

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

Mayor Naughton called the Regular 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. 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. Jordan, Mr. Judge, Mrs. Reilly, Mayor Naughton
ABSENT: NONE

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

Workshop Discussion - Permitting Process for Fields & Gazebos

Mayor Naughton reported that that Mrs. Reilly has requested some additional time to prepare for this discussion. It was agreed with no objections to hold this topic for a two (2) week period.

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of July 2, 2012, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Public Comments

Kathy Bounds 504 St. Clair Avenue, inquired as to the status of the demolition of the North End Pool. Mayor Naughton prefaced her response by stating that litigation is pending and noted that it is their intention to quickly resolved the one remaining issue and move forward with the project. Ms. Bounds asked if the demolition would take place the day after Labor Day. Mayor Naughton stated that at this time, she could not confirm the exact date of the demolition. Mr. Judge stated that there is currently no restraining order in place. The Mayor offered an apology for not being able to say more and promised to share additional information when they could.

Paula Close, 419 St. Clair Avenue, voiced concern about the 911 System stating that when she called recently, the phone rang several times before being connected. Mayor Naughton thanked Ms. Close and stated that there were similar reports from other residents. The Mayor continued, reporting that two (2) recent changes impacted the service. One, the County had made a change in the call system which impacted the routing of calls and secondly, some of the calls were ringing into the Borough first before being routed to Southcom. The Mayor stated that this has been changed so that calls go directly to Southcom.

Ms. Close also commented that although the Mayor and Council have nothing to do with the implementation of the basketball court at Mountz School, Ms. Close wanted them to be aware that she believes there are County issues to consider. Ms. Close further referenced a couple of recent newspaper articles on the topic and suggested everyone read the articles.

Eleanor Twomey, 108 Vroom Avenue, stated that she has heard an increase in the number of emergency calls sounded and asked if the paging system was broken. Mayor Naughton responded, informing Ms. Twomey that the system is currently being tested and the alarm is being sounded between 6:00 pm and 6:30 pm daily. The Mayor further reported that the Fire whistle will always go off while the First Aid

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

24679

whistle will only blow if the pagers go unanswered. Ms. Twomey inquired as the reason for the eight (8) distinct sounds.

Mr. Peter Roche - 410 St. Clair Avenue - Mr. Roche shared copies of the newspaper article referenced by Ms. Close.

Council Comments & Staff Reports

Mr. Fay asked if it was possible to negotiate with the resident affiliated with the lawsuit in connection with the North End Pavilion. Borough Attorney Colao stated that a meeting did take place with the resident prior to the lawsuit being filed. Mr. Fay asked if Mayor Naughton was in attendance at the meeting. Mayor Naughton stated that she was not. Borough Attorney Colao stated that he intends to discuss this topic in more detail as one of four items planned for the Executive Session. Mr. Fay asked if there was anything else that could be discussed in public. Borough Attorney Colao stated that there was not.

Mr. Jordan reported that JCP&L has finally removed the pole that was located at Fifth and Washington Avenues. Also, Mr. Jordan reported that a meeting will be held this week in connection with the on-line payment system for recreation.

Mr. Drasheff asked if Mr. Jordan could work with JCP&L in regards to the large number of orange light bulbs being used on the boardwalk. Mayor Naughton stated that we had a commitment from JCP&L to replace our boardwalk lights with white lights for as long as they had white lights available. Soon after this commitment, Mayor Naughton stated, the yellow lights started to appear. Mr. Dempsey agreed to follow-up with JCP&L.

Mr. Judge reported that he is continuing his efforts to connect with the Board of Education Chair, who was on vacation last week, in connection with the basketball courts projects.

Borough Engineer's Report

Mr. Avakian reported that there are two (2) pending approvals; one on the flood mitigation grant and the other on the dredging permit application. Mr. Avakian stated he will report on these items as they progress. Also, Mr. Avakian reported they are close to going out to bid on the Third Avenue project and requested a meeting prior to the submission to the DOT. Mayor Naughton agreed it was important not to miss the paving window this fall.

Borough Attorney's Report

Mr. Colao reported that he has four (4) items for the Executive Session.

Borough Administrator's Report

Mr. Dempsey reported that he will be attending a meeting with the representatives from Lake Como in connection with the establishment of a Lake Como Commission.

Business Items Under Consideration

Requests to Use Marucci Park Little League Fields

- a. Frank Hulse – Point Pirates
- b. Herbie Kunz – Great Whites
- c. David Frost – Shore Marlins

Mrs. Venables offered a motion to approve the three (3) requests to use the Marucci Park Little League Fields, seconded by Mrs. Reilly. Unanimously approved.

Request to Film in Spring Lake – Half Yard Productions

Mayor Naughton read from the email request. The Mayor and Council discussed the various considerations in connection with the request and agreed to request additional information from Half Yard Productions and The BID and to hold the item until the next meeting.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

Event Application – Tour de Cure – September 15, 2012 – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Event Application – St. Rose High School Walk-a-thon – October 3, 2012 – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Request for Brownie Troop Clean-up Project – Devine Park – September 16, 2012 – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Request for Use of North End Beach – Wall High School Surf Team

Mr. Judge gave an overview of the request. Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2012-011 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 100-23 OF THE BOROUGH CODE, "ALCOHOLIC BEVERAGES", OF THE BOROUGH OF SPRING LAKE, NEW JERSEY" by title.

