

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. Quinn, Mrs. Reilly, Mr. Rich, Mrs. Venables, Mayor Naughton

ABSENT: Mr. Fay, Mr. Erbe (Arrived at 7:20 P.M.)

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

Workshop Discussion

Board of Health Request – Increase in Fees - Mayor Naughton stated that Mr. Fay could not attend this evening unexpectedly and he has information regarding the Board of Health fees. She advised that this matter would be carried to the next meeting.

Senate Bill 458 – Discussion on Resolution Opposing Adoption of S458 - Mayor Naughton stated that there is a proposed Resolution to oppose the consolidation of the Tax Collector and Tax Assessor roles to the County level however she did not know how the rest of the Council felt about this resolution.

Mrs. Venables does not support this. The Borough benefits from having our own Municipal Tax Assessor and Tax Collector, it is another diminishing of home rule and the trend does not seem like it would benefit the Borough right now.

Mrs. Reilly agrees with Mrs. Venables that this is diminishing our authority and things should be kept the way they are.

Mr. Rich agreed. Things are done better when they are done locally.

Mr. Quinn stated that he planned to vote in favor of the Resolution.

Approval of Minutes

Mrs. Reilly offered a motion to approve the minutes of January 1, 2010, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Erbe

ABSTAIN: NONE

Proclamations, Presentations, & Special Guests

Mayor Naughton read the following proclamations:

Proclamation – ARC Awareness Month – March 2010

Proclamation – Read Across America – March 2, 2010

Public Comments - NONE**Mayor's Report**

Mayor Naughton reported on the following items:

- **Snow Removal** – She thanked the Department of Public Works staff who did an outstanding job over the weekend clearing the roads. There was a lot of snow in a short period of time but by Sunday morning the roads in town were perfect. The Borough was fortunate no one was injured and there was no damaged equipment because they are gearing up to do the same thing tonight into tomorrow. The residents were also extremely cooperative in terms of keeping their cars off the street. A Code Red Reverse 911 is done requesting residents to keep their vehicles off the streets so the Department of Public Works can plow. Frank Phillips said that the residents were very cooperative.
- **Census 2010**- She announced that Census 2010 is coming. In the next three or four weeks there will be census forms sent to your homes. They are easily filled out and need to be sent back. There will be a box of information at the Library and Borough Hall. From April through July census takers will visit households that did not return the form by mail so it is best to return the form by mail.

Council Comments & Staff Reports

Mrs. Reilly reported on the Green Team meeting last Tuesday. They discussed the rain gardens. At the next Council Meeting both St. Catharine's School and H.W. Mountz School will be coming to give a short presentation about the rain gardens. The children have learned a lot and are excited to come in to give a presentation with both of the science teachers from the respective schools. Also discussed was how to enhance recycling efforts in the schools. For instance, currently in both St. Catharine's and H.W. Mountz in the cafeteria they have a company that delivers lunches. The food is served on Styrofoam and is one of the things they are going to start looking at for the next school year. There will be a concerted effort by the children in both schools to look towards more recyclable types of items they can utilize for lunch.

Borough Engineer's Report

Mr. Avakian reported that this is the time of year to position ourselves for spring and summer projects. We are working with Mr. Dempsey developing our Roadway Improvement Plans, Marucci Park plans with the grant, and the final phase of the Railroad Station project. We are going to meet with the DEP Stormwater Management Coordinator because Wreck Pond had higher levels of bacteria that have been read in the waters both in Wreck Pond and some drains discharged into Wreck Pond. Hopefully we can use the data that they have procured to assist us in identifying the source because we have done all of the analysis that we can do on a Municipal level.

Mayor Naughton asked if the road projects will be done before the Spring.

