

MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 12, 2010

Mayor Naughton called the Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 P.M. with a moment of silent prayer and proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings Act and that adequate notice of the meeting has been published and posted per Chapter 231, P.L. 1975.

PRESENT: Mr. Fay, Mr. Quinn, Mr. Erbe, Mrs. Reilly, Mr. Rich, Mrs. Venables, Mayor Naughton
ABSENT: NONE

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

Approval of Minutes

Mrs. Reilly offered a motion to approve the minutes of September 22, 2009, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Mrs. Reilly offered a motion to approve the minutes of October 13, 2009, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Mrs. Reilly offered a motion to approve the minutes of October 27, 2009, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Proclamations, Presentations & Special Guests

Greater Spring Lake Chamber of Commerce – 2010 Events – George D’Amico

Mayor Naughton advised that George D’Amico, President of the Chamber of Commerce was present as a result of questions that were raised at the last meeting on their proposed list of 2010 Events. Mr. D’Amico stated that the schedule is similar to last year’s. They have dropped the flower show and have proposed an Irish Festival because of the success of the Italian Festival last year. If there is a problem it is addressed. The Italian Festival was a huge success. Several letters were read expressing gratitude for the event from local merchants. Copies of the letters are on file in the Borough Clerk’s Office. Mr. D’Amico also read letters supporting the Art Walk.

Mr. Quinn questioned what type of permission is being requested as part of the Art Walk? Mr. D'Amico explained that it is a deviation to the display Ordinance. Secondly no commerce is allowed on Third Avenue unless the Council approves it and that is the reason for the request. Mr. Quinn questioned if there are limitations as to the type of merchandise that can be sold on those days? What is being done as to setting rules and enforcing those rules? Mr. D'Amico explained the various forms of art and that the applications are screened by Terry Groark before being approved. Mr. Quinn questioned if the items for sale on that day are produced by the individuals who are selling them? Mrs. Groark, 422 Monmouth Avenue and owner of Artifacts advised yes, and they have signed a contract. Mr. Quinn stated that he did not feel that these types of events offered a license for more traditional artworks such as jewelry as he did not feel that this was art but would defer to her expertise. He felt that at a certain point the line was crossed to pure merchandise but is not in the position to make that judgment. He just wanted confirmation that it was not for the resale of items and with that assurance he can accept that.

Mrs. Venables stated that she would support the request. Mr. Rich stated after hearing that there is an application and screening process he is in favor of supporting it.

Mr. D'Amico felt that the Chamber is the least understood organization in town.

Mr. Quinn expressed his concern with the number of days these events are being held. He did not feel that the Irish Festival is the same type of event as a flower show. He felt that there is too much. He does not feel that the sidewalk sales are a benefit for Spring Lake. He felt that the events have been expanded substantially. He will not support the expansion of these events and that they are changing the character of Spring Lake. In good faith he will vote against these events just to be on record that we would be better served if we did not have as many sidewalks sales as proposed.

Eleanor Twomey, Vroom Avenue, questioned how successful the art shows in the park are and if we need both. She noted that there are two sidewalk sales for a total of four days. It is noted that one of the festivals is in the summer and she agreed with Mr. Quinn. She felt that during these types of events Third Avenue should be closed off for pedestrian safety from Madison to Passaic.

Mr. Rich questioned if a two day sale is as effective as a one day sale? Do people take advantage of that? Mr. D'Amico stated that some merchants do not choose to do the second day. The merchants need that hit of revenue and that is why they are scheduled when they are.

Bill Skuby, 1106 Third Avenue and owner of Skuby & Company and Skuby Blue questioned what Mr. Quinn would like to see on Third Avenue. Mr. Quinn stated that he has lived here for fifty years and does not want to see sidewalk sales. Mr. Skuby stated that the surrounding towns have the same events.

Mrs. Venables offered a motion to approve the following events as requested by the Chamber of Commerce and listed below, seconded by Mrs. Reilly.

