

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JULY 12, 2011**

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Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Drasheff, Mr. Fay, Mr. Kennett, Mr. Quinn, Mrs. Reilly, Mayor Naughton

ABSENT: Mrs. Venables (Arrived at 7:05 P.M.)

ALSO PRESENT: Jane Gillespie, Borough Clerk

W. Bryan Dempsey, Borough Administrator

Peter Avakian, Borough Engineer

Joseph Colao, Esq., Borough Attorney

Workshop - None

Proclamations, Presentations & Special Guests – None

Approval of Minutes

Mrs. Reilly offered a motion to approve the minutes of May 24, 2011, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Kennett

Mr. Quinn offered a motion to approve the minutes of June 14, 2011, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Kennett, Mrs. Reilly

Mrs. Reilly offered a motion to approve the minutes of June 28, 2011, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN:

Mr. Kennett questioned the contract amount with respect to Resolution R-11-158. He is advised that the correct amount is \$60,768.33 that the amount in the original Resolution (\$70,768.33) was a typographical error and has been corrected.

Public Comments – None

Council Comments & Staff Reports

Mayor Naughton reported on the following items:

- **Lake Como Meeting** – She attended the continuation of the scoping meeting with several other Council members last Tuesday night. Mr. Colao also attended. That section of the meeting was restricted to additional public comments and then some of their Council members made comments. The hearing was adjourned until August 16,

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2011 at which time they will take it up again. There was talk of forming a Committee of their Council members to further look at the issues.

- **Update on North End Pool** – Since the last meeting there has several meetings. They are trying to tighten up the design and address the issues that are still outstanding and move the project along. It is moving along but moving slower than expected. There are not design drawings as of yet but she hopeful they will be received in the next week or so.

Mr. Kennett was approached by one of his neighbors and he had complained about the dump trucks by the freezer company. All of the dump trucks have now moved to the train station parking lot. Right now four or five trucks with garbage along with a box truck that sticks out of the parking space. Mr. Quinn asked that this be followed-up on and if need be our Ordinance be amended. Mr. Dempsey to follow up on this issue.

Mrs. Reilly announced that Shakespeare in the Park would not be taking place this year. The Producer of the group is experiencing unforeseen family circumstances and is not available. They are hoping to resume the show next year.

Engineer's Report

Borough Engineer, Peter Avakian reported on the following items:

- **First & Second Avenues Road Program** – The road improvements are complete. His office is currently working with the Contractor on the manhole rehabilitation. They will then complete a punch list.
- **Marucci Park Improvements** – The bathrooms are flushing just in time for the Summer Recreation Program. He explained the change orders that are on the Agenda stating that the first change order is because the same foundation details were used as with the prefab building that was previously bid and therefore, required a slight modification also hardy plank siding was added to the exterior of the structure. The second change order was a manufacturer change on the hot water heater at the request of Mr. Phillips.
- **Newark Avenue Roadway Improvements** – His office is working the plans.
- **Lake Como Outfall** – They are evaluating this situation. There are defects in the pipe and sand has built up. He has asked the DEP to come look at it because they extended it as part of the beach replenishment. He has reached out to the Belmar Administrator and he will be contacting the Lake Como Administrator because if there is flooding it would affect all three municipalities. The pipe has pretty severe damage for its age. It has eroded significantly about 230 feet east of the seawall.

With respect to Newark Avenue, Mayor Naughton stated that would like to consider Adrian Avenue. There is a block that is almost impossible to drive on. There are potholes that could never be filled. She asked Peter to report. He advised that a cost was prepared and delivered to Mr. Dempsey. He will review it again with Mr. Dempsey and get back to the Council.

Borough Attorney's Report

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

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Borough Administrator's Report

Mr. Dempsey reported that two streets will be done by Atlantic Infrared so we can evaluate it and see if this is what we want to do to some of the roads to get some more life out of them. He expected them to be out this week.

Business Items Under Consideration

Erin Horan – Request to use Boardwalk to Paint a Mural – This request was denied last year. Mr. Quinn offered a motion to deny the request, seconded by Mrs. Reilly. Motion unanimously approved.

Ordinances for Introduction - None

Ordinances for Adoption

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 open the Public Hearing on Ordinance No. 2011-009, seconded by Mr. Drasheff.

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

Mayor Naughton explained that we did not have a provision for a one and quarter inch pipe which is often recommended by the Plumbing Inspector. The fee schedule has also been amended to reflect our costs.

