

**REGULAR MEETING
MAYOR & BOROUGH COUNCIL
BOROUGH OF SPRING LAKE
MARCH 8, 2011**

24275

Council President Venables called the Regular 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 Council President announced that the meeting is being held in accordance with the Open Public Meetings.

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

ABSENT: Mayor Naughton

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

Proclamations, Presentations & Special Guests – None

Approval of Minutes

Mrs. Reilly offered a motion to approve the minutes of February 8, 2011, seconded by Mr. Rich.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Mrs. Reilly offered a motion to approve the minutes of February 22, 2011, seconded by Mr. Quinn.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: Mr. Rich

Public Comments

Wayne Patterson, Sussex Avenue noted that the Council did not march in the St. Patrick's Day Parade on Sunday. He noted that the other towns were represented. Mrs. Reilly advised that because of the weather they did not march this year.

Lyle Marlowe, Pennsylvania Avenue questioned the status of the new Website, noted that the calendar on the current site was not accurate and questioned when the next issue of The Bridge would be received as it has been sometime. Mrs. Reilly stated we are close on the website, we are hoping to have the new site live by the end of March. She noted that we are hoping that it will be a comprehensive website. Mrs. Venables noted that there will be a new issue of The Bridge in the next week or so.

Eleanor Twomey, 108 Vroom Avenue questioned if payments on line were still being considered on the new website? Mrs. Venables advised yes but any costs would be borne by the user. Ms. Twomey expressed her disagreement with this. Discussion of it being a convenience for the consumer, so it would be paid by the consumer. Payments will still be accepted in person or via mail. Ms. Twomey still wants a calendar instead of the sheet of paper. Mr. Dempsey advised that the full calendar is available online but he would print one for her. Mr. Quinn stated that it is taken under advisement. Ms. Twomey questioned if any action was taken following the Executive Session at the last meeting regarding the Essex & Sussex? She is advised no.

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Mr. Patterson questioned if the Planning Board had any object to the Ordinance? Council President Venables advised no, they found that it was consistent with the Master Plan.

Council Comments & Staff Reports

Mrs. Reilly noted that the lighting in Borough Hall has been upgraded in compliance with the Energy Audit from monies received from the Block Grant. We will pay \$7,000 for \$70,000 worth of work which is just about complete. She noted that the Borough has applied for additional grant money to replace the heating system in this building.

Mr. Rich stated that the trucks are back at the Railroad Station. He asked that Mr. Dempsey contact them and advise them that they cannot be parked there. He asked that this be enforced.

Borough Engineer's Report

Mr. Avakian reported on the following items:

- **Marucci Park Improvements – Open Space Grant** – The award of the contract for the soccer field improvements is on the Agenda this evening. The one remaining item that they have completed is the design documents for the restroom facility which is being reconstructed and reoriented. That will be going back out to bid. He felt that the new bid would come in around \$50,000 and will be paid through the Open Space Grant.
- **First & Second Avenue Roadway Improvements** – The contractor has started the work on this project. The residents will be notified by the contractor. He expected the work to be completed by Memorial Day.

Borough Administrator's Report

Mr. Dempsey reported on the following items:

- **Beach** – The Department of Public Works is working down on the beach. They are doing an excellent job and the work is in accordance with our CAFRA Permit.
- **North End Pavilion** – A meeting was held with Wallover Associates last week to obtain a time-frame on the construction documents. He will be preparing a schedule.
- **2011 Municipal Budget** – The Chief Financial Officer is working on the budget. The Committee will be meeting next week and will have something at the next meeting.

Mrs. Venables questioned what is happening with the radio equipment on the water tower? Mr. Dempsey explained that the equipment is being taken down and new antennas are being put up on the tower at the Public Works yard. A shelter has to be built which is climate controlled to house the equipment. It is progressing. Once the equipment is all installed the Washington Avenue tank can be scheduled for removal. Mr. Dempsey to contact the contractor for the removal to ascertain the time frame needed to schedule the removal.

Borough Attorney's Report – Mr. Colao advised that he had one item for Executive Session.

Business Items Under Consideration –

American Legion Post #432 – Fishing Contest – April 9, 2011 – Mrs. Reilly offered a motion to approve the request to hold the annual fishing contest on April 9, 2011, seconded by Mr. Rich. Unanimously approved.

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Shakespeare in the Park – 2011 Request to Use Devine Park – This is their annual request to use the area for their performances which run from July 26th through August 7th. Mrs. Reilly offered a motion to approve the request from Shakespeare in the Park, seconded by Mr. Rich. Unanimously approved.

