

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 25, 2012**

24692

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, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly, Mayor Naughton
ABSENT: NONE

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

Workshop Discussion - Permit Discussion

Mayor Naughton introduced the topic and invited Mrs. Reilly to give an overview. Mrs. Reilly stated that in coordination with Municipal Clerk Gillespie a survey was developed and sent out to neighboring municipalities to gather data regarding fees, permits and regulation practices. Mrs. Reilly referenced a spreadsheet developed and distributed to the Mayor and Council. In summary, Mrs. Reilly shared that most municipalities require some type of permit for use of their fields. Mrs. Reilly stated that the recent investment in Marucci Park is just one reason she supports permitting of the field. Mrs. Reilly also cited the desire to track field utilization in an effort to ensure the fields were not overused, as a reason for permitting. Proper use, such as prohibiting metal spikes, is another potential benefit from requiring permitting irregardless if a fee is being charged. Mrs. Reilly confirmed that there is no intention of changing the permitting process for the tennis courts. Mr. Jordan noted that the issues on the table are which fields will require a permit and what the fees will be.

The Mayor inquired as to what the ultimate objective of the fee requirement is and reflected on previous research and discussions in connection with the wear and tear on the fields and the cost for maintenance and repairs. The Mayor suggested the possibility of backing into the fee by assessing the costs associated with keeping the fields well maintained and available for residents and others. Mr. Jordan agreed and noted that there is also a need to control the use of the fields in order to shut down during growing seasons. Mr. Jordan also noted that the fees will help to offset costs associated with the purchase of grass seed, fertilization and the like.

Mayor Naughton inquired about the baseball/softball fields. Mrs. Reilly and Mr. Jordan noted which fields fall under the purview of the Little League and which would be considered for permitting. Mrs. Reilly noted that all fields were included on the spreadsheet in order to give the Mayor and Council a solid overview of Spring Lake's facilities and what other towns charge for use of their facilities. Mrs. Reilly suggested the members of the Council review the document and offer comments. Mayor Naughton asked if Mrs. Reilly and Mr. Jordan were in a position to make a recommendation.

Mr. Drasheff voiced concern that there would be an increase in requests for utilization of the Gazebos if a rental policy is put in place. Mr. Jordan stated that he shares Mr. Drasheff's concern. Mr. Jordan thanked Mrs. Reilly for her efforts. Mrs. Reilly suggested the Council consider moving forward on the permitting policies in connection with the fields and further discuss the use of the Borough's Gazebos and beaches for weddings. The Mayor stated that she is inclined to agree with Mr. Drasheff's and Mr. Jordan's concerns and noted that the Borough receives many calls requesting use. Mr. Jordan asked Borough Clerk Gillespie to detail the current policy. Ms. Gillespie reported that inquirers are informed that the use of the Gazebos are on a "first-come-first-serve" basis, if someone is already in the Gazebo they cannot ask them to leave, and that any use of sound systems, decorations, seating, food/beverage, etc.

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is prohibited. The Mayor noted that these restrictions are ignored routinely and as one can imagine it's difficult for Police to enforce when faced with a Bride and Groom ready for their nuptials.

The Mayor posed a theoretical question in connection with designating a specific spot on the beach for weddings and how that might impact the Borough's regulation of the use of the Gazebos on the beach. Mr. Jordan felt that the Borough could prohibit the use of the Gazebos if they so desired.

Mayor Naughton asked how other members of the Council felt about the use of Gazebos.

Mr. Drasheff stated that he preferred the use of the Gazebos rather than encroaching on the beach itself and suggested perhaps they pilot the program for one summer.

Harry Zarb asked if the Breaker's Management advises their guests on the rules associated with the use of the Gazebo. No one could confirm one way or the other.

Eleanor Twomey, 108 Vroom Avenue, asked for clarification of the "no decorations" policy specific to whether a basket of flowers would be allowed and suggested that perhaps a deposit be required and if violations occur the Borough can take from the deposits. The Mayor reflected on the history of the issue noting that it was typically small groups of ten to fifteen people witnessing a ceremony of perhaps no longer than fifteen minutes long. Over time, the Mayor continued, it's grown in popularity resulting in groups of thirty to forty or fifty with in some cases successful attempts to preserve the area with ropes or decorations. Ms. Twomey shared that someone told her that they were on the beach and watched a group baptize a person in the ocean. The Mayor suggested a recommendation be presented to the Mayor and Council at the next meeting.

