

**24422**

**REGULAR MEETING  
MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
SEPTEMBER 13, 2011**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:03 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. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly, Mayor Naughton  
ABSENT: NONE

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

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**Workshop - None**

**Proclamations, Presentations & Special Guests**

**Approval of Minutes - None**

**Public Comments**

Eleanor Twomey, Vroom Avenue expressed her appreciation for the conduct of the Mayor & Council and Borough Employees during the storm. She stated that she didn't know how many other towns could say the same. Mayor Naughton thanked her for her comments.

7:04 PM – Mrs. Venables and Mr. Fay arrived.

Gerry Lally, 304 Ocean Road stated that he would also like to thank the Mayor and Council for all they did pre and post hurricane. He felt that Public Works did a fantastic job. He expressed his concern with the flooding at Wreck Pond. He felt that it time to stop studying it and do something about it. He felt this should be a higher priority than a recreational facility. Mayor Naughton thanked him for coming and stated that she understood his frustration. She stated that the Borough is equally frustrated with the lack of State, County & Federal help with a watershed problem. The Wreck Pond watershed is 8,100 acres in which Spring Lake and Wreck Pond are a very small percentage of that. Yes, we flood from the ocean, but we flood significantly from western floodwaters and it happens every time we have a serious storm event. She then explained the FEMA grant process. The Borough had to prove that giving us the money to do what we wanted to do at Wreck Pond made financial sense versus providing assistance money after. It took over six months to put that application together and it took over a year for it to be reviewed. Three weeks before the storm we found out that we were going to receive \$600,000 towards our plan for Wreck Pond. This is not for a study, but work in accordance with our mediation plan at Wreck Pond. This is an engineering plan. The plan has two different components for the mitigation. The first being raising the berm on the entire Spring Lake side of Wreck Pond by 2 feet to create a larger basin in order to stop flooding in large rain storms and secondly, a more permanent pumping system with some dredging at the eastern end of the lake. This is what the Borough is committed to. Also, three months ago, the Borough had a very large storm drain from Spring Lake that drained into Wreck Pond but during the paving project for First and Second Avenues, this was diverted completely so that nothing from the Spring Lake drains into Wreck Pond; it now drains out into the ocean. In addition we have participated with Monmouth County to get storm scepters on almost all of our storm

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outfalls to try and prevent debris that comes into the pond. The Borough has been trying to get County, State and Federal aid to address the watershed problem. Whatever mitigation we do here at Wreck Pond will not be as successful as it ought to be if we cannot stop the flooding from the west. Not only does it flood the pond, but it raises the water table in that neighborhood. Congressman Chris Smith and Congressman Oberstar who handle the WRDA Bill in Congress put us in the WRDA Bill about nine years ago. There are two things that have to happen to get any Federal help. The first is a Recognizance Study which we were funded for three years ago and the study has been completed. That study was done by the Army Corps of Engineers and it proves or disproves if the Federal Government has an interest at all in helping us mitigate the flooding and pollution at Wreck Pond. That study was completed at the end of last year and the results were yes, the Federal Government has a distinct interest in doing it. The second mandatory piece of that is the feasibility study. This is a 50-50 study. The Army Corps of Engineers pays for 50% and it looks like the State DEP is going to pick up the other 50%. That process will take approximately 2 years to be completed. Once that study is complete, we will be in the WRDA Bill for the funding. Congressman Smith told us last week that it will probably be a five-year project. We are not going to wait for that. She explained that we are going to do our own project here with the money we just received. There was already a meeting before the storm with Fish and Wildlife to prove to them that we can do this without damaging the fish and wildlife in the area.

Mayor Naughton noted that the majority of the cost for the North End Pavilion would be funded by locker fees and beach utility money. The percentage of taxpayer funding for that building is very small, less than 10%. We cannot use locker fees or beach utility money to mitigate Wreck Pond. We can use the grant that we just received.

Mr. Quinn noted that although we received a grant for \$600,000, the cost of the proposal is going to be closer to \$1.5 million. We will seek funding from other sources. The Council is supportive of actually bonding to complete that \$1.5 million project.

Mrs. Reilly added that the Mayor and Council have contacted everyone we know to come and look at our problem. We have been moving forward with this.