Ordinances for Introduction – NONE

Ordinances for Adoption - NONE

Consent Agenda

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

R-11-059 RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2011 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Borough Council of the Borough of Spring Lake to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Borough of Spring Lake hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Donald Brahn Jr. as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-060 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, taxes on the following property has been overpaid:

Tax Year	Block	Lot	Street Address	Name	AMOUNT
2011	123	26	34 Worthington Avenue	Signature Closing Services, LLC	\$3,133.05

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount specified is hereby approved for the aforementioned property.

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I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayment to be a total of \$3,133.05. /S/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

**R-11-061 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#08-2011 - ST. CATHARINE CHURCH - 6 MONTH CALENDAR RAFFLE**

WHEREAS, the St. Catharine Church has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#08-2011, 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#08-2011 be and the same is hereby approved as follows:

NAME: St. Catharine Church **Identification No.:** 475-01-00372
LOCATION: St. Catharine Rectory
215 Essex Avenue, Spring Lake, NJ 07762
DATE: May 31, 2011 and then the last Monday of Each Month June 2011 to October 2011 10:30 A.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Resolutions

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

**R-11-062 RESOLUTION – AWARD OF CONTRACT #01-2011
MARUCCI PARK – SOCCER FIELD IMPROVEMENTS - DOWN TO EARTH LANDSCAPING**

WHEREAS, on January 20, 2011 bids were received for improvements to the soccer fields and bathrooms at Marucci Park in accordance with specifications prepared by Leon S. Avakian, Inc. Borough Engineer, and

WHEREAS, eighteen (18) packets were picked and nine (9) bids were received, and

WHEREAS, Burke Environmental, Wall, NJ submitted the lowest dollar bid for the Improvements but failed to (i) identify and list the specialty trade subcontractors to be used in the completion of the work and (ii) failed to produce a valid Public Works Contractor Registration at the time of bid; and

WHEREAS, following consultation with the Borough Attorney, each of the above omissions from Burke Environmental's bid are deemed to be material non-waivable defects requiring the mandatory rejection of its bid; and

WHEREAS, based on the foregoing, it is the recommendation of David J. Howarth, Project Manager of Leon S. Avakian, Inc., Borough Engineer that said contract be awarded to Down to Earth Landscaping, 705 Wright-Debow Road, Jackson, NJ for the Improvements to Soccer Fields in Marucci Park in the amount of \$109,225.00, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #01-2011 be and the same is hereby awarded to Down to Earth Landscaping, 705 Wright-Debow road, Jackson, NJ for Marucci Park – Soccer Field Improvements without the alternates which will be rebid at a later date.

I, Robbin D. Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Marucci Park – Open Space Grant in the amount of \$109,225.00. /s/ Robbin D. Kirk, Chief Financial Officer

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

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

R-11-063 RESOLUTION – APPROVAL OF BILLS – MARCH 8, 2011

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 8, 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)	542,648.76
WATER/SEWER CAPITAL (8)	560.00
WATER/SEWER OPERATING (9)	10,307.93
DOG TRUST (13)	911.75
RECREATION (25)	659.90
BEACH OPERATING (81)	40,221.31
POOL OPERATING (91)	4,058.47
TOTAL	\$599,368.12

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Public Comments

Eleanor Twomey, Vroom Avenue questioned if no changes are going to be made to the North End Pavilion plan. Mr. Dempsey advised no, the public will have an opportunity to see the plans before any changes are made to the plan. This was to obtain a schedule of the construction document. The public will have an opportunity to review them before they are put to bid. Mrs. Venables stated that there will be another public meeting where the plans will be presented before they are finalized for bid. She then questioned if we have paid for the plans we have already seen. Mr. Dempsey advised yes, that was a concept plan.

Lyle Marlowe, Pennsylvania Avenue questioned if there are plans to do a survey? Mr. Dempsey explained that Mr. Finn is working on doing this as part of his booklet. Mrs. Venables stated that Public Works is also going to build a mock locker sizing. She stated that space will be gained by changing the door.

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

R-11-064 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: Mayor Naughton

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:23 P.M.

MEETING IS RECONVENED AT: 7:40 P.M.

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mayor Naughton

ABSTAIN: NONE

Time of Adjournment: 7:40 P.M.

Respectfully submitted,



JANE L. GILLESPIE
BOROUGH CLERK

Approved at a meeting held on: March 22, 2011