

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
DECEMBER 8, 2015**

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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mrs. Venables, Mr. Sagui, Mayor Naughton

ABSENT: None

ALSO PRESENT: Dina M. Zahorsky, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Joseph Colao, Esq, Borough Attorney
Peter Avakian, Borough Engineer

Workshop Discussion – None

Approval of Minutes - None

Proclamations, Presentations & Special Guests – None

Public Comments - None

Council Comments & Staff Reports

Mayor Naughton reported on the tree lighting which she was unable to attend year, however she heard it was a beautiful event. She thanked Kathy Heine, Spring Lake Recreation, the Fire Departments, the Community House and everyone that was involved.

Mr. Erbe stated that he did attend the tree lighting and it was very nice. Mr. Erbe then suggested the council speak with Brian Enright, the boroughs' tax assessor about the re-evaluation.

Mr. Dempsey explained about the county demonstration program, the pilot program for tax assessments. He added that there has been some controversy however the county is allowing towns to opt out of the pilot program. The program itself, Mr. Dempsey continued it is a new way of doing tax assessments which requires a re-elevation be done of all the properties. After that is done, he added each year twenty percent of the properties would be inspected so that every five years the entire town is inspected. Mr. Dempsey continued by saying it will also change the way the appeals are done. Mr. Dempsey stated that under the pilot program the borough would be required to do a re-evaluation in 2016 which would go on the books in 2017, re-evaluation could cost anywhere from \$125,000 to \$150,000. This money, Mr. Dempsey noted would have to be set aside in next year's budget and the borough can bond for it over five years on an emergency. Mr. Dempsey explained that with the pilot program, a major re-evaluation would not have to be done every ten years however it would cost anywhere from five to ten thousand each year to inspect the twenty percent.

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Mr. Frost stated it would be best if the borough could avoid the major re-evaluation and go into a twenty percent per year rolling figure. Mr. Dempsey suggested having a meeting to come up with an idea and present it to the tax board.

Ms. Kirk, borough tax collector stated it is difficult to explain to tax payers that their tax assessment is based on a ratio; they do not understand the process. She added that the assessments should be kept more up to date and would lower tax appeals. She does agree with the program however, it may just need to be tweaked on how it is implemented.

Mr. Frost reported recreation basketball has started and Kathy Heine, Recreation Director has done a tremendous job this year. Mr. Frost was unable to attend the Christmas tree lighting and also heard it was spectacular.

Mr. Frost then reported that there was a meeting in regards to the road program. Mr. Avakian explained that because of the Rutgers study and results; he is looking into separate types of rehabilitation. Mr. Avakian stated that one is mill and pave which is normally done for very poor road repair; the second is micro surfacing which will repair roads by placing a thin layer of asphalt on top; the third option is the infrared repairs which would make sure good roads stay that way.

Lyle Marlowe, 110 Pennsylvania Avenue asked about placing utility wires underground while they are working on the resurfacing. Mr. Avakian stated that there would be a cost to the electric company for the underground service and he is not sure what that cost is.

Mr. Frost asked Mr. Dempsey about cleaning up of Spring Lake. Mr. Dempsey answered there have been four or five loads of brush removed so far.

Mr. Frost also reported that north of the north end pavilion there was grass placed which looks very nice and is virtually maintenance free.

Mr. Sagui reported on the sanitary sewer stating that there are two sewers on Ocean Avenue, one is at a standard typical depth and runs the length of Ocean Avenue; the second is very deep and runs from Brighton Avenue to the pump station. Mr. Sagui added the second one goes down fifteen feet to about six feet above sea level, there is a good chance that a stretch of this pipe is always in the water table. Mr. Sagui explained that there has been discussion on having flow meters put in place to see if there are any issues.

Borough Engineer's Report

Mr. Avakian reported that Second Avenue has been completed and the curb is done on Ludlow Avenue.

He then reported that the award of the contract for Ocean Avenue infrastructure is on the agenda this evening. He explained that pending approval tonight, there will be a pre-construction meeting

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and the contractor is ready to mobilize as soon as next week. Mr. Dempsey added that the borough is going to go out to bid for curbs along Ocean Avenue before the county does the paving.

Mr. Judge asked if there was any information about the bathroom on the beach. Mr. Avakian answered that he has looked at elevations and verified a few permit issues. He suggested a meeting with the beach committee for a time line.

Mr. Judge questioned if there is an update on the request for proposal (RFP) for the design and inspection of the four phases of the water main project. Mr. Avakian and Mr. Dempsey are working on this.