Mr. Judge suggested that they reconsider the cost of the Soccer Camp fee voicing a concern that it was too high. Mrs. Reilly stated that the fee of \$10 has been in place for a long time. Mr. Jordan asked for feedback specific to reserving a field for an entire season. Mr. Judge stated that he felt the \$100 fee was too low. Mrs. Reilly reflected on their recent discussions noting that if it was set too high it may impact those families who participate in the traveling leagues. Mr. Judge offered a comparison to the fees charge by the Sea Girt Army Camp. Mrs. Venables voiced concern that the \$250 per hour for use of the Gazebo was too steep. Also, Mrs. Venables stated that "for profit" races should be prohibited in the Borough. Mr. Jordan stated that one of the considerations in suggesting the "donation" language was to in a way reciprocate to Lake Como's consideration to the Borough each year during Spring Lake Five.

Steven Rich, 506 Morris Avenue, asked who was currently using the fields and if the Borough was trying to attract groups. Mr. Jordan responded that the Borough is not necessarily looking to entice uses to the fields. Mayor Naughton reminded the public that this effort was prompted by a concern that the fields were being overused and potentially misused in the case of metal cleats.

Dave Frost, 306 Pitney Avenue, asked if the Council felt the proposed \$1,000 fee for a soccer league usage of the field was a fair fee. Mrs. Reilly stated that they proposed \$100 per season for a basic traveling soccer league. Mr. Frost stated that he felt \$1,000 for a MOSA type league would be fair. Mrs. Reilly agreed a different fee structure for a MOSA type league versus a residential league may be warranted. Mr. Jordan further agreed that a MOSA type league is more likely to host several games on a given weekend and this amount of usage needs to be considered.

Eleanor Twomey, 108 Vroom Avenue, asked if the Borough has determined how much it costs to maintain the fields. The Mayor responded stating that the exact figures have not been determined and that it would be unlikely that the Borough would recoup all that it spends to maintain the fields citing there are certain costs to having parks and recreations available to our residents.

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Public Comments

Helen Motzenbecker, 4 Glenwood Avenue, asked for an update on the pool. Mayor Naughton reported that a week ago this past Wednesday the plan for the North End Pavilion was put in front of the Planning Board for the purpose of ensuring that the project is consistent with the Borough's Master Plan. After careful review, the Mayor continued, the Board voted unanimously that the North End Pavilion plan was indeed consistent with the Master Plan. The Mayor further reported that the County's Development Review Committee met yesterday to essentially look at the North End Pavilion project specific to any potential encroachment issues on the County Road right-of-way. Again, the Mayor reported, the committee voted unanimously that the plan put forward did not in any way cause a detriment to the County roadway including no detrimental issues in connection with pedestrian safety, automobile safety or storm water safety. The Mayor stated that the next step will be for the Board of Chosen Freeholders to review the issue on Thursday noting that they typically rely heavily on the advice of the Development Review Committee. After this, the Mayor stated, the Judge who is charged with considering the application for a temporary restraining order, will review the actions of the county in connection with the project. Ms. Motzenbecker asked if these developments have changed the mind of the resident presenting the lawsuit. The Mayor stated that he could possibly appeal the rulings that take place but that the Council is committed to doing all it can to move forward with the project. Ms. Motzenbecker asked if the resident has the power to stop the project. Borough Attorney Colao stated that further appeals can not prevent the Borough from moving forward with construction.

Harry Zarb asked if there was a date on the Judge's calendar? The Mayor stated that there was not but that the Council's hope was to be in front of the Freeholders and secure approval of the agreement prior to meeting with the Judge. Attorney Colao added that there is a fixed date of October 19, 2012 but that it may be possible to request a sooner date.

Lyle Marlowe, 110 Pennsylvania Avenue, asked if time will need to be added to the end of the construction period to make up for the delay. Mayor Naughton stated that the contractor has been very cooperative and understanding and at this point it's too early to say if the project period will need to be extended. Mr. Marlowe offered various suggestions including using the existing structure for one additional season. Mr. Jordan stated that he does not believe we're at that point and that he remains optimistic that the contractors will be able to move the project forward.