Mr. Avakian stated that Second Avenue has been approved by the State. We have the funding in place and basically have completed the design. As for First Avenue, we cannot move forward yet because we have not received the grant documents. If we were to put these two projects together as we have talked about, he did not think there is enough time to add First Avenue to Second Avenue and get it done, certainly not before the race, since it is on the course. Either we could just move ahead with Second Avenue or cost wise it may be better to merge them and then wait until either late Summer or Fall. It would work really well if some of the utility

work could get done so that the trenches would stabilize over the Summer then finish with curbing and paving in the Fall so we do not have very disruptive type of construction over the summer months.

Mayor Naughton asked if Mr. Avakian knew when we may get the Grant documents from the state. Mr. Avakian answered the beginning of February.

Borough Attorney's Report

Mr. Colao reported that he has one Executive Session item regarding COAH Mediation and Mr. Dempsey has an item for Personnel.

Borough Administrator's Report

Mr. Dempsey reported on the following items:

- **Code Red Reverse 911** – Mr. Dempsey stated that we use Code Red Reverse 911 to notify people to remove their cars. Some people did not receive the message because they were not signed up. If anyone is not signed up for this please encourage them to go onto our website and log on to that so they will receive the notification. This is very beneficial to the Department of Public Works for the cars to be removed.
- **CAFRA Submission** – The last report that he received stated that they want to come out and do an inspection of the beach elevation. This should be sometime in the next two weeks depending on the snow.
- **Housing Rehabilitation Program** – We need an agent to administer our Housing Rehabilitation Program, two proposals were submitted and he will circulate them to the Mayor and Council and the COAH committee.
- **Meeting at Rutgers** – He attended a meeting yesterday with Senator Lautenberg and Senator Menendez at Rutgers University regarding appropriations and how you submit items. One thing that could be looked into is possible funding for Wreck Pond. The County was also at the meeting. He is going to speak with them to see if they can do something to get an appropriation for that.
- **Public Officials Liability** – He thanked the Mayor and Council for signing up to attend.
- **Zoning Officers Report** – Copies were placed in the Council mailboxes. He hopes that it meets your needs. If there is something missing from the report that you would like to see let him know and he will speak with Mr. Zahorsky and it can be included. Hopefully that gives you some kind of substance to know what is going on around town. This will be a monthly report.
- **Road Moratorium** - He looked through our Ordinance and we do not have a moratorium on opening recently resurfaced roads. The Gas Company recently wanted to place a new main down a road that was repaved within the last five years. There is nothing in our Ordinance that says that they cannot do that. He is going to get something drafted quickly so we have it.

Mr. Avakian noted that during the design phase, they notice the utility companies so that if they have upgrades to make they have to do them right away. The projects used to have a five year moratorium built in with the grant agreements however the State took that out so now it is the responsibility of the municipalities. If the municipality does not have a moratorium it is very difficult to stop a utility company from putting in a simple service for a resident that they may deem an emergency, which really is not.

- **Resignation on Library Board** – Mildred Marucci retired after approximately forty-five years. He suggested doing a proclamation or resolution for her.
- **Consumption Liquor Licenses** – He received a phone call from an individual who owns a Consumption Liquor License with respect to the sale of beverages on Sunday. He stated that if someone has a restaurant they cannot serve mimosas or similar breakfast drinks containing alcohol

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until after 12 noon. He asked the Council to consider amending the Ordinance so that if someone wanted to have a drink earlier they can.

- **MS Bike Tour** – Chief Dawson spoke with their representative and they are going to send in a new submission. They have worked out a new route which should be better.
- **Lake Management** – We went out for proposals for lake management. Every year we have a company that does the treatment of the lakes. We wanted to see if there was a cheaper company. Spring Lake Heights recently switched to a company from North Jersey. They came and gave us a quote but the company we currently use is half the cost so we will stay with the existing company.
- **COAH** – There is currently a ninety (90) day stay of any action. The actual executive order was emailed to COAH Counsel. We will have to wait and see what happens.
- **457 Plans** – There are a few companies out there that provide the plans which is a retirement plan for the employees. we currently only deal with one, Nationwide, which is probably the original one. AXA Equitable and MetLife would like to provide their services as well. It does not cost the Borough anything; it comes out of employees pay as a deduction. He would like to place these Resolutions on a future Agenda for approval.

