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**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 24, 2012**

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. Jordan, Mr. Judge, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Fay

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

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**Workshop – None**

**Proclamations, Presentations & Special Guests – None**

**Approval of Minutes**

Mrs. Venables offered a motion to approve the minutes of September 25, 2011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Jordan, Mr. Judge

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Mrs. Venables offered a motion to approve the minutes of October 11, 2011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Jordan, Mr. Judge

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Mrs. Venables offered a motion to approve the minutes of October 25, 2011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Jordan, Mr. Judge

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Mrs. Venables offered a motion to approve the minutes of November 3, 2011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Jordan, Mr. Judge

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**Public Comments**

Lyle Marlowe, 110 Pennsylvania Avenue, questioned the status of the building code changes. Mayor Naughton stated that the ordinances that were agreed upon by council were adopted while others were tabled for a future meeting. Mr. Dempsey added that the Ordinance in question was sent to the Planning Board for review and they requested changes that would have required another public hearing. Due to it being year end, there was not enough time to complete it before year end. Mr. Marlowe commented that the Planning Board does a very good job, however, he feels that the Planning Board is so busy reviewing applications they have little time to review

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the ordinances. Mrs. Reilly stated that the Planning Board has discussed several items and will be compiling information so there will be something forthcoming.

Eleanor Twomey, Vroom Avenue, questioned the status of the corner lot issue. She was advised that it will be handled on a case by case basis by the Planning Board. Ms. Twomey further commented that many of the renovations in town appear to have enormous second floors. Mayor Naughton noted that most of the construction taking place currently is being done within the guidelines of the Borough Ordinances and do not require Planning Board approval.

Harry Zarb, 2203 Third Avenue commented that he felt that waiting for "as built" on new construction was perhaps too late. He then commented on the fact that some of the lights are being fixed but felt that we are always waiting for JCP&L. He noted that there are several lights on Third Avenue that are still out. Mr. Dempsey suggested that they be required to have a tariff so that they will install white lights. If they have to replace any lighting in Spring Lake, they will be yellow. They have done a pilot program in Jackson. Any lights we own are white. He felt that we need to keep the pressure on JCP&L to get the tariff for the white lights. He felt that the website needs an update.

Ms. Twomey questioned what was happening on Third Avenue on Saturday as she was unable to get to the five and ten. She is advised it was closed because of gas work. She also noted that the businesses close too early for the people. Mrs. Venables stated that the BID does not have control over that.

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**Council Comments & Staff Reports**

Mayor Naughton reported on the following:

- **Boardwalk Repair** - The award of the contract for the trex is on the agenda tonight. We are going out to bid shortly on the railing materials. She added that Mr. Dempsey and Mr. Phillips were able to take the stanchion and we are going to bid but we should be able to save a significant amount of money by breaking down the components into three. As to the lights, JCP&L is going to replace the lighting with white lights. The lighting that was destroyed at the north end are our responsibility so we will replace them with the same fixtures used at the arches. We will purchase them, wire them and we will own them. We are saving a lot money by handling the project this way.

Mr. Judge questioned what design is going to be used for railing? Mayor Naughton advised the fancy one but it will not be powder coated as it is not able to sustain in the salt water environment.

Ms. Twomey questioned the interest Resolution. She is advised that it establishes an end of year penalty.

Mr. Drasheff reported that the Library Board met on January 10th and took action on a few outstanding items. Mr. Drasheff noted that the computer systems are quite old and the Board felt they needed upgrading resulting in the award of a contract to replace them. Further, the library is finally ready to offer e-books that will be compatible with patrons' personal devices such as iPads, Kindles, Nooks and the like which will be available to the public February 29, 2012. Software, the Overdrive System, will be needed to utilize this feature. To participate, residents may contact the library for a special code to obtain access to the system and participate in a presentation and training sessions. Mr. Drasheff also reported that in February the library is sponsoring a lecture night featuring Mr. Stan Fischler from the Madison Square Garden Network, speaking about his life and hockey career. The hope is, a sports figure of his caliber, will attract school children to the library. If the event goes well, future programs of a similar nature will be planned.

