

**MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
JANUARY 11, 2011**

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Mayor Naughton called the Reorganization Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:03 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Quinn, Mrs. Reilly, Mr. Rich, Mayor Naughton
ABSENT: NONE

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

Workshop Discussion – None

Approval of Minutes – None

Proclamations, Presentations & Special Guests – None

Public Comments – None

Council Comments & Staff Reports

Mayor Naughton reported on the following items:

- **Code Red Alert** – An alert was put out about the possibility of a snow emergency. She also thanked Mr. Clayton for his note to the members of the Chamber asking them to take their urns and things inside to assist in the clean-up.
- **NJ D.E.P. Grant** – The Borough received a call from Bruce Freeman from the NJ D.E.P. advising that there may be grant money for the Borough available in the form of a construction grant that might help us redo our storm and sanitary sewer infrastructure. The Borough will make the application with his assistance and Mr. Dempsey will be the lead. Mr. Dempsey felt that this could be as a result of the meeting on Wreck Pond. Mrs. Reilly stated that we were emphatic about the problems we were experiencing in the area with the infiltration and she felt it was great that they are going to help us. Mr. Avakian stated two important factors were brought to light – we cast doubt on the theory that we were causing bacteria and that perhaps it is being caused by the backflow of bacteria. He noted that we have mapped all of storm drains and infrastructure. He can cost out various sections as a result of the mapping. Also discussed was dividing the flow in that area. Those costs will be identified and made a part of the application.
- **North End Pavilion** – Mayor Naughton stated that she wanted to address this issue. She asked that the Council think about construction drawings. This would be tight drawings that would provide a tight cost estimate. We would have plans to go out to bid with and have a good sense of what the cost will be. This will give time for working out the financing structure and a fee schedule that will support it. She would also like to discuss replacing the liner, the piping if necessary and the railing. She does not want to see the deterioration to take place that did in the north. This will allow us to invest in both pavilions. She asked that the Council consider this.

Mr. Quinn stated that he is supportive of the process that the Mayor just outlined and we should go forward and reengage the Architect and move forward as well with the south end to evaluate what the appropriate next steps would be. He is prepared to support this and go forward.

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Mrs. Venables asked Mr. Dempsey if we would need to bond to move forward with the construction drawings. Mr. Dempsey responded that we will need \$250,000. He needs to sit down with the new CFO and the Auditor and come back at the next meeting with a plan. He will roll the costs from both into one.

Mr. Drasheff asked what the surplus was and why couldn't that be used to eliminate the need for a bond at the start? Mr. Quinn felt that there are a number of ways of accomplishing this and it can be worked on by the Finance Committee once we have the input from the CFO and Auditor. He felt that there are a number of ways that this can be accomplished consistent with our normal practice to avoid bonding. He stated that the more important issue is that the Mayor as outlined a way forward and he plans to support that.

Mr. Rich felt that having the CFO on board now will give us a better idea financially. He felt that until we get the numbers and see how we are going to finance it. He added that he still wants to see what the numbers are. There was a discussion on 90% user fee and 10% Borough. He would like to see more of a modular approach to the drawings. He would like to see it priced out so that we can pick and choose. He is ok with moving ahead. He stated that this is a thirty year note but a one year at a time structure so we have to make sure the financing structure does not become 60/40.

Mr. Dempsey to talk to CFO and get the Finance Committee involved.

Mr. Drasheff reported that he and the Mayor held a Personnel Committee Meeting with Chief Dawson and the Borough Administrator to set up a process for the interview of candidates for the Chief of Police candidates so everyone is treated equally. Based on that meeting, a set of questions have been put together and also have been reviewed by the Labor Attorney for Thursday's meeting which will guide the process. He hopes it is a productive meeting and a decision can be made.

Mrs. Venables brought Mrs. Motzenbecker up to date on the discussion on the North End pool and that she is pleased we are moving in that direction.

Mrs. Reilly agreed with Mrs. Venables that she is thrilled we are moving forward. As to the Direct Install on energy, things are moving along. The work should be completed sometime in February.

