

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
DECEMBER 3, 2013**

Mayor Naughton 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 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 L. Gillespie, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Joseph Colao, Esq, Borough Attorney (Arrived at 7:28 pm)
Peter Avakian, Borough Engineer

Workshop Discussion - None

Approval of Minutes - None

Proclamation, Presentations & Special Guests - None

Public Comments - No public comments.

Council Comments & Staff Reports

Mr. Drasheff asked if Mr. Dempsey could work with Borough Attorney Colao to formulate an amendment to the ordinance in connection with the dog beach for the 2014 Council's consideration.

Mrs. Venables reported that she attended the tree lighting event and it was very well attended and very beautifully done which is a testament to Ms. Kathy Heine and Ms. Pat Barry's efforts.

Mr. Jordan reported that the Beach Committee continues to meet and has set forth a plan for locker and badge sales for the 2014 summer season. Mr. Jordan continued reporting that the locker, beach box and badge sales will begin on Saturday, January 11, 2014 at 10:00 am. Purchases can be made via the website as well as in person at Borough Hall, Mr. Jordan stated. Further, Mr. Jordan stated that they will be doubling the number of beach boxes available for sale and they will be spread out along the length of the beach. Regarding the fulfillment process for the north end, priority will be given to those individuals who held a north end locker in 2012. There will be full and half lockers available and will be allocated on a first come, first serve basis and, Mr. Jordan continued, resident's orders will be fulfilled prior to nonresidents.

Mr. Judge added to Mr. Jordan's comments stating that it's very important for residents who have a strong preference for a full or half locker to submit their order as early as possible since although a 2012 locker recipient is guaranteed a locker, the type of locker is not guaranteed. On the topic of the North End Pavilion, Mr. Judge reported that there is a resolution on the agenda awarding the materials for the locker construction. By way of a brief history, Mr. Judge shared that the Council originally put to bid both the materials and labor and chose to reject the bids and have the Borough's Department of Public Works do the labor. This, Mr. Judge stated, will save the Borough roughly \$300,000. Mr. Judge added that the boardwalk portion in front of the North End Pavilion may be open as early as Christmas. Finally, Mr. Judge reported that another resolution for consideration tonight is in connection with the volunteer beach badges which will be the same process as last year.

Mrs. Reilly reported that the Beach Committee has worked hard to develop the fee schedule for beach sales and while ensuring parity between the South End Pavilion and the North End Pavilion. Mrs. Reilly detailed the various fees.

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Borough Engineer's Report

Mr. Avakian reported that they are in receipt of bids for the sluice gates for the Wreck Pond spillway noting that there were six (6) bidders resulting in a low bid of \$130,000. Mr. Avakian added that they are already working on a project with the low bidder (Allied) and have had a very positive experience. Mr. Judge added that he has received positive feedback on Allied as well. Mr. Avakian stated that they can not recommend an award of bid until the bond ordinance has been fully adopted and published. Mayor Naughton asked about the timing and procedure in connection with awarding the bid. Mr. Dempsey responded that Council must wait until the passing of the 20 day Estoppel period of the bond ordinance at which time they may award the contract. This, Mr. Dempsey stated, could be done at the next council meeting or they may hold a special meeting. Mr. Dempsey and Ms. Gillespie agreed to arrange for the proper procedures and meetings to ensure full compliance. On the topic of the dredging project, Mr. Avakian reported that they have not yet received the formal response to the permit applications. Mayor Naughton inquired as to the timing of the project given the delay. Mr. Avakian stated that he did not believe it would happen in December but expects it to happen soon.

Mr. Dempsey reported that the Department of Public Works have been actively working on getting surplus equipment from two (2) different military basis in Pennsylvania including two (2) large transport vehicles, several generators, and a large bulldozer all at no cost to the Borough. In connection with the North End Pavilion, Mr. Dempsey reported that each day brings additional progress and the facility is really shaping up to be quite beautiful. Mrs. Venables asked when the year round restroom on the boardwalk will be open and available. Mr. Dempsey stated that it should be open around Christmas.