2010 Spring Lake Chamber of Commerce Events Schedule

- Saturday & Sunday, May 29 & 30 – Spring Lake Race Day Sidewalk Sale
- Saturday, June 12 (rain date Sunday, June 13) – Irish Festival
- Saturday, July 3 (rain date Sunday, July 4) – Spring Lake July Fourth Holiday Celebration/Art Walk

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- Saturday & Sunday, August 21 & 22 – Spring Lake Summer Sidewalk Sale
- Saturday, September 4 (rain date Sunday, September 5) – Spring Lake Labor Day End of Summer Celebration/art Walk
- Saturday, October 9 (rain date Sunday, October 10) – Spring Lake Columbus Day Italian Festival/Art Walk
- Sunday, October 24 – Spring Lake “Oktoberfest”
- Saturday, November 27 – Spring Lake Holiday/Christmas Kick-off
Hayrides, Santa’s Workshop, Clayton Livery Miniature, Train Spectacular

ROLL CALL:

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

NAYS: Mr. Quinn

ABSENT: NONE

ABSTAIN: NONE

Council Comments & Staff Reports

Mayor Naughton reported on the following items:

- Emergency Management – She received an Emergency Management Summary. The report is on file in the Borough Clerk’s Office and addresses the issues. She stated that Mr. Mullen takes his role as Emergency Management Coordinator seriously and we are lucky to have him.
- Draft Agreement – Wreck Pond – She has received a draft agreement from Turner Shell on the creation of the group which includes Spring Lake, Spring Lake Heights, Sea Girt and Wall with respect to the issues we face with Wreck Pond. She has forwarded the agreement to Borough Attorney Colao for his review. She wants to be sure that our interests are protected. It is a first draft and an attempt to gather the input from the four towns giving each an equal say in addressing the problems.
- Monmouth County Freeholders Meeting – April 22, 2010 – The Monmouth County Freeholders will be hosting their April 22, 2010 meeting here in Spring Lake and it begins at 7:00 p.m.. She hoped that the residents of Spring Lake would come out.
- S.R.O. Officer – Manasquan High School – She attended a meeting at Manasquan High School last week as they would like to place a Resource Officer into the High School to form relationships with some of the teenagers there and try to avoid some of the problems which have plagued some of the students who attend the High school. There was a discussion where that money belongs. Other alternatives were also discussed to try and reduce the cost. There was some progress but far from Resolution. They are looking for someone who can try and head some of the issues off. Wall Township has had tremendous success with their officer. There has been a lot of discussion as to who should pay for this. Discussion on qualifications which would be needed. Any contribution would be fluid based on the amount of students attending the High School. Concerns were raised with respect to utilizing a full-time police officer due to the benefits which are associated with that. Discussion of the need to have someone with a background in psychology and young enough to be able to communicate with the children.
- Breakfast with the Mayor – An informal meeting will be held on January 30th for those who cannot attend regular meetings or do not like to speak at a public meeting. At the last meeting there were some good points raised that she was able to address. It will be from 9:00 – 10:30 a.m. here at Borough Hall.

- North End Pool & Pavilion – A meeting was held with Wallover Associates which was attended by Peter Avakian, Frank Phillips, Susan Schreck, Bryan Dempsey, Mr. Quinn and Mr. Fay who brought everyone up to date as to what has transpired over the last year. Copies of those plans have been distributed to each councilmember. She felt that there are some things that can be tweaked on the plan but are looking to find out if we want them to move forward with the plan. She stated that she does not need an answer this evening but we will need an answer soon. She asked Bryan to contact our Bond Counsel to find out the impact so that the Borough Council can make an informed decision. Mr. Dempsey explained that he has a meeting set up later this week with Bond Counsel and the Auditor to come up with a proposal and determine how it will impact the Borough. The Mayor stated that she would also like to schedule a special meeting outside of a regular Council meeting to discuss this. She would like to get a sense from the Council where we are with this project.

Mr. Quinn stated that he has been involved with this for a long time. He raised some concerns with having to demolish a historic structure to move forward with the project. He does not want to be on the Council that tears that building down. Beyond that, he felt that the Council would be hard pressed to meet the \$5 million budget; the original came in at \$6.3 million. At the initial estimates we are above the \$5 million and felt that there are other priorities in town. He stated that with the recent storm in town, there are concerns with Wreck Pond and the worry of revisiting October of 2005. The Borough has the need to address the Wreck Pond situation. This will entail a substantial expenditure of money. Finally, he felt that one of the most important points is a consensus from the Borough has not been obtained to go forward. Some have said why can't we just fix it. We can replace the decking and plumbing around the pool and buy another ten years. He felt that we should just thank Mr. Wallover for the work he has done and look at other alternatives.

