

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
APRIL 26, 2011**

24307

Council President called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:01 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Council President 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, Mr. Rich

ABSENT: Mayor Naughton

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

Proclamations, Presentations & Special Guests
2011 Municipal Budget

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

R-11-089 RESOLUTION - TO READ 2011 MUNICIPAL BUDGET BY TITLE

WHEREAS, the 2011 Municipal Budget was introduced by the Mayor and Borough Council on March 22, 2011, and

WHEREAS, the 2011 Municipal Budget was advertised on March 31, 2011 in The Coast Star, and

WHEREAS, the 2011 Municipal Budget was posted on the official Bulletin Board in Borough Hall, posted on the Borough's Website and a copy was made available in the Spring Lake Public Library, and

WHEREAS, the 2011 Municipal Budget has been made available to any and all persons requesting same, and

WHEREAS, in accordance with N.J.S.A. 40A:4-8, a Resolution shall be passed at the time of the Public Hearing by not less than a majority of full membership that said budget be read by title only as set forth herein before.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the 2011 Municipal Budget be read by title only at the Public Hearing on April 26, 2011.

ROLL CALL:

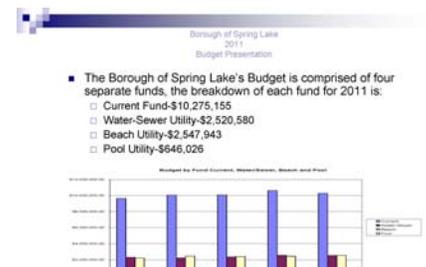
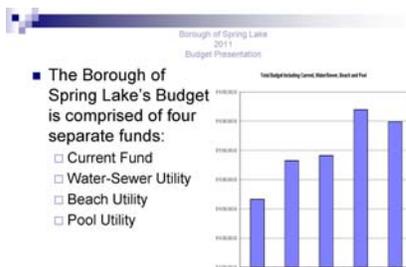
AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Quinn, Mrs. Reilly, Mr. Rich

NAYS: NONE

ABSENT: Mayor Naughton

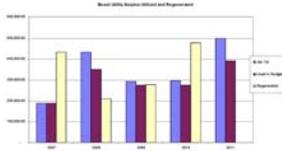
ABSTAIN: NONE

The Chief Financial Officer, Robbin Kirk, gave the following presentation.

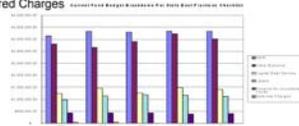


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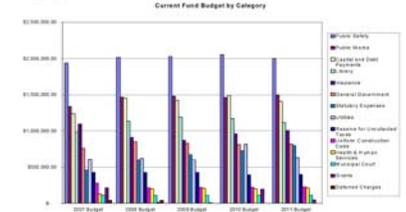
Borough of Spring Lake
2011
Budget Presentation
The below chart depicts the Beach Utility Surplus balance, utilization within the budget and regeneration of surplus. Due to the type of fees received, and the dependency on weather, it is anticipated that the amount of surplus can vary by year.



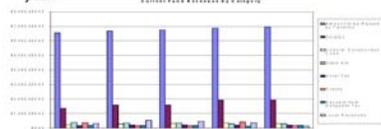
Borough of Spring Lake
2011
Budget Presentation
In accordance with the State of NJ Best Practices, the Current Fund appropriations (expenses) can be broken down into the following categories:
- Salary and Wages
- Other Expenses
- Capital and Debt
- Library
- Reserve for Uncollected Taxes
- Deferred Charges



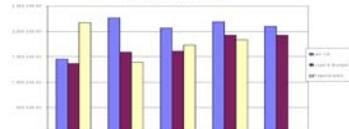
Borough of Spring Lake
2011
Budget Presentation
A further breakdown of this information to show expenses by Department.



Borough of Spring Lake
2011
Budget Presentation
The Current Fund Revenues have been stable over the past five years. The Amount to be Raised by Taxation in this year's budget has increased by 1%, which is lower than the 2% cap mandated by the State of NJ. On an average assessment in Spring Lake of \$1.8 million this would equate to a tax increase of \$22.93 for the year.

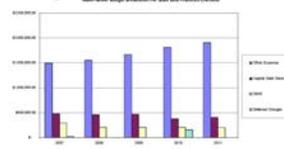


Borough of Spring Lake
2011
Budget Presentation
The below chart depicts the Surplus balance, utilization within the budget and regeneration of surplus. The surplus balance has been stable for several years which shows good overall financial management of the Borough.