On January 12<sup>th</sup>, Mr. Drasheff noted, the Board of Education sponsored a public forum for citizens to provide their thoughts on the selection of a new Superintendent. The audience made it unanimously clear that their preference would be for Mr. Bormann to continue in the position. Mr. Judge added that there were two other retired Superintendents that were endorsing Mr. Bormann. It is his understanding that they are negotiating with Mr. Borman in hopes of retaining him. In regards to the School Board elections, Mr. Drasheff also suggested that it may be useful to have a meeting to discuss the possible move of the School Board Election from April to November. Mr. Judge, as liaison to the School Board, responded that the School Board intends to meet in February to discuss the various considerations, particularly the potential for the pro-rata share of county election

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costs to increase in the event that other towns chose to move their elections to November. Mr. Judge noted that his initial tendency would be to defer to the School Board's recommendation. Mayor Naughton inquired as to whether any one had any knowledge of what our neighboring communities intend to do. It was agreed that the topic was relatively new and therefore there was not a great deal of information yet available.

Mrs. Venables reported that she, along with the Mayor, Administrator Dempsey, and Peter Avakian, Borough Engineer, recently met with Freeholder Arnone and the County Engineering Department to discuss what role the County may play in the Wreck Pond project. Mrs. Venables reported that the general feeling is that the County may be able to help us with the dredging portion of the project on the easterly portion. This will be determined if the sand, after being tested, comes back clean then the County may be able to help with the dredging. Overall, Mrs. Venables felt that the meeting was productive and that the County was receptive to doing what they can to assist the Borough. In addition, Mrs. Venables reported that she attended a BID meeting and they are busy planning for 2012.

Lyle Marlowe commented on the Wreck Pond meeting reporting that he has heard at the meetings. He thought that the reporting tonight was positive and hoped that the County would indeed help with the project. Mayor Naughton reiterated Mrs. Venables' comments noting that the County seemed quite receptive to assisting the Borough.

Mr. Jordan reported that he met with Mrs. Reilly and the vendor in connection with the website and thanked Mrs. Reilly for her efforts on the site over the last couple of years. Mr. Jordan reported that moving the beach badge purchase process to the website is a priority along with enabling ACH payments giving residents the ability to make payment using their checking accounts. Mr. Jordan noted that he is open to ideas and invited comments on how to improve the site.

Mr. Jordan also reported that the Tower Committee met recently to discuss strategy pertaining to the Greater Media Tower and reminded the public that the installation of the tower is still very much a possibility and will soon be in the hands of the State. Mr. Jordan reiterated the sentiments of many who do not want a tower of which is the same size as the Washington Monument on our border.

Mr. Judge, in regards to Mr. Jordan's report on the Greater Media Tower, commented that there is a need to remain vigilant and work with Wall Township to coordinate the opposition of the Tower noting that Lake Como is continuing their application efforts and their residents remain vigilant and should know that Spring Lake is as well.

With regard to the North End Pavilion, Mr. Judge reported that the committee has been very busy reviewing plans and comments from residents. Mr. Judge reported that Mr. Dempsey will be reaching out to the Architect this week in hopes of obtaining a reasonable timeframe for completion of a complete set of plans and specs in order for us to remain on goal to start construction right after Labor Day.

Mr. Judge reported, in regards to COAH, that an amended agreement is on the agenda for approval tonight in connection with a thirty year lease agreement with the Affordable Housing Alliance. The property will remain in the title of the town and in thirty years the building will revert to the town. The Borough will be contributing \$600,000 towards the construction of the building. It was suggested that someone from Mr. Avakian's office review the invoices as they are submitted for the draw down based on the amount of work completed. The Affordable Housing Alliance would be responsible for ensuring things are being run in accordance with COAH standards.

In addition, Mr. Judge reported that the Beach Finance Committee is considering a new fee structure. Details will be discussed at a later time.

Mayor Naughton offered clarification for the public, that the \$600,000 draw down in connection with COAH is drawn from a COAH Fees account holding monies that have been collected over many years; this is money the Borough is obligated to spend for a COAH specific project. Mr. Judge added that these funds may also be used for engineering fees.

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Mrs. Reilly reported that an effort is underway to consolidate the beach fee schedule making it easier for residents to register online. The beach fees collected are intended to fund the North and South pavilion construction costs in keeping with our commitment to pay for these costs via user fees. They hope to be selling badges to the public by March 15th.