Mr. Rich asked that Mr. Dempsey to put together a list of priorities and have them reviewed that way we can have some visibility.

Borough Engineer's Report

Mr. Avakian stated that he will do a yearend report with some of the planning projects on it.

Mr. Avakian reported on the following:

- **Marucci Park** – Final payment to the contractor is on the agenda tonight. We have a Maintenance Bond and a Letter of Intent from the Contractor that he will come back in the Spring to re-evaluate and mediate any problems. The Little League field is complete. By revising the plan slightly we were able to save between \$40,000 - \$60,000. The final phase is being bid now and will be completed in the Spring time and will be a great project when it is complete. The new soccer field will not impact the baseball fields and will be easily accessible from the outside trail. T-ball irrigation problem will be resolved by moving it to part of the soccer field and not with the little league field. The bathroom is being bid out both as a modular structure and as stick built.

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- **Roadway Improvements – First & Second Avenues** – A preconstruction meeting will be held in next week to ten days. Some winter work that can be done.
- **Railroad Station Improvements** –All of the phases have been completed and rehabilitated. The restrooms were done with Community Development Block Grant monies. Some of the roofing improvements saved the building from deterioration.

Mrs. Venables questioned if the wind screens for the tennis courts could be funded from the cost? Mr. Avakian stated that it would depend on how this last bid comes in and then there are some items that will be looked at.

Borough Attorney's Report:

Mr. Colao advised that he had one item for executive session. He also thanked the Mayor and Council on his reappointment as Borough Attorney for 2011.

Borough Administrator's Report:

Mr. Dempsey reported on the following items:

- **Energy Improvements** - Direct Install 60/40 and block grant of \$20,000. The Borough will undertake \$69,000 of improvements at its buildings for a cost of approximately \$7,500. All of the improvements will improve energy efficiency. The work will begin late January early February.
- **Chief Financial Officer** – The new CFO has started and was here this week and met with Susan. He felt it will work out well. He will be meeting again with her on Monday a.m. and will begin working on the 2011 Budget. He will then sit down with the Finance Committee and get the process started. He will also discuss the pool with her.
- **Warren Avenue** –The title search being done and Andy Bayer is working on a Developers Agreement and a prospectus should be forthcoming.
- **COAH** - He has asked Mr. Bayer for an updated report on COAH, a status of where it is at and what impact it could have on us.
- **Pools** – Moving that forward is a good thing and he will begin working on it.

Public Comments

Lyle Marlowe, Pennsylvania Avenue stated that he is pleased to see that work on both pools is going to be moving forward. He said mention was made about components; the three pools each have a different filtration and felt we may need to look at these things. The children's pool is the most active area and there is not a lot of area around it for the parents to watch their children. He suggested doing a survey on the locker size people would prefer.

Helen Motzenbecker, Glenwood Avenue questioned if the funding has been allocated? Mayor explained that Administrator and CFO are going to work on it and come up with a plan.

Business Items Under Consideration

Event Application – Mama Mare Foundation – March 26, 2011 – Mrs. Reilly offered a motion to approve the request of Mama Mare Foundation event application for March 26, 2011, seconded by Mrs. Venables. Unanimously approved.

Event Application – Jersey Shore Running Club – April 30, 2011 – Mrs. Reilly offered a motion to approve the request of Jersey Shore Running Club event application for April 30, 2011, seconded by Mrs. Venables. Unanimously approved.

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Ordinances for Introduction - None

Ordinances for Adoption - None

Consent Agenda

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

R-11-011 RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the eight percent (8%) and eighteen percent (18%) over \$1,500.00 be established as the legal percentage rates on all delinquent taxes.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-012 RESOLUTION

WHEREAS, N.J.S.A.54:4-67 has been amended to allow a year-end penalty of 6% on a delinquency in excess of \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Tax Collector is hereby authorized to charge a 6% penalty if a delinquency is in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-013 RESOLUTION - DESIGNATING OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Asbury Park Press, The Coast Star and The Star Ledger be and are hereby designated as the official newspapers of the Borough of Spring Lake.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-014 RESOLUTION - AUTHORIZING DIRECT DEPOSIT