Mrs. Venables felt that having come this far to this degree it is worth looking into. We have had professionals tell us that renovations could not be guaranteed and that the price could not be guaranteed because once started you do not know what you will get into and she would not want to be a part of Council that did that. She stated that when she was campaigning people asked when something was going to be done with that facility. She felt that it was incumbent upon this Council to do something. She felt that the first plan was too elaborate and evolved backwards to a more reasonable plan. It may be the majority opinion to not go forward with this plan but felt that this plan needs to be discussed with the residents at a public meeting as suggested by the Mayor.

Mrs. Reilly stated that she agreed with Mrs. Venables and has done her own informal survey with residents and found the same thing. That the residents do not want to see more money spent for something that is not going to last. She felt we owe it to the public, the users, and the residents to investigate this plan and the financing and then make a decision.

Mr. Rich agreed that an 82 year building has probably lived out its useful life but felt that we have to be careful. He felt that Government is good at spending money. Do we take the plans this year or wait and see if the economic climate is better next year. He has asked people about the pool and received mixed thoughts. He stated that he does not use the pool and felt that this is a difficult year to put this type of project up. He is a little bit leery on the financial side.

Mrs. Venables felt that before it is ruled out on the financial side, we need to explore how to pay for it. There has been discussion of selling some property we have that we could use to off-set the cost of this type of project. Mrs. Reilly agreed that we do not have all of the financial information. Mrs. Venables felt that the residents rely upon us to do this. Mrs. Reilly stated that the historic portions of the building can be reused. It was also noted that if more than 50% of the building is renovated, we must comply with ADA requirements. She felt that it is premature to pull out now and is not fair to kick the can down the road to another Council.

Mr. Quinn noted that there is a plan to repair the facility that was prepared in 2006 which he has given to the Borough Engineer and is an alternative. He felt that many of the issues could be addressed this way. He felt that it would be irresponsible to not look at the health and safety issues we are faced with at Wreck Pond and put money into this proposal for the North End Pool. He does not feel that user fees will be able to fund the improvements. There is an alternative. We can fix and repair the structure in stages. He stated that the conditions at the North End Pavilion are not as bad now as they were in 2006. Mayor Naughton felt that they are worse.

Mrs. Reilly stated that we do not know if the user fees are going to be able to pay for the improvements. We do not know what financial resources we need. She noted that the problem with Wreck Pond has been going on for years and we have been looking into various ways of remediation and to say that we haven't is a misrepresentation. She felt that the Council has to look at all of the information and then make an informed decision.

Mayor Naughton felt that we do not have to concentrate on just one item. She stated that she has been involved with Wreck Pond. She saw the proposal for the deluge pumps and forwarded it to the County for their evaluation. She is very much aware of what needs to be done.

Mr. Erbe felt that the building is in terrible shape. He understands that with Wreck Pond we have some serious problems there. We cannot put that on hold but that does not mean that we cannot proceed with another project.

Mr. Quinn stated that he has brought up four issues. He talked about the cost; he felt that it is going to be impossible to keep to the budgeted amount. Secondly, we are talking about demolishing a historic structure; he never bought into that and cannot buy into it. Thirdly, there is no consensus as to what we want. We do not know what the users want. We talked about having surveys but we have not been able to actually put that together. That is why he is against authorizing any additional funds to Wallover.

Mrs. Venables noted that the proposed plan is very close to what exists today.

Mr. Quinn noted that we will not be able to replace all of the lockers with the Wallover plan. We are going to spend \$5.5 million and go back to the users and tell them they cannot have their locker, do we know that this is what they want. Mr. Quinn stated that ultimately it will take four votes from Council to bond this and he will not vote for it.

Discussion on presenting the proposed plan to the public and the means in which to do it.

Mr. Erbe felt that we should gather more information from our Bond Counsel and Auditor before making any decision.

Mr. Fay stated that he did attend the meeting on Friday with Wallover and felt that it was an excellent presentation, a beautiful facility. His opinion is more in line with Mr. Quinn and

doesn't know if he wants to be part of the Council that knocks down that historic building. If there is a way to support that building out of revenue and we do not lose the use for a year he may be open for more information. He likes it the way it is. He stated that when he campaigned he heard the concerns of his supporters on this who had a different opinion.