There being no comments, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-009, 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. 2011-009, 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. 2011-010 - 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."

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2011-010, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton explained that this is at the request of The Breakers and only changes the provision that will allow them to serve alcoholic beverages with breakfast on Sundays.

Mr. Quinn stated that this matter was discussed by the Council prior to the introduction and advised that since there has been no opposition, he will be basing his vote on that premise.

Eleanor Twomey questioned the reference to the pool? Mr. Colao explained that they are the only "c" license holder and that is why he was comfortable with it being part of the Ordinance and found it to be acceptable.

There being no further comments, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-010, 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. 2011-010, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

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

**R-11-153 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#17-2011 - JAMES F. ACKERMAN FEDERATION, INC. AUX. TO JSUMC- ON PREMISE 50/50**

WHEREAS, the James F. Ackerman Federation, Inc. Aux. to JSUMC has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#17-2011, and

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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#17-2011 be and the same is hereby approved as follows:

NAME: James F. Ackerman Federation, Inc. Aux. to JSUMC
Identification No.: 334-4-26818
LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Avenue, Spring Lake, NJ 07762
DATE: September 19, 2011 11:30 AM - 3:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-154 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#18-2011 - JAMES F. ACKERMAN FEDERATION, INC. AUX. TO JSUMC
ON PREMISE RAFFLE**

WHEREAS, the James F. Ackerman Federation, Inc. Aux. to JSUMC has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#18-2011, 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#18-2011 be and the same is hereby approved as follows:

NAME: James F. Ackerman Federation, Inc. Aux. to JSUMC
Identification No.: 334-4-26818
LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Avenue, Spring Lake, NJ 07762
DATE: September 19, 2011 11:30 AM - 3:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-155 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";

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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:

5/12-5/20-2011NJ Transit \$2,318.00 \$2,140.00 Admin Fee \$178.00

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the administrative fee(s) are to be retained by the Borough of Spring Lake as unanticipated revenue.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

R-11-156 RESOLUTION – APPOINTMENT OF 2011 SUMMER RECREATION EMPLOYEES

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed with their rate of pay as summer recreation employees for the Borough of Spring Lake for the 2011 Season as recommended by the Recreation Department:

Table listing appointments and salaries: Sports Director (Sherri Decorso, \$1,600 Salary), Art Director (Nicole Compos, \$1,500 Salary), Summer Recreation Counselors (Kristin Gorman, Alan Brown, Theresa Petrik, Claire Buckley, Amber Lynn Burke, Nancy Buckley, Morgan Talty, Dan Galvin, Rose Beattie, John McGovern, Joe Musumeci, Nicole Heilos, James Waring, Scott Beyer, Shannon Smith, Amy Yerks, Keri DeCorso, David Attilio, Stephen Burns, Hannah Sisti, Samantha Bellefeuille, Caryn Wojcik, Margaret Pink, Claire Buckley, Moira Tumas, Paige Burkhard) with their respective hourly rates.

Pee Wee Recreation

Director Petra Rose \$1,650 Salary

Counselors:

Gianna Iannacone \$7.25 hr Sarah Cannon \$7.25 hr Charles McDonald \$7.25 hr Keegan Pinder \$7.25 hr

Tennis

Stephen Burns \$10.00 hourly
Margaret Smith \$7.75
Colette Gilbert \$7.25
Winston Reynolds \$7.25

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-157 RESOLUTION – APPOINTMENT OF 2011 BEACH EMPLOYEES
JUNIOR LIFEGUARD & SWIM TEAM**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed with their rate of pay as beach employees for the Borough of Spring Lake for the 2011 Season as recommended by the Dan Finn, Beach Manager:

Thomas Bateman - Junior Lifeguard Director - \$3,675.00 (Salary for Season)
Cathy Miksic - Swim Team Co-Coach - \$2,770.00 (Salary for Season)
Colleen Panzini - Swim Team Co-Coach - \$2,770.00 (Salary for Season)
Colleen Panzini - Swim Clinic Director - \$250 (weekly for 2 weeks = \$500)
Susan Parsons - Swim Instructor - \$28.19 per hour
Lynn Hennings - Junior Lifeguard Facilitator- \$1,225 (Salary for Season)
Janet Carbin - Junior Lifeguard Coordinator - \$500 (Salary for Season)