Eleanor Twomey, 108 Vroom Avenue, stated that the structure is an "attractive nuisance" at the end of Ludlow and Tuttle which may be subject to vandalism and cracking walls and asked if there was a way to document the possible dangers so the building can be secured. There was a brief discussion regarding the possible liabilities that may occur.

Joe Desiderio, 25 Tuttle Avenue, asked how many members are on the Board of Chosen Freeholders. Mayor Naughton noted that there are five (5). Mr. Desiderio asked for confirmation that three (3) votes would secure approval. Mayor Naughton confirmed.

Mr. David Frost, 306 Pitney Avenue - Mr. Frost asked if residents could email Freeholders to voice their support for the project. The Mayor stated that the meeting is public which may be the best way to voice support.

Council Comments & Staff Reports

Mayor Naughton shared that a resident recently voiced some concerns about Dispatch services and reported that several meetings have taken place and tests have been conducted. The Mayor continued stating that Dispatch appears to be working as it was intended. There was a discussion regarding the 911 calling service; Mr. Dempsey reminded the public that the 911 service has not changed since the year 2000 noting that the Dispatch number is what changed recently. The Mayor reminded residents that the best number to dial in the event of an emergency is 911 and to use the 732.449.1234 for

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routine, non-emergency matters noting that although, like the 911 calls, it goes to the County but it goes in as a non-emergency call.

Mr. Drasheff reported that he recently attended the Wall Township Environmental Advisory Committee that offered a Question/Answer period for area residents with our State Senator Bob Singer and our Assemblyman Dave Rible. Several Wreck Pond homeowners were in attendance, continued Mr. Drasheff, expressing their concerns about Wreck Pond. Mr. Drasheff complimented our local area residence on their detailed presentation of the problems that we're facing. Mr. Singer, reported Mr. Drasheff, stated that his roll isn't necessary to offer ideas but to listen to potential solutions from local residents and then do his best to get those solutions funded at the State level. Mr. Drasheff noted that having someone like Mr. Singer on board at the State level will increase the ability to fund what needs to be done there. Mr. Drasheff shared compliments voiced by Mr. Singer of Mayor Naughton 's recent briefings. Mr. Drasheff stated that the sooner the Borough gets our recommendations to the State, the sooner the State can start the funding process. Mr. Drasheff also spoke to the JCP&L light situation on the Boardwalk and noted that based on his informal census from Brown Avenue to Essex & Sussex the majority of lights are the orange halogen lights. Mr. Drasheff further noted that it doesn't appear that JCP&L have cooperated in rectifying the haphazardness of the lighting.

Mr. Fay asked if the contract with Harvey had been signed. Borough Attorney Colao stated that it had not. Mr. Fay asked if there was a period of time at which the Bid becomes stale. Borough Attorney Colao responded that as long as the Bidder agrees to extend the Bid it will remain current.

Mrs. Venables shared that she recently had conversations with Freeholder Tom Arnone and with Freeholder Director John Curly who expressed support for the Borough's efforts in connection with the North End Pavilion project. Mrs. Venables publicly thanked them for their support and stated that she feels confident the Borough will obtain Freeholder support.

Mr. Jordan stated that he echoes Councilwoman Venables comments. Mr. Jordan also reported that a new recreation registration system will be implemented for the fall/winter basketball season with training to be conducted next week. Mr. Jordan detailed the new system noting that it will have some extended capabilities including better payment processing and backend reporting. Finally, Mr. Jordan reported that the Beach and Pool Committee has been formed and meetings are underway with topics including everything from revenue and expenses to across the board beach operations, Special Police, DPW, etc. with an eye toward being as efficient as possible while still offering a great product for our residents.

Mr. Judge, following up on Mr. Jordan's comments, stated that the Beach Committee has already met twice and will be sitting down with the Beach Management soon to glean what's going well and what can be improved upon. With regard to the Mountz Playground, Mr. Judge reported that the neighbors and Board of Education were invited to meet in hopes that they may reach agreement on some use restrictions that may be presented to Council. Due to pending litigation of the neighbors against the Board of Education, the Board of Education's legal counsel has advised the BOE not to speak to the neighbors at this time. Mayor Naughton asked if the playground would still be built while litigation is pending. Mr. Judge stated that his understanding is that the installation of the playground will be moving forward.