Business Items Under Consideration

Event Application - Mama Mare Breast Cancer Foundation - March 22, 2014 - Mrs. Venables offered a motion to approve the Mama Mare Breast Cancer Event Application, seconded by Mrs. Reilly. All in favor. None opposed.

Event Application - Jersey Shore Running Club - April 26, 2014 - Mrs. Venables offered a motion to approve the Jersey Shore Running Club Event Application, seconded by Mrs. Reilly. All in favor. None opposed.

Ordinances for Introduction - None

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2013-014 entitled, "AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF SPRING LAKE TO INCLUDE A SECTION TO PROHIBIT SLEEPING IN MOTOR VEHICLES", by title.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2013-014 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

The Mayor invited Chief Ed Kerr to offer some background information on the topic. Chief Kerr shared that although there is currently a Borough ordinance in place in connection with sleeping on the beach at night it doesn't fully address sleeping in motor vehicles. Recently, there have been incidents of people parking in designated overnight parking areas and sleeping in their cars and in some cases

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leaving trash behind. The Chief also noted an issue with a person who is using the restroom in the train station as a shower facility and then sleeping in their vehicle.

Anne Butler, 411 Ludlow Avenue, asked for clarification of the term "public places" in the ordinance. The Chief responded that the term is intended to refer to such places as the train station, Marucci Park, and the like. Ms. Butler asked if sleeping on beach during the day would be included. The Chief assured her this is not the type of sleeping in public places the ordinance is designed to address.

There being no additional comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-014, 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. 2013-014, 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 a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

R-13-196 - RESOLUTION - REORGANIZATION AND REGULAR MEETING DATES FOR 2014

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Regular Meetings of the Governing Body of the Borough of Spring Lake for the year 2014 shall be held at the Municipal Building, 423 Warren Avenue, Spring Lake, New Jersey at 7:00 PM prevailing time unless otherwise noticed on the following dates:

JANUARY 7, 2014

Reorganization Meeting

JANUARY 21, 2014

FEBRUARY 11, 2014

FEBRUARY 25, 2014

MARCH 11, 2014

MARCH 25, 2014

APRIL 8, 2014

APRIL 22, 2014

MAY 13, 2014

MAY 27, 2014

JUNE 10, 2014

JUNE 24, 2014

JULY 15, 2014

AUGUST 12, 2014

AUGUST 26, 2014

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SEPTEMBER 16, 2014
SEPTEMBER 30, 2014

OCTOBER 14, 2014
OCTOBER 28, 2014

NOVEMBER 10, 2014 *

DECEMBER 2, 2014
DECEMBER 16, 2014

*Monday

The foregoing Resolution is in accordance with the applicable provisions of the "Open Public Meetings Act", approved October 21, 1975, per Chapter 231, P.L. 1975.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-197 - RESOLUTION - APPROVING VOLUNTEER APPLICATION FOR FIREMAN - CRAIG J. BEATTIE

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Craig J. Beattie to become a volunteer firefighter with Spring Lake Fire Company #2 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-198 - 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 2014.

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

R-13-199 - RESOLUTION - APPOINTMENT OF CLASS II OFFICER

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that Michael E. Cassidy is hereby appointed effective December 1, 2013 at the hourly rate of \$15.24 as recommended by the Chief of Police, Edward Kerr.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-200 - RESOLUTION - RELEASING STREET OPENING BOND - 34 WORTHINGTON AVENUE - BLOCK 123, LOT 26

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Borab Landscaping for property located at 34 Worthington Avenue, Block 123, Lot 26 and

WHEREAS, a \$1,250.00 bond was posted for each 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 Council 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.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-201 - RESOLUTION - APPOINTMENT OF OPEN PUBLIC RECORDS ACT (OPRA) CUSTODIANS

WHEREAS, the Open Public Records (OPRA) requires that each public agency appoint a records custodian as the person to receive requests from the public for access to public records; and

WHEREAS, the Mayor and Borough Council of the Borough of Spring Lake desire to fulfill this mandate by appointing the following: Borough Clerk, Police Lieutenant, & Construction Official, as the records custodians,

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that pursuant to the OPRA, the Borough Clerk, Police Lieutenant, & Construction Official is hereby appointed the records custodians to receive and review requests from the public for access to public records, effective immediately.