Larry Tron, 312 Ocean Road, thanked the Mayor and Council for the notifications and the wonderful job Public Works did cleaning up. He expressed his unhappiness with being flooded for a second time. He felt that measures should be taken to prevent the flooding. He noted that a lot of time has been spent on the North End Pavilion recreation facility but he felt that the Wreck Pond situation should take precedence. He felt that bonds could have been floated for this project.

Marie Agliozzo, 106 Pennsylvania Avenue, stated that over the years she has experienced many floods. She suggested the taxes for the people in the area of Wreck Pond should be reduced.

Barbara Fergus, 116 Union Avenue, stated that it was not just her crawlspace, cellar or garage, it was her complete first floor that was destroyed. It is devastating emotionally, physically and financially. With the new alerting system she can say that she did not lose three cars this time but it's still devastating.

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Walter Kimm, St. Clair Avenue, stated that in March 2010 pumps were used and it was said that they were successful. Mr. Kimm questioned why pumps were not use this time. Mayor Naughton explained that pumps were used this time. They were ordered and received from Godwin Pump of Maryland on Friday. She noted the difficulty in pumping Wreck Pond because of it being so shallow. It is only about a foot deep. It is almost impossible to pump when you put those pumps on a high berm so that you know exactly where they are. Wreck Pond is not like Lake Como where it is level and you can actually pump right across the street. We did not have them pumping during the storm because the high tide surge was predicted to go up there and we would have lost those pumps. He felt that the article was misleading from 2010 in the Coast Star. Mr. Kimm felt that a control valve and emergency overflow were needed. He felt that no one cares about Spring Lake. He felt that the real estate values are shot. Mr. Kimm also expressed his dissatisfaction with the DEP and surrounding towns. He felt that everyone has to lawyer up. Mayor Naughton explained that there is a regulatory process that is difficult and complicated and painful to go through. Mr. Kimm also expressed his concern with us being the only one to lose our boardwalk. Mayor Naughton stated that the boardwalk was designed so that the entire boardwalk would not go into the water with a storm like this, that it would only affect sections.

Mayor Naughton asked Peter Avakian, the Borough Engineer to explain the control valve as this is an issue that is raised often. Mr. Avakian explained that Wreck Pond is lower than the ocean so water flows in. In the 1980s the structure was modified as a result of an agreement between Spring Lake, Spring Lake Heights, Sea Girt and the DEP. During this modification the slues and batter boards were removed and the bottom elevation of the pond flowing out to the ocean was effectively lowered by about three feet. This was done to create a volume storage area in Wreck Pond so floodwaters could come in from the west but did not provide for surge water coming in from the ocean. He has met with the DEP on this and will be meeting with the Army Corps of Engineers and recommending that this be retrofitted. Mayor Naughton noted that even if the water is stopped from coming through the pipe it would still come over the spillway.

Mr. Kimm questioned if anyone has thought about the outfall pipe from SMRSA on Pennsylvania Avenue, he felt it should be used. The boardwalk is up and shouldn't be as well as the beach replenishment being gone. He also noted that the DEP prevented the clean-up from the dry cleaners site. Mayor Naughton noted that she has a meeting with the Assistant Commissioner from the DEP tomorrow.

Mr. Kimm expressed his opinion on the beach utility and against funding being used for the construction of the new North End Pavilion and felt that the south end residents and users are being punished.

Kelsey Pegler, 1701 Third Avenue, offered his condolences to the people who were flooded. He had a couple of trees come down on his house. Two sycamore trees had fallen out of three which caused \$15,000 worth of damage. His neighbor also had a tree fall on his house. He asked that the other tree be removed from in front of his property because it is a safety issue. He thanked the town for their help with the stumps. It was a big storm and he just would like to have the tree removed. Mayor Naughton advised that Kevin Thompson was contacted and we have been told that the roots were cut as a part of a road program years ago so you have a

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large tree with short roots and the Borough would take responsibility for the removal. Mr. Pegler stated that he would just like the opportunity to remove them without having to pay to replace them. Councilwoman Venables, who is also a member of Shade Tree will assist with the process.

Larry Tron questioned the groundwater from the streets no longer going into Wreck Pond? Mayor Naughton explained that there was a diversion from Spring Lake lake that flowed into Wreck Pond that now goes to the ocean. There are still storm drains from the Borough that flow into Wreck Pond.

