

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 14, 2012**

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

ABSENT: Mrs. Venables (Arrived 7:08 PM)

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

Workshop Discussion - Permitting Process for Fields & Gazebos - Mrs. Reilly led the discussion by first reminding the Mayor and Council and members of the public of the many improvements that have been made to Marucci Park. Mrs. Reilly reported that after consultation with the Director of Recreation and other members of the Council a recommendation was prepared that includes charging a permit fee for the use of the fields. This would not pertain to the recreation programs but is intended for entities or groups interested in reserving the fields for play usage or training. The proposed fee, Mrs. Reilly continued, would be \$25 per game or training event.

Mayor Naughton inquired as to whether there was an understanding of how much "play" the fields could take. Mr. Jordan responded that he believes there are times of year that the fields should be "shut down"; Spring, for example, to allow for the growing season to take effect and to maintain.

Mr. Jordan further commented that what is being proposed is not unlike what is already in place for the use of the tennis courts. He offered the need to replace the tennis court nets at a cost of \$800 as an example of maintenance costs could be offset. Mrs. Reilly noted that leagues would be welcomed to reserve the fields as well, not unlike the tennis leagues.

Mr. Judge inquired as to what happens in the event of a group organizing to play without seeking a permit in advance. Mrs. Reilly and Mr. Jordan noted that through the use of signage and the website the public will be educated as to the need for permits and the process.

Mayor Naughton inquired as to whether someone could reserve a field at one time for multiple dates using "every Friday night" as an example. Mrs. Reilly responded reporting that this type of scenario has been taken into consideration in the proposal and stated that they welcome suggestions on different fee structures.

Kathy Heine, Recreation Director, commented that the fee structure is intended to accommodate the various requests they receive from different teams who travel and are looking for a place to practice in between games. Ms. Heine suggested the Borough consult with interested parties as well as other towns to see what they charge. Mrs. Reilly and Mr. Jordan noted that the purpose of tonight's discussion was to explore the idea and offered to come back with a suggested fee structure.

Mayor Naughton asked Ms. Heine and Mr. Jordan about the administration aspects of reserving the fields. Mr. Jordan shared the current process as it pertains to the tennis courts noting that this procedure may be used for the fields. Ms. Heine noted that to date this season, she's processed approximately 250 reservation requests and noted that it's working very well.

Mr. Judge inquired as to the need for an Ordinance. Mr. Jordan responded stating that they believe the implementation of this type of usage permit would fall within the purview of an ordinance already in place. Mayor Naughton directed a question to Borough Attorney Colao as to whether there are any other legal considerations. Mr. Colao stated that he did not believe there are any issues of implementing a

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means to regulate the use of the fields. Mr. Jordan clarified which fields would be included. Mrs. Reilly noted that the proposal also introduced the idea of including Potter Park and the boardwalk and pavilion gazebos. Mayor Naughton interjected that this has arisen as a result of the many, many requests that the Borough receives to use these locations, primarily for weddings.

Mr. Judge commented that Potter Park may be a revenue generating opportunity; however, Mr. Judge voiced reluctance to charge for the use of the boardwalk gazebos given that it is a public boardwalk. Mayor Naughton mirrored Council Member Judge's reluctance. Mrs. Reilly explained that the reason the boardwalk gazebos were included was due to the frequent use of these locations and the tendency to place benches and other items in the entrance of the gazebo thus blocking the residents from accessing the gazebos. Mrs. Reilly stated that the idea would be to limit the number of events and time of day so as not to interfere with resident use.

Mr. Judge expressed concern that this may inadvertently increase the market for this.

The Mayor and Council discussed the various considerations and sensitivities associated with balancing members of the public who wish to marry on the boardwalk and residents who wish to access the gazebos.

Mrs. Venables offered comments noting that it may not be a bad idea to try to control these events however; it's a rather touchy situation. Mr. Judge suggested perhaps the financial consideration be kept out of the picture and the Borough only develop policy points.

Mayor Naughton invited Municipal Clerk Gillespie to speak to the current practice. Ms. Gillespie noted that the current practice is to explain to those who inquire as to what is and isn't allowed, however, there are many who don't call first. Ms. Gillespie also informed the Mayor and Council of the many requests received to hold weddings on the beach itself.

Mayor Naughton suggested the item be tabled for two (2) weeks allowing the council members an opportunity to think about the various considerations. All agreed. The Mayor also requested recommendations be presented in connection with fees for the use of the Marucci Park fields.

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of March 13, 2012, 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

Mrs. Venables offered a motion to approve the minutes of April 5, 2012, 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

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Mrs. Venables offered a motion to approve the minutes of April 10, 2012, 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

In connection with page two (2), Mr. Judge noted that comments he made were erroneously attributed to Mr. Jordan. Municipal Clerk Gillespie amended.

