

24370

**REGULAR MEETING  
MAYOR & BOROUGH COUNCIL  
BOROUGH OF SPRING LAKE  
JUNE 28, 2011**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 6:00 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. Quinn, Mrs. Reilly, Mayor Naughton

ABSENT: NONE

ALSO PRESENT: Jane Gillespie, Borough Clerk

W. Bryan Dempsey, Borough Administrator

Peter Avakian, Borough Engineer (Arrived at 6:45 P.M.)

Joseph Colao, Esq., Borough Attorney

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**Workshop**

**Zoning Regulations Discussion – Matt Zahorsky, Zoning Review Agent**

Mr. Zahorsky reviewed the following recommendations to the Zoning Ordinance:

*225-7 Definitions:*

*BASEMENT – That portion of a building partly below and partly above grade, where the finished floor averages five feet, or more than five feet, above the finished grade and where such grade meets the outside walls of the foundation.*

*AREAWAY – (add the following to existing definition) Areaways shall be considered part of the building foundation and included in the BUILDING AREA, as defined in this section. Any structure attached to a foundation not meeting this definition shall be considered window wells.*

Mr. Colao felt that a definition of window wells should be included in the proposed amendment.

*RETAINING WALL – (add the following to the existing definition) All structures 18 inches or less in height shall be considered landscaping walls and shall be permitted in the side and rear yards only. This definition shall not apply to AREAWAYS or WINDOW WELLS.*

*225-12D*

*Detached private garage (5) 1 ½ story/18 feet*

*Notes:*

*(5) No garage shall be higher than 1 1/2 stories and 18 feet in height such that the half-story above shall be nonhabitable and provide no more than six feet standing room from the top of the floor framing to the roof framing/collar tie at the underside of the roof.*

Discussion on adding in that it cannot have a flat roof.

*225-18. Fences and sight triangles.*

*All permitted fences shall be situated on a lot in such a manner that the finished side of such fence shall face adjacent properties. No fences or gates shall be constructed or placed in front yards. No fence shall be erected of barbed wired, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals. Moreover, on any lot in any district, no fence shall be erected or altered so that said fence shall be over four feet in height in the side yard areas and five feet in height in the rear yard areas. Fences shall be erected in such a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.*

Council in favor of making side yard fences four (4) feet. Also in favor of Mr. Zahorsky's recommendation that five (5) feet in the rear and four (4) feet on the side with nothing in the front yard. It is limited to the specific property and their house location.

*225-30. Yard Area.*

*C. Structural projections customarily attached and appurtenant to a building or structure such as steps, window wells, Areaways, light fixtures, cornices, eaves, gutters, sills, and chimneys, etc.....*

*225-34. General exceptions and modifications.*

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- A. *Height. (add the following) On residential dwelling and accessory structures, chimneys, vent pipes, lightning rods and non-roofed architectural/ornamental appurtenances such as cupolas and spires may be erected above the height limits prescribed by this chapter by no more than six feet, provided that the combined area of all such projections shall not exceed ten percent (10%) and no single projection shall exceed five percent (5%) of the total building area of the building to which they are attached.*

6:45 P.M. – Mr. Avakian arrived.

Council in favor of amendment but in compromise with the Planning Board's recommendations from 2009.

*225-12. R-1, R-2 and R-3 Residential.*

*Front yard (6)*

*Notes:*

*(6) Any corner lot, regardless of residential zone, having a lot width of 60 feet or less shall have a principle front yard setback of 25 feet and a secondary front yard setback (the longer frontage) of 16 feet, provided that architectural breaks are provided along the secondary frontage. Architectural breaks shall be provided every 25 feet along the dwelling, have a minimum depth of 2 feet and a minimum length of 8 feet.*

Mr. Zahorsky to review previously approved variances for this Ordinance and what the circumstances were as part of any approvals.

Mr. Zahorsky stated that lot grading is an issue. He stated that the Ordinance is unreasonable. He would like to have that 225-8(d) Lot grading that sentence deleted.

Mr. Marlowe questioned if bump outs were going to be discussed. He would like to see this as part of the next discussion.

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7:04 P.M. Workshop is concluded and Council took a brief recess.

7:08 P.M. Meeting is continued.