WHEREAS, pursuant to N.J.S.A. 52:14-15f the governing body may provide for the deposit of net pay of any employee of the municipality which includes public officials, and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Spring Lake to encourage its employees to utilize direct deposit.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that provisions be made to deposit the net pay of any employee or public official of the municipality in a bank account of their designation as provided for in N.J.S.A. 52:14-15f upon receipt of written authorization.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-015 RESOLUTION –APPROVING VOLUNTEER APPLICATION FOR FIREMAN
MICHAEL P. NEWMAN**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Michael P. Newman to become a volunteer firefighter with Spring Lake Fire Company # 1 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

R-11-009 RESOLUTION – DESIGNATING DEPOSITORIES FOR 2011

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Bank of America, Ocean First Bank and PNC Bank be and here hereby designated as depositories for the Borough of Spring Lake serving as follows:

Spring Lake Recreation, Spring Lake Trust and NJ State Unemployment Trust Account in Ocean First Bank, Spring Lake Heights;

Tax Account, Tax Capital, Payroll Account, Marriage License Trust Account, Dog License Account, and Spring Lake Police Law Enforcement Trust Account, Monmouth Avenue

Trust Account, Water-Sewer, Water-Sewer Capital, Spring Lake COAH Account, Unemployment Trust Account, Pool Utility and Pool Capital, Beach Utility and Beach Capital in the Ocean First Bank, Spring Lake Heights;

Planning Board Escrow Accounts and Jumbo CD Maintenance Account in Bank of America, Belmar;

Beach Utility in TD Bank, Spring Lake Heights;

BE IT FURTHER RESOLVED that the Mayor and Council reserve the right to change the location of said accounts as a result of the intent to consolidate all banking services into one or more institutions.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Quinn

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

R-11-010 RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, that for the year 2011, the following shall serve as the cash management plan of the Borough of Spring Lake.

The Chief Financial Officer is directed to use this Cash Management Plan as the guide in depositing and investing the Borough of Spring Lake's funds.

The following are suitable and authorized investments:

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- Interest-bearing bank accounts and certificates of deposit in authorized banks, listed below, for deposit of local unit funds.
Government money market mutual funds as comply with N.J.S.A. 40A:5-15.1(e).
Local government investment pools which comply with N.J.S.A. 40A:5-15.1(e) and conditions set by the Division of Local Government Services.
New Jersey State Cash Management Fund.
Repurchase agreements (repos) or fully collateralized securities that comply with N.J.S.A. 40A:5-15.1(a).

Each month, the Chief Financial Officer shall prepare a schedule of investments purchased and redeemed, investment earnings, fees incurred and market value of all investments.

The following Government Unit Depository Protection Act approved banks are authorized depositories for the deposit of funds:

- Bank of America, Belmar
Manasquan Savings Bank, Manasquan
Provident Savings Bank, Manasquan
Wachovia Bank, Spring Lake
Capital One Bank, Sea Girt
Central Jersey Bank, Spring Lake Heights
Ocean First Bank, Spring Lake Heights
TD Bank, Wall Township

The CFO shall report to the Governing Body any account that does not earn interest.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Quinn

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

R-11-017 RESOLUTION – RENEWAL OF CERTAIN PLENARY SEASONAL LIQUOR LICENSE FOR THE YEAR 2010/2011 – SARKAR T/A GRAND VICTORIAN

WHEREAS, the holder of certain seasonal liquor licenses set forth below has applied for renewal of their license and which application for renewal have been found to be complete in all aspects, and

WHEREAS, the applicant filed a verified petition to permit the Governing Body to consider renewal of the license given its inactive status and that petition having been granted pursuant to a Special Ruling from the Director of the Division of Alcoholic Beverage Control dated July 20, 2010, and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations and has received the Special Ruling from the Division of Alcoholic Beverage Control dated January 4, 2011 which authorizes the renewal, and

WHEREAS, the Governing Body is satisfied that the applicants should have the license renewed, and