Borough Attorney's Report

Mr. Colao reported that he has one matter on for this evening.

Borough Attorney's Report

Mr. Dempsey reported that the county is out dredging around the clock. Mr. Dempsey explained that the borough had to obtain a license for the section of the new outfall pipe which goes from Wreck Pond to the ocean. He added that there was an issue with the fee which he straightened out.

Mr. Dempsey then reported that the cracks in the tennis courts at Marucci and Devine will be repaired; the tennis nets except the pickle ball side has been taking down to hopefully protect them from wear and tear over the winter.

Mr. Dempsey suggested renaming Second Street so that there is no confusion; both residents and officials have voiced concern.

Mayor Naughton asked if there are any Department of Transportation (DOT) restrictions. Mr. Avakian answered no.

Mayor Naughton suggested that the council give this some consideration and discuss at a future meeting. Mr. Dempsey added that he has a resident suggesting Clover Road.

Pat O'Connor, 200 Atlantic Avenue stated that he did petition his neighbors. Mr. Judge asked if there is any significance to Clover. Mr. O'Connor answered that there are three houses on the street and he thought it would fit the town and it is a nice short name.

Mr. Dempsey also reported that everyone should go to the Duggan Building and take a look at the trains, it is a really neat display.

Business Items Under Consideration

Public Hearing – Spring Lake BID 2016 Budget

Mr. Judge offered a motion to open the public hearing on the Spring Lake BID 2016 Budget, seconded by Mrs. Venables.

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ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton invited Mr. Richard Clayton to present or comment. Mr. Clayton explained that there is nothing major in this budget. He added that the Business Improvement District (BID) does a lot with what they have and it is appreciated.

Mr. Frost asked about the lighting and restoration of the clock. Mr. Clayton answered it is going to be a big project; they want the clock put back in its original condition this cost could be upwards of eighteen thousand dollars.

There being no further comments, Mr. Judge offered a motion to close the Public Hearing on the Spring Lake BID 2016 Budget, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-200 RESOLUTION – APPROVAL OF ADOPTION OF SPRING LAKE BUSINESS IMPROVEMENT DISTRICT 2016 BUDGET

WHEREAS, the Mayor and Council of the Borough of Spring Lake authorized and created the Spring Lake Business Improvement District (hereafter the "SLBID") in Ordinance No. 2007-018 adopted August 14, 2007; and

WHEREAS, Ordinance No. 2007-018 requires the introduction, approval, public hearing and adoption of an annual budget for the SLBID; and

WHEREAS, pursuant to Ordinance No. 2007-018, the Spring Lake Business Development Corporation, Inc., (hereafter the "SLBDC") a duly organized 501(c)(3) corporation, has been designated in Ordinance No. 2007-018 as the District Management Corporation; and

WHEREAS, pursuant to Section 10 of Ordinance No. 2007-018, the SLBDC is charged with the responsibility of submitting a detailed annual budget for approval by the Borough Council together with a report explaining how the budget contributes to the goals and objectives of the SLBID;

WHEREAS, the SLBDC has submitted a detailed annual budget and report as required and the Mayor and Borough Council adopted Resolution R-15-195 entitled "Approval of Introduction of Spring Lake Business Improvement District 2016 Budget; and

WHEREAS, a copy of said Resolution as approved by the Mayor and Borough Council on November 10, 2015 was published in the November 19, 2015 issue of the Coast Star newspaper and on November 11, 2015 copies of said Resolution were posted on the Bulletin Board at Borough Hall, and copies were made available to each person requesting the same, during that week and during the public hearing, as required by Ordinance No. 2007-018, and

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WHEREAS, the Mayor and Borough Council find that the budget submitted by the SLBDC and the accompanying report are appropriate and that the Budget should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the attached 2016 Spring Lake Business Improvement District is hereby adopted.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Garden Club of Spring Lake – Request to Hold “Wreaths Across America” - Saturday, December 12, 2015 – Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

Ordinances for Introduction - NONE

Ordinance for Adoption - NONE

Consent Agenda

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-201 REORGANIZATION AND REGULAR MEETING DATES FOR 2016

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Regular Meetings of the Governing Body of the Borough of Spring Lake for the year 2016 shall be held at the Municipal Building, 423 Warren Avenue, Spring Lake, New Jersey at 7:00 PM prevailing time unless otherwise noticed on the following dates:

JANUARY 5, 2016	REORGANIZATION MEETING	
JANUARY 26, 2015	MAY 10, 2016	SEPTEMBER 13, 2016
FEBRUARY 9, 2016	MAY 24, 2016	SEPTEMBER 27, 2016
FEBRUARY 23, 2016	JUNE 14, 2016	OCTOBER 11, 2016
MARCH 8, 2016	JUNE 28, 2016	OCTOBER 25, 2016
MARCH 22, 2016	JULY 12, 2016	NOVEMBER 14, 2016 **MONDAY**
APRIL 12, 2016	AUGUST 9, 2016	DECEMBER 6, 2016
APRIL 26, 2016	AUGUST 23, 2016	DECEMBER 20, 2016

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-202 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION

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**RA#38-2015 – ST. CATHARINE SCHOOL PTA -
ON-PREMISE 50/50**

WHEREAS, St. Catharine School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#38-2015, 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#38-2015 be and the same is hereby approved as follows:

**NAME: St. Catharine's School PTA
301 Second Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-7331**
**LOCATION: St. Catharine School PTA
301 Second Avenue, Spring Lake, NJ**
DATE: December 22, 2015 7:00 PM - 9:00 PM

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-203 RESOLUTION – AUTHORIZING REFUND OF WATER SERVICE PAYMENT

WHEREAS, payment was made for a water service application for 206 Passaic Avenue, Block 68, Lot 18 by G Martin Builders LLC in the amount of \$3,250.00 on October 16, 2015, and

WHEREAS, said money was deposited by the Borough of Spring Lake in accordance with law, and

WHEREAS, the fee is being refunded due to the fact that the water service is not needed and has not been completed, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$3,250.00 is hereby approved for the aforementioned applicant.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-204 RESOLUTION – APPOINTMENT OF CENTRAL JERSEY HEATH

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INSURANCE FUND COMMISSIONERS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed as Central Jersey Health Insurance Fund Commissioners for the Borough of Spring Lake.

W. Bryan Dempsey, Commissioner
Dina M. Zahorsky, Alternate Commissioner

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-205 RESOLUTION – ACCEPTING AND ADOPTING THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND – SAFETY AND COMPLIANCE PROGRAM

WHEREAS, the Borough is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF); and

WHEREAS, it is the policy of the MONMOUTH JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their member’s, employees, volunteers and public are provided with a safe and healthy environment free from any recognized hazards; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their member’ are in compliance with applicable safety and health requirements; and

WHEREAS, the MONMOUTH JIF has established a SAFETY AND COMPLIANCE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

WHEREAS, the Clerk/Administrator of the Borough of Spring Lake has reviewed this SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Mayor and Council.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, State of New Jersey that the MONMOUTH COUNTY Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM be adopted by the Borough of Spring Lake.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-206 RESOLUTION –APPROVING VOLUNTEER APPLICATION FOR FIREMAN – EDMOND BURKE

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BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Edmond Burke 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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-15-207 RESOLUTION – APPOINTMENT OF CLASS II SPECIALS
SPRING LAKE POLICE**

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 the Spring Lake Police Department:

NAME	POSITION
DAVIS, IAN	CLASS II
CAFFEY, JESSICA	CLASS II
NOBLE, WILLIAM	CLASS II

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-15-208 RESOLUTION – APPOINTING MICHELLE HEATON
DEPUTY MUNICIPAL REGISTRAR**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Michelle Heaton be and hereby is appointed Deputy Municipal Registrar for the Borough of Spring Lake.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-209 RESOLUTION – OCEANFIRST BANK AGREEMENT

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WHEREAS, the Municipality Borough of Spring Lake has determined at a of legal meeting of the governing body of the Municipality, to designate OceanFirst Bank as an approved depository for the Municipality's funds for the performance of banking transactions;

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Municipality, as follows:

1. OPENING THE ACCOUNT: That an account or accounts be opened (or continued and maintained) with OceanFirst Bank, titled: Borough of Spring Lake Borough of Spring Lake Payroll Account, Tax Account, Beach Utility Account, Dept Law Enforcement Trust, Marriage License Trust Account, Dog License Account, Tax Capital Account, Water &b Sewer Account, COAH Account, Pool Utility Account, Trust Account, Clearing Account, COAH Project, Check Disbursement Account, Unemployment Trust Account under the Taxpayer Identification Number (TIN) 21-6001203 and there may be deposited to its credit in one or more accounts with the Bank any monies, checks and other instruments which may come into possession of this Municipality. It is agreed that said account or accounts shall be subject to the Bank's rules and regulations as may be if effect from time to time. Any other property may be deposited with the Bank for safekeeping, custody or other purposes. Items for deposit, collection or discount may be endorsed by any person authorized to sign checks, or the endorsement thereof may be made in writing or by a facsimile signature stamp without designation of the person so endorsing.