Dolores Cacace, 104 York Avenue, stated that she also had water. She thanked the Borough for the announcements. She stated that DPW was amazing. The people have been talking about the taxes and the value of the homes. She attends the Wreck Pond Meetings. She felt that the group is more interested in the pollution from the geese than the water in their basements. She is not sure what the role of the environmental people is but they have their own agenda and don't care about the people in the south end. Mayor Naughton stated that that is why we took our own initiative. Mrs. Cacace stated that she is afraid of what will happen next time. Mrs. Venables commented on all the work that needs to be done to correct this problem. The dredging alone is \$30 million and that is only one piece. The Borough cannot undertake all of these projects financially on its own. We are going to do what we can, but we are at the end of the line and receive the water from Wall and Howell. It is a process that is excruciatingly slow.

Mark Pavliv, 415 Ocean Road, extended similar comments and noted that the Mayor cannot do everything on her own. He noted the damage and expressed his concern with the DEP and the fact that the residents in the area are considering legal action. He felt that the Borough needs to sue the DEP to get action. Three blocks away or further from Wreck Pond were affected. He expressed his concern over the fact of not getting a Police Officer on Ocean Road because of flooding and the fact that people were coming to the area and they were afraid of looting.

Mrs. Cacace stated that in 2005 there was a Petition was filed. She personally hand delivered the petition to the Borough.

Louise Decker, 5 Ocean Avenue, formerly York Avenue, commented on the health issues related to mold and mildew. She ended up with asthma and arrhythmia for about six months after living through the stress and not being aware of the mold and asked everyone to be careful with breathing in the mold spores.

Neil Scheck, 410 Fourth Avenue, Belmar wanted to discuss the details of the rebuilding of the boardwalk. He expressed the need to reconstruct the boardwalk with ADA in mind. Belmar has done a straight board which must be about 6 ft. wide which would allow handicapped people and people with strollers to go down the boardwalk. The way the boardwalk was deprives many from using the boardwalk as it is bumpy.

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**Council Comments & Staff Reports:**

Mayor Naughton reported on the following items:

- **Hurricane Irene** - She thanked everyone for their assistance during the storm. She explained the plans that went into the storm. She wanted to publicly thank Jim Mullen as he put the plan together.
- **South End Pool** - The south end pool was opened yesterday and she thanked Public Works for their hard work to achieve that.
- **Boardwalk** - As to the boardwalk, DPW is assessing the extent of the damage. They are looking at what can be repaired and what needs to be replaced. She has met with FEMA and it looks like it will be 75/25.
- **Emergency Notifications** - She encouraged people to register on the website.
- **911 Ceremony** - She thanked everyone involved in the 911 ceremony. It was a beautiful ceremony; Eleanor Lawrence Park is a beautiful place. John Patterson put in a lot of work into the ceremony.
- **Lake Como Radio Tower** - The Mayor and Council attended the Lake Como Council meeting. Lake Como did vote to make the preliminary application for the 530 ft. tower. The Borough will continue to fight it and encouraged everyone to contact the DEP. They have not met the conditions for the diversion and the Borough feels that the application is severely flawed.
- **COAH Obligation** - The Borough has received the final plan for the Warren Avenue property. The property is located near Joe's Deli. She felt that the plan is a good one. Mr. Dempsey will be setting up a meeting with the COAH committee who will be reviewing the plan and then it will come to Council for their approval.

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Mr. Drasheff thanked all of the volunteers who worked hard during the hurricane crisis.

Mr. Fay stated that he and Mr. Kennett walked through a number of the homes in the Wreck Pond area and he felt it is important that the Council acts now to do whatever has to be done to get that area of town fixed. He sat in on the meeting with Chris Smith and didn't get anything out of it as to how long it is going to take to get anything done.

Mr. Fay stated that there were also power outages during the weekend. People were out until Thursday night. He spoke with Senator Keane to speak to the utilities. He would like to have JCP&L come in along with Sean Keane in a couple of weeks to answer our questions so that we do not have problems like that in the future.

Mrs. Venables also thanked the first responders, DPW and the Mayor. There were meetings every day before the storm to stay up to date and she felt that it was an outstanding effort spearheaded by Mayor Naughton. We feel horrible about the damage and anxiety and loss experienced. She felt that our team did do an amazing job.

Mr. Kennett felt that none of the Governments or surrounding neighbors are going to help us. The only way the problem is going to be solved is by this Council. We need to solve the

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problem here and do whatever we need to at whatever the cost is. He asked Mr. Avakian to do whatever study has to be done to get it done.