Mayor Naughton stated that the costs from the report from 2006 would have to be revisited. Even if you do something in stages, if you do more than 50%, you are subject to the ADA requirements. Her concern is when you touch an old building you do not know what you are going to get into. What happens when you open the walls? She deferred to Mr. Avakian. She stated that we have a plan, it may not be a perfect plan and it still may be able to be revised significantly.

Mr. Avakian stated that Mr. Wallover was unable to evaluate the foundation which is his biggest concern.

Mr. Rich stated that his concern is economics. He is not sure we want to embark on something like this when people are struggling.

Mayor Naughton stated that there is always a reason not to do the project. She stated that you can also look at it that the bidding climate may be better as there are more people looking for work. She questioned what happens if there is a problem during the summer with the pool. She is interested in finding out how we can finance this. She felt that we have to at least see if we can do something down there and does not feel that a patch job is the way to go.

Mrs. Venables stated that the original structure was not what is there now. It was a wooden structure. It is incumbent upon Council to make that decision.

Discussion on the engagement of T&M with respect to their report from 2006 and the Wallover proposal.

Mr. Erbe would like to see the financial information that Mr. Dempsey is going to obtain. He would like to see the numbers brought out and made clear to everyone. Mayor Naughton stated that she would like to see the numbers before a public meeting is scheduled.

Helen Motzenbecker, Glenwood Road, stated that the North End Pavilion is the pits now. She stated that we live in such a lovely town but two disgusting pool structures. She felt that the North End is a dangerous situation. She stated that this town does not spend money but is going to have to bite the bullet or just take the pavilion down.

Eleanor Twomey, Vroom Avenue, talked about the T&M proposals and the fact that we were buying pump after pump which is an example of poor engineering. She stated that people do want to see the pavilion repaired and want to see the south end completed. She doesn't feel that we need all of the activity pools.

Cathleen McCusker, Ludlow Avenue, suggested that there could be three alternatives presented. The choices being repair, replacement or replacement with old materials. She felt that the need of the residents should be looked at more carefully. Not all of the users are residents.

Mrs. Motzenbecker stated that since approvals will be needed, perhaps we would be able to see what the residents would do without the pool if they were forced to just use the south end pool.

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Mr. Quinn stated that there was unfinished business from the reorganization meeting. There were not members to the COAH committee appointed. Mayor Naughton questioned the need and if they met last year. Mr. Quinn advised yet via email. He stated that there is an Ordinance that provides for the appointment. He felt it is important to keep this Committee active. He stated that he had repeatedly asked that meetings be set but it was not done by the previous Administrator. He felt that this Committee needs to be staffed pursuant to the Ordinance. Mayor Naughton stated that we were relying heavy on our professionals and she questioned the need for the Committee. He felt that this committee is important and plays an important role and is disappointed that it was cut out of the process last year.

Mrs. Venables felt that the professionals were needed and that is why they were used.

Mr. Quinn stated that once the mediation is completed, the Borough will have to make major decisions and will benefit from the advice from such a committee and the State Statutes provide for such a committee. He asked that the members be reappointed. Mayor Naughton asked how the result of any meeting is given to the Mayor and Council?

Discussion on the difference between the mediation group and the committee that was to be appointed. They are two different groups with two different purposes.

Mr. Quinn stated that it has been the practice of the Borough to appoint the Borough Auditor. Mayor Naughton stated that she was waiting for the Borough Administrator to come on board and give a recommendation. Mr. Quinn stated that Mr. Hulsart has assisted this Borough over the last several years with reducing its debt and has done an extraordinary job for the Borough. He also brought to the Borough's attention that the COAH fees were not being properly collected. Mr. Hulsart is an asset to the Borough of Spring Lake. Mr. Erbe stated that there are Personnel issues that arise here and that this should not be discussed further.

Mr. Erbe stated that the April 11th event is going to be tabled.

Mr. Rich stated that we have some money for some street work. In discussions with the Borough Administrator, they are going to put a list together of streets for a road program so that other roads can be rehabilitated.

Public Comments

Eleanor Twomey, Vroom Avenue, questioned why the COAH house is not being built? Mayor Naughton explained that we put out an RFP and that we received two proposals and that they are currently being reviewed by the Borough professionals. A recommendation is expected shortly. It is not a money issue, it is based on the proposal.

Engineer's Report

Mr. Avakian advised that he will be meeting with Mr. Dempsey later this week and discussing the status of the various projects in the Borough including the roadway improvement programs and completion of the railroad station restoration project.