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**Borough Engineer's Report**

Peter Avakian, Borough Engineer, in connection with the Wreck Pond dredging project, reported that the County's enthusiasm with the project is in part due to the fact that they did not receive a single negative comment from the public. Mr. Avakian expressed his feeling that the timing is ideal for the Borough to move forward with this effort reporting that there is another meeting tomorrow to begin the sediment testing. Once the sediment samples are in, which should be in the next two to four weeks, the County should be in a position to move forward at a rapid pace.

Regarding the FEMA Mitigation Grant Project Environment Assessment, Mr. Avakian characterized this as another item of compliance, and not a roadblock. Although it is a lengthy and comprehensive document, much of the information has already been gathered through other projects. Mr. Avakian stated that the gentlemen who will be doing the review has been invited to come and meet with him at which point they will review a draft and then hopefully within two weeks will have a document ready for submission to FEMA.

In closing, Mr. Avakian reported that with the mild weather they are hoping to begin paving Newark and Adrian Avenues in early March.

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**Borough Attorney's Report**

Mr. Colao reported that he had two matters for closed session. In addition, Mr. Colao noted that there are a number of Ordinances that will need to be addressed in the coming weeks including a Parking Ordinance, a potential Ordinance pertaining to side yard HVAC installation, BID Ordinance, Commercial CO Ordinance and Sign Ordinance or Application.

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**Borough Administrator's Report**

Mr. Dempsey reported that he received a letter from Sandy Ratz, the Borough's Construction Official, indicating that the Borough should review the construction fees noting that they have not been adjusted since 2007.

Chief Kerr reported a proposal was received from the County for dispatch services. The fee for services would be approximately \$100,000 per year which is a significant savings from the current cost of over \$300,000. Chief Kerr expressed confidence in the County's facilities and training of dispatchers reporting that he feels it will be a great partnership. As for timing, Chief Kerr reporting that Neptune is going online Feb 1<sup>st</sup> which would allow Spring Lake to go online no later than March 1<sup>st</sup>. As for the Police building, it will remain open seven days a week during the hours of 8:00 am and 4:00 pm and on the weekends from 10:00 am to 6:00 pm primarily to accommodate the many walk-ins to use of the restrooms. There will be a phone available and the building will be manned with part-time employees. The Chief noted that several of our dispatchers are being hired by the County. He stated that they are putting in the information into the system so that if someone mentions a location it will give them the correct address.

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**Business Items Under Consideration**

Event Application – Mama Mare Breast Cancer Foundation – March 24, 2012 – Mrs. Venables offered a motion to approve, seconded by Mr. Judge. Unanimously approved.

Event Application - Belmar Lake Como St. Patrick's Day Parade – March 4, 2012 – Mrs. Venables offered a motion to approve, seconded by Mrs. Reilly. Unanimously approved.

Event Application – Jersey Shore Running Club – April 28, 2012 – Mrs. Venables offered a motion to approve, seconded by Mrs. Reilly. Unanimously approved.

Event Application – National MS Society – May 19, 2012 – Mrs. Venables offered a motion to approve, seconded by Mr. Judge. Unanimously approved.

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Request from Goodwill Fire Company – Use of Roll-Off Truck – Mayor Naughton explained that this is an annual request. Mrs. Venables offered a motion to approve the use of the roll-off truck, seconded by Mrs. Reilly. Unanimously approved.

**Ordinances for Introduction**

Borough Attorney read **ORDINANCE NO. 2012-001** entitled: "BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF BOARDWALK LUMBER AND RAILINGS IN AND BY THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF" by title.

Mrs. Venables offered a motion to introduce Ordinance No. 2012, 001, seconded by Mrs. Reilly. Publication to be at the convenience of the Borough Clerk.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Ordinance No. 2012-001 in full/Ordinance Book #1

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**Ordinances for Adoption** - None

**Consent Agenda**

Mr. Judge asked that Resolutions R-12-008 and R-12-009 be removed from the Consent Agenda as he intends to abstain due to a conflict.

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

**R-12-008 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, Clearing Account, Pool Utility and Pool Capital, Beach Utility, Junior Lifeguards 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, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Judge

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

**R-12-009 RESOLUTION**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, that for the year 2012, 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.