Mrs. Reilly also expressed her thanks to the Board of Chosen Freeholders and the County Planning Board that have dedicatedly helped the Borough with moving forward on the North End project. Mrs. Reilly also reported that the Beach Committee is meeting and looking at all aspects of the beach operations and anticipate it to be quite eye-opening. In addition, Mrs. Reilly reported that the movie Lorax will be shown this Friday evening at 6:00 pm.

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Borough Engineer's Report

Peter Avakian reported on the Third Avenue project noting that the plans have been approved by DOT. In addition, Mr. Avakian noted that they expect bids to be awarded in October. Mr. Avakian shared details of the DOT compliance and also suggested that the Borough consider cross-walk applications at the same time noting that funding is available. Mayor Naughton asked for examples. Mr. Avakian described the use of decorative asphalt to give the appearance of a brick paver. Mr. Drasheff asked what area would be included in the project. Mr. Avakian noted that the project would begin at Passaic Avenue by the south end by the Lake and would go north to Brighton Avenue by the Community Center. Mr. Avakian offered estimates of the project completion in light of the upcoming Tree Lighting and other Third Avenue activities. Mr. Judge suggested that the extensive foot traffic and children present near the Community House be taken into consideration when striping the road to perhaps alert drivers.

Business Items Under Consideration

Event Application - Henry B. King Medical Brigade - October 14, 2012 – Mrs. Venables offered a motion to approve the Event as listed in the request, seconded by Mrs. Reilly. Unanimously approved.

Verizon Tax Court Case

Mr. Brian Enright, Borough Tax Assessor, gave a brief summary of the issue noting that Verizon's interpretation of the law suggests they are no longer required by statute to file the property tax return with the Borough or pay property taxes in 2013. Mr. Drasheff stated his understanding of the tax revenue loss to the Borough and recommended that the Borough join the suit and also suggested the Borough review and possibly adjust the fees being charged for street opening permits and the like. Mrs. Reilly noted that Verizon pays a utility tax portion of residents who are FIOS customers and this revenue should also be taken into consideration. Mr. Judge stated that he agrees the Borough should join the suit noting that a small investment to potential protect \$8,000 in tax revenue is worthwhile. Mr. Drasheff further commented that there needs to be a two-pronged approach to the effort; court action and legislative action. Mr. Drasheff emphasized the need to get other municipalities involved in an effort to encourage a change in legislation. - Mr. Drasheff offered a motion to join the lawsuit, seconded by Mrs. Reilly. Unanimously approved.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2012-012 entitled: "AN ORDINANCE SUPPLEMENTING CHAPTER 120, BICYCLES, OF THE BOROUGH CODE (Bicycles & Related Devices on Third Avenue)" by title.

Borough Attorney gave a summary of the ordinance differentiating it from previously discussed ordinances. There was a discussion pertaining to safety in connection with bike riding on Third Avenue as well as the safety of pedestrians when bikes are ridden on sidewalks.

Mrs. Venables offered a motion to introduce Ordinance No. 2012-012, seconded by Mrs. Reilly. Public Hearing to be at the convenience of the Borough Clerk with the Public Hearing be held on October 9, 2012.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ORDINANCE NO. 2012-012 in full/Ordinance Book #1

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Ordinances for Adoption

Borough Attorney Colao read Ordinance No. 2010-011 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 100-23 OF THE BOROUGH CODE, "ALCOHOLIC BEVERAGES", OF THE BOROUGH OF SPRING LAKE" by title.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2010-011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton reminded the public that the Ordinance under consideration changes one word in the Ordinance to include "and/or" when referencing "possession and/or consumption" as recommended by the Chief of Police.