Public Comments

Eleanor Twomey, 108 Vroom Avenue asked if there is any way to find out, without going into the details about any potential litigation, what the status of COAH is with respect to our town. Mr. Colao stated that basically there is a ninety day stay on the proceedings going on. For right now we are not doing anything for ninety days.

7:20 p.m. – Mr. Erbe arrived.

Wayne Patterson, 316 Sussex Avenue stated that some southern counties have been declared disaster areas because of the storm in December; he wanted to know since Ocean County neighbors Monmouth County and received similar amount of snow would the declaration give us the opportunity to access funds for overtime and snow plowing. Mr. Dempsey stated yes it would, however the State would have to declare Monmouth County a disaster area.

Jim Mullen stated that Monmouth County did ask us to submit unusual costs for our municipality, which we did. Every municipality submitted unusual costs from the December storm and when the decision was made which counties would receive funds; Monmouth County was not one of them.

Mayor Naughton thanked Mr. Mullen for his reports and all of his work, it is greatly appreciated.

Eleanor Twomey stated that she is appalled at the number of port-a-johns on construction sites that are located practically on the sidewalk and tilted on these construction sites. Some of them start out very nice and then there are trucks and other things. Mayor Naughton explained that she will contact Steve Roe, Code Enforcement Officer. He is aware of the construction sites and is very responsive. He will take a look and also is very good about notices of violation. It will be taken care of. What typically happens is that they will be given a notice of violation, which gives notice to the homeowner or contractor to address the violation. If they do not address the violation they will receive a summons.

Mr. Dempsey explained that he reached out to T&M with respect to their 2005 report. They have submitted a proposal to revise the existing report. They would take the report and review the conditions as they are today, come back and give you a report and a cost estimate of what

is there based on the 2005 report. If it is something the Council is interested in, they can start it and have advised that it is about a five day turn around. It is something to consider, they broke it out, for a preview, the report, and a Council meeting would be \$5,100 and \$3,900 for the report.

Business Items Under Consideration

Spring Lake Shakespeare in the Park – 2010 Season Request - Mr. Reilly made a motion to approve request for 2010 Shakespeare in the Park, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Mayor Naughton stated that Shakespeare in the Park will be Thursday July 29th, Friday July 30th, and Saturday July 31st; the same thing again August 5th, 6th, and 7th. There may be rain dates on those Sundays depending on the weather. It is always a great and event and she is glad that they will be here again.

Request for Refund of Application Fees – Richard Nabb – 208 Morris Avenue - Mr. Dempsey explained that this individual came in with a Planning Board application. They are in a commercial zone with residential property and they wanted to do an addition. Under the Borough Ordinance, it would require them to apply for a use variance; the individual came and paid the escrow fee and the application fees and then went home that day and decided not to move forward with the addition. Two or three days later they came and requested a withdrawal of the application and refund of the fees. Normally they would receive back the escrow fees, the Borough Ordinance states that the application fees are not to be returned they are the Borough's to keep. In this situation he thinks that this is not the proper thing to do since there was no work done at all other than put his name on a file. The right thing to do would be to refund the application fee of \$1,750.00. It cannot just be done administratively.

Mayor Naughton stated that for whatever reason we had been refunding fees even as the application moved further along. There was a discussion with the Planning Board about returning fees after a reasonable amount of time, depending on the period of would depend on the refund. During that discussion there was a proposal that was going to go back to the Planning Board, Mr. Colao indicated to us that he looked at the Ordinance and there already is an Ordinance that states that the Borough will not refund any fees and so it was left that way. Mayor Naughton agrees with Mr. Dempsey in this situation, within three days no work could have been done in regards to this application and perhaps we can modify how things are done.

Mr. Dempsey stated even if it can be done administratively once the process is started they should not be able to receive the application fee back. Mayor Naughton asked if Mr. Dempsey needs anything from the Borough.

