

24400

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011**

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, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Fay

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

Mayor Naughton read the Proclamation for Over the Limit Under Arrest 2011 Statewide Crackdown.

Approval of Minutes

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Public Comments

Helen Motzenbecker questioned moving the pool construction to 2012 and what is taking it so long. Mr. Dempsey explained that the design drawings are being done and we are too close to the deadline and he doesn't want to rush it and have a problem. He explained that we do not have enough time to bid it out and begin work right after Labor Day. The contractors need at least three weeks to review bid documents. Mayor Naughton noted that we are in final design and layout. There is a schedule to bid it this year. It is supposed to take nine weeks and then a cost estimate will be completed to be assured that we are at the \$5.4 cost and are not surprised when it is put out to bid. She questioned when the cost estimate would be ready? Mrs. Reilly to supply her with the date. Mayor Naughton stated that it is a huge project that we have to get right and the devil is in the details and it is not in the best interest of the Borough to rush it. Mr. Avakian added that the demolition contract should not be awarded until the cost is known.

Brendan Judge, Brighton Avenue shared Mrs. Motzenbecker's feelings on the North End Pavilion but added that the South End Pavilion needs the liner replaced as soon as possible. Mayor Naughton stated that there is a meeting this week with our CFO to discuss that issue.

Ms. Twomey questioned if the contract will guarantee completion by a certain date. Mayor Naughton stated that the timeline is the reason for the delay. She felt that his could be included in any contract. Mr. Kennett noted that the contractor has to deal with the weather. Ms. Twomey felt that the contractor should have his feet held to the fire. Mrs. Reilly stated that as the Mayor mentioned, we are not at that point, but is being considered. Mr. Wallover has come up with some ideas on how things could be done and not be affected by the weather.

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011**

24401

Lyle Marlowe questioned when the drawings would be available for review? Mrs. Reilly stated that the timeline we are working with speculates September 12th with the final bid coming back in November 1st. Mr. Quinn noted that is more important to get it right than to get it done. Mr. Quinn stated that we have plenty of time to work this through. He felt it was a very wise decision that the Committee made to defer this.

Council Comments & Staff Reports

Mayor Naughton noted that there was a very good meeting with FEMA and Fish and Wildlife and it looks like we made it through for the mitigation funding for the pumps at Wreck Pump. This will be \$600,000 in funding for a mitigation project at Wreck Pond. There are a couple of assessments that will have to take place the first of which was done last week by Fish and Wildlife. She hoped that the project will begin in 6-9 months once the process is complete and the necessary approvals obtained.

Mr. Drasheff stated that at the last meeting Ms. Twomey notified us of some street lamps that were not functioning properly. They have been identified and the Police Department notified JCP&L and they should be corrected shortly.

Mr. Kennett stated that he looked at Adrian Avenue and it does need to be paved and should be included in the road project this year. He noted that there are quite a few spots in town where the drainage pipes come out and are broken off. Ms. Twomey noted that if you look east from Second to First Avenue on Vroom Avenue there is a dome in the middle of the road.

As to the parking of commercial vehicles at the train station, Mr. Kennett reported that they visited the site this morning. Mr. Dempsey stated that Chief Kerr had recommended moving some curbs and bushes and he had a problem spending that type of money for 5 vehicles. He stated that tonight there were seven vehicles parked there. He suggested amending the Ordinance to include this area and hold the public hearing and if they are residents they can come and express their feelings. It was suggested that an Ordinance be drafted for all of the parking areas in town so that the problem doesn't migrate to other areas. Mr. Quinn stated that the vehicles are commercial and the owners should absorb the costs of storing the vehicles and should not provide them with free parking. Mayor Naughton stated that the Mayor and Council are in agreement it sounds like to extend the limitations that are in place for the back part of that lot to the other public parking areas in town. Mr. Quinn noted that there is a permitting process and a fee that has to be paid. Mr. Colao to draft Ordinance extending the parking permit process to the other areas within the Borough.

Mrs. Reilly noted that Summer Recreation will end on Friday and that soccer will begin in the Fall.

Engineer's Report

Borough Engineer, Peter Avakian reported on the following:

- **Marucci Park Improvements** – The project is nearing completion. The soccer field will be expanded to include the additional sodded areas and then the paved trail will be installed to link the parking areas and the field through the majority of the park. He has also met with the tennis court contractor and they have come up with a plan to remediate some of the areas on the courts.

REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011

- **Newark Avenue Roadway Improvements** - The plans have been completed and he has started working on Adrian Avenue as he has some interns working in the office so that it can go out to bid with the Newark Avenue project and he felt that he can work with the cost estimates to keep within the costs for the completion of both.
- **Wreck Pond** – He looks forward to working on the project. They are very interested in the project and sparked some interest in the Wreck Pond Watershed Group. He hoped that with four or five improvements that are included in the plan with us doing two or three and them doing two or three we will get the project completed.