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

R-13-202 - RESOLUTION - FEDERAL MIGRATORY BIRD PERMIT APPLICATION RENEWAL

WHEREAS, the Borough of Spring Lake recognizes that the large and growing Canada geese population living in and about the Borough presents an environmental issue which must be addressed; and

WHEREAS, the Borough of Spring Lake holds a Federal Migratory Bird Depredation Permit (Permit No. MB10452A-0); and

WHEREAS, it is in the best interest of the Borough of Spring Lake to renew said Depredation Permit;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Spring Lake, does hereby authorize and direct the Borough Administrator to apply for a renewal of its Federal Migratory Bird Depredation Permit through the United States Department of the Interior, Fish and Wildlife Services.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

**R-13-203 - RESOLUTION - AWARDING SEASON BEACH/POOL BADGES AS SET FORTH
BELOW TO THE VOLUNTEER MEMBERS OF THE SPRING LAKE FIRST AID, SPRING LAKE
FIRE COMPANY #1 AND GOODWILL FIRE COMPANY NO. 2**

WHEREAS, members of the First Aid Squad and Fire Departments of the Borough of Spring Lake proved an invaluable service to the community and volunteer many hours of personal services to protect and preserve the health, property and welfare of the residents and visitors to Spring Lake; and

WHEREAS, the Borough Council is desirous of establishing an incentive program to recognize the tireless efforts and dedication of personal time by these citizens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that:

1. Members of the volunteer Spring Lake First Aid Squad and members of the two volunteer fire companies, Spring Lake Fire Company No. 1 and Goodwill Fire Company No. 2, who are active members of the squad/company and who qualified for LOSAP during the previous year for their respective units shall be issued one (1) Identification Card and one (1) Volunteer Pool/Beach Badge in recognition of their efforts to promote the health, safety and welfare of the community, as submitted and set forth on Schedule "A" which will be annexed hereto and made a part hereof following submission to the Borough Clerk in January 2014. No person shall receive more than one (1) Volunteer Beach Badge. Volunteers wishing to obtain a locker will receive a credit of \$460.00 (equivalent of two pool/beach badges and must purchase three additional badges at full price or the difference due on the balance of a shower or deluxe shower locker. Non-resident volunteers who qualify will be exempt from the \$175 non-resident fee. Qualified members only can pick up the badge and Identification Card.

Volunteers who are residents of Spring Lake may register for badges/lockers at the same time as other Spring Lake residents. Volunteers who are non-residents of Spring Lake may register for badges/lockers as soon as registration is opened for sponsored non-residents.

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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In connection with the following resolution, Mayor Naughton shared that Matt Jessup and Jack Hall, the Borough's Bond Counsel, as well as CFO, Robbin Kirk are present. The Mayor further stated that the bond ordinance has already been introduced, heard and adopted and it's the recommendation of bond counsel and the CFO to obtain permanent financing at this time for the pool. The Mayor invited Ms. Kirk to give an overview of the bond ordinance.

Ms. Kirk referred to a memorandum sent to the Mayor and Council and detailed the highlights including the rate adjustment to ensure debt obligations are met; that this authorization is for the pool portion only; and that interest rates are quite favorable at this time. Ms. Kirk also detailed the payment structure noting that the first year will be interest only with principle payments beginning in 2015 with estimated payments being \$365,000 per year.