2. AUTHORIZED SIGNERS: Any (specify 3 of the following Council/Committee number) Members, Officers, employees or agents (use titles, not names): Chief Financial Officer, Mayor, Clerk of this Municipality is/are authorized, on behalf of this Municipality an in its name, (a) to sign checks, savings withdrawals, drafts, notes, wire transfer requests, acceptances and other instruments and orders for the payments of money or for the withdrawal or delivery of funds or other property at any time held by the Bank and to receive any thereof, and to issue instructions for the conduct of any account of this Municipality with the Bank; (b) to accept drafts, checks, any other instruments or orders, including any payable to the Bank, and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Municipality; and (c) to endorse, negotiate, and receive, or authorize the payment of or the proceeds of any negotiable or other instruments or orders for the payment of money payable to or belonging to this Municipality; and (d) to open and have access to a safe deposit box or boxes subject to the terms and conditions specified in the applicable lease.

3. TERMS AND CONDITIONS:

- A. The bank may honor all such checks and other instruments for the payment or delivery of money or property when signed as authorized above, regardless of whether such action would create or increase an overdraft and regardless of amount, including any payable to the Bank or to any signer or other officer or employee of the Municipality or to cash or bearer, an may receive the same in payment of or as security for the personal indebtedness of any signer or other officer or employee or other person to the Bank or in any transaction whether or not known to be for personal benefit of any such person, without inquiry as to the circumstances of their issue or the disposition of their proceeds, and without liability to the Bank, and without any obligation upon the Bank to inquire whether the same be drawn or required for the Municipality's business or benefit.
- B. The Bank shall be entitled to honor and charge the Municipality for all such checks, drafts, or other orders regardless of by whom or by what means facsimile signature or signature on the checks, drafts or other orders may have been affixed, if such facsimile signature or signatures resemble the facsimile specimen duly filed with the Bank by any of the named Council/Committee Members, Officers, employee or agents.

4. INSTRUCTIONS TO THE BANK: Those persons authorized by the preceding resolution are also authorized on behalf of this Municipality to give instructions to the Bank as to the account(s) or other dealings between this Municipality and the Bank by any means including (but not limited to) telephone, telegraph, telex, audio response, fax transmission, computer or data link, electronically, orally or in writing and the Bank shall be entitled to follow such instructions without inquiry or confirmation as long as the Bank honestly believes at the time of receipt that such instructions were given by a person authorized the preceding resolution.

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5. WIRE INSTRUCTIONS: All wire transfer instructions must be presented in writing to the Bank by those persons authorized by this resolution. These instructions must be signed by an authorized representative(s) and specify the amount, receiving institution's name, address, ABA number and account name and number where the funds are to be deposited and any other additional information that may be necessary. The Municipality is also asked to comply with the Bank's security procedures which include (but are not limited to) a call-back procedure. Upon receipt of the signed wire instructions, a call-back at the telephone number on the Bank's records will be performed to verify the accuracy of the wire instructions. Ocean Federal reserves the right to refuse a wire transfer transaction if the above security procedure are a commercially reasonable method for providing security against unauthorized payment orders.

6. ADDITIONAL AGREEMENTS: Those persons authorized by the foregoing are also authorized on behalf of this Municipality to enter into an execute all agreements and other documents requested by the Bank in connection with any dealings including (a) agreements for cash management services; (b) funds transfer agreements, including but not limited to wire transfers, which may incorporate the selection of security procedures and the delegation of authority to other individual s who may then initiate and/or confirm funds transfers; (c) agreements of indemnity in favor of the Bank; and (d) Night Depository Agreements(s).

7. LIABILITY: The Municipal Clerk or other Municipal Officer is authorized to certify to the Bank the persons now holding these offices and any changes hereafter in the persons holding these offices together with specimens of the signatures of such present and future officers, and this Municipality shall fully protect, defend, indemnify, and hold the Bank harmless from any claim, loss, cost, damage, or expense arising out of its acting on such certification.