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-158 RESOLUTION AMENDING RESOLUTION R-11-139 ADOPTED
JUNE 14, 2011 APPROVING FINAL CHANGE ORDER #1 INCREASING
CONTRACT #02-2011 FOR NEW RESTROOM FACILITY AT MARUCCI PARK
IMPROVEMENTS BY ADDITIONAL \$5,023.33**

WHEREAS, Contract #02-2011 for the New Restroom Facility at Marucci Park Improvements was awarded to Diamante General Construction, 62 Miller Road, Cranbury, NJ, in the amount of \$55,745.00, and

WHEREAS, Change Order #1 in the amount of \$5,023.33 was approved by the Mayor and Borough Council by Resolution R-11-139 on June 14, 2011 which stated a new total contract cost of \$60,598.33 which was incorrect and should have read \$60,768.33.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Resolution R-11-139 approving Change Order #1 increasing Contract #02-2011 for the New Restroom Facility at Marucci Park Improvements in the amount of \$5,023.33 for a total contract in the amount of \$60,768.33 is hereby authorized for the above contract awarded to Diamante General Construction, 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: Monmouth County Open Space Grant in the amount of \$5,023.33. /s/Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-159 RESOLUTION APPROVING FINAL CHANGE ORDER #2
INCREASING CONTRACT #02-2011 FOR NEW RESTROOM FACILITY AT
MARUCCI PARK IMPROVEMENTS BY ADDITIONAL \$635.25**

WHEREAS, Contract #02-2011 for the New Restroom Facility at Marucci Park Improvements was awarded to Diamante General Construction, 62 Miller Road, Cranbury, NJ, in the amount of \$55,745.00, and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #2 which increases the contract in the amount of \$635.25, the net change to the overall award including all change orders for a total contract in the amount of \$61,403.58.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order #2 increasing Contract #02-2011 for the New Restroom Facility at Marucci Park Improvements in the amount of \$635.25 for a total contract in the amount of \$61,403.58 is hereby authorized for the above contract awarded to Diamante General Construction, and that the Mayor and Municipal Clerk are authorized to execute Change Order #2.

I, Robbin D. Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify funds for Change Order #2 are available from: Monmouth County Open Space Grant in the amount of \$635.25. /s/Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-160 RESOLUTION – APPROVAL OF BILLS – JULY 12, 2011

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending July 12, 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)		859,474.16
GENERAL CAPITAL (4)		28,470.50
WATER/SEWER OPERATING (9)		225,819.17
DOG TRUST (13)		911.55
MARRIAGE TRUST(19)		250.00
RECREATION (25)		6,276.06
BEACH OPERATING (81)		195,205.54
POOL OPERATING (91)		32,926.28
JUNIOR LIFEGUARD (26)		1,075.00
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

Elissa Horan advised that her request has been denied for the second year. She explained that she has not had a problem in the other towns that she has done this in. She stated that she would like to invoke her first amendment right. She stated that she visits this beach and would not be a disruption. Mrs. Venables clarified that she wanted to set up at St. Clair Avenue. Ms. Horan stated that she wanted to see what the affect would be on people being near the beach. Mrs. Venables stated that we have tremendous traffic on the boardwalk and our boardwalk is narrower than other beaches. She noted the recent amendment to the bicycle ordinance. Mr. Colao noted that our Ordinance prohibits this kind of activity as it relates to commercial activity. Mrs. Reilly noted that we do not allow our local organizations to do anything on the beachfront. Mayor Naughton appreciated that she came and spoke passionately but felt that the Council has a strong opinion on this type of request and we have made a decision but does not feel that we will be able to accommodate her.

Mrs. Twomey questioned there being no hearings on any applications tomorrow night at the Planning Board. There are always people waiting to get on the Agenda when they are trying to get work completed. Mrs. Reilly stated that is a question for Board Secretary and the Board Attorney.

Jim Thompson, Jersey Avenue questioned the status of the water tower behind the Police Station? Mayor Naughton advised it is coming down soon and that the police equipment is being moved. Mr. Dempsey noted that the work to relocate the radio equipment started today. Once that is completed, we can proceed with scheduling for the demolition.

Executive Session

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

R-11-161 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: 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: 7:33 P.M.

MEETING IS RECONVENED AT: 8:04 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

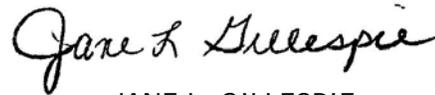
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT 8:04 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: July 26, 2011