Ms. Gillespie explained that there should be a Resolution refunding the application fee since the Borough Ordinance states that refunds are not permitted.

Mr. Dempsey suggested that the Borough take a look at the Ordinance and give someone the authority to do this in these kinds of situations.

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Mr. Colao explained there is going to be a line that has to be drawn which will be difficult. In terms of when a refund happens and why it happens, it will be difficult to determine when a refund should be given, that can be looked into. The issue he has now is that there will be something on the books which is contradictory.

Mr. Quinn asked if the Borough gives notice that the funds will not be returned.

Mr. Dempsey explained that yes it is the Ordinance that states the no refund policy however, when the applicant comes in and pays the application fees, he does not know that the applicant understands that if they change their mind that they will not receive the application fees back. Especially in this situation it is a substantial amount of money and they changed their mind in just a few days. He will send Susan Schreck, Chief Financial Officer a memo stating that it is okay to release their application fees and maybe the process can be change to say after such a date the application fees will not be refunded and add that into the application.

Ordinances for Introduction – NONE

Ordinances for Adoption - NONE

Consent Agenda

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

R-10-030 RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION
RA#05-2010 – WOMAN’S CLUB OF SPRING LAKE, INC. – ON PREMISE 50/50

WHEREAS, the Woman’s Club of Spring Lake, Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#05-2010, 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#05-2010 be and the same is hereby approved as follows:

NAME: Woman’s Club of Spring Lake, Inc.
Identification No.: 475-8-32847
LOCATION: The Breakers
1507 Ocean Avenue, Spring Lake, NJ
DATE: May 12, 2010 11:30 A.M. to 3:00 P.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-10-031 RESOLUTION – APPROVING OFF-DUTY PAY AND
RETAINING ADMINISTRATIVE FEES

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

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

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

12/29/2009 JF Kiely Construction Company \$115.00 \$100.00 Admin Fee \$15.00

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-10-032 RESOLUTION – RELEASING PERFORMANCE GUARANTEES
PELLE - BLOCK 9, LOT 12 – 110 FIRST AVENUE**

WHEREAS, Anthony Pelle has requested release of performance guarantees posted in order to obtain a Temporary Certificate of Occupancy for Block 9, Lot 12, and

WHEREAS, by letter dated January 25, 2010 the Zoning Review Agent, Philip Kavanaugh has recommended the release of the guarantee as the required improvements have been completed and are acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the performance guarantees posted by Anthony Pelle in order to obtain a temporary certificate of occupancy be and hereby are released for Block 9, Lot 12.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Resolutions

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

**R-10-033 RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT BETWEEN PETER AVAKIAN OF LEON
S. AVAKIAN AND THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF
ENGINEERING SERVICES FOR U.S.E.P.A. - STAGE 2 REPORT**

WHEREAS, there exists a need for engineering services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between PETER AVAKIAN of Leon S. Avakian, Inc. and the Borough for the provision of engineering services with respect to updating and filing the U.S.E.P.A. – Stage 2 Report; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year for an amount not to exceed \$2,500.00; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

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

WHEREAS, sufficient funds are available for the services of Leon S. Avakian, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between Peter Avakian of Leon S. Avakian, Inc. and the Borough to provide engineering services to the Borough of Spring Lake with respect to updating and filing the U.S.E.P.A. – Stage 2 Report; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; an

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

Mr. Avakian explained that in 2006 a Federal Regulation was adopted that states when there is a Municipal Water distribution system, there has been a determination that there are some areas that may be conducive to a residual and that should be tested. Those areas are tested and a report has to be submitted to the State. This will be done in coordination with our Licensed Water Operator and it is called a Disinfectant and Disinfection Bi-product Evaluation.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-10-034 RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT BETWEEN PETER AVAKIAN OF LEON
S. AVAKIAN AND THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF
ENGINEERING SERVICES FOR UPDATING EXISTING STORMWATER
POLLUTION PREVENTION PLAN**

WHEREAS, there exists a need for engineering services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between PETER AVAKIAN of Leon S. Avakian, Inc. and the Borough for the provision of engineering services with respect to updating the existing Stormwater Pollution Prevention Plan; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year for an amount not to exceed \$1,500.00; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

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

WHEREAS, sufficient funds are available for the services of Leon S. Avakian, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between Peter Avakian of Leon S. Avakian, Inc. and the Borough to provide engineering services to the Borough of Spring Lake with respect to updating the Stormwater Pollution Prevention Plan; and

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BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law.