WHEREAS, it is hereby documented that in order for this license to be activated, the necessary must be filed by the license holder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following seasonal retail consumption license be renewed for the seasonal period expiring November 14, 2010:

Table with 4 columns: NAME, LICENSE NUMBER, ANNUAL FEE, LOCATION. Row 1: George A. Sarkar & Angele A. Sarkar, 1348-34-007-004, \$1,342.00, Grand Victorian

BE IT FURTHER RESOLVED, that said renewal is contingent upon the following Special Conditions:

- 1. A permanent standing bar is hereby prohibited.
2. The Grand Victorian Hotel is restricted to having only a service bar in order to provide alcoholic beverages to guests that are dining in its restaurant, utilizing its party rooms, or receiving room service while staying in the hotel. All other sales, service, delivery or consumption of alcoholic beverages is prohibited.

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Mayor Naughton questioned if we are required to do this? Mr. Colao advised no. He is not clear on what the current status is on this license. They will have to activate it before it can be used. He stated that there is no impediment to taking this action this evening. It is being renewed as an inactive license.

Mr. Drasheff stated that he was confused about the dates and questioned if we are retroactively approving this? Mr. Colao explained that it is a seasonal license from May-November. Ms. Gillespie explained that is the 2010/2011 license year which actually expired in November. The approval they received will allow us to renew it again for the 2011/2012 license year. Mayor Naughton noted that this has been an inactive license for years.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-018 RESOLUTION AUTHORIZING FINAL PAYMENT CONTRACT #06-2010 FOR TENNIS AND BASKETBALL COURT IMPROVEMENTS AT MARUCCI PARK AND RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND POSTED BY HALECON, INC.

WHEREAS, Contract #06-2010 for Tennis and Basketball Court Improvements at Marucci Park was awarded on July 27, 2010 to Halecon, Inc. in the amount of \$125,660.00, and

WHEREAS, the Engineer has recommended that the Performance Bond be released as a Maintenance Bond has been posted in accordance with said contract.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Performance Bond being held by the Borough be and the same is hereby released and that final payment in accordance with the contract documents be made.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-019 RESOLUTION – AMENDING APPROVAL OF BILLS – DECEMBER 21, 2010

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending December 21, 2010, and whereas it is necessary to amend the Approval of Bills to include an additional payment, 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)		31,730.57
TOTAL		\$31,730.57

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-020 RESOLUTION – APPROVAL OF BILLS – JANUARY 11, 2011

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 11, 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)		678,066.18
GENERAL CAPITAL (4)		15,929.40
WATER/SEWER OPERATING (9)		256,739.28
SPRING LAKE TRUST (15)		2,735.00
MT LAUREL TRUST (16)		90.00
MARRIAGE TRUST (19)		75.00
RECREATION (25)		2,314.97
BEACH OPERATING (81)		83,427.58
POOL OPERATING (91)		17,276.03
TOTAL		\$1,056,653.44

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Eleanor Twomey 108 Vroom Avenue, felt that the snow piled on the corners is dangerous. You have to edge out at the intersections to see if another vehicle is coming. Mayor Naughton stated that she would speak to Frank Phillips about this problem. Ms. Twomey stated that they did a terrific job.

Executive Session

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

R-11-021 RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 – EXECUTIVE SESSION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that pursuant to N.J.S.A. 10:4-13, the Mayor and Council shall adjourn to Executive Session for the purpose of discussing: Essex & Sussex Litigation.

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.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:42 P.M.

MEETING IS RECONVENED AT: 8:12 P.M.

Mayor Naughton noted that the next regular meeting will be held on January 25, 2011.

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

ROLL CALL:

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

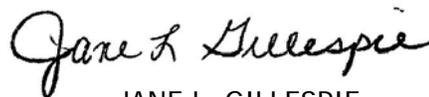
NAYS: NONE

ABSENT: Mr. Quinn

ABSTAIN: NONE

Time of Adjournment: 8:13 P.M.

Respectfully submitted,



JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: February 22, 2011