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The following are suitable and authorized investments:

- 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, Wall  
Manasquan Savings Bank, Manasquan  
Provident Savings Bank, Manasquan  
Wells Fargo Bank, Spring Lake  
Capital One Bank, Sea Girt  
Kearny Federal Savings 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, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Judge

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

**R-12-010 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, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-012-011 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, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-012 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, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-013 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.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-014 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION**

**RA#01-2012 – PTA CATHARINE SCHOOL-OFF PREMISE DRAW RAFFLE**

WHEREAS, the PTA St. Catharine School has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#02-2012, 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#01-2012 be and the same is hereby approved as follows:

**NAME:** PTA St. Catharine School  
**Identification No.:** 475-5-7331  
**LOCATION:** 301 Second Avenue, Spring Lake, NJ 07762  
**DATE:** March 16, 2012 8:00AM

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-015 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:

2/18/2012	Traffic Control Invoice Processing	\$288.00	\$270.00	Admin Fee \$18.00
2/24/2012	Traffic Control Invoice Processing	\$312.00	\$292.50	Admin Fee \$19.50

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. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-016 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT  
AS RESULT OF TAX APPEAL**

WHEREAS, taxes on the following property has been overpaid as the result of a Tax Court Appeal Settlement.

Tax Year	Block	Lot	Street Address	Name	AMOUNT
2010	85	2	302 Washington Ave	Franwalt Inc. c/o Water MacGowan	\$3,213.62

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

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayment to be a total of \$3,213.62.  
/s/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-017 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT WITH  
VISITING NURSE ASSOCIATION OF CENTRAL JERSEY**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Visiting Nurse Association of Central Jersey for the furnishing of public health services for 2012.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-018 RESOLUTION – URGING THE STATE LEGISLATURE TO ALTER ELIGIBILITY  
REQUIREMENTS FOR UNEMPLOYMENT INSURANCE FOR SEASONAL PUBLIC ENTITY WORKERS**

WHEREAS, R.S. 43:21-4 defines “seasonal industry or occupation” as an industry or occupation which, because climatic conditions make it impractical or impossible to do otherwise, customarily operates only during a regularly recurring 28-week period or periods less than 26-week of work in a calendar year; and

WHEREAS, many municipal seasonal jobs in the State are offered for only 10 to 12 weeks in a given year such as beach taggers, recreation personnel and lifeguards due to the short summer season; and

WHEREAS, there should be no expectation by an employee who has applied for a seasonal job that when the season ends that there would be continued employment, in fact, that individual consciously made the choice to apply for and accept a seasonal job rather than seeking year-round employment; and

WHEREAS, when the length of employment is clearly defined by the public entity as a seasonal job with a specific beginning and ending date, this season job should not be included in unemployment calculations for individuals working other jobs during the unemployment period of eligible benefits; and

WHEREAS, unlike private employers, municipalities and other public entities are unique in that unemployment claims arising from seasonal employment require the expenditure of taxpayers funds to pay unemployment claims for these individuals thereby burdening the already overwhelmed taxpayer in the State of New Jersey; and

WHEREAS, in many cases municipalities and other public entities pay claims quarterly and do not pay into the unemployment compensation fund due to budgetary constraints and the high cost of unemployment insurance; and

WHEREAS, these unexpected quarterly payments have forced some municipalities to do special emergency appropriations just to pay this year's claims thereby affecting next year's municipal budget which by all accounts will be equally as difficult as the present year's; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the legislature to alter the benefit eligibility conditions of unemployment insurance (UI) for seasonal workers employed by the State, or any county, municipality, school district or other public entity of the State to preclude seasonal workers as statutorily defined from receiving unemployment benefits, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-019 RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – CLINTON E. NEWMAN**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Clinton E. 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, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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**24529**

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

**R-12-020 RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – LUCAS C. IANNACONE**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Lucas C. Iannaccone 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, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-021 RESOLUTION – AMENDING R-12-001  
TEMPORARY MUNICIPAL BUDGET – 2012**

WHEREAS, the Local Budget Law provides that (where any contracts, commitments, or payments are to be made prior to the final adoption of the 2012 Budget) temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, not exceeding 26.25 percent of the total operating appropriations in the 2011 budget may be temporarily appropriated less full debt service and capital improvement fund for 2012;

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made and that a certified copy of the resolution be transmitted to the Chief Financial Officer for her records:

BEACH UTILITY CAPITAL IMPROVEMENT FUND 8013	
Capital Outlay (227)	50,000.00
TOTAL ADDITIONAL BEACH UTILITY APPROPRIATIONS	
FOR 2012 TEMPORARY BUDGET	\$50,000.00

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-022 RESOLUTION**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that George Pappas, Esq., be and hereby is appointed as Municipal Court Judge for the Borough of Spring Lake. Term to expire: 12/31/2014.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-023 RESOLUTION – APPOINTMENT OF PART-TIME CLERK**

BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Kathleen Capristo be and hereby is appointed Part-time Clerk at an hourly rate of \$19.00 per hour for the Borough of Spring Lake effective immediately.

24530

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 24, 2012**

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-024 RESOLUTION – APPOINTMENT OF PART TIME DISPATCHERS  
SPRING LAKE POLICE FOR THE YEAR 2012**

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 2012 at the hourly rate of \$12.00 per hour as listed below as recommended by the Chief of Police, Edward Kerr:

Bowen, David      Kelly, William      Duggan, Sean

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-025 RESOLUTION – CANCELLING CERTAIN BALANCES TO SURPLUS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following balances are hereby cancelled to operations:

**2011 Budget Appropriations**

0600.095	Municipal Court Interlocal	\$ 29,912.32
	Operations	\$ <b>29,912.32</b>

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-026 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT  
WITH FRIENDS OF THE SPRING LAKE 5**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with THE Friends of the Spring Lake 5 for the years 2013, 2014, 2015 and 2016.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 24, 2012**

**24531**

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

**R-12-027 RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES  
CONTRACT WITH THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF PROFESSIONAL  
SERVICES FOR PREPERATION OF ENVIRONMENTAL ASSESSMENT ASSOCIATED WITH FEMA  
FLOOD HAZARD MITIGATION GRANT**

WHEREAS, there exists a need for professional services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

PS#06-2012	Engineering Services	Peter Avakian	Leon S. Avakian, Inc.	788 Wayside Road Neptune, NJ 07753
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WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Spring Lake in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract for a total amount not to exceed \$10,000.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURHTER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-012-028 RESOLUTION – AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT  
BETWEEN THE COUNTY OF MONMOUTH SHERIFF'S OFFICE AND THE BOROUGH OF SPRING LAKE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute the Shared Services Agreement between the County of Monmouth Sheriff's Office and the Borough of Spring Lake for direct emergency dispatch services.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 24, 2012**

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

**R-12-029 RESOLUTION – AWARD OF CONTRACT #01-2012 Boardwalk Lumber**

WHEREAS, on January 20, 2012 bids were received for the Boardwalk Lumber.

WHEREAS, ten (10) packages were picked up and six (6) bids were received, and

WHEREAS, Diamond M. Lumber Co., 1883 Rt 38, South Hampton, NJ 08088 was the lowest responsible bidder for item #1 - 2x6x16 Winchester Gray Trex and Culpepper of Federalsburg, PO Box 298, Federalsburg, MD 21632 was the lowest responsible bidder for item #2 - 4x12x18 MCA .

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #01-2012 is hereby awarded for item #1 to Diamond M. Lumber Co., 1883 Rt 38, South Hampton, NJ 08088 - 2x6x16 Winchester Gray Trex, in accordance with the Bid and Specifications for an amount not to exceed \$104,000.00, and

BE IT FURTHER RESOLVED that Contract #01-2012 FOR ITEM #2 is hereby awarded to Culpepper of Federalsburg, PO Box 298, Federalsburg, MD 21632 for item #2 - 4x12x18 .MCA in accordance with the Bid and Specifications for an amount not to exceed \$27,072.00.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Borough Council reserve and retain their right to award a contract for the Boardwalk Lumber in accordance with the time limits provided by law.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Beach Capital Outlay and Bond Ordinance #2012-001 for an amount not to exceed \$131,072.00. /s/ Robbin Kirk, Chief Financial Officer

**ROLL CALL:**

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-030 RESOLUTION – AMENDING R-10-186, R-09-226 and R-09-246 -  
PROFESSIONAL SERVICES CONTRACT – ARCHITECTURAL SERVICES IN  
CONJUNCTION WITH NJ HISTORIC TRUST GRANT FOR FREDERICK A. DUGGAN -  
FIRST & EMERGENCY SQUAD BUILDING WITH RICHARD GELBER ARCHITECT**