Mr. Jessup spoke to the uniqueness of having a first year interest only structure. Mr. Jessup also detailed the interest rates noting that the actual interest rate on the bond will be between 3 and 5 percent with a yield range of 0.45% in the early years to 4.21% in the latter years with an overall yield just short of 3%. Mr. Jessup emphasized the favorability of the low rates and partially attributed the low rates to working through the Monmouth County Improvement Authority which has a County guaranteed tied to it. The issue is schedule to close on December 24, 2013. Ms. Kirk added that the actual pricing will take place prior to the 24th and Mr. Jessup and she will prepare a report to Council detailing the actual interest rate.

Ms. Kirk stated that tonight's action authorizes them to obtain the interest rates and after the receipt of the final numbers, execute the requisite documents.

Mr. Fay requested Ms. Kirk be available to field some additional questions.

Mr. Judge expressed his appreciation to Mr. Jessup for his counsel and reinforced for the benefit of the public that no tax dollars are being used to fund the principle or interest payments and that it will be fully funded by beach and pool revenues.

Mr. Jessup and Ms. Kirk expressed confidence that the beach and pool revenues will be sufficient to do just this.

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

**R-13-204 - RESOLUTION - DETERMINING THE FORM AND OTHER DETAILS AND
PROVIDING FOR THE DETERMINATION OF OTHER TERMS OF NOT TO EXCEED
\$4,845,000 POOL UTILITY BONDS, SERIES 2013 OF THE BOROUGH OF SPRING LAKE,
IN THE COUNTY OF MONMOUTH, NEW JERSEY AND PROVIDING FOR THEIR SALE
TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

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

Section 1. Pool Utility Bonds of the Borough of Spring Lake, in the County of Monmouth, New Jersey (the "Borough"), referred to and described in bond ordinance 2012-008 of the Borough, finally adopted April 5, 2012, and entitled, "Bond Ordinance Providing for the Reconstruction of North End Pavilion and Pool in and by the Borough of Spring Lake, in the County of Monmouth, New Jersey, Appropriating \$6,000,000 Therefor and Authorizing the Issuance of \$5,700,000 Bonds or Notes of the Borough for Financing the Cost Thereof", as amended, supplemented and restated in its entirety by bond ordinance 2012-009 of the Borough, finally adopted June 28, 2012, and entitled, "Bond Ordinance Amending and Restating in its Entirety Bond Ordinance #2012-008 of the Borough of Spring Lake, in the County of Monmouth, New Jersey, Finally Adopted April 5, 2012, Including by Providing a Supplemental Appropriation of \$800,000 for the Reconstruction of North End Pavilion and Authorizing the Issuance of \$760,000 Bonds or Notes for Financing Part of the Appropriation", each in all respects duly approved and published as required by law, shall be issued in an amount not to exceed \$4,845,000 as "Pool Utility Bonds, Series 2013" (the "Bonds"), with such further designations as set forth in Section 6 hereof.

Section 2. The Bonds are hereby authorized to be sold to the Monmouth County Improvement Authority (the "Authority") at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the application

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submitted by the Authority to the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board") and approved by the Local Finance Board on November 13, 2013 (the "Application"):

- (a) the aggregate principal amount of the Bonds does not exceed \$4,845,000;
- (b) the True Interest Cost of the Bonds does not exceed an interest rate that would enable the Borough to issue the Bonds to the Authority and achieve the economic benefit (consisting of the AAA/Aaa/AAA guaranty from the County of Monmouth which is a higher credit rating than the current credit rating of the Borough) of financing through the Authority versus financing on its own;
- (c) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board any adjustments recommended by the Underwriter or the Authority on the sale date designed to reduce the total costs of the borrowing of the Borough; and

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

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

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

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

(c) The Bonds shall mature in the years 2015 through 2033, or such other years as may be determined by the Chief Financial Officer and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

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

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

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

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

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

Section 6. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 7. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date. The Borough Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Borough Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC, is authorized to arrange for the printing of the Bonds. The proper officials of the Borough are hereby authorized and directed to execute the Bonds and to deliver them to the Authority upon receipt of payment therefor, including accrued interest from their date to the date of delivery, if any.