Administrator's Report

Mr. Dempsey advised that he had nothing to report this evening.

Ordinances for Introduction – None

Ordinances for Adoption – None

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Consent Agenda

Mr. Quinn requested that Resolutions R-10-009 and R-10-010 be removed from the consent agenda.

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

**R-10-007 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #01-2010 – SPRING LAKE SEA GIRL LITTLE LEAGUE - ON PREMISE RAFFLE**

WHEREAS, the SPRING LAKE SEA GIRL LITTLE LEAGUE has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #01-2010, 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#01-2010 be and the same is hereby approved as follows:

NAME: SPRING LAKE SEA GIRL LITTLE LEAGUE **Identification No.:** 447-5-25698
LOCATION: The Breakers
1507 Ocean Avenue, Spring Lake, NJ 07762
DATE: January 29, 2010 7:00 – 11:00 P.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-10-008 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA #02-2010 – SPRING LAKE SEA GIRL LITTLE LEAGUE – ON PREMISE 50/50**

WHEREAS, the SPRING LAKE SEA GIRL LITTLE LEAGUE has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA #02-2010, 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#02-2010 be and the same is hereby approved as follows:

NAME: SPRING LAKE SEA GIRL LITTLE LEAGUE **Identification No.:** 447-5-25698
LOCATION: The Breakers
1507 Ocean Avenue, Spring Lake, NJ 07762
DATE: January 29, 2010 7:00 – 11:00 P.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-10-011 RESOLUTION - ESTABLISH INTEREST RATES ON DELINQUENT TAXES

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the eight percent (8%) and eighteen percent (18%) over \$1,500.00 be established as the legal percentage rates on all delinquent taxes.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-10-012 RESOLUTION - ESTABLISH END OF YEAR PENALTY ON DELINQUENT TAXES IN EXCESS OF \$10,000

WHEREAS, N.J.S.A.54:4-67 has been amended to allow a year-end penalty of 6% on a delinquency in excess of \$10,000.00.

NOW, THEREFORE, **BE IT RESOLVED** by the Mayor and Council of the Borough of Spring Lake that the Tax Collector is hereby authorized to charge a 6% penalty if a delinquency is in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-10-013 RESOLUTION – DESIGNATING OFFICIAL NEWSPAPERS FOR 2010

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Asbury Park Press, The Coast Star and The Star Ledger be and are hereby designated as the official newspapers of the Borough of Spring Lake.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTIONS

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

R-10-009 RESOLUTION – DESIGNATING DEPOSITORIES FOR 2010

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Chase Bank, Bank of America, Ocean First Bank and PNC Bank be and here hereby designated as depositories for the Borough of Spring Lake serving as follows:

Spring Lake Recreation, Spring Lake Trust and NJ State Unemployment Trust Account in Chase Bank, Spring Lake;

Tax Account, Tax Capital, Payroll Account, Marriage License Trust Account, Dog License Account, and Spring Lake Police Law Enforcement Trust Account, Monmouth Avenue Trust Account, Water-Sewer, Water-Sewer Capital, Spring Lake COAH Account, Unemployment Trust Account in the Ocean First Bank, Spring Lake Heights;

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Planning Board Escrow Accounts and Jumbo CD Maintenance Account in Bank of America, Belmar

BE IT FURTHER RESOLVED that the Mayor and Council reserve the right to change the location of said accounts as a result of the intent to consolidate all banking services into one or more institutions.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Quinn

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

R-10-010 RESOLUTION – APPROVING CASH MANAGEMENT PLAN FOR 2010

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, that for the year 2010, the following shall serve as the cash management plan of the Borough of Spring Lake. The Chief Financial Officer is directed to use this Cash Management Plan as the guide in depositing and investing the Borough of Spring Lake's funds.

The following are suitable and authorized investments:

- Interest-bearing bank accounts and certificates of deposit in authorized banks, listed below, for deposit of local unit funds.
- Government money market mutual funds as comply with N.J.S.A. 40A:5-15.1(e).
- Local government investment pools which comply with N.J.S.A. 40A:5-15.1(e) and conditions set by the Division of Local Government Services.
- New Jersey State Cash Management Fund.
- Repurchase agreements (repos) or fully collateralized securities that comply with N.J.S.A. 40A:5-15.1(a).

