

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
FEBRUARY 8, 2011**

24253

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

ABSENT: Mrs. Venables (Arrived at 7:10 P.M.)

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

Workshop Discussion – None

Approval of Minutes

Mrs. Reilly offered a motion to approve the minutes of June 10, 2010, seconded by Mr. Rich.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Drasheff

Mrs. Reilly offered a motion to approve the minutes of June 22, 2010, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Drasheff

Mrs. Reilly offered a motion to approve the minutes of July 13, 2010, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Drasheff, Mr. Fay

Mrs. Reilly offered a motion to approve the minutes of July 27, 2010, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Drasheff

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Mrs. Reilly offered a motion to approve the minutes of August 10, 2010, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Drasheff

Mrs. Reilly offered a motion to approve the minutes of August 24, 2010, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Drasheff

Proclamations, Presentations & Special Guests

Public Comments

Mary Beth Maclearie, Director of Bike & Special Projects of the National Multiple Sclerosis Society thanked the Mayor and Council for allowing event over the last 20 years. Their event application is on the Agenda and she attended to answer any questions. Mayor Naughton stated that the issued raised at the meeting has been resolved and that the markings were not from her group but she assisted with getting them resolved.

Council Comments & Staff Reports

Mayor Naughton reported that the Finance Committee will be meeting this Thursday with the new CFO to take a first look at the budget and look at financing options for North End Pavilion.

Mr. Drasheff reported that the Asbury Park Press had a series on preserving the Barnegat Bay. He expressed his concern on a bill that would tax us \$1.00 on each beach badge we sell to create a fund to benefit the Barnegat Bay. He felt it was injustice to Monmouth County and our town. He brought in a copy of the bill and asked that it be reviewed and felt that we should show our opposition to it. Assemblymen Holzapfel and Wolfe out of District 10 are the sponsors. Mr. Rich felt that we could send a letter to Dave Rible and Mary Pat Angelini. Mrs. Reilly stated that we have areas here in Monmouth County that need funding.

Mrs. Reilly noted as Representative to the Planning Board that one of the challenges facing the Board is corner lots. She mentioned this to Mr. Rizzo who has done research on this she asked that this item be placed on a workshop agenda for discussion. She also asked that Matt Zahorsky be invited to attend. Mr. Rizzo has solutions for the various corner lot situations.

7:10 p.m. Mrs. Venables arrived.

Mr. Colao felt that it may be beneficial to have a Committee look at it with Matt before it is part of a Workshop. The issues could be highlighted. He stated that there are other amendments that are needed that could be part of a package.

Mrs. Reilly stated that there are going to be variances pending in the next couple of months that deal with the corner lot issue and that is why she would like to start on this and address

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the issues one at a time. Mr. Colao stated that we tried that and would not want to repeat what happened last time. He felt that the solution is a bit more difficult. He added the professionals charged with this should offer their suggestions. Mrs. Venables stated that she has spoke with Mr. Zahorsky and asked him to outline his concerns.

Mayor Naughton suggested the Planning Board Engineer. Mrs. Venables stated that she understands that we had some false starts but felt that it shouldn't be rushed because of a couple of applications. She did speak with Matt and asked him to give a summary of what he would like to see addressed. She stated that she wanted to be a part of that effort. Mrs. Reilly stated that she would like to be a part of it also.

Mr. Colao suggested that on the next agenda there could be a Resolution to appoint a subcommittee, who they are and what there charge is. This would be a formal Resolution. He felt that an Ordinance change should emanate from the body. This way it can be formalized and thought through. Mrs. Venables felt that Mr. Rizzo's input would be invaluable.

Mayor Naughton felt that there isn't a myriad of ways to resolve the problem and she felt that there is some urgency in Mrs. Reilly's request.

Mr. Rich questioned the thoughts of the Council on the south end pool. Mayor Naughton stated that she is supportive of the new liner in the south end pool whether it be this year or next. Mr. Avakian stated that it has outlived its useful life but it is still functional and needs to be replaced but should not affect the use of the pool. Mr. Drasheff stated that it is one of the items that is going to be addressed at the Finance Committee meeting this week.

Mrs. Venables would like the Subcommittee to address design standards for the downtown. It is a complex issue that needs to be addressed. Mark Pavlav, an Architect who lives in town and has agreed to assist.

Borough Engineer's Report

Mr. Avakian had nothing to report this evening.