Section 9. The Chief Financial Officer is also authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bonds. In the alternative, the Authority is hereby authorized to pay such costs of issuance on behalf of the Borough.

Section 10. The Mayor and Chief Financial Officer, and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bonds, including preparing and executing all such agreements, documents, certificates and other instruments, on behalf of the Borough and take all steps necessary or desirable to effectuate the transactions contemplated thereby.

Section 11. The Mayor and Chief Financial Officer are each hereby authorized and directed, without further authorization, to enter into and execute a continuing disclosure agreement or such other agreement as may be required by the Authority for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), in a form satisfactory to Bond Counsel.

Section 12. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Chief Kerr gave a brief overview of the joint agreement noting that the cost to the Borough of \$1,000 is significantly less than what they would spend through an independent agreement.

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

R-13-205 - RESOLUTION - AUTHORIZING EXECUTION OF AGREEMENT TO ENTER INTO A JOINT PURCHASING AGREEMENT

WHEREAS, *N.J.S.A. 40A:11-11(10)* authorizes contracting units to establish a Joint Purchasing System and to enter into a Joint Purchasing Agreement for its administration; and

WHEREAS, the Borough of Neptune City, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and

WHEREAS, on October 15, 2013 the governing body of the Borough of Neptune City, County of Monmouth, State of New Jersey duly considered participation in a Joint Purchasing System for the provision and performance of goods for Police Department Equipment for Training Purposes, including but not limited to Simulations Equipment.

WHEREAS, the following towns wish to enter into this agreement with the Borough of Neptune City; the Borough of Avon by the Sea, the Borough of Belmar, the Borough of Bradley Beach, the Borough of Lake Como and the Borough of Spring Lake.

NOW, THEREFORE BE IT RESOLVED, as follows:

TITLE

This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Borough of Spring Lake

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-10* the Mayor and Borough Administrator of the Borough of Spring Lake is hereby authorized to enter into a Joint Purchasing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately up passage.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-206 - RESOLUTION - SETTING THE 2013 SALARY AND HOURLY WAGES FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE BOROUGH OF SPRING LAKE, MONMOUTH COUNTY, NEW JERSEY

Whereas, the Borough Code provides for the establishment of salaries for various officials and employees of the Borough to be set forth in a Salary Ordinance; and

Whereas, in order to permit flexibility in the hiring, transfer, and/or promotion of new or current employees, the Mayor and Council have adopted Ordinance No. 2008-006 establishing ranges for salaries and hourly wages;

Whereas, the specific salaries for officers and employees for 2013 are to be set by Resolution;

Now Therefore, Be It Resolved, by the Mayor and Council of the Borough of Spring Lake in the County of Monmouth, New Jersey, as follows:

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1. Unless otherwise specified, all salaries and wages of Borough Officials and Employees shall be payable biweekly. Further, the salaries and wages payable herein shall be in lieu of all fees.

2. All ordinances in conflict with this ordinance, or any part thereof, are hereby repealed as to conflicting part or parts.

3. In addition to the compensation provided for the Borough Officials and Employees enumerated in Article IV of this Ordinance, certain qualified employees may be entitled to an annual longevity payment, uniform allowance, overtime payment, and other supplemental stipends, as may be specified in the Borough's Personnel Policy Handbook/Manual, a current labor contract, or a current individual employment agreement.

4. The following list shall represent the hourly wages and annual base salaries ranges for Officials and Employees of the Borough of Spring Lake not covered by a Collective Bargaining Agreement.