**Proclamations, Presentations & Special Guests - None**

**Approval of Minutes**

Mrs. Venables offered a motion to approve the minutes of April 26, 2011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mrs. Venables offered a motion to approve the minutes of May 10, 2011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Public Comments**

Eleanor Twomey, Vroom Avenue commented on how wonderful First Avenue is now that the road improvements are completed.

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Walter Kimm, St. Clair Avenue questioned if there have been any changes to the pool plan. Mayor Naughton advised some minor changes have been worked on. He does not like the way the kiddie pool is and the way the pools are laid out. He would like to see wider walkways.

Mr. Kimm commented that the hedges by the 911 Memorial and stated that they are getting high and it was not meant to block the view of the ocean. Mrs. Venables stated that the intent behind the plan was that when you are there sitting, it blocks the cars and traffic and you would be able to see the ocean.

**Council Comments & Staff Reports**

Mayor Naughton reported on the following items:

- **Lake Como Tower Relocation** - Everyone attended the meeting in Lake Como on the relocation of the cell tower. She reviewed the specifications and the fact that it is going to have to be lit 24 hours a day. She encouraged everyone to write and then know what their feelings are on the diversion. The meeting the other night was the beginning of a long process and she felt it was important to get our feelings on the record. Mrs. Venables felt that this was a train that left the station already and are not going to back off lightly and she felt we must bring our pressure to bare upon the DEP. Lake Como has been working with the radio station for the last six years. She felt that the plan was very one-sided. They have to demonstrate a compelling public interest and she felt that they failed miserably to do that. She asked everyone to talk to their friends and neighbors. July 5, 2011 is the Public Meeting in Lake Como to vote on the diversion at their Council Meeting so Mr. Drasheff urged everyone to also attend this meeting. Mr. Fay agreed and felt that this was all about money. Mr. Quinn stated that he was impressed by the citizens of Lake Como who attended and spoke did so eloquently. The people in that area oppose it vehemently just as we do. The residents who live around that park deserve some protection.

Mr. Kimm questioned if environmental issues could be used? Mayor Naughton advised yes, because of Polly Pond Brook and they admitted that they haven't done any studies on that yet. He questioned if NJ Transit had taken a position. Mayor Naughton stated that not that she knows of yet.

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Mr. Drasheff commended the congregation of Holy Trinity Church. It was a very nice service and they have done a nice job restoring the building.

Mrs. Venables noted that Betty Robinson has resigned from the Shade Tree Committee. She commended her for all her hard work and knowledge. Betty also is a member of the Garden Club and Historic Preservation. The Shade Tree Committee dedicated the recently transplanted copper beach tree in her memory for all of her hard work.

Mr. Quinn reported on the beach operations and stated that we are off to a great start and that the revenue is on target. He is also pleased with the presence of the Special Police. He is hoping for a successful summer.

Mrs. Reilly noted July 5<sup>th</sup> is the start of Summer Recreation. Peewee recreation is closed but the other programs do not close out. You can now register for Aerobics online and basketball will be online soon. All future programs will be done online.

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**Borough Engineer's Report**

Mr. Avakian reported on the following items:

**First and Second Avenues Road Improvements** – The project is complete and noted that there was a 30% asphalt increase but it was negotiated down and the change order for that is on the agenda tonight. Manhole rehabilitation is underway and he is hoping that they can identify where there can be a change in impact or infiltration.

**Marucci Park Improvements** - Restrooms facility is complete and was painted today.

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Mrs. Reilly reminded everyone that there is a movie on Wednesday night at the North End Pavilion. It is Jaws and will begin at dark.

**Borough Attorney's Report**

Borough Attorney Colao reported had two items for Executive Session.

**Borough Administrator's Report**

Mr. Dempsey reported that surf camp starts Monday.

Paving on Newark Avenue is being worked on and will be paved in the fall with the possible inclusion of Adrian. He will be setting up a meeting with Robbin Kirk our CFO to see where our budget is tracking.