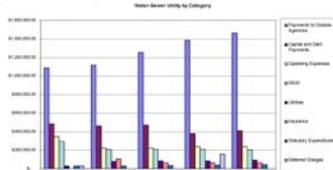


Water-Sewer Utility
2011
Appropriations and Revenues

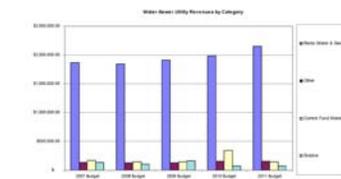
Borough of Spring Lake
2011
Budget Presentation
In accordance with the State of NJ Best Practices, the Water-Sewer Utility appropriations (expenses) can be broken down into the following categories:
- Other Expenses
- Capital and Debt
- Salary and Wages
- Deferred Charges



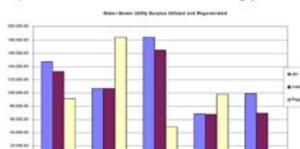
Borough of Spring Lake
2011
Budget Presentation
A further breakdown of this information to show expenses by detailed categories:



Borough of Spring Lake
2011
Budget Presentation
The Water-Sewer Utility Revenues increased over the past five years, due to rate increases. This year's budget does not necessitate a rate increase to water-sewer consumers.

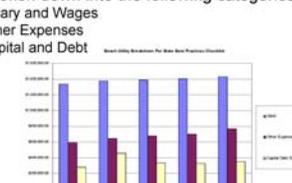


Borough of Spring Lake
2011
Budget Presentation
The below chart depicts the Water-Sewer Surplus balance, utilization within the budget and regeneration of surplus. Although surplus balances have varied over the past several years, this anticipation has been offset by the rents being received. The Borough will look to stabilize the surplus and use of same in the coming years.

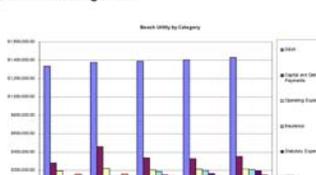


Beach Utility
2011
Appropriations and Revenues

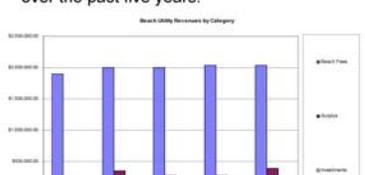
Borough of Spring Lake
2011
Budget Presentation
In accordance with the State of NJ Best Practices, the Beach Utility appropriations (expenses) can be broken down into the following categories:
- Salary and Wages
- Other Expenses
- Capital and Debt



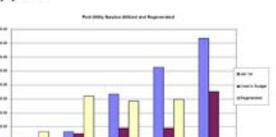
Borough of Spring Lake
2011
Budget Presentation
A further breakdown of this information to show expenses by detailed categories:



Borough of Spring Lake
2011
Budget Presentation
The Beach Utility Revenues have stayed stable over the past five years.

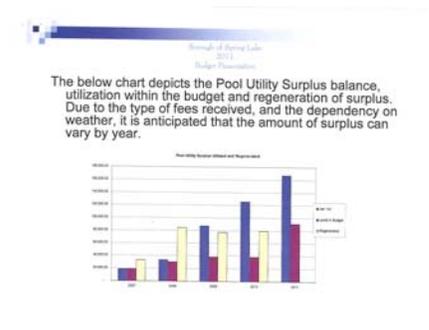
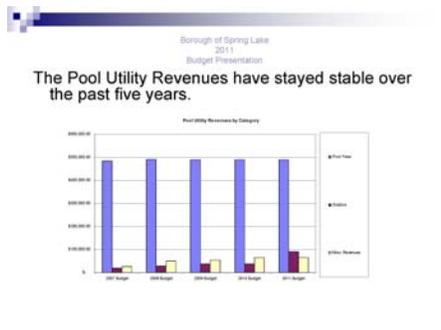
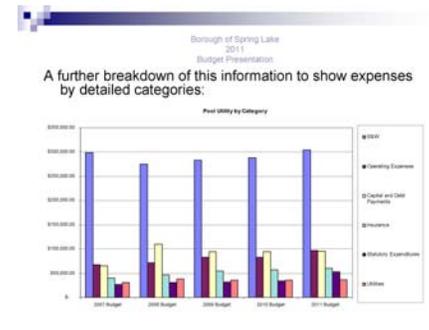
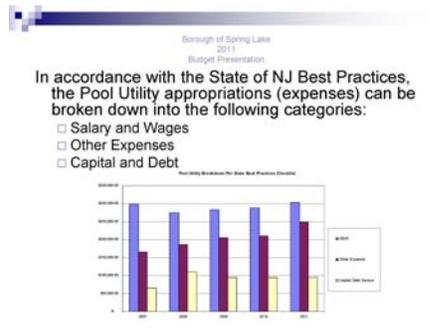
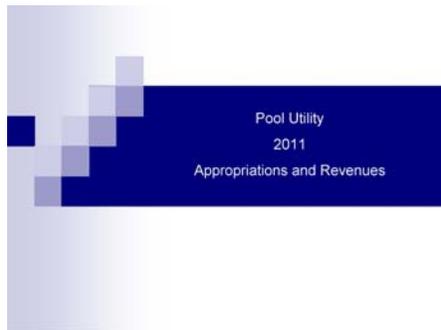