Each month, the Chief Financial Officer shall prepare a schedule of investments purchased and redeemed, investment earnings, fees incurred and market value of all investments.

The following Government Unit Depository Protection Act approved banks are authorized depositories for the deposit of funds:

Bank of America, Belmar
Chase Bank, Spring Lake
Manasquan Savings Bank, Manasquan
Provident Savings Bank, Manasquan
Wachovia Bank, Spring Lake
Trust Company Bank, Sea Girt
Central Jersey Bank, Spring Lake Heights
Ocean First Bank, Spring Lake Heights
TD Bank, Wall Township
Trust Company Bank, Sea Girt

The CFO shall report to the Governing Body any account that does not earn interest.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Quinn

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

R-10-014 RESOLUTION – AMENDING MEETING FORMAT

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Agenda for the regular meetings be as follows:

1. Call to Order
 - A. Meeting Opened by Mayor
 - B. Open Public Meetings Act Notice

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- C. Roll Call
- 2. Workshop Discussion (If necessary)
- 3. Approval of Minutes
- 4. Proclamations, Presentations & Special Guests
- 5. Public Comments
- 6. Council Comments & Staff Reports
- 7. Business Items Under Consideration
- 8. Ordinances for Introduction
- 9. Ordinances for Adoption
- 10. Consent Agenda
- 11. Resolutions
- 12. Public Comments
- 13. Executive Session (If necessary)
- 14. Adjournment

The foregoing Resolution is in Accordance with the applicable provisions of the "Open Public Meetings Act," approved October 21, 1975, per Chapter 231, P.L. 1975.

ROLL CALL:

AYES: Mr. Fay, Mr. Quinn, Mr. Erbe, Mrs. Reilly, Mr. Rich, Mrs. Venables
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

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

R-10-015 RESOLUTION – APPOINTMENT OF ASSISTANT TREASURER

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that that Frances Florentine is hereby appointed as Assistant Treasurer for the year 2010.

ROLL CALL:

AYES: Mr. Fay, Mr. Quinn, Mr. Erbe, Mrs. Reilly, Mr. Rich, Mrs. Venables
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

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

R-10-016 RESOLUTION – APPOINTMENTS – MUNICIPAL COURT

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that that the following are appointed as Municipal Court Personnel for the Borough of Spring Lake:

- | | |
|-----------------------|--------------------------------|
| Anna M. Kuntz | Municipal Court Administrator |
| Michelle Abbott | Deputy Court Administrator |
| Colin Quinn, Esq. | Municipal Prosecutor |
| James D. Carton, Esq. | Alternate Municipal Prosecutor |
| Charles Shaw, Esq. | Public Defender |

ROLL CALL:

AYES: Mr. Fay, Mr. Erbe, Mrs. Reilly, Mr. Rich, Mrs. Venables
NAYS: NONE
ABSENT: NONE
ABSTAIN: Mr. Quinn

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

R-10-017 RESOLUTION – RENEWAL OF CERTAIN PLENARY SEASONAL LIQUOR LICENSE FOR THE YEAR 2009 – SARKAR T/A GRAND VICTORIAN

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WHEREAS, the holder of certain seasonal liquor licenses set forth below has applied for renewal of their license and which application for renewal have been found to be complete in all aspects, and

WHEREAS, the applicant filed a verified petition to permit the Governing Body to consider renewal of the license given its inactive status and that petition having been granted pursuant to a Special Ruling from the Director of the Division of Alcoholic Beverage Control dated December 17, 2009.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following seasonal retail consumption license be renewed for the seasonal period expiring November 14, 2009:

<u>NAME</u>	<u>LICENSE NUMBER</u>	<u>ANNUAL FEE</u>	<u>LOCATION</u>
George A. Sarkar & Angele A. Sarkar	1348-34-007-004	\$1,342.00	Grand Victorian

BE IT FURTHER RESOLVED, that said renewal is contingent upon the following Special Conditions:

1. A permanent standing bar is hereby prohibited.
2. The Grand Victorian Hotel is restricted to having only a service bar in order to provide alcoholic beverages to guests that are dining in its restaurant, utilizing its party rooms, or receiving room service while staying in the hotel. All other sales, service, delivery or consumption of alcoholic beverages is prohibited.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-10-018 RESOLUTION – RESOLUTION AUTHORIZING FINAL PAYMENT AND CHANGE ORDER NO. 2 - INCREASING CONTRACT #03-2008 FOR 2008 ROAD IMPROVEMENT PROGRAM BY \$12,071.67 AND RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND POSTED BY FERNANDES CONSTRUCTION