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**Business Items Under Consideration**

**Vacancy – Nomination Letter from Regular Republican Party of Spring Lake**

Mayor Naughton read the following letter:

**REGULAR REPUBLICAN PARTY  
OF  
SPRING LAKE**

P.O. Box 393, Spring Lake, NJ 07762

June 22, 2011

Jane L. Gillespie, Municipal Clerk  
Borough of Spring Lake  
423 Warren Avenue  
Spring Lake, NJ 07762

Re: Replacement for Councilman Gary J. Rich

Dear Ms. Gillespie:

The Republican County Committee of Spring Lake is pleased to nominate the following individuals for the borough council seat of former councilman Gary J. Rich:

**Neil Kennett – 509 Sussex Avenue**

**Carl J. Guzzo (Esq.) – 20 Worthington Avenue**

**Ellen Gerard – 109 Washington Avenue**

Thank you for your anticipated action on this matter.

Very Truly Yours,

  
Charles L. Casagrande

Spring Lake Republican Municipal Chairman

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Mr. Fay offered the name of Neil Kennett to fill the vacancy of Gary Rich, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Naughton administered the Oath of Office to Neil Kennett.

Mr. Kennett took his seat at the Dais.

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**Request to hold Wedding Ceremony around Spring Lake – September 4, 2011** – Mayor Naughton stated that she is not in favor of this request which was first made to the Borough Clerk and she denied it.

Mr. Dempsey stated that these requests are received all of the time. It is not just here, it is the gazebos both here in the park and down at the beach. The Police Department has received calls about weddings being set up in the gazebos. He noted a recent incident at the Pavilion on Newark Avenue. He stated that he does not know how to enforce it other than requiring a permit. He noted that funds could be generated for their maintenance if that is what the Council wants to do. Without an Ordinance, enforcement is difficult. Discussion on the need for an Ordinance to enable enforcement.

Mr. Quinn suggested creating a permit process and designating the gazebo across from Borough Hall as a place where weddings would be allowed, the only place where weddings would be allowed.

Mrs. Reilly asked about having a permit with a specific charge and the funds could be used to improve things like the bridges over the parks. Mr. Colao stated that any permit fee should address the cost of the functions involved in the permit. Mr. Dempsey stated that we need to have something in place. Mayor Naughton stated that she was in favor of having one permitted place.

Mr. Quinn offered a motion to **deny** the request, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Naughton asked Mr. Dempsey and Ms. Gillespie to come back to the Borough Council with a recommendation for the permit and the process and a decision on it can be made at that time.

**Spring Lake Historical Society – Request to Hold Walking Tour** – Mrs. Venables offered a motion to approve the request, seconded by Mr. Quinn. Motion was unanimously approved.

**St. Catharine's School – Request to Hold Family Beach Picnic – September 18, 2011** – Mr. Dempsey advised that there have been no problems with this function in the past. He and Mr. Finn work with the coordinators on this event. Mrs. Reilly offered a motion to approve the request, seconded by Mr. Drasheff. Motion was unanimously approved.

**HW Mountz School – Request to Hold Kitchen Tour – October 22, 2011** – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Motion was unanimously approved.

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**Ordinances for Introduction**

Borough Attorney Colao read the following Ordinance by title: Ordinance No. 2011-009 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 376, SECTION 45 "CHARGES FOR TAPPING WATER MAIN AND OPENING STREET" OF THE CODE OF THE BOROUGH OF SPRING LAKE, MONMOUTH COUNTY, NEW JERSEY."

Mrs. Venables offered a motion to introduce Ordinance No. 2011-009 to be published in accordance with law at the convenience of the Borough Clerk, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinance No. 2011-009 in full/Ordinance Book No. 1

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Borough Attorney Colao read the following Ordinance by title: Ordinance No. 2011-010 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 100 OF THE BOROUGH CODE, "ALCOHOLIC BEVERAGES", SECTION 100-16 HOURS AND DAYS OF THE CODE OF THE BOROUGH OF SPRING LAKE AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 376, SECTION 45 "CHARGES FOR TAPPING WATER MAIN AND OPENING STREET" OF THE CODE OF THE BOROUGH OF SPRING LAKE, MONMOUTH COUNTY, NEW JERSEY."