Borough of Spring Lake
2011
Budget Presentation
The below chart depicts the Beach Utility Surplus balance, utilization within the budget and regeneration of surplus. Due to the type of fees received, and the dependency on weather, it is anticipated that the amount of surplus can vary by year.



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Mrs. Reilly offered a motion to open the Public Hearing on the 2011 Municipal Budget, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Eleanor Twomey, Vroom Avenue commented on the budget as to the small increase.

Lyle Marlowe, Pennsylvania Avenue questioned if the cost for the Specials were part of the Police Budget? He was advised no, they are paid through the Beach Utility.

Mr. Rich stated that he felt the \$73,000 increase could be reduced. He would like to see a zero increase. Mrs. Kirk advised that there were cuts made to the budgets submitted and that she did not think it would be fiscally prudent to make any additional changes.

Mrs. Reilly stated although she would have like to see a zero budget, she knew that the Finance Committee worked hard on this budget and she would support it.

Mr. Drasheff stated that the Committee did work to reduce the budget to where it is. The three main factors being health benefits costs, payments for retirees and dispatch costs that are causing the slight increase.

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Mr. Quinn explained that he had three concerns when reviewing this budget. One being a decline in the surplus; two the amount of accumulated leave and three in the water budget not building enough surplus and that he felt that there should have been a small increase in the user fee. He noted that he would, however, be supporting this budget as presented.

There being no further questions from the public, Mrs. Reilly offered a motion to close the public hearing on the 2011 Municipal Budget, seconded by Mr. Rich.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Mrs. Kirk explained that the following Resolution only changes the allocation of money but does not change the bottom line but is necessary as a result of the recently enacted legislation with respect to the Municipal Library Tax Levy Law.

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

R-11-090 RESOLUTION – AMENDMENT TO 2011 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2011 was approved on the 22nd day of March, 2011, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following amendments to the approved budget of 2011 be made.

| | <u>From</u> | <u>To</u> |
|--|-----------------|----------------|
| 6. Amount to be Raised by Taxes for Support Of Municipal Budget: | | |
| a) Local Tax for Municipal Purposes Including | | |
| Reserve for Uncollected Taxes | \$ 6,945,700.07 | \$5,831,135.21 |
| Minimum Library Tax per R.S. 40:54-80 | -0- | 1,114,564.86 |

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

ROLL CALL:

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

NAYS: Mr. Fay, Mr. Rich

ABSENT: Mayor Naughton

ABSTAIN: NONE

Mrs. Reilly offered the following Resolution to adopt the 2011 Municipal Budget as amended, seconded by Mr. Drasheff.

R-11-091 RESOLUTION – ADOPTION OF 2011 MUNICIPAL BUDGET AS AMENDED

BE IT RESOLVED by the Borough Council of the Borough of Spring Lake, County of Monmouth that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

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\$ 5,831,135.21 for municipal purposes, and
 \$ 0.00 for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
 \$ 0.00 to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
 \$ 0.00 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
 \$ 1,114,564.86 Minimum Library Levy