Mr. Quinn joined the Mayor and his Council colleagues in thanking the Borough workforce for their performance during the storm, the Borough Administrator for his leadership and Frank Phillips and the Department of Public Works for their assistance in pumping out some of the homes. He has been so impressed with what the Borough has done during very difficult circumstances. He also thanked the neighbors who are present this evening. He has learned from listening tonight that this requires a regional solution and a partnership between the Federal Government and the State Government to provide us with the resources. The Borough is correct to go forward with the plans to try to remediate the situation to a degree but ultimately the real solution is going to have to come from Washington DC and Trenton. We are going to have to fight for that. We have to address the problem but it is going to take time.

Mrs. Reilly also complimented the entire Borough workforce who did a wonderful job. The Mayor did a phenomenal job. It is going to take a joint effort and we are not going to stop going after them to get a solution for this problem. She apologized for the damage sustained. She will do whatever she can with whomever she can to get a solution to the problem but the Borough cannot do it on our own.

**Borough Engineer's Report**

Peter Avakian, Borough Engineer, reported on the following:

- The other governments do not put the emphasis on the flooding issue like we do. We will let our representatives know. It is people's lives and people's homes and it something we are going to have to strive so that our issues become theirs.
- **Newark & Adrian Avenues Roadway Improvement Program** – Newark Avenue received a Transportation Trust Fund Grant in the amount of \$160,000 which is a little more than half of the estimated cost for the project. The Adrian Avenue project is being advertised with it for work to be completed in the Fall.

**Borough Attorney's Report**

Mr. Colao advised that he had two items for Executive Session.

**Borough Administrator's Report**

Mr. Dempsey reported on the following:

- **Washington Avenue Water Tank** – The water tank on Washington Avenue is coming down tomorrow.
- **Open Space Grant** – Prior to the Hurricane the Borough was planning on making an application for the improvements to the bridges which would require a 50% match. His recommendation is to not apply for the grant and use the \$112,500 for something else towards Wreck Pond.
- Mr. Dempsey also thanked the employees for all of their hard work during the storm.

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**Business Items Under Consideration**

**Public Hearing – Monmouth County Open Space Grant Program** - Mr. Quinn offered a motion to table the Public Hearing and Grant Application to the Monmouth County Open Space Grant Program for 2011, seconded by Mrs. Venables. Unanimously approved.

**Tour de cure – American Diabetes Association** – Mayor Naughton advised that their event is Saturday, September 17<sup>th</sup> and although they are not stopping in town, they are required to make an application for their event. We just found out about it and there was no time to put it on the Agenda. Mr. Quinn offered a motion to approve the request, seconded by Mrs. Venables. Unanimously approved.

**Ordinances for Introduction**

Borough Attorney Colao read the following: "Ordinance No. 2011-012 - AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE" by title.

Mrs. Venables offered a motion to Introduce Ordinance No. 2011-012 with the Public Hearing being set at the convenience of the Borough Clerk, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinance No. 2011-012 in full/Ordinance Book No. 1

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**Ordinances for Adoption**

Borough Attorney Colao read the following: "Ordinance No. 2011-011 – AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7 OF THE BOROUGH CODE, "VEHICLES AND TRAFFIC", TO EXTEND RESTRICTIONS FOR COMMERCIAL VEHICLES PARKING AT RAILROAD STATION PARKING LOT" by title.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2011-011, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

**PUBLIC HEARING NOW OPEN**

Mr. Colao noted that there is one non-material change that was made since introduction. There was an unintended prohibition of any overnight parking which is in Section D of 7-32.4 which has been stricken because it is not our intent to prohibit overnight parking in the entire parking lot. He stated that the Ordinance can still be adopted this evening and published with the amendment.

Mayor Naughton explained that this will eliminate the commercial vehicles from parking in the train station parking lot. There are trailers there not attached to anything.

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Mr. Kennett questioned the fee. He stated that it says that the fee is \$10.00. He would like to see that raised to \$100.00. Mr. Colao advised that it could be amended later but that the original fee was \$10.00 and would require a separate amendment. He added that the Borough is not supposed to profit from permit fees, they are supposed to just cover the Borough's cost.