Borough Administrator's Report

Mr. Dempsey reported on the following items:

- **Transportation Trust Fund Grant** – The Borough has been awarded a \$160,000 grant for Newark Avenue roadway improvements. Mr. Avakian stated that the funding was reduced this year so he was happy to receive it. Mr. Dempsey stated that it will cover most of the cost but we will be fixing any sewers or curbing. Mr. Avakian stated that it is not a massive cost project. Mr. Dempsey hoped for a Fall construction.
- **Electrical Subcode Inspector** – Mr. Sullivan is back to work so everyone will resume their normal duties. He stated that Pat Callahan did an excellent job filling in and we would look to him in the future if his assistance was needed.
- **MS Bike** – Mary Beth Maclearie is here this evening. The markings in the road is not theirs but they have assisted in getting the problem corrected.
- **Lake Como Antenna Discussion** – They have a proposal to move the WRAT tower to another location. It was an informal meeting and will be moving forward with a scoping petition. The location is in the corner of their park near Marucci Park on the Spring Lake border. The tower would be 532 ft. Green Acres has to approve the location. He will keep

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the Council apprised. Mrs. Reilly stated that they will allow us to put our emergency communication on it.

- **Fertilizer Ordinance** – He is working with Don Brahn Jr. on this and he hoped to have something shortly on it. This was something that came out of the Wreck Pond Watershed group. He stated that there is non-phosphorus fertilizer that could be used since we have Wreck Pond. The enforcement needs to be done as more of an educational procedure.
- **Marucci Park** – We are still evaluating the bids and hope to award it at the next meeting. There was an objection filed and Mr. Colao is reviewing the bids.

Borough Attorney's Report

Mr. Colao advised he had one item for Executive Session.

Business Items Under Consideration

Event Applications – MS Bike Tour – May 21, 2011 & MS Walk/Run – April 10, 2011 – Carried from 1/25/11 – Mayor Naughton noted that these were questioned at the last meeting. Mrs. Reilly offered a motion to approve the requests for the MS Bike Tour and MS Walk/Run, seconded by Mrs. Venables. Unanimously approved.

Shark River Surf Anglers – Trout Fishing Contest – April 9, 2011 – Mrs. Reilly offered a motion to approve the Trout Fishing Contest on April 9, 2011, seconded by Mrs. Venables. Unanimously approved.

Goodwill Fire Company – Request to Use Roll-Off Truck – Mrs. Reilly offered a motion to approve the request to use the roll-off truck, seconded by Mrs. Venables. Unanimously approved.

Request for Handicapped Parking Spaces – Spring Lake Bath & Tennis Club – Discussion on request. Matter to be referred to the Police Department for their recommendation. Mr. Quinn stated that this would require us to adopt an Ordinance or some sort of formal action? Mr. Quinn asked that the Beach Superintendent be consulted and an Ordinance would be required. A member of the audience expressed his concern of the misuse of the handicapped placards. He felt that they are shared by family members and there is a lot of abuse at the beach. Ms. Gillespie advised that it has to be done by Ordinance. Ms. Gillespie also suggested that it be referred to the Traffic Safety Officer for recommendations. Mr. Avakian stated that the State Regulations only mandate parking off-street not on the street and any spaces would be open to the public.

Correspondence from Legislators – Opposition to Wind Turbine At National Guard Training Center in Sea Girt – Mayor Naughton noted that we had adopted a Resolution opposing this and supporting Sea Girt's opposition to this. The letter is from Mary Pat Angelini and Dave Rible. They have sponsored legislation to ban it.

Ordinances for Introduction

Borough Attorney read Ordinance No. 2011-001 entitled: "AN ORDINANCE AMENDING PART II, "GENERAL LEGISLATION," CHAPTER 225, LAND DEVELOPMENT, ARTICLE IV, "DISTRICT REGULATIONS", SECTION 14, "CS-SC COMMON SERVICES RESIDENCE SENIOR CITIZEN DISTRICT" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE, NEW JERSEY" by title.

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Mayor Naughton explained the background and Ordinance procedure.

Mrs. Venables offered a motion to Introduce Ordinance No. 2011-001 with publication being at the convenience of the Borough Clerk, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ORDINANCE NO. 2011-001 IN FULL/ORDINANCE BOOK NO. 1

Ordinances for Adoption – None

Resolution removed from Consent Agenda.

Mr. Quinn asked that R-11-040 be removed from the Consent Agenda due to a possible conflict.

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

**R-11-040 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

PS#06-2011	Appraisal Services	Robert Gagliano	Gagliano & Company	1129 Broad Street Shrewsbury, NJ 07702
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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 1 year; 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 the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract.

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

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Quinn

Consent Agenda

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

**R-11-041 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#06-2011 - PTA ST. CATHARINE'S SCHOOL - OFF PREMISE RAFFLE**

WHEREAS, the PTA ST. CATHARINE'S SCHOOL has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#06-2011, 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#06-2011 be and the same is hereby approved as follows:

NAME:	PTA ST. CATHARINE'S SCHOOL
	Identification No.: 475-5-7331
LOCATION:	St. Catherine's School
	301 Second Avenue, Spring Lake, NJ 07762
DATE:	March 17, 2011 8:00 A.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-042 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENTS
AS RESULT OF TAX APPEALS**

WHEREAS, taxes on the following properties have been overpaid as the result of a Tax Court Appeal Settlement.