| | |
|--|-----------------|
| 1. General Revenues | |
| Surplus Anticipated | \$1,925,000.00 |
| Miscellaneous Revenues Anticipated | \$1,199,455.27 |
| Receipts from Delinquent Taxes | \$205,000.00 |
| 2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES | \$5,831,135.21 |
| 3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE I SCHOOL DISTRICTS ONLY | 0.00 |
| 4. To be added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY | 0.00 |
| 5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY | \$1,114,564.86 |
| Total Revenues | \$10,275,155.34 |
| 5. GENERAL APPROPRIATIONS Within "CAPS" | |
| Operations Including Contingent | \$6,058,069.00 |
| Deferred Charges and Statutory Expenditures – Municipal | \$784,508.75 |
| Cash Deficit | 0.00 |
| Excluded from "CAPS" | |
| Operations – total Operations Excluded from "CAPS" | \$1,623,015.13 |
| Capital Improvements | \$643,000.00 |
| Municipal Debt Service | \$766,562.46 |
| Deferred Charges – Municipal | \$0.00 |
| Judgments | \$0.00 |
| Transferred to Board of Education for use of Local Schools (N.J.S. 40:48-17.1 & 17.3) | \$0.00 |
| Cash Deficit | \$0.00 |
| For Local District School Purposes | \$0.00 |
| Reserve for Uncollected Taxes | \$400,000.00 |
| Total Appropriations | \$10,275,15.34 |

ROLL CALL:

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

NAYS: Mr. Fay, Mr. Rich

ABSENT: Mayor Naughton

ABSTAIN: NONE

Approval of Minutes - None

Public Comments

David Schneck advised that he is the Libertarian Candidate for the 30th District and wanted to introduce himself.

Harry Zarb, 2205 Third Avenue expressed his concern with respect to all the digging and repairs being done by NJ Natural Gas in Spring Lake. He asked that the Borough have a representative from NJ Natural Gas come to a meeting in the future.

Cathleen McCusker, Ludlow Avenue commented on all of the construction and the streets being opened resulting in potholes. She felt that the street opening fees should be raised and noted that at First and Jersey Avenues there is a large pothole as the result of a street opening.

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Council Comments & Staff Reports

Mr. Fay stated that he would like to see a citizens' advisory committee created to assist with the budget preparation who would work with the two Council members from the Finance Committee.

Mr. Fay offered a offered motion to create a Citizens' Advisory Committee to assist with the budget, seconded by Mr. Rich.

ROLL CALL:

AYES: Mr. Fay, Mr. Rich

NAYS: Mr. Drasheff, Mrs. Venables, Mr. Quinn, Mrs. Reilly

ABSENT: Mayor Naughton

ABSTAIN: NONE

Mrs. Venables advised that it would be discussed again in the future that perhaps it should be up to the Council who is sitting for the next budget to decide on this issue.

Mrs. Venables reported that DPW in conjunction with the Monmouth County Shade Tree will be moving a copper beach tree from a resident on Ludlow Avenue and planting it in Potter Park. She also reported that the Shade Tree Committee would be cleaning up the area around the Arches on Saturday, April 30th from 9am-1pm volunteers are welcome. She noted that the Borough of Spring Lake has received the Tree City Designation.

Mrs. Venables congratulated the Police Department and Officer Michael Palmer on the recent arrest of the car burglar.

It was noted that Public Works has also completed the demolition of the bathrooms at Marucci Park. Construction of the new bathrooms will be begin and will be completed by July when summer recreation begins.

Mr. Quinn thanked Mrs. Kirk and Mr. Dempsey and also Mrs. Schreck for her assistance on the budget. He felt that it was a solid budget.

Mrs. Reilly advised that the website upgrade was nearing completion and urged everyone to go on and register. She also reported that the Borough is going to need to an Ordinance so that we are in compliance with stormwater regulations with respect to private storm drain inlets. It will be placed on the next Agenda for introduction.

Mrs. Reilly reported on S-2664A –it is a bill pending which would affect the franchise fees we receive. She felt that the Borough should support the League of Municipalities objection to this bill. She felt that a letter should be sent and offered a motion to send a letter to Senator Kean advising of our opposition to this bill, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: Mr. Quinn

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Borough Engineer's Report:

Mr. Avakian reported on the following items:

- **Marucci Park Improvements** – Work will be completed by Memorial Day Weekend. The bathrooms have been demolished and there is a preconstruction meeting for the construction of the new bathrooms tomorrow with work to commence on May 9, 2011.

Paul Jordan felt that the Borough should enact a field use permit now that the soccer fields are being redone to limit them and prevent overuse. He stated that Lake Como has one and it could be used as a model ordinance. Mr. Dempsey to look into this.

Borough Attorney's Report – None

Borough Administrator's Report – Mr. Dempsey advised he had nothing further to report on this evening.

Business Items Under Consideration

Request for Horse & Carriage Permit – October 30, 2011 – This request was carried from the last meeting. Discussion of insurance being needed from the operator. After discussion, Mr. Colao felt that perhaps this approval should be handled by the Police Department. Mr. Colao and Mr. Dempsey to handle this matter.