<u>Position Title</u>	<u>Base Salary</u>	<u>Hourly Wage</u>
Administration		
Borough Business Administrator	\$137,206.77	
Borough Clerk/Municipal Registrar	\$88,857.34	
Deputy Borough Clerk	\$45,257.42	
Purchasing Agent	\$48,995.00	
Administrative Assistant	\$40,000.00	
Tax Assessor	30,263.40	
Planning, Zoning, Secretary	\$150.00 per meeting	
Secretary to Board of Health	\$3,304.31	
Code Enforcement Officer		\$25.00 - \$30.00
Zoning Review Agent	\$500	Weekly
Clerical Part-Time		\$10.00 - \$15.00
Regional Construction Office		
Construction Official	\$128,288.469	
Construction Administrative Clerk	\$36,046.80	
Electrical Sub-Code Official/Inspectors	\$12,000 - \$16,000	
Plumbing Sub-Code Official/Inspectors	\$12,000 - \$16,000	
Library		
Library Director	\$62,396.36	
Library Page (p/t)		\$7.25 - \$7.50
Library Staff (f/t)	\$37,829 - \$45,000	
Library Staff (p/t)		\$16.00 - \$17.00
Emergency Services		
Police Dept. – Chief of Police	\$141,373.20	
Police Dept. – Lieutenant	\$132,000.00	
Police Dept. – Special Officer Class II		\$15.00 - \$20.00
Police Dept. – Special Officer Class I		\$9.50 - \$18.00
Police Dept. - Secretary/Records Personnel		\$16.20 - \$17.00
Police Dept. – Dispatcher (p/t)		\$15.00
School Crossing Guard		\$14.00 - \$15.00
Matron		\$25.00
Emergency Management Deputy Coordinator	\$3,000.00	
Fire – Asst. Inspector		\$15.00 - \$20.00
Fire Official/Inspector		\$20.00 - \$25.00
Public Works		
Public Works Dept. – Superintendent/CPWM	\$112,589.63	
Public Works Dept. – Foreman	\$100,585.77	
Public Works Dept. - Asst. Foreman	\$99,576.56	
Public Works Dept. - p/t Laborer		Min. Wage- \$19.00
Public Works Dept. - Seasonal Laborer		Min. Wage- \$19.00
Recycling Attendants (p/t)		Min. Wage- \$16.00
Recycling Coordinator (p/t)	\$1,500.00	

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MAYOR AND BOROUGH COUNCIL
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Recreation

Recreation Dept. – Supervisor	\$19,673.07
Recreation Dept. – Program Director	\$14,150.00

Elected Officials

Mayor	\$4,429.00
++Councilmember	\$3,690.00

Municipal Court

Municipal Court Judge	\$14,287.00
Municipal Prosecutor	\$12,646.00

5. The salaries and wages of those employees in the Borough Police Department, Department of Public Works, and Beach Lifeguards covered by the provisions of Collective Bargaining Agreement shall be as provided in those Agreements as approved by the Mayor and Borough Council.

6. In the event any employee is specifically appointed by name to a position in a Resolution setting for a specific salary or wage, which salary or wage is different than provided herein, the specific individual Resolution shall be controlling.

7. This Resolution and the wages and salaries set forth herein shall be retroactive to January 1, 2013.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

On the following resolution, Mayor Naughton shared that the original plan involved four (4) parties and contained several issues which warranted further consideration by the Council. Tonight's version, the Mayor stated, does not include SMRSA as an involved party and involves the management of the lake during an emergency thus allowing the three (3) municipalities to share in any costs associated with any emergency action up to a maximum of \$7,000 per event. The Mayor continued stating that the Borough of Spring Lake has historically incurred a significant portion of the cost of repairs. Mr. Dempsey added that in the past, the municipalities would coordinate in the field the various tasks in reaction to an emergency and they have always worked well together. This agreement, Mr. Dempsey continued, is really an opportunity to formalize things and show that the three (3) municipalities are in unison. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked for clarification of SMRSA's involvement. Mr. Dempsey stated that their primary concern is the pump station and this agreement is focused more on flooding. Borough Attorney Colao asked for clarification of the terms "event" and "emergency". Mr. Dempsey stated that for purposes of the agreement, they're basically the same. Mr. Colao further asked where the \$7,000 figure came from. Mr. Dempsey stated that it's based upon the cost of the pump. Mr. Dempsey added that given the anticipated modifications to the spillway structure there will hopefully be limited if any need for the pumps. Mr. Jordan asked if there are any other towns that have a similar agreement. Mr. Dempsey stated that he was not aware of any. Mr. Mike Mattia, 313 Jersey Avenue, speaking as a representative of SMRSA stated that SMRSA will always be available to help regardless if they are part of this agreement. Mr. Jordan asked what position Belmar and Lake Como have taken in connection with the agreement. Mr. Dempsey replied that the Borough of Belmar has already signed the agreement while Lake Como is reportedly signing it this evening. The Mayor asked if Borough Attorney Colao was comfortable with the agreement. Mr. Colao stated that he was.