Mrs. Venables offered a motion to introduce Ordinance No. 2011-010 to be published in accordance with law 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. 2011-010 in full/Ordinance Book No. 1

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**Ordinances for Adoption**

Borough Attorney Colao read the following Ordinance by title: "Ordinance No. 2011-006 AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NUMBER 19-2002 ENTITLED: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADOPTED AUGUST 9, 1993, IN ORDER TO CREATE AND ESTABLISH AN EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) IN THE BOROUGH OF SPRING LAKE PURSUANT TO P.L. 1997, C. 388 (N.J.S.A. 40A:14-183 ET SEQ.) FOR THE FIRE COMPANY #1 AND GOODWILL FIRE COMPANY NO. 2" ADOPTED AUGUST 12, 2002."

Mr. Colao explained a problem that was encountered because of a loop hole in the Ordinance that needed to be addressed. A member resigned stating reason and received their money and then made application to rejoin thereby circumventing the rules and purpose of LOSAP. Mayor Naughton explained that it is supposed to be a retirement benefit not something that they can withdraw from like a bank account.

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Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2011-006, seconded by Mr. Quinn.

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**

There being no comments, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-006, seconded by Mr. Quinn.

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**

Mrs. Venables offered a Resolution to adopt Ordinance No. 2011-006, 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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Borough Attorney Colao read the following Ordinance by title: "Ordinance No. 2011-007 AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NUMBER 20-2002 ENTITLED: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADOPTED AUGUST 9, 1993, IN ORDER TO CREATE AND ESTABLISH AN EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) IN THE BOROUGH OF SPRING LAKE PURSUANT TO P.L. 1997, C. 388 (N.J.S.A. 40A:14-183 ET SEQ.) FOR THE SPRING LAKE FIRST AID SQUAD UNDER, AND IN ACCORDANCE WITH, AN INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF SPRING LAKE AND THE BOROUGH OF SPRING LAKE HEIGHTS" ADOPTED AUGUST 12, 2002."

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2011-007, seconded by Mr. Quinn.

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**

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There being no comments, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-007, 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**

Mrs. Venables offered a Resolution to adopt Ordinance No. 2011-007, 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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Borough Attorney Colao read the following Ordinance by title: "Ordinance No. 2011-008 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 114, SECTION 7 "WEAPONS, BICYCLES ON THE BOARDWALK OR BEACHES" OF THE CODE OF THE BOROUGH OF SPRING LAKE, MONMOUTH COUNTY, NEW JERSEY."

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2011-007, seconded by Mr. Quinn.

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. Dempsey explained that the Ordinance currently allows bicycles on the boardwalk until 9:00 AM but now there is too much traffic between 8:00 AM and 9:00 AM so the time is being reduced back to 8:00 AM between May 15<sup>th</sup> and September 15<sup>th</sup>. He then noted that the Ordinance currently gives the starting time as sunrise and he asked that this be changed to state 5:00 AM as sunrise varies and is left to interpretation by the Police Department. He asked that this be amended at this time. Mr. Colao stated that the amendment could be made this evening.

Mayor Naughton noted that she received a note from Harry Zarb who is away and unable to attend the meeting this evening but voiced his objection to this. He felt that the bicycle riders should ride more safely. She stated that respected the objection but she is down there a lot at that time and felt that it is too dangerous to have the bicycles there.

There being no comments, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-008, 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. 2011-008 with the additional amendment that the word sunrise be changed to read 5:00 A.M., 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 a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-11-144 RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS  
OF REVENUE INTO THE 2011 MUNICIPAL BUDGET PURSUANT TO N.J.S.A.  
40A:4-87, WITH THE REVENUES RECEIVED FROM 2011 GREEN  
COMMUNITIES GRANT FROM THE STATE OF NEW JERSEY BY AND FOR THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Spring Lake has received notice of an award of up to \$3,000.00 from the State of New Jersey by and for the Department of Environmental Protection, and has expended the sum of \$3,000.00 pursuant thereto, and wishes to amend its 2011 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the total sum of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00)

Which is now available as a revenue from:

**Miscellaneous Revenues:**

**Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division  
of Local Government Services: State and Federal Revenues Off-set with Appropriations:**

**2011 Green Communities Grant**

BE IT FURTHER RESOLVED that the like sum of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) be and the same is hereby appropriated under the caption of:

**General Appropriations:**

**(a) 2011 Green Communities Grant**

**\$3,000.00**

BE IT FURTHER RESOLVED, that the Borough Clerk is directed forward two certified copies of this resolution to the Director of Local Government Services for approval.