Handicapped Parking Recommendation from Chief of Police – This is in response to the request from the Spring Lake Bath & Tennis Club who requested additional handicapped parking. The following is Chief Kerr's response:



SPRING LAKE POLICE DEPARTMENT
311 Washington Avenue
Spring Lake, NJ 07762
www.springlakepolice.org



TO: Mayor and Borough Council
FROM: Edward M. Kerr, Jr., Chief of Police
RE: Handicapped Parking
DATED: April 13, 2011

In response to the recent handicapped parking request, please be advised that Sgt. Patrick Gilroy, Traffic Safety Officer reviewed the handicapped parking designations throughout the Borough and has made the following recommendations:

- Spring Lake Bath & Tennis Club - The request should be approved.
- In addition, spaces should be added near all entrances to the beach front along Ocean Avenue. Currently spaces only exist at the pavilions, Brown, Remsen, and Pitney. There are markings on the street at Washington Avenue, but no sign.
- (Handicapped parking violations cannot be enforced without a proper sign.)
- There are two designated handicapped spaces at Mountz School, but again only a sign for one. He recommends adding a sign at the second space.
- There are no handicapped spaces at Marucci Park and should be included in any amendment.
- There are no spaces in the business district on Third Ave. He recommended spaces be added near the intersections in the angled parking.

I concur with Sgt. Gilroy's recommendations.

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Borough Council supports the Chief's recommendation. Borough Attorney to prepare necessary Ordinance for introduction at the next meeting.

Mike Grzlak voiced his concern with the fraudulent use of these spaces including those that have obtained handicapped placards.

NJ DEP Beach Clean-Up – Request to Hold Clean-Up – Mr. Dempsey explained that he has suggested that they hold their clean-up after May 15th and clean the area from York Avenue to Pier Beach as that is when the dogs are no longer allowed on the beach and we are unable to rake in that area because of the piping plover restrictions. Mrs. Reilly offered a motion to approve the request based on the recommendations made by Mr. Dempsey, seconded by Mr. Drasheff. Unanimously approved.

Ordinances for Introduction - NONE

Ordinances for Adoption

Borough Attorney Colao read Ordinance No. 2011-002 entitled: "AN ORDINANCE OF THE BOROUGH OF SPRING LAKE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)" by title.

Mrs. Reilly offered a motion to open the Public Hearing on Ordinance No. 2011-002, seconded by Mr. Rich.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mrs. Kirk explained that this is just a standard Ordinance and is adopted each year and it has not been used in the past and she does not anticipate needing it in the future.

There being no comments from the public, Mr. Quinn offered a motion to close the Public Hearing on Ordinance No. 2011-002, seconded by Mr. Rich.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Quinn offered a Resolution to adopt Ordinance No. 2011-002, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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Consent Agenda

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

**R-11-092 RESOLUTION – RELEASING STREET OPENING BOND
1209 FOURTH AVENUE – BLOCK 73, LOT 1**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from John Melone for property located at 1209 Fourth Avenue, Block 73, Lot 1, 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. Quinn, Mrs. Reilly, Mr. Rich

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-093 RESOLUTION – SUPPORTING COAST MONMOUTH PLAN

WHEREAS, the Coastal Monmouth region of Monmouth County consisting of thirty municipalities generally described as being located south of the Navesink River, north of the Manasquan River and east of the Garden State Parkway; and

WHEREAS, these communities, while each possessing their own unique character, face many similar challenges with regards to economic development, revitalization, open space, environmental quality, affordability, housing, and transportation; and

WHEREAS, the Monmouth County Planning Board, with the support of the Coastal Monmouth municipalities, applied for and was awarded a Smart Growth Grant from the New Jersey Department of Community Affairs to conduct a comprehensive planning study of the Coastal Monmouth region; and

WHEREAS, the Coastal Monmouth Plan has been completed and provides recommendations on economic development initiatives, open space preservation strategies, environmental conservation, transportation improvements, shared services, housing, and other "quality of life" issues which affect those that live, work and recreate in the region; and

WHEREAS, the Borough of Spring Lake participated directly in the study as a member of the Coastal Monmouth Plan Collaborative and provided its municipal vision and contributed to the regional vision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Spring Lake that it hereby supports the Coastal Monmouth Plan and encourages the Monmouth County Planning Board to adopt the Plan as an element of the Monmouth County Growth Management Guide.