Tax Year	Block	Lot	Street Address	Name	AMOUNT
2009	136	3	2009 Prospect Avenue	Michael I. Schneck Trustee for Goldstein, Neil B.	\$3,549.44
2010	136	3	2009 Prospect Avenue	Michael I. Schneck Trustee for Goldstein, Neil B.	\$3,993.30

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that refunds in the amounts specified are hereby approved for the aforementioned properties.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayments to be a total of \$7,542.74. /S/ SUSAN M. SCHRECK, TAX COLLECTOR

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-043 RESOLUTION – REFUNDING UNUSED ESCROW FEES

WHEREAS, escrow fees were submitted to the Borough for the block and lot set forth below, and

WHEREAS, said applications has been completed and any unused monies returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned:

Frank & Michelle Van Amburgh	Block 65	Lot 11.01	17 Passaic Avenue	\$250.00
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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

**R-11-044 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT WITH VALLEY HEALTH
MEDICAL GROUP FOR CDL - DRUG & ALCOHOL TESTING PROGRAM FOR 2011**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with Valley Health Medical Group for CDL Drug & Alcohol Testing Program through December 31, 2011.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-045 RESOLUTION – APPOINTING PART-TIME DISPATCHERS
SPRING LAKE POLICE DEPARTMENT**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed as part-time dispatchers for the Spring Lake Police Department effective immediately:

William Toomer	\$16.35 per hour
Steven Panepinto	\$16.35 per hour

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-046 RESOLUTION – APPROVAL OF BILLS – FEBRUARY 8, 2010

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 8, 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.

<u>SUMMARY</u>	
CURRENT FUND (1)	2,829,172.89
WATER/SEWER OPERATING (9)	28,852.38
DOG TRUST (13)	75.40
SPRING LAKE TRUST (15)	7,236.00
PLANNING BOARD ESCROW 1 (21)	250.00
RECREATION (25)	1,004.13
BEACH OPERATING (81)	13,293.42
POOL OPERATING (91)	870.78
TOTAL	\$2,880,755.00

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Lyle Marlowe, Pennsylvania Avenue stated that Wreck Pond will flood again it is just a matter of when. The group does not seem to be able to get agree to move ahead. He felt that the onus should be put on Spring Lake Heights for their assistance and when the three of us are together we can put pressure on Wall and together we can get something done. Mayor Naughton agreed and hoped that the FEMA grant is approved. Mr. Dempsey stated that Spring Lake Heights was waiting to see what Wall was going to do. He is scheduling a meeting to see if he can get Wall on board and then get Spring Lake Heights on board.

As to the Financial meeting on the North End Pavilion, he stated that one of things that should be discussed is how the lockers and badges are going to be charged. He said that there is confusion about how they will be charged and what the size of the lockers are going to be. A lot of the details have not been discussed and he hoped that more information would be disseminated. Charges for pool and lockers could be separate. He felt that there has to be more discussion on the tax.

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Mr. Patterson questioned if the Court moves to Belmar would we lose revenue. He is advised no and that at this time there is not any plan to move the Court. He noted that the area Judges are closing in on retirement and Judge Brennan in Sea Girt is willing to work for peanuts to keep involved. Mr. Dempsey stated that hypothetically we can keep our people if that was to be done. It would not affect our people. We do not have to take theirs on. We would be able to keep Judge Pappas. We would just utilize their staff.

Executive Session

Mr. Colao noted that action may be taken on Police promotions following the Executive Session.

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

R-11-047 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: Essex & Sussex Litigation and Police promotions.

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. Quinn, Mrs. Reilly, Mr. Rich

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:48 P.M.

MEETING IS RECONVENED AT: 8:20 P.M.

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

**R-11-048 RESOLUTION – APPOINTING LIEUTENANT
SPRING LAKE POLICE DEPARTMENT – GERALD PRESTON**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Gerald Preston be and hereby is appointed Lieutenant of Police for the Borough of Spring Lake effective March 1, 2011.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

ROLL CALL:

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

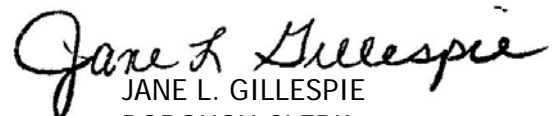
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:22 P.M.

Respectfully submitted,


JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: March 8, 2011