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24773

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

R-13-207 - RESOLUTION - AUTHORIZING THE BOROUGH OF SPRING LAKE TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR LAKE COMO FLOODING EMERGENCY MANAGEMENT

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the Mayor and Business Clerk be and are hereby authorized to execute an Agreement with the Borough of Belmar and Borough of Lake Como to enter into an interlocal services agreement for flooding emergency management of Lake Como. A copy of said Agreement is to be attached hereto and made a part hereof.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-208 - RESOLUTION - AWARD OF CONTRACT #06-2013 - AZEK SHEETS TO BUILD LOCKERS AT NORTH END POOL AND PAVILION

WHEREAS, on November 26, 2013 bids were received for the Azek Sheets.

WHEREAS, six (6) packages were picked up and three (3) bids were received, and

WHEREAS, Jaeger Lumber & Supply Co Inc., 2322 Morris Ave, Union,NJ 07083 submitted the lowest responsible bidder for the supply & delivery of the Azek Sheets at a cost of a total bid of \$50,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract 06-2013 is hereby awarded for the supply & delivery of Azek Sheets to Jaeger Lumber & Supply Company, Inc. at a cost not to exceed \$50,500.00.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from Bond Ordinance No. 2012-009 with an available balance of \$175,000.00. /s/ Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-209 - RESOLUTION - APPROVAL OF BILLS - DECEMBER 3, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending December 3, 2013, 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.

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	<u>SUMMARY</u>
CURRENT FUND (1)	3,009,032.28
GENERAL CAPITAL (4)	7,748.50
WATER/SEWER OPERATING (9)	112,155.02
DOG TRUST (13)	911.20
SPRING LAKE TRUST (15)	3,750.00
RECREATION (25)	902.08
BEACH OPERATING (81)	136,245.43
POOL OPERATING (91)	882.68
POOL CAPITAL (94)	538,672.36
TOTAL	\$3,810,299.55

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-210 - RESOLUTION - APPROVAL OF BILLS - DECEMBER 3, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending December 3, 2013, 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)	17,440.84
GENERAL CAPITAL (4)	26,620.00
BEACH OPERATING (81)	7,489.61
POOL CAPITAL (94)	36,756.69
TOTAL	\$88,307.14

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-211 - 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 DEP Diversion.

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, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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MAYOR AND BOROUGH COUNCIL
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24775

Mrs. Venables stated that the following resolution is a required step in order for the Borough to receive the \$20,000 grant from the DEP.

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

R-13-212 - RESOLUTION - GRANT AGREEMENT BETWEEN SPRING LAKE BOROUGH AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

The governing body of Spring Lake Borough desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$20,000.00 to fund the following project: Community Stewardship Incentive Program (CSIP).