Tom Wall, 803 Fifth Avenue, stated that there are two signs up in the parking lot that prohibit the parking of commercial vehicles over 12,000 gross vehicle weight and he doesn't understand why this Ordinance is being done when we already have an Ordinance. He felt that some of the vehicles actually parked there are motor vehicle violations which are not being addressed. There are commercial vehicles parked there with no lettering. He expressed his concern with the dump trucks being parked there with all of the junk in the back. He felt this could be a homeland security issue. Mr. Dempsey explained that the old Ordinance referred to a block and lot which was only the south parking lot only. It was not enforceable by the Police Department on the other lot. This Ordinance adds the block and lot for the north side parking lot.

Mr. Wall felt that the plates should have been run. Mayor Naughton advised that if the Ordinance is passed tonight, the trucks will not be there. Mr. Wall noted that Manasquan Taxi's are being parked there because Manasquan threw them out.

Mr. Quinn felt this to be a constructive step that he would like to move forward with, he is supportive of the Ordinance as presented. It will accomplish what was just discussed.

Mr. Kennett questioned if a taxi is considered a commercial vehicle? Mr. Dempsey advised yes. Mr. Kennett questioned if this Ordinance would eliminate the taxi's from parking in the lot? Mr. Colao advised yes, without a permit. Mr. Kennett asked but they could get a permit? Mr. Colao advised that they would have to be a Spring Lake resident.

Bill Harkins, 503 Mercer Avenue, felt that the Ordinance was good because the train station is becoming an eyesore. He is afraid that they will start parking on Mercer Avenue. Mayor Naughton advised that Mercer Avenue is governed like the other streets in town and it is not allowed. Mr. Dempsey stated that he will speak to the Chief of Police on this issue and be sure it is covered. If not, the Ordinance will be further amended at a later date.

Wayne Patterson, 316 Sussex Avenue, questioned a motor home? He is advised that it would not be allowed. Discussion on parking overnight in the train station. He is advised that this Ordinance only prohibits the parking of commercial vehicles. Passenger vehicles are allowed to park there, and are allowed to park overnight.

Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-011, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

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Mrs. Venables offered a Resolution to adopt Ordinance No. 2011-011 as amended, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Consent Agenda**

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

**R-11-190 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION  
RA#21-2011 – ST. CATHARINE CHURCH - OFF PREMISE - CALENDAR RAFFLE**

WHEREAS, the St. Catharine Church has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#21-2011, 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#21-2011 be and the same is hereby approved as follows:

**NAME: PTA HW Mountz School**

**Identification No.: 475-1-372**

**LOCATION: Spring Lake, NJ 07762**

**DATE: November 28, 2011 and then the last Monday of Each Month from December 2011 to April 2012 10:30 A.M.**

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-191 RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – HENRY J. SIEMINSKI**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Henry J. Sieminski to become a volunteer firefighter with Goodwill Fire Company # 2 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-192      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 Department employees, and

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

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

8/25/11	County of Monmouth – DWI Checkpoint	\$180.00
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BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the administrative fee(s) are to be retained by the Borough of Spring Lake as unanticipated revenue.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-193 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 Department employees, and

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

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

5/23/2011 – 05/27/2011	Lucas Brothers Inc.	\$5,206.00	\$4,800.00	Admin Fee \$406.00
7/11/2011	Lucas Brothers Inc.	\$375.00	\$350.00	Admin Fee \$25.00
7/25/2011	NJNG Ocean Division	\$562.50	\$525.00	Admin Fee \$37.50
7/28/2011 & 8/17/2011	J.F. Kiely Construction Co.	\$674.00	\$620.00	Admin Fee \$54.00

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. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Resolutions**

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

**R-11-194 RESOLUTION – APPOINTING DENISE PLOSKONKA  
PART-TIME EMPLOYEE – DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Denise Ploskonka be and hereby is appointed as a part-time employee in the Department of Public Works – Cleaning Person – Borough Hall at the rate of \$15.50 per hour for the Borough of Spring Lake effective September 1, 2011.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-195 RESOLUTION AUTHORIZING FINAL PAYMENT CONTRACT #02-2011 FOR NEW  
RESTROOM FACILITIES AT MARUCCI PARK AND RELEASING PERFORMANCE BOND AND  
ACCEPTING MAINTENANCE BOND POSTED BY DIAMANTE GENERAL CONSTRUCTION, INC.**

WHEREAS, Contract #02-2011 for New Restroom Facilities at Marucci Park was awarded on April 12, 2011 to Diamante General Construction, Inc. in the amount of \$55,745, and

WHEREAS, Change Order #1 which increased the contract in the amount of \$5,023.33, the net change to the overall award including all change orders for a total contract in the amount of \$60,768.33 was approved on June 14, 2011.