BE IT FURTHER RESOLVED, that the Mayor and Borough Council of the Borough of Spring Lake supports the submission of the adopted the Coastal Monmouth Plan to the New Jersey State Planning Commission for consideration for Plan Endorsement purposes.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-094 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, taxes on the following property have been overpaid:

| Tax Year | Block | Lot | Street Address | Name | AMOUNT |
|----------|-------|-----|----------------|---------------|------------|
| 2010 | 32 | 23 | 7 Essex Avenue | Douglas Udoff | \$3,432.56 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount specified is 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 \$3,432.56. /s/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-095 RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN PETER AVAKIAN OF LEON S. AVAKIAN AND THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF ENGINEERING SERVICES Water Conservation and Drought or Water Supply Emergency Management Plan Report for Public Water Supply Systems

WHEREAS, there exists a need for engineering services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between PETER AVAKIAN of Leon S. Avakian, Inc. and the Borough for the provision of engineering services Necessary to complete an "Updated "Water Conservation and Drought or Water Supply Emergency Management Plan Report for Public Water Supply Systems "for the Borough of Spring Lake; and

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

WHEREAS, the total not to exceed costs for preparation and submission of the referenced report to the NJDEP Water Supply Administration is \$ 1,750.00 ; and

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

WHEREAS, sufficient funds are available for the services of Leon S. Avakian, Inc. under General Engineering Account 0165 as provided for in the 2011 Municipal Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between Peter Avakian of Leon S. Avakian, Inc. and the Borough to provide engineering services to the Borough of Spring Lake with respect to Conservation and Drought or Water Supply Emergency Management Plan Report for Public Water Supply Systems "for the Borough of Spring Lake; and

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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.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-11-096 RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
THE SPRING LAKE CATAMARAN CLUB FOR THE 2011 BEACH SEASON**

WHEREAS, the Spring Lake Catamaran Club, (formerly known as the Sea Girt Catamaran Club) has approached the Borough of Spring Lake with a request to again allow them to keep their boats on the beach in Spring Lake for 2011; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Administrator and Clerk are hereby authorized to execute an Agreement with the Spring Lake Catamaran Club in a form to be agreed upon and approved by the Borough Attorney and which incorporates the following terms and conditions:

1. The total number of catamarans shall not exceed 20 without further approval of the Borough.
2. The fee payable to the Borough's Beach utility for each boat shall be \$150 for each boat for the 2011 season. Each Catamaran must display a permit decal to be provided by the Borough upon receipt of the fee.
3. All individuals wishing to utilize boats shall be required to have valid beach badges, whether seasonal, half season, monthly or daily.
4. Each club member/catamaran owner shall be required to execute a Release, Indemnification and Hold Harmless Agreement in favor of the Borough and its officers and employees for any claims arising out of the use or placement of the boats on the Spring Lake beach.
5. Each boat owner shall carry and provide proof of liability and personal injury insurance covering the catamarans in the amount of \$100,000 per person and \$300,000 per occurrence.
6. The Borough shall have no liability for the safekeeping or security of the boats on the beach.
7. The boats shall only be kept and stored in the approved location(s) designated by the Borough.
8. The agreement shall be immediately terminable at the option of the Borough if the same is deemed to be in the interest of the public health, safety and welfare.
9. All boats will be removed from the Spring Lake beach at the end of the beach season, no later than the date determined by the Borough, which date will be communicated to the Club to provide at least two weeks' notice.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-097 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 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:

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02/18/2011 Verizon \$138.00 \$120.00 Admin Fee \$18.00

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. Quinn, Mrs. Reilly, Mr. Rich

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Resolutions

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

R-11-098 RESOLUTION – 2010 AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52: 27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS and,

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52: 27BB-52 to wit:

R.S. 52: 27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Spring Lake, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-099 RESOLUTION – APPROVAL OF BILLS – APRIL 26, 2011

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending April 26, 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) | 646,658.00 |
| WATER/SEWER OPERATING (9) | 14,679.73 |
| DOG TRUST (13) | 1,783.50 |
| UNEMPLOYMENT TRUST (14) | 2,188.91 |
| SPRING LAKE TRUST (15) | 1,250.00 |
| MT LAUREL TRUST (16) | 555.00 |
| RECREATION (25) | 644.23 |
| BEACH OPERATING (81) | 33,746.91 |
| POOL OPERATING (91) | 4,276.05 |
| TOTAL | \$705,782.33 |

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Public Comments – None

Executive Session - None

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Time of Adjournment: 8:45 P.M.

Respectfully submitted,



JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: June 28, 2011