WHEREAS, the Borough of Spring Lake has a need for professional Architectural services in conjunction with the Grant received from the NJ Historic Trust for the Frederick A. Duggan - First Aid and Emergency Squad Building as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional architectural services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Richard Gelber, Architect, 1524 Delancey Street, Philadelphia, PA 19102 is so recognized; and

WHEREAS, this contract is to be awarded for an additional amount not to exceed \$5,100.00 for preparation of the Cost Estimate and changes to the approved Contract Documents new exterior landscape design for a total contract amount not to exceed \$84,800; and

WHEREAS, SPG<sub>3</sub> Architects has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate in the Borough of Spring Lake in the previous one year and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Spring Lake that SPG<sub>3</sub> Architects – Richard Gelber is hereby authorized to provide professional architectural services in accordance with the attached proposal amendments in conjunction with the NJ Historic Trust Grant for the Borough of Spring Lake; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution and the Contract with the Borough Clerk of the Borough of Spring Lake; and

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 24, 2012**

**24533**

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

I hereby certify the additional funds of \$5,100.00 are available from NJ Historic Trust Grant 08. /s/ ROBBIN KIRK, Chief Financial Officer

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-031 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT OF FIRST AMENDED  
DEVELOPERS AGREEMENT WITH AFFORDABLE HOUSING ALLIANCE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute First Amended Developers Agreement.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-12-032 RESOLUTION – APPROVAL OF BILLS – JANUARY 24, 2012**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 24, 2012, 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.

SUMMARY

CURRENT FUND (1)	1,267,449.35
GENERAL CAPITAL (4)	1.75
WATER/SEWER CAPITAL (8)	3,558,317.00
WATER/SEWER OPERATING (9)	123,131.23
DOG TRUST (13)	891.75
UNEMPLOYMENT TRUST (14)	336.67
SPRING LAKE TRUST (15)	2,633.75
MARRIAGE TRUST (19)	125.00
PLANNING BOARD ESCROW 1 (21)	8,868.16
RECREATION (25)	3,778.40
BEACH OPERATING (81)	125,245.36
BEACH CAPITAL (84)	20,250.00
POOL OPERATING (91)	18,244.97
TOTAL	\$5,129,273.39

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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24534

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 24, 2012**

**Public Comments**

Eleanor Twomey, Vroom Avenue, questioned if the tree that was planted at the flag pole is sick? Mayor Naughton advised that it may be sick. Ms. Twomey felt that it is leaning and perhaps the lights should be shut off.

Lyle Marlowe, 110 Pennsylvania Avenue, commented on the pool drawings on the website and that they provide a lot of information. He asked that a future meeting the Architect come in and explain them. He then questioned the lights on the boardwalk and suggested facilitating donations like we did with the benches with a flag on them. Mayor Naughton stated that there are 51 lights on the boardwalk. She stated that Bryan is still working with JCP&L and is something to look at when we find out what the real cost is. It is an opportunity and she knows what is there is not attractive and they will not be yellow. Mr. Marlowe felt that we should go out to some of the local organizations and seek donations towards new lights.

Brendan Judge questioned the cost for the boardwalk repair. Mr. Dempsey advised about 1 million dollars. He stated that the light replacement could increase the costs. He explained that different wiring would have to be used. There is a different code for the wiring that we would have to adhere to if we put in our own lights. Mayor Naughton noted that it is two miles of wire.

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**Executive Session**

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

**R-12-033 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 Behrman Park Communication Tower Diversion and North End Pavilion Professional Agreement.

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. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:12 P.M.

MEETING IS RECONVENED AT: 8:56

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**Adjournment**

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

ROLL CALL:

AYES: Mr. Drasheff, , Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

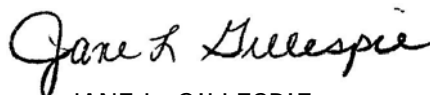
NAYS: NONE

ABSENT: Mr. Fay

ASTAIN: NONE

Time of Adjournment: 8:56 P.M.

Respectfully submitted,



JANE L. GILLESPIE  
Borough Clerk

Approved at a meeting held on: March 13, 2012