Borough Attorney’s Report

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

Borough Administrator’s Report

Mr. Dempsey reported on the following:

- **DOT Trust Fund** – We need to come up with a project to submit this year. He suggested Third Avenue as it meets the criteria. He felt it could be done in the \$250,000 range with \$160,000 possibly coming from grant money. Mr. Quinn questioned the location. Mr. Dempsey stated as far as he can get it. He would like to start at Brighton Avenue but if there is not funding to back off but we could use that it services the Library as one of the points for funding. Mr. Dempsey felt that most of the infrastructure was improved not that long ago. Mrs. Venables noted Morris Avenue between Third and Fourth Avenues also needs improvements. She also noted that the 300 block of Morris could be improved, adding lanterns like on Third Avenue to continue the look and make it look more uniform. Mr. Dempsey explained the three methods for DOT Funding. He suggested looking at pedestrian linkage with the train station as a method for funding. Mr. Avakian stated that they will do an infrastructure assessment and cost estimate but that was premature for tonight. The deadline for submission of the application is September 23rd. Mrs. Venables noted that putting in a tree median was also discussed as a way of improving the block.
- **Adrian Avenue** – He asked if this should be included with Newark Avenue. Council advised that they would like it included in the Newark Avenue project. Mr. Quinn questioned the funding source. Mr. Dempsey advised that he has the CFO looking at some old ordinances to see if there is funding that is there or could be renamed. Mr. Quinn noted that we have to look at the process in line with our structure and expenditure of capital expenditures. He would like to see a cost estimate before we move forward. Mr. Quinn stated that he needs a number from the Borough Engineer. Mr. Dempsey stated Mr. Avakian’s number is \$230,000 for Adrian and \$330,000 for Newark Avenue. We have \$160,000 from the DOT Grant and \$170,000 in municipal contributions. Mr. Quinn noted that this would be a \$400,000 capital expenditure in one year. He felt that historically that is high for what we have spent on road projects. \$300,000 was the target for this type of expenditure in a year. Mayor Naughton stated that an analysis can be done and a discussion can take place. Mr. Avakian stated that also a projection for the next five years would be helpful. Mr. Quinn agreed that this is what he was looking for.

Business Items Under Consideration

Event Request – House of Friendship Foundation – September 18, 2011 – Discussion on the request including water and shirts on tables. Council noted that there are normally there are no tables with shirts and water. Mr. Quinn noted that this has not been allowed in the past for a lot of good reasons. Mr. Quinn offered a motion to approve the event request without the tables with shirts and water, seconded by Mrs. Venables. Unanimously approved.

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011**

24403

September 11, 2011 Ceremony – American Legion Post 432- They are looking to hold a ceremony at our Eleanor Lawrence Memorial Park at 1:00 P.M. A proposed Agenda was attached to the request. Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

HW Mountz PTA – Annual Picnic Request – September 17, 2011 – Rain Date is September 24, 2011. This event has been held for the past five years without a problem. Mr. Quinn offered a motion to approve the request, seconded by Mr. Kennett. Unanimously approved.

Ordinances for Introduction - None

Ordinances for Adoption - None

Consent Agenda – None

Resolutions

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

**R-11-170 AWARD OF CONTRACT #03-2011
DEMOLITION OF WASHINGTON AVENUE ELEVATED WATER STORAGE TANK**

WHEREAS, on July 28, 2009 bids were received for the Demolition and Removal of Fifth & Monmouth and/or Washington Avenue elevated Water Storage Tanks, and

WHEREAS, two (2) bids were received, and

WHEREAS, Iseler Demolition, Inc., 71231 Burlison Lane, Romeo, MI 48065 was the lowest responsible bidder for each tank individually and for the combined removal of both tanks its bid was found to be responsive and satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #03-2011 is hereby awarded to Iseler Demolition, Inc., 71231 Burlison Lane, Romeo, MI 48065 for the demolition and removal of the Washington Avenue Elevated Water Storage Tank in accordance with the Bid and Specifications, in the amount of \$31,875.00

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Council reserve and retain their right to award a contract for the demolition and removal of the Washington Avenue Elevated Water Storage Tank in accordance with the time limits provided by law.

I, Robbin D. Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Ordinance 2009-11 \$31,875.00. /s/ Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-11-171 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";

24404

REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011

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:

Table with 5 columns: Date, Employer, Amount, Total, Admin Fee. Rows include 5/27/2011 Friends of Spring Lake 5, 6/23/2011 New Jersey Transit, and 6/28/2011 New Jersey Transit.

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, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-11-172 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:

Table with 3 columns: Date, Description, Amount. Row: 7/08/2011 County of Monmouth – DWI Checkpoint \$180.00

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, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-11-173 CANCELLING WATER/SEWER OVERBILLING

WHEREAS, there was a water/sewer utility overbilling on the following accounts:

Table with 5 columns: Block, Lot, Street Address, ACCT #, AMOUNT TO BE CANCELLED. Rows include 144 1 Pitney Avenue and 123 1 1913 Adrian Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the aforementioned overbillings for water/sewer on the accounts listed be and hereby is cancelled for the amounts set forth above.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the total amount of the adjustments to be a total of \$2,922.47. /s/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011**

24405

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

**R-11-174 RESOLUTION – APPOINTMENT OF ADDITIONAL CLASS II SPECIALS
SPRING LAKE POLICE FOR THE YEAR 2011**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed to the respective positions for 2011 at the hourly rates as listed below as recommended by the Chief of Police, Edward Kerr:

NAME	POSITION	HOURLY WAGE
BOWEN, DAVID	Class II	\$15.24
KELLY, WILLIAM	Class II	\$15.24
DUGGAN, SEAN	Class II	\$15.24
PANEPINTO, STEPHEN	Class II	\$15.24

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-11-175 RESOLUTION – APPOINTMENT OF MATRONS
SPRING LAKE POLICE DEPARTMENT FOR THE YEAR 2011**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed as Matrons for 2011 at the hourly rates as listed below as recommended by the Chief of Police, Edward Kerr:

NAME	POSITION	HOURLY WAGE
Karen Clayton	Matron	\$25.00
Kelly Drum	Matron	\$25.00
Jane Gillespie	Matron	\$25.00

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-11-176 RESOLUTION – APPROVAL OF BILLS – AUGUST 9, 2011

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 9, 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.

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011**

	<u>SUMMARY</u>	
CURRENT FUND (1)		2,435,130.92
WATER/SEWER OPERATING (9)		17,834.29
DOG TRUST (13)		7.80
UNEMPLOYMENT TRUST (14)		1,047.60
RECREATION (25)		17,997.19
JUNIOR LIFEGUARD (26)		4,772.04
BEACH OPERATING (81)		212,717.15
POOL OPERATING (91)		59,477.51
POOL CAPITAL (94)		12,324.33
TOTAL		\$2,760,261.23

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Public Comments

Helen Motzenbecker felt that it was great that the Borough was availing itself to the money available through grants. She then questioned what was happening on Adrian Avenue where there was gravel put in and it is being used as a parking lot. Mayor Naughton advised that she will have Code Enforcement follow-up on this matter.

Cathleen McCusker felt that the improvements in town over the last five years have made it a better place. She felt that the Council works is the groups and listens to what the people have to say. The public space has been improved throughout town with the wonderful landscaping. The town looks magnificent and Public Works should receive a big accolade. She is however very concerned with the children and the bicycles and that the children have decided that they will not wear their helmets where in some cases they have it hanging off of the handlebars. She has witnessed them coming right through the stop sign she witnessed two children with the father tagging along. She stated that there are Ordinances that need to be enforced. She felt that it should be turned into a positive reward for those who wear their helmets. Mayor Naughton stated that she has discussed this with the Chief and will follow-up on it. Mrs. Reilly noted that they have been giving the children wearing helmets an incentive reward. Mr. Quinn stated that Chief Kerr's approach is going to be carrot rather than stick and he has other ideas. Mr. Quinn elaborated on his recent experience with children on bicycles. Ms. McCusker felt that something needs to be done to make it cool to wear a helmet.

Eleanor Twomey, Vroom Avenue commented on the ice cream truck situation. She educated the older son and saw him follow her advice recently so she felt that education works.

Lyle Marlowe stated that he has been attending a lot of Wreck Pond meetings and they were struggling. He complimented the Borough, Jim Mullen and everyone who was involved in getting the money and felt it was quite an accomplishment. He also noted that the bridges were discussed as being one of the capital projects as they do need improvements. He received his tax bill and it was actually a little lower and he thanked the Mayor and Council.

Kathy Bounds, St. Clair Avenue commented on the locker mock-up. Mayor Naughton stated that we had to come up with a locker configuration to come up with the number needed. She stated that it can be a full locker or two smaller lockers. She questioned if the lockers were going to be assigned by seniority? Mayor Naughton stated that once the design is completed, a policy decision will have to be discussed. Ms. Bounds noted the existing conditions at the

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
AUGUST 9, 2011**

24407

pavilion now. Mayor Naughton that she will follow-up on some of her concerns on conditions around the pool. Ms. Bounds noted the showers being moved to the boardwalk. Mayor Naughton noted that this was a two year project and was to be done on the complete length of the boardwalk. Ms. Bounds questioned if the pool was going to be salt water. Mayor Naughton explained that it is proposed to be saline; right now it is chlorinated water. Ms. Bounds noted that people are changing in the bathrooms even though it states that there is no changing allowed and there should be a policy or regulation that can be enforced. She felt that this problem will just become bigger when there are additional stalls.

Ms. Bounds noted that a couple of weeks ago on a Saturday, there was a large party set up outside the north end bathroom and a quarter of the upstairs deck. They partied all day and she felt that this type of thing was not allowed. They did purchase their daily badges. Ms. Bounds stated that when she questioned this being allowed, she was told that there were no regulations. Mr. Quinn stated that if we do not adequate regulations to prohibit this, we will.

Mrs. Reilly suggested emailing members of Council when there are problems so that they can be addressed in a more expeditious manner.

Executive Session

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

R-11-177 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: Lake Como Zoning Ordinance Litigation, Behrman Park Communication Tower Diversion

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Borough Attorney.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:09 P.M.

MEETING IS RECONVENED AT: 8:41P.M.

Mrs. Venables offered a motion to adjourn, seconded by Mr. Kennett.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

TIME OF ADJOURNMENT: 8:41 P.M.

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: August 23, 2011