Mayor Naughton noted for the public that this amendment is pertaining to a minor change in the language from "possession and consumption" to "possession and/or consumption", which was requested by the Chief of Police.

Mrs. Venables offered a motion to introduce Ordinance No. 2012-011, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ORDINANCE NO> 2012-011 in full/Ordinance Book #1

Resolutions

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

**R-12-156 - RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
CONTRACT WITH THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF PROFESSIONAL
SERVICES**

Borough Attorney stated that if discussion is necessary it would be best to hold for Executive Session. Mayor suggested R-12-156 be considered after Executive Session.

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

**R-12-157 - RESOLUTION – AWARD OF CONTRACT #05-2012
NEW NORTH END POOL & PAVILION FACILITY**

WHEREAS, a recommendation was made by the Mayor to the Council of the Borough of Spring Lake ("Borough") to seek a contract for construction services for the North End Pavilion (hereinafter "Project"); and

WHEREAS, the Project was properly advertised to prospective bidders in accordance with N.J.S.A. 40A:11-4; and

WHEREAS, on Thursday, May 17, 2012 the Board received bids from potential bidders in accordance with N.J.S.A. 40A:11-1, et seq and on Thursday May 24, 2012, the Mayor and Borough Council rejected the bids for exceeding the Project budget and authorized the Project be rebid in accordance with N.J.S.A. 40A:11-13.2(a) & (b); and

WHEREAS, on Thursday June 12, 2012, the following bids were received from potential bidders in accordance with N.J.S.A. 40A:11-1, et seq:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

24681

Contractor	Benjamin Harvey	Fitzpatrick & Assoc.	Kappa Construction	Wallace Brothers	G&P Parlamas
Base Bid	\$5,943,000	\$6,343,000	\$6,778,380	\$6,504,785	\$7,170,117
Unit Prices	\$19.50	\$22.20	\$28.00	\$21.00	\$20.00
Ext. Piles	\$271,542.50	\$308,913	\$389,620	\$292,215	\$278,300
Total Base	\$6,214,342.50	\$6,651,913	\$7,168,000	\$6,797,000	\$7,448,417
Alt. #1 (Pool)	\$36,000	\$43,000	\$40,000	\$38,000	\$38,000
Alt. #2 (Pool)	\$29,000	\$40,000	\$31,000	\$32,000	\$39,000
Alt. #1 (Pool Equip.)	\$33,800	\$35,000	\$36,000	\$36,000	\$35,000
Alt. #1 (Cast in Place Conc.)	(\$190,000)		(\$10,000)	\$1,000,000	\$375,000
Alt. #1 (Concession Equip.)	\$4,000	\$3,500	\$4,500	\$6,000	\$5,000
Alt. #1 (Lockers)	\$689,000	\$649,000	\$216,000	\$1,390,000	\$145,000
Alt. #1 (Gunite Pool)	(\$227,100)	(\$350,000)	(\$162,000)	(\$160,000)	(\$290,000)
Alt. #1 (Site Work)	\$338,000	\$293,000	\$270,000	\$272,000	\$300,000
Alt. #1 (Windows)	(\$10,000)	(\$7,000)	(\$4,000)	(\$4,800)	(\$5,000)
Alt. #1 (Doors)	(\$47,135)	(\$45,000)	\$10,000	(\$64,000)	(\$45,000)
Alt. #1 (SS/Vinyl Pool Subs.)	(\$93,103)	(\$160,000)	(\$168,000)	(\$168,000)	(\$70,000)

and

WHEREAS, upon review of the bids submitted, together with the budget for the Project, and in consultation with the Design Professionals for the Project, the Borough has determined that the bid submitted by BENJAMIN R. HARVEY CO., INC, 9 CINDY LANE, OCEAN, NJ 07712 meets the requirements of the bid specification and Project requirements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #05-2012 be and hereby is awarded to BENJAMIN R. HARVEY CO., INC, 9 CINDY LANE, OCEAN, NJ 07712 for the North End Pool and Pavilion Facility Contract for an amount not to exceed \$6,236,207.50 which includes the base bid, plus the following alternates: Alt. #1 & 2 for Pool Sanitation, Concession Equipment and Garage Doors.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Ordinance No. 2012-008 as amended by Ordinance No. 2012-009 for an amount not to exceed \$6,236,207.50.