8. CHANGES TO RESOLUTION: The Municipal Clerk is authorized, if the Bank shall so request, to furnish a certified copy of these resolutions to the Bank, which shall be entitled to assume conclusively that the forgoing resolutions remain in full force and effect until the Bank has received express written notice of their recession or modification, accompanied by a copy of the resolution effecting such rescission or modification duly certified by the Municipal Clerk of the Municipality.

9. AUTHORIZED SIGNORS: I FURTHER CERTIFY that the names of the persons who respectively hold the offices or positions mentioned in the foregoing resolutions and their actual signatures are as attached.

10. TAXPAYER IDENTIFICATION NUMBER (TIN) CERIFICATION:

Under penalties of perjury, I certify that:

1. The number shown on this form is the Municipality's correct taxpayer Identification number and
2. The Municipality is not subject to backup withholding because: (A) it is exempt from backup withholding, or (B) it has not been not been notified by the Internal Revenue Service that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (C) the IRS has notified the Municipality that it is no longer subject to backup withholding.

You must cross out item 2 about id you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

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OCEAN AVENUE INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, on November 20, 2015 bids were received for the Ocean Avenue Infrastructure Improvements.

WHEREAS, fifteen (15) packages were picked up and eleven (11) bids were received, and

WHEREAS, M.S.P. Construction Corporation, Newark, N.J. submitted the lowest responsible bid for the Ocean Avenue Improvements at a total bid of \$1,896,589.00, and

WHEREAS, by letter dated November 24, 2015 from Peter Avakian, Borough Engineer, the award of this contract is recommended to M.S.P. Construction Corporation, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #05-2015 is hereby awarded to M.S.P. Construction Corporation for the Improvements to Ocean Avenue at a cost not to exceed \$1,896,589.00.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Bond Ordinance No. 2015-005 not to exceed \$1,896,589.00.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-211 RESOLUTION – 2014 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 2014 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

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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.

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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-15-212 RESOLUTION - INDICATING CORRECTIVE ACTION PLAN/STATUS
REGARDING THE 2014 MUNICIPAL AUDIT REPORT**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake on this 8th day of December 2015 that the following is the corrective action plan/status developed to address the recommendations as noted in the 2014 Audit Report which are attached:

Payroll

That all Payroll reconciliations be completed.

14-01 All reconciliations have been completed and are up to date for 2015.

Beach

Review inventory of beach badges.

14-02 After audit inventory was reviewed and it was found that there were still a small amount of previous years 2013 and 2012 badges which had not been destroyed and were counted during the audit. Steps have been taken to verify that all previous years' badges are destroyed once audit is complete.

Dog Trust

Preparation of monthly State reports.

14-03 All reports have been reviewed, it was noted that voided licenses were not shown on the monthly reports, there were no missing license #'s. Care will be taken to review on a month to month basis that all license #'s are being reported to the State, both sold and voided.

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby directed to file said resolution with the Director of the Division of Local Finance.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
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NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-15-213 RESOLUTION – SETTING FEES FOR THE YEAR 2016 FOR WATER/SEWER
PURSUANT CHAPTER 376 ARTICLE V. WATER CHARGES AND
SURCHARGES AS ADOPTED BY THE MAYOR
AND BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following fee be and hereby are set for the year 2016:

WATER/SEWER

Pursuant to §376.61

And 376.62A : Flat rate capital infrastructure fee \$360.00 annually
(\$90 per quarter)

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-15-214 RESOLUTION DETERMINING THE FORM AND OTHER
DETAILS AND PROVIDING FOR THE DETERMINATION OF OTHER
TERMS OF NOT TO EXCEED \$3,000,000 WATER AND SEWER UTILITY
BONDS, SERIES 2015 OF THE BOROUGH OF SPRING LAKE, IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND PROVIDING FOR THEIR
SALE TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY.**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS (not less than 2/3 of all members thereof affirmatively concurring):

Section 1. Water and Sewer Utility Bonds of the Borough of Spring Lake, in the County of Monmouth, New Jersey (the "Borough"), referred to and described in bond ordinance 2015-006 of the Borough, finally adopted August 25, 2015, and entitled, "Bond Ordinance Providing for Various Water and Sewer Main Installations and Repairs, Roadway Resurfacing and Repairs to Other Water and Sewer Infrastructures in and by the Borough of Spring Lake, in the County of Monmouth, New Jersey, Appropriating \$6,000,000 Therefor and Authorizing the Issuance of \$5,700,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof", in all respects duly approved and published as required by law, shall be issued in an amount not to exceed \$3,000,000 as "Water and Sewer Utility Bonds, Series 2015" (the "Bonds"), with such further designations as set forth in Section 5 hereof.