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that final payment be made to Down to Earth Landscaping, Inc. and 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.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-196 RESOLUTION –RESOLUTION TO RENEW  
CENTRAL JERSEY HEALTH INSURANCE FUND**

WHEREAS, a number of public in the State of New Jersey have joined together to form the Central Jersey Health Insurance Fund, hereafter referred to as "the FUND", as permitted by N.J.S.A.11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date;

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interests entrusted to such the FUND;

**REGULAR MEETING  
MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
SEPTEMBER 13, 2011**

**24433**

WHEREAS, the Governing Body of the Borough of Spring Lake, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-197 RESOLUTION – APPROVING RELEASE OF PERFORMANCE GUARANTEES  
FOR BLOCK 65, LOT 11.01 – VANAMBURGH SUBDIVISION**

WHEREAS the Borough of Spring Lake has received performance guarantee monies as the result of a subdivision application approved by the Spring Lake Planning Board for Block 65, Lots 11.01, and

WHEREAS, said funds were deposited by the Borough of Spring Lake in accordance with law, and

WHEREAS, the Borough Engineer office 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 performance guarantees posted for Block 65, Lot 11.01 be and hereby are released.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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***R-11-198 Authorizing Monmouth County Open Space Grant Program Application – Tabled***

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

**R-11-199 RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 13, 2011**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 13, 2011, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

24434

**REGULAR MEETING  
MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
SEPTEMBER 13, 2011**

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 (1)	1,137,832.15
GENERAL CAPITAL (4)	6,712.08
WATER/SEWER OPERATING (9)	69,548.79
MT LAUREL TRUST (16)	145.00
LAW ENFORCEMENT TRUST (17)	7,670.76
PLANNING BOARD ESCROW 1 (21)	9,167.38
RECREATION (25)	12,491.64
JUNIOR GUARDS (26)	1,530.60
BEACH OPERATING (81)	334,181.14
POOL OPERATING (91)	72,580.45
POOL CAPITAL (94)	40,440.70
TOTAL	\$1,692,300.69

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Public Comments**

Harry Zarb, Third Avenue, questioned if the Borough is reimbursed for off-duty pay? He is advised yes.

Judy Hughes questioned us being a priority along the coast. She felt that we were one of the hardest hit on the coast. She hoped with all of the discussions of the north end and the south end that hostilities do not start. We do not need that we are one town.

Kathleen McCusker expressed her gratitude on the way things were handled by the Borough during the storm. She felt that the storm brought the community more together.

Gerry Isler questioned if litigation has been discussed? Mayor Naughton stated no, not since she has been Mayor. Mr. Colao stated that he would have to analyze this and report to the Mayor and Borough Council who would decide if he should proceed.

Eleanor Twomey, Vroom Avenue, questioned where we stand in the State priority when you compare Spring Lake to Paterson or Little Falls who are still not in their homes; their homes are floating. We have to thank God we came through as well as we did. She felt that as a priority would be a lot lower on the list.

Jim Thompson, Jersey Avenue stated that with the tower coming down he hoped that the town would comply with its own Ordinance with respect to barriers between parking areas and residential homes.

Mayor Naughton thanked everyone for their comments and stated that she felt that they were very gracious and that the Borough Council is aware of the concerns.

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**REGULAR MEETING  
MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
SEPTEMBER 13, 2011**

**24435**

**Executive Session**

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-11-200 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: Lake Como Zoning Ordinance Litigation, Behrman Park Communication Tower Diversion

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. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:35 P.M.

MEETING IS RECONVENED AT: 9:05 P.M.

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Mrs. Reilly offered a motion to adjourn, seconded by Mr. Kennett.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

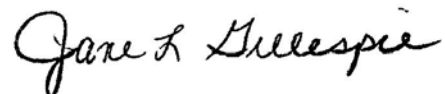
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT: 9:05 P.M.

Respectfully submitted,



JANE L. GILLESPIE  
Borough Clerk

Approved at a meeting held on: November 21, 2011