There being no comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2010-011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a Resolution to adopt Ordinance No. 2012-011, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

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

**R-12-166 - RESOLUTION – RELEASING STREET OPENING BOND
111 WARREN AVENUE – BLOCK 57, LOT 6**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Falcon Industries for property located at 111 Warren, Block 57, Lot 6 and

WHEREAS, a \$1,250.00 bond was posted for the property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-12-167 - RESOLUTION – RELEASING STREET OPENING BOND
23 PITNEY AVENUE – BLOCK 140, LOT 7**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Spring Lake Enterprises, LLC for property located at 23 Pitney Avenue, Block 140, Lot 7 and

WHEREAS, a \$1,250.00 bond was posted for the property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-12-168 - RESOLUTION - AUTHORIZING FINAL PAYMENT AND SUPPLEMENTAL
AGREEMENT NO. 1 - DECREASING CONTRACT #04-2011 FOR ROAD IMPROVEMENTS
TO NEWARK AND ADRIAN AVENUES BY \$59,635.55 AND RELEASING PERFORMANCE
BOND AND ACCEPTING MAINTENANCE BOND POSTED BY EARLE ASPHALT**

WHEREAS, a contract #04-2011 for Road Improvements on Newark and Adrian Avenues was awarded on October 11, 2011 to Earle Asphalt in the amount of \$339,513.13, and

WHEREAS, Final Engineer's Certificate (annexed hereto and made a part hereof) includes Supplement Agreement No. 1 which decreases the contract in the amount of \$59,635.55 for a total contract in the amount of \$279,877.58; 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 Borough Council of the Borough of Spring Lake that Supplemental Agreement No. 1 decreasing Contract #04-2011 for Road Improvements to Newark and Adrian Avenues in the amount of \$59,635.55 for a total contract in the amount of \$279,877.58 is hereby authorized for the above contract awarded to Earle Asphalt and 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. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-12-169 - RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 25, 2012

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 25, 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.

<u>SUMMARY</u>	
CURRENT FUND (1)	491,864.94
GENERAL CAPITAL (4)	15,299.27
WATER/SEWER OPERATING (9)	17,957.13
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	4,437.50
MT LAUREL TRUST (16)	420.00
RECREATION (25)	7,295.09
BEACH OPERATING (81)	146,238.28
POOL OPERATING (91)	22,922.26
TOTAL	\$707,344.47

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-12-170 - RESOLUTION – AUTHORIZING ADDENDUM TO AGREEMENT
WALLOVER ARCHITECTS, INC. ORIGINALLY AUTHORIZED BY RESOLUTION R-09-103
ON MAY 26, 2009 FOR THE NORTH END POOL AND PAVILION**

WHEREAS, on May 26, 2009 a Professional Services Agreement was awarded to Wallover Architects, Inc. for the provision of architectural services for the North End Pool and Pavilion, and

WHEREAS, it has become necessary to amend said Agreement as set forth in the addendum entitled "ADDENDUM TO AGREEMENT BETWEEN OWNER AND ARCHITECT FOR ARCHITECTURAL SERVICES DATED SEPTEMBER 19, 2012 BETWEEN BOROUGH OF SPRING LAKE ("OWNER") AND WALLOVER ARCHITECTS ("ARCHITECT"), a copy of which is annexed hereto and made a part herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and the same are hereby authorized to execute the above captioned agreement and any documents relating thereto.

Mr. Judge offered clarification of the Resolution explaining the amendments of the Wallover contract.

Lyle Marlowe, 110 Pennsylvania Avenue, stated that the cost estimate missed by a long shot and suggested that Wallover Architects owes the Borough. Mr. Judge noted that this fact was taken into consideration with the amendments that were made.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Public Comments

Eleanor Twomey, 108 Vroom Avenue, stated that she agrees with Mrs. Venables regarding children and bicycles helmets and the need to get children to wear their helmets when riding their bikes.

Joe Desiderio, 25 Tuttle Avenue, commented that the bicycle helmet issue is a parental and educational issue. Mr. Desiderio offered suggestions in connection with educating parents on the topic. Mayor Naughton noted that she's interested in any ideas that may help address this challenging issue. Ms. Twomey suggested that teachers should not allow students to get on their bikes after school without their helmets.

Rich Clayton, 1207 Third Avenue, stated that he's been sued on two (2) occasions due to sidewalks and asked if someone is injured by a bicycle rider, will the property owner and/or business owner be liable and if an Ordinance is in place would this help the property/business owner in defending themselves. Mr. Colao responded noting that provided the owner is not contributing to a hazardous situation it would seem a suit of this kind would be baseless.

Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:37 P.M.

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: December 4, 2012