Section 2. The Bonds are hereby authorized to be sold to the Monmouth County Improvement Authority (the "Authority") at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the application submitted by the Authority to the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board") and approved by the Local Finance Board on November 12, 2015 (the "Application"):

- (a) the aggregate principal amount of the Bonds does not exceed \$3,000,000;
- (b) the True Interest Cost of the Bonds does not exceed an interest rate that would enable the Borough to issue the Bonds to the Authority and achieve the economic benefit (consisting of the AAA/Aaa/AAA guaranty from the

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County of Monmouth which is a higher credit rating than the current credit rating of the Borough) of financing through the Authority versus financing on its own;

(c) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board any adjustments recommended by the Underwriter or the Authority on the sale date designed to reduce the total costs of the borrowing of the Borough; and

(d) all conditions described in the Application as submitted to the Local Finance Board for the sale of the Bonds are satisfied.

Section 3. The Bonds are hereby authorized to be sold and issued to the Authority in accordance with the terms of a bond purchase agreement to be entered into by and between the Authority and the Borough (the "Bond Purchase Agreement"). The Bonds may be issued in one or more series. The purchase price for the Bonds shall be as set forth in the Bond Purchase Agreement. The Mayor and Chief Financial officer are each hereby authorized and directed, without further authorization, to enter into and execute the Bond Purchase Agreement on behalf of the Borough in the form satisfactory to McManimon, Scotland & Baumann, LLC, bond counsel to the Borough ("Bond Counsel"), upon the terms consistent with the parameters set forth in this resolution. Upon execution of the Bond Purchase Agreement, the signature of the Mayor and Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale and issuance of the Bonds. If the Chief Financial Officer, after consultation with the Authority, determines that the above parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Borough Council.

Section 4. (a) The Bonds shall be dated and shall bear interest at the interest rates per annum as the Chief Financial Officer shall determine.

(b) The Bonds shall be numbered and have such prefix as determined necessary by the Chief Financial Officer or as required by the Bond Purchase Agreement, and shall be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Bond Purchase Agreement.

(c) The Bonds shall mature in the years 2017 through 2035, or such other years as may be determined by the Chief Financial Officer and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(d) The Bonds shall be sold at such price or prices as the Chief Financial Officer shall determine.

(e) The Bonds may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer.

(f) One certificate shall be issued for the entire principal amount of Bonds being issued by the Borough, unless otherwise required by the Authority pursuant to the Bond Purchase Agreement, and shall be numbered WSU-1. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of the "Monmouth County Improvement Authority" unless otherwise specified in the Bond Purchase Agreement.

(g) Any other details that may need to be determined in connection with the sale and issuance of the Bonds shall be determined by the Chief Financial Officer.

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to conform the Bonds to the requirements of the Bond Purchase Agreement:

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor Naughton asked if there is any way for the borough to have more control over these companies and clean up after words. Mr. Colao answered that the borough could control leaving debris or excess equipment, however they are permitted to operate and install their fiber optic equipment. Mayor Naughton suggested carrying this to the next meeting and with an updated agreement.

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R-15-215 AUTHORIZING AGREEMENT WITH CROSS RIVER FIBER COMPANY – Carried to December 28, 2015.

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-216 RESOLUTION – APPROVAL OF BILLS – DECEMBER 8, 2015

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending December 8, 2015, 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)	177,098.73
GENERAL CAPITAL (4)	10,796.05
WATER/SEWER CAPITAL (8)	97,931.25
WATER/SEWER OPERATING (9)	34,401.25
DOG TRUST (13)	919.60
SPRING LAKE TRUST (15)	1,550.00
MT LAUREL TRUST (16)	3,588.88
RECREATION TRUST (25)	5,674.57
BEACH OPERATING (81)	25,071.89
POOL OPERATING (91)	91.13
TOTAL	\$357,123.35

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue asked what the will be done with the extra sand from the dredging. Mr. Dempsey answered that it will be spread out from Brown Avenue to south end pavilion, the beach will be wider. Mr. Dempsey added that once the sand is hit by the sun it will turn natural color.

Executive Session

Mr. Judges offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

R-15-217 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 Planning Board Litigation.

25269

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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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:05 P.M.

MEETING IS RECONVENED AT: 8:15 P.M.

Adjournment

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

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:15 PM

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: February 23, 2016