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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**REGULAR MEETING  
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**24379**

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

**R-11-145      RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – BRETT R. BRAHN**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Brett R. Brahn 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 a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-11-146      RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – BRIAN E. DRESSLER**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Brian E. Dressler to become a volunteer firefighter with Spring Lake Fire Company # 1 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 a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-11-147      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:

5/23-5/26-2011NJ Natural Gas Company	\$5,501.00	\$5,085.00	Admin Fee \$416.00
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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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24380

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

**R-11-148      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 Department of Public Works 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:

5/28/2011	Spring Lake Five	\$1,600.00	\$1,504.00	Admin Fee \$96.00
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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 a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-11-149 RESOLUTION – RELEASING STREET OPENING BOND  
1213 FOURTH AVENUE – BLOCK 73, LOT 3**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from G. Martin Builders for property located at 1213 Fourth Avenue, Block 73, Lot 3, and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, Matthew Zahorsky, Zoning Review Agent has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

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

**R-11-150 RESOLUTION APPROVING CHANGE ORDER #1 INCREASING  
CONTRACT #07-2010 FOR IMPROVEMENTS TO FIRST AND SECOND AVENUES BY  
ADDITIONAL \$15,872.56**

WHEREAS, Contract #07-2010 for the Improvements to First and Second Avenues was awarded to Lucas Brothers, 80 Amboy Road, Morganville, NJ, in the amount of \$660,197.70, and

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**24381**

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #1 which increases the contract in the amount of \$15,872.56, the net change to the overall award including all change orders for a total contract in the amount of \$676,070.35.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order #1 increasing Contract #07-2010 for the Improvements to First and Second Avenues in the amount of \$15,872.56 for a total contract in the amount of \$676,070.35 is hereby authorized for the above contract awarded to Lucas, and that the Mayor and Municipal Clerk are authorized to execute Change Order #1.

I, Robbin D. Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify funds for Change Order #1 are available from: Reserve for Second Avenue Improvements, NJ Department of Transportation Grant – Second Avenue, NJ Department of Transportation Grant – First Avenue, Ordinance Nos. 2005-26 (V1) as amended by 2010-016, 2006-10(B) as amended by 2010-15 and 2006-11 (c) in the amount of \$676,070.35. /s/ Robbin D. Kirk, Chief Financial Officer

Mr. Avakian explained that the contractor is not being paid for the thermal plastic striping until a representative of the company comes in a meets with he and the Borough Administrator to clarify some of the issues we have with its use.

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

**R-11-151      RESOLUTION – APPROVAL OF BILLS – JUNE 28, 2011**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending June 28, 2011, 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)	811,873.38
GENERAL CAPITAL (4)	193,282.57
WATER/SEWER OPERATING (9)	186,676.57
SPRING LAKE TRUST (15)	2,945.00
MT LAUREL TRUST (16)	375.00
RECREATION (25)	5,053.93
BEACH OPERATING (81)	103,194.43
POOL OPERATING (91)	30,957.87
POOL CAPITAL (94)	16,434.52
TOTAL	\$1,350,793.27

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**

Eleanor Twomey, Vroom Avenue commented on the youngsters on bicycles that are becoming fresh and not wearing helmets. She felt that we are not enforcing any laws and not bringing it to their parent's attention.

24382

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BOROUGH OF SPRING LAKE  
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She also expressed her concerns about the ice cream truck. Mayor Naughton to discuss with Chief Kerr. This has been discussed with the Chief and he had some ideas about rewarding them for wearing helmets.

Lyle Marlowe, Pennsylvania Avenue, expressed his concern about yellow curbs not being painted. Mr. Dempsey advised that the painting work is being done this week.

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**Executive Session**

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

**R-11-152 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 Opposition to Lake Como Tower Relocation and Potential Litigation

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: 8:00 P.M.

MEETING IS RECONVENED AT: 8:23 P.M.

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

ROLL CALL:

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

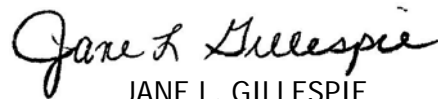
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT 8:23 P.M.

Respectfully submitted,



JANE L. GILLESPIE  
Borough Clerk

Approved at a meeting held on: July 12, 2011