Police services, and has expended the sum of \$5,675 pursuant thereto, and wishes to amend its 2009 Budget to include these amounts as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2009 in the total sum of FIVE THOUSAND SIX HUNDRED SEVENTY FIVE AND 00/100 DOLLARS (\$5,675.00)

Which is now available as a revenue from:

Miscellaneous Revenues:

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

NHTSA Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant \$ 5,675.00

BE IT FURTHER RESOLVED that the like sum of FIVE THOUSAND SIX HUNDRED SEVENTY FIVE AND 00/100 DOLLARS (\$5,675.00) be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS State and Federal Programs Off-Set by Revenues:

Alcohol Traffic Safety and Drunk Driving Prevention: Other Expenses \$ 5,675.00

BE IT FURTHER RESOLVED, that the Borough Clerk is directed forward two certified copies of this resolution to the Director of Local Government Services for approval.

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

23777

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Discussion - COAH RFP for Warren Avenue Property – Resolution was removed as the Borough Council was unable to review the RFP in advance of tonight's meeting. Mr. Lewis stated that one of the issues that came up dealt with ownership. He expressed concern over that especially if the developer were to go bankrupt and suggested a 99 year lease. That was the main issue he had and had forwarded his comments on to our COAH Attorney. Mayor Naughton questioned when we will receive comments back from Andy Bayer? Mr. Lewis advised probably later this week.

Public Discussion

Eleanor Twomey, Vroom Avenue questioned if there was money to pay off the notes. Mr. Lewis advised that we have been paying it down and that yes, there is money to pay it off.

Wayne Patterson, Sussex Avenue, stated that he was vacationing with two residents from Sea Girt. They are excited about the agreement with Spring Lake. They have pick up every week – they have that but we do not. They have a place to bring it after they collect it. Mayor Naughton advised that they do not bring their collected materials to us, we only accept what the residents drop off themselves.

Mr. Patterson then questioned the underground holding tank at the Borough Yard that was used for chlorine at one time, is that still in use? Mayor Naughton advised no, she just had a conversation with Frank Phillips on that and it needs to be filled. Mr. Lewis advised that his would be done by a separate contractor once the tower is taken down. It would probably be done by a local contractor.

Mr. Patterson then distributed a Resume he received for the position of Borough Administrator.

Lyle Marlowe, Pennsylvania Avenue, questioned the Resolutions and Ordinances, are they available to be picked up prior to the meeting? Ms. Gillespie advised that Ordinances are available once they have been introduced. Copies of Resolutions are available the day after adoption. Mr. Marlowe questioned why they were not available prior to. It is explained that there may be Resolutions on the Agenda that the Council never takes action on. Mr. Quinn explained that there are two Resolutions this evening that he asked be removed and they should not be public documents until they are moved by the Council. He questioned the approval of bills. He is advised that once the Council adopts the Resolution he is welcome to come in and pick up copies.

Dennis Kaloostian questioned if someone gets run over or backed into could the Borough be sued. He is advised yes. Mr. Kaloostian felt that the new system over this is a disaster. You now have to back out and people do not look when they are backing up. The system has changed over there and it is more difficult to dump. This year was a disaster there with Sea Girt. They did not have their stickers and felt that there should not be any other town utilizing our Reclamation Center. It runs beautifully without any additional town being there.

Kathleen McCusker questioned if anyone else has heard the rumors around town about the delinquency of our children an example would be the bridge. Mayor Naughton stated that we are not aware of who did the damage on the bridge. Ms. McCusker stated that she was told that they knew who did it but could do nothing about it. Mayor Naughton felt that that was not the case. Ms. McCusker felt that the whole town should be more cognizant of the Police or lack of Police presence. She mentioned the fact that the children are not using their helmets as required. Mayor Naughton advised that there are things being done about this. The Mountz School sends any child who arrives on a bicycle without a helmet back home and does not allow them to park their bicycle without it

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
SEPTEMBER 22, 2009

and their parents are notified. It is not perfect but they are taking it seriously. Our Police are not ignoring it. We have two officers on at a time and they cannot be everywhere. She felt that the parents have to also be responsible in making sure their children do not leave without a helmet.

Mr. Kaloostian stated that there are children jumping off of the Mercer Avenue bridge. When he mentioned it to a Borough worker, they said that they do that all of the time.

Ms. Twomey stated that she occasionally attends the Spring Lake Heights Council Meeting and at the beginning of the meeting they have available a copy of the Agenda and the Approval of Bills for the public to review. Mr. Colao stated that you can but it is not required. Mayor Naughton advised that she will take this under advisement.

EXECUTIVE SESSION

The public is advised that there may be action taken following Executive Session this evening.

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

R-09-210 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 beach maintenance application, Resolutions R-09-197 and R-09-198 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.

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: 9:01 P.M.

MEETING IS RECONVENED: 10:03 P.M.

There was no action taken following Executive Session.

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: 10:04 P.M.

Respectfully submitted,



JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: January 12, 2010