WHEREAS, a contract #03-2008 for the 2008 Road Improvement Program was awarded on December 9, 2008 to Fernandes Construction in the amount of \$278,758.00, and

WHEREAS, Final Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #2 which increases the contract in the amount of \$12,071.67 for a total contract in the amount of \$318,402.17; and

WHEREAS, the Engineer has recommended that the Performance Bond be released as a Maintenance Bond has been posted in accordance with said contract.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 2 increasing Contract #03-2008 for the 2008 Road Improvement Program in the amount of \$12,071.67 for a total contract in the amount of \$318,402.17 is hereby authorized for the above contract awarded to Fernandes Construction and that the Performance Bond being held by the Borough be and the same is hereby released and that final payment in accordance with the contract documents be made.

I, Susan M. Schreck, Chief Financial Officer of the Borough of Spring Lake do hereby that funds are available from: Ordinance 2005-45 in the amount of \$12,071.67.

/s/ SUSAN M. SCHRECK, CHIEF FINANCIAL OFFICER

Mr. Avakian explained that this is the final change order and was the result of a change of quantities as directed by the former Borough Administrator for additional work that needed to be completed. It was previously discussed with the Borough Council.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-10-019 RESOLUTION – SUPPORTING PARTICIPATION IN SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Spring Lake strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Spring Lake hereby acknowledges that the residents of Spring Lake desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Borough of Spring Lake wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Spring Lake is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Borough of Spring Lake, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within the Borough of Spring Lake on matters of sustainability, the Mayor and Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that we do hereby authorize Councilwoman Priscilla Reilly serve as the Borough of Spring Lake's agent for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf of the Borough of Spring Lake.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-10-020 RESOLUTION – APPROVAL OF BILLS – JANUARY 12, 2010

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 12, 2010, 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.

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	<u>SUMMARY</u>	
CURRENT FUND (1)		434,102.68
GENERAL CAPITAL (4)		56,455.50
WATER/SEWER OPERATING (9)		246,151.21
DOG TRUST (13)		1.20
SPRING LAKE TRUST (15)		712.50
MT LAUREL TRUST (16)		2,402.50
MARRIAGE TRUST (19)		100.00
RECREATION (25)		1,952.56
BEACH OPERATING (81)		94,664.53
POOL OPERATING (91)		17,448.24
TOTAL		\$853,990.92

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Business Items Under Consideration

Event Applications for 2010

Belmar & Lake Como St. Patrick's Day Parade – March 7, 2010 -

Mrs. Reilly offered a motion to approve the request, seconded by Mrs. Venables. Unanimously approved.

Family of Dr. Patrick Dwyer – Prostate Cancer Run/Walk – April 11, 2010 -

This request has been removed from the agenda.

Jersey Shore Running Club/Special Olympics NJ – April 17, 2010 -

Mrs. Reilly offered a motion to approve the request, seconded by Mrs. Venables. Unanimously approved.

National MS Society - Walk – April 18, 2010 -

Mrs. Reilly offered a motion to approve the request, seconded by Mrs. Venables. Unanimously approved.

National MS Society – “Coast to Coast” Bike – May 22 and 23, 2010 -

This request has been removed from the agenda and may be considered as part of a future agenda.

Clean Ocean Action – 2010 Beach Sweeps – April 24th & October 23rd -

Mr. Erbe offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Public Comments

Ms. Twomey questioned the status of the sump pump situation? She is advised that it is being worked on by the new Borough Administrator. Ms. Twomey stated that she was concerned with all of the ice patches.

Lyle Marlowe, Pennsylvania Avenue questioned if it included discharge from the gutters? He felt that it should go into the storm sewers. Mr. Dempsey stated that with new construction, it is required to go into a pit.

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Executive Session

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

R-10-021 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: Personnel – Police Department.

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. Fay, Mr. Quinn, Mr. Erbe, Mrs. Reilly, Mr. Rich, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 9:12 P.M.

MEETING IS RECONVENED AT: 9:15 P.M.

Mr. Quinn offered a motion to adjourn, seconded by Mr. Fitzgerald.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT: 9:21 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: March 30, 2010