Mr. Avakian explained when our Stormwater rules were implemented in 2004, the Borough adopted a Stormwater Management Ordinance and the Planning Board adopted a Stormwater Management Plan as an element of the Master Plan. As a condition of the permit the State issues, along with those adoptions, the Borough is required to plan a Stormwater Pollution Prevention Plan and is basically a good housekeeping book for our Department of Public Works. The Borough has this book and originally it costs approximately \$5,000, however now it will just need to be updated which is a cost not to exceed \$1,500. This will bring our Stormwater Prevention Plan current and in compliance with our Stormwater Management Permit that is issued by the State.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-10-035 RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT BETWEEN ROBERT A. HULSART &
CO. AND THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF
REGISTERED MUNICIPAL ACCOUNTANT/BOROUGH AUDITOR SERVICES**

WHEREAS, the Borough of Spring Lake, County of Monmouth, New Jersey has a need for the services of a Borough Auditor (Registered Municipal Accountant); and

WHEREAS, the Borough Administrator received and reviewed numerous responses to the Borough's Request for Proposals (RFPs) for all professional appointments; and

WHEREAS, the Borough Administrator reviewed each proposal received and reported his findings to the Mayor and Council; and

WHEREAS, ROBERT A. HULSART & CO. has submitted a proposal to the Borough to perform auditing services for a total contract amount \$40,500.00; and

WHEREAS, the Mayor and Council desires to authorize the execution of a professional services contract between ROBERT A. HULSART & CO. and the Borough for the provision of auditing services; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, ROBERT A. HULSART & CO. indicated in its proposal that it would fully comply with Borough and State ethics standards, including any and all conditions regarding political campaign contributions; and

WHEREAS, sufficient funds are available for the services of ROBERT A. HULSART & CO. ;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between ROBERT A. HULSART & CO. and the Borough to provide Auditions services to the Borough in his capacity as Borough Auditor/Registered Municipal Accountant; and

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BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in an official newspaper of the Borough; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to ROBERT A. HULSART & CO., the Borough's Chief Financial Officer and the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-10-036 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 9, 2010

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 9, 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.

Table with 2 columns: Fund Name and Amount. Includes categories like CURRENT FUND (1), GENERAL CAPITAL (4), WATER/SEWER OPERATING (9), etc., totaling \$4,338,235.47.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

R-10-037 RESOLUTION – APPOINTMENTS – PLANNING BOARD & COAH COMMITTEE - Mayor Naughton explained that these are appointments. She asked Paul Jordan to serve on the Planning Board which she just heard today that he agreed. She has not heard back definitively on the COAH Committee so she would like to table this resolution until the next meeting. She is thankful that Mr. Jordan will serve.

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

R-10-038 RESOLUTION – APPOINTING PART TIME DISPATCHER
SPRING LAKE POLICE DEPARTMENT – EMMIT SMITH

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that Emmit Smith be and hereby is appointed as a part-time dispatcher with the Spring Lake Police Department effective immediately at an hourly rate of \$16.35.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-10-039 RESOLUTION OF THE BOROUGH COUNCIL REJECTING ALL PROPOSALS
RECEIVED IN RESPONSE TO THE WARREN AVENUE AFFORDABLE HOUSING
PROJECT REQUEST FOR PROPOSALS**

WHEREAS, the Borough Council of the Borough of Spring Lake (the "Council") authorized the issuance of a Request For Proposals ("RFP") to finance, build, maintain and manage a 100 percent affordable housing project consisting of four (4) units located in the westerly portion of the Borough at 520 Warren Avenue commonly known on the Borough's tax map as (Block 62, Lot 11.01); and