Therefore, the governing body resolves that Brian Dempsey or the successor to the office of Borough Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$20,000.00 and not more than \$20,000.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed December 3, 2013

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-213 - RESOLUTION - SETTING FEES FOR THE YEAR 2014 BEACHES AND POOLS PURSUANT TO ORDINANCE NO. 2007-007 AS ADOPTED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following fees be and hereby are set for the year 2014:

BEACHES AND POOLS:

Pursuant to §114-19: Charges for use of beaches and pools shall be as follows:

- | | |
|---|----------|
| A. Beach Only Badges: | |
| (1) Seasonal beach badge | 105.00 |
| (2) Late season beach badge (badges purchased on or after August 1, 2014) | 65.00 |
| (3) Daily beach badge | 10.00 |
| B. Lockers: (All lockers include five (5) adult pool/beach badges) | |
| (1) North End full locker | 1,400.00 |
| (2) North End half locker | 1,150.00 |
| (3) South End Deluxe Shower Locker | 1,400.00 |
| (4) South End Shower Locker | 1,260.00 |
| (5) South End full locker | 1,150.00 |
| C. Beach Boxes: (All boxes include five (5) adult pool/beach badges) | 1,260.00 |
| D. Additional Badges purchased concurrently with a locker/beach box: | |
| (1) Additional pool/beach badge age 13+ | 230.00 |
| (2) Additional pool/beach badge ages 6 -12 | 135.00 |

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E. Resident Senior Citizen (Pool Only)	80.00
F. Single Guest Pool/Beach Badge (Daily):	
(1) Age 13+	20.00
(2) Ages 6 - 12	10.00
(3) Age 5 and under	N/C
G. Non-Resident Facilities Fee	175.00
H. Pursuant to §114-22 Broken or Lost Badges.	
Seasonal badges which are lost shall be replaced for the following charges for each badge lost:	
A. Pool/beach badge (before August 1)	70.00
B. Pool/beach badge (on or after August 1)	35.00
C. Seniors & Children Pool Only, seasonal (before August 1)	70.00
D. Seniors & Children Pool Only, seasonal (on or after August 1)	35.00
E. Beach only badge (before August 1)	105.00
E. Beach only badge (on or after August 1)	65.00

Seasonal pool/beach badges and/or pool only badges which are damaged or discolored shall be replaced at no charge.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Mrs. Reilly stated that with the passing of Resolution R-13-213 the Borough is now able to begin selling Seasonal Beach Badges in time for Christmas.

Lyle Marlowe, 110 Pennsylvania Avenue, voiced concerns that the walls at the North End Pavilion are low enough for people to jump over and wondered if there would be security cameras in place. The Mayor stated that it will be discussed. Regarding the Army Corps of Engineers, Mr. Marlowe asked when they would be (dredging) in Spring Lake. Mayor Naughton stated that they are in Manasquan working at a rate of about one block per day. Mr. Dempsey stated it would be sometime in January and that

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24777

there is a meeting tomorrow with local officials regarding the progress. Mr. Marlowe asked if the DEP grant is exclusive to cherry trees. Mrs. Venables responded that it is for cherry trees only. The Mayor added that it's a significant grant of \$20,000 for trees along the lake and they fully expect it to be beautiful when completed. Mr. Avakian added that only fifteen (15) towns in the state were awarded the grant.

Mr. Marlowe asked Mr. Mattia, SMRSA Representative, about the testing procedures of the generator at Pennsylvania Avenue. Mr. Mattia responded that the testing cannot be done on a random basis and requires a clean air day. Further, Mr. Mattia stated that it's tested roughly 20 minutes every two (2) weeks.

Ms. Anne Butler, 411 Ludlow Avenue, asked about the timeframe in connection with resident only beach purchases. Mr. Judge responded that resident only sales are from Saturday, January 11, 2014 at 10:00 am through February 16, 2014 at which point it will be open to sponsored nonresidents. Ms. Butler asked where the beach boxes will be located. Mr. Jordan responded stating that there will be boxes concentrated at both the north and south ends and as well as various locations along the beach.

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

R-13-211 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 DEP Diversion.

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, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:51 P.M.

MEETING IS RECONVENED: 8:08 P.M.

24778

**BOROUGH OF SPRING LAKE
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Adjournment

Mrs. Venables offered a motion to adjourn the meeting, 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

Time of Adjournment: 8:08 P.M.

Respectfully submitted,



JANE L. GILLESPIE

Borough Clerk

Approved at a meeting held on: January 7, 2014