/s/ Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: Mr. Fay

ABSENT: NONE

ABSTAIN: NONE

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

**R-12-158 - RESOLUTION – CANCEL REMAINDER OF 2012 TAXES –
EXEMPTION FOR DISABLED VETERAN-[THOMAS J. WHITE – BLOCK 70, LOT 27**

WHEREAS, the owner of property known as 400 Passaic Avenue, Block 70, Lot 27, in the Borough of Spring Lake is owned by a 100% Permanently and Totally Disabled Veteran, as noted in a letter from the Department of Veterans Affairs dated May 3, 2011 which was effective October 21, 2010, and

WHEREAS, the property owner Thomas J. White, being determined to be totally and permanently disabled by the Department of Veteran Affairs applied to the Borough of Spring Lake for the tax exemption on May 11, 2011, for Block 70, Lot 27, and

WHEREAS, the Tax Assessor of the Borough of Spring Lake was unable to enter the tax exemption into the 2012 tax levy causing Block 70, Lot 27 to reflect full tax billing for the 2012 year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Chief Financial Officer/Tax Collector is hereby authorized to cancel 2012 taxes as levied, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer/Tax Collector be and hereby is authorized to process and refund payments made totaling \$8,811.71 for Block 70, Lot 27 back to Thomas J. White.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-12-159 – APPROVAL OF BILLS – AUGUST 28, 2012

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 28, 2012, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

CURRENT FUND (1)	663,738.00
GENERAL CAPITAL (4)	600.00
WATER/SEWER OPERATING (9)	34,332.83
SPRING LAKE TRUST (15)	1,787.50
MT LAUREL TRUST (16)	1,350.00
RECREATION (25)	19,616.50
BEACH OPERATING (81)	207,441.39
POOL OPERATING (91)	39,094.17
TOTAL	\$967,960.17

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Helen Motzenbecker, 4 Glenwood Avenue, noting that she arrived late, asked if there was any discussion about the North End Pool. Mayor Naughton informed Ms. Motzenbecker that the discussion was limited due to the pending litigation and reiterated that the Council's goal is to move forward with the project. Ms. Motzenbecker stated that she found it difficult to understand why anyone would object to the project stating that a new building, versus the old structure, would be an improvement. Ms. Motzenbecker further stated that she feels it would be an improvement in property value.

Mike Mattia, 313 Jersey Avenue, stated that he was present to represent SMRSA and stated that starting next week work will begin on the pump station which will take approximately three (3) weeks to prepare the by-pass. After the by-pass is in place, Mr. Mattia continued, the building will come down and the new building, which will be much smaller, will be put in place no later than December with the rest of the work to be complete by Memorial Day. The Mayor asked if the street will need to be blocked off. Mr. Mattia noted that if they need to work into the street it would only affect the parking spaces and would not interfere with traffic. The Mayor stated that they look forward to a smaller more attractive building. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked if there will be a change in pumping capacity. Mr. Mattia noted that it's not a pumping capacity issue so much as it will provide for submersible pumps and an above ground generator. Mr. Avakian asked if the by-pass pumping is below ground elevation so as it won't interfere with the construction. Mr. Mattia confirmed that it was.

Eleanor Twomey, 108 Vroom Avenue, asked about a sulfuric odor around the area of 18th Avenue. Mr. Mattia stated that when there is an odor complaint, SMRSA will respond. Although there may at times be

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

24683

an odor, Mr. Mattia continued, it would not be sulfur and could be sewer gas. Ms. Twomey also inquired about the number of male joggers who are jogging topless. Mayor Naughton noted that there is no ordinance that regulates this activity.

Lyle Marlowe, 110 Pennsylvania Avenue, complimented the public works department on working to keep the Spring Lake bridges safe, however, he stated that he feels they may have to start planning for the replacement of the bridges. Secondly, Mr. Marlowe commented on a Coast Star article in connection with the North End Pool and the need for Freeholder review. Mr. Colao responded that the Borough is on the Freeholder's agenda for the next meeting and prior to that will go in front of the Planning Board.

Eleanor Twomey, 108 Vroom Avenue, asked what the purpose was of the Freeholders' and Planning Boards' involvement. Mr. Colao explained that it is a County Road which requires their involvement.

Harry Zarb, 2208 Third Avenue, asked for clarification as to whether it was the Borough's Planning Board or the County's. Mr. Colao confirmed that it was the County's. Mr. Zarb also asked if the Mayor and Council could consider painting the white and black street sign posts.

Mary Grace Kilmer, 3 South Boulevard, voiced concern that the North End Pavilion gets knocked down and the Borough is prevented from rebuilding. Mayor Naughton stated that the Borough will do everything in its power to avoid knocking down a building that can not be replaced.

Executive Session

Mayor Naughton noted that action may be taken on R-12-156.

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

R-12-160A 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: State vs. Phoenix Feeley, North End Pavilion Professional Services, O'Malley vs. Borough of Spring Lake and Lake Como/Behrman Park 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. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:40 P.M.

MEETING IS RECONVENED: 8:15 P.M.

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

R-12-156 - RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF PROFESSIONAL SERVICES

WHEREAS, there exists a need for professional 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 following listed persons/firms and the Borough for the provision of said services; and

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 28, 2012**

PS#10-2012	Legal Services – Conflict Counsel	Dennis Collins, Esq.	Collins, Vella & Casello, LLC 1451 Route 34 South, Suite 303 Wall, NJ 07727
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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 for one (1) year on an as-needed basis at \$150.00 per hour; 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, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have 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 them from making any reportable contributions through

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; 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; 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; and

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Adjournment

Mr. Drasheff offered a motion to adjourn the meeting, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:17 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: December 4, 2012