WHEREAS, the Borough received two proposals in response to the RFP; and

WHEREAS, under the terms of the RFP, the Council reserves the right to accept, reject and evaluate any and all proposals and to change the scope of the RFP; and

WHEREAS, the Council evaluated the submitted proposals based upon the criteria set forth in the RFP and found them to be unsatisfactory; and

WHEREAS, the Council desires to exercise its rights under the RFP and reject all submitted proposals; and

WHEREAS, the Council believes that the rejection of all submitted proposals is in the best interest of its residents.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Spring Lake that it hereby rejects all proposals received in response to the Warren Avenue Affordable Housing Project RFP.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following: Andrew Bayer, COAH Attorney; Jay Colao, Borough Attorney; HABcore, Inc. and Salient Associates, LLC.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-10-040 RESOLUTION – OPPOSING THE ADOPTION OF SENATE BILL 458

Whereas, Senate Bill 458 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county, and;

Whereas, Senate bill 458 does not give the municipality any option if the county voters cast a majority to consolidate, and;

Whereas, consolidation would cause unnecessary hardship on citizens who rely on the municipal tax office for information and assistance, particularly the community's senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms. Without proper study there is no proof that consolidation will save any public money, and;

Whereas, Senate Bill 458 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal without giving the public the opportunity to review and comment on the proposed master plan, and;

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Whereas, current state statutes place responsibility for tax assessment and tax collection under municipal jurisdiction, and;

Whereas, it is the municipalities responsibility to collect all property taxes due and distribute same to the other taxing authorities, as well as enforcing laws on delinquents, and;

Whereas, current statute provide for the reserve for uncollected taxes to be included in the municipal budget;

Now, therefore, be it Resolved, that the governing body of the Borough of Spring Lake does hereby oppose the passage and enactment of Senate Bill 458.

Be it Further Resolved, that a certified copy of this resolution be sent to Senate President Stephen Sweeney, Senator Jeffrey Van Drew, Chairman of the Community & Urban Affairs Committee and Senator representing this district as a sign of our opposition to this proposal.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Erbe

Public Comments

Eleanor Twomey, 108 Vroom Avenue stated that the Borough rejected the 520 Warren Avenue Proposals and asked if there is any information on what that means. Mayor Naughton explained that the Borough went out for Request for Proposals for the building here on Warren Avenue. The Borough received two proposals back and asked our COAH Committee Professionals, both the attorney and planner to review the proposals; they did not find either proposal sufficient for what the Borough is looking for and recommended that they be rejected and then re-write the Request for Proposals and go out again for additional proposals.

Eleanor Twomey asked if the Professionals gave any engineering or technical reason or why they recommended rejecting the proposals. Mr. Quinn explained that the COAH Committee also reviewed the proposals and did not get positive feedback from those members with respect to the extraordinary variance from one proposal to the next. There were also general concerns with what was presented. There are three members of the Council on the COAH Committee as well as two residents and one of the residents comments were very much opposed to the proposals.

Executive Session

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

R-10-041 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 – EXECUTIVE SESSION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that pursuant to N.J.S.A. 10:4-13, the Mayor and Council shall adjourn to Executive Session for the purpose of discussing: COAH Mediation and Personnel – Salaries.

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

NAYS: NONE

ABSENT: Mr. Fay,

ABSTAIN: NONE

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TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:45 P.M.
MEETING IS RECOVERED AT: 8:04 P.M.

Mr. Erbe offered a motion to adjourn the meeting, seconded by Mr. Rich.
AYES: Mr. Quinn, Mr. Erbe, Mrs. Reilly, Mr. Rich, Mrs. Venables
NAYS: NONE
ABSENT: Mr. Fay
ABSTAIN: NONE
TIME OF ADJOURNMENT: 8:04 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: July 13, 2010