Mrs. Venables offered a motion to approve the minutes of April 24, 2012 as amended, 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

Mrs. Venables offered a motion to approve the minutes of May 8, 2012, 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

Mrs. Venables offered a motion to approve the minutes of May 22, 2012, 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

Mrs. Venables offered a motion to approve the minutes of May 24, 2012, 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

Mrs. Venables offered a motion to approve the minutes of June 7, 2012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Judge

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Mrs. Venables offered a motion to approve the minutes of June 14, 2012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Judge

Mrs. Venables offered a motion to approve the minutes of June 28, 2012, 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

Business Items Under Consideration

Request to Use Marucci Park - September 09, 2012 - 404th Civil Affairs Battalion, Fort Dix -

The Mayor and Council discussed the potential conflict with Recreation Soccer. Kathy Heine, Recreation Director, fielded questions regarding where and when the soccer games will be played. The Mayor suggested Municipal Clerk Gillespie contact the group to discuss options in terms of location and time so as to accommodate both activities. Mrs. Venables offered a motion to approve request contingent upon successful coordination with Recreation Soccer, seconded by Mrs. Reilly. Unanimously approved.

Request for Annual Beach Day - HW Mountz School - South End Pavilion - September 15, 2012 -

Mrs. Venables offered a motion to approve request for Annual Beach Day, seconded by Mrs. Reilly. Unanimously approved.

Request for September 11th Ceremony - American Legion Post 432 - September 11, 2012 -

Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Proclamations, Presentations & Special Guests – None

Public Comments

Ellen Gannon - 11 Red Oak Drive, requested the Mayor and Council consider an ordinance limiting parking behind the First Aid building citing problems that have arisen when multiple calls come in.

Also, Ms. Gannon, speaking on behalf of the First Aid Squad, reported that the name of the Squad building had been unanimously approved on two separate occasions yet the new literature does not reflect the inclusion of "The Spring Lake First Aid Emergency Squad" in it. Ms. Gannon expressed her frustration and requested the Mayor and Council consider rectifying the situation. Ms. Venables inquired as to the name of the new building. Ms. Gannon responded that it's named the "Spring Lake First Aid Emergency Squad". Mrs. Venables asked if Ms. Gannon believed both buildings should bear the same name. Ms. Gannon responded stating that it's always been the name of the building. Mr. Judge asked what specifically Ms. Gannon wanted the Council to do. Mr. Drasheff interjected and offered an explanation of the history of the issue and referenced a recent meeting with Mayor Naughton, Councilwoman Venables, and Borough Attorney Colao addressing Ms. Gannon's concerns as well as the considerations of the Preservation Alliance. Mr. Drasheff voiced concerns that the State currently recognizes the building as the Duggan building which may be problematic while the grant is in the hands of the State. Mr. Drasheff also spoke to the potential legal considerations referencing the Squad's abandonment of the building and the subsequent efforts of the Preservation Alliance to save the building from demolition and name it the Duggan building. Mr. Drasheff expressed appreciation for the arguments on both sides and suggested a compromise is needed prior to the building being restored next year. Mrs. Venables voiced concern about taking any action that would jeopardize the grant. Ms.

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Gannon asked how many times they have to get a unanimous vote from the Mayor and Council. Mr. Drasheff reminded Ms. Gannon that the unanimous votes in the past were for the creation of the building and during the time of its operation; not after the building was abandoned. Ms. Gannon questioned who authorized the grant to be issued. It was confirmed that the Borough applied for the grant and the grant is in the Borough's name. Mr. Drasheff opined that the redevelopment of the building is to honor those that help create it and who used it as a life saving facility over the years hence why a compromise to honor the Duggan family and the members of the First Aid Squad would be ideal. Ms. Gannon voiced that she believed that if the Duggan family wanted their name on the building they would have requested it and that the plaque in the building is intended to honor their memory. Mr. Drasheff asked if Ms. Gannon felt that a compromise was the proper approach to take. Ms. Gannon stated that a compromised has been discussed and voiced her disappointment in the delay in addressing the situation citing an email from January, 2012. Mr. Drasheff reiterated the sensitivity of the issue and the desire to ensure that the pending State grant is in no way jeopardized. Mrs. Venables reiterated Mr. Judge's question asking what Ms. Gannon would like the Mayor and Council to do. Ms. Gannon voiced her desire to have the building's name to include "Spring Lake First Aid Emergency Squad". Mrs. Venables stated that it is a valid issue that can be reconsidered when the time is right and stated that having two buildings with the same name many not be the best solution. Ms. Gannon stated that even though no First Aid business is being conducted from the building, the building represents the Squad's history. Mr. Dempsey noted that on the listing of Historic Places of New Jersey on the Internet, the building is listed as "Frederic A. Duggan First Aid and Emergency Squad Building". Ms. Gannon stated that they would like to see the First Aid Squad's name mentioned first.

Ms. Eleanor Twomey, 108 Vroom Avenue, asked if there was one place on the beach that could be designated for weddings and if repair costs for damage from metal cleats, for example, could be factor in to the assessment of the fee structure.

Tom Harte, 25 Ludlow Avenue, inquired about a Coast Star article in connection with the North End Pavilion and a potential lawsuit. Mayor Naughton stated that there is currently no lawsuit at this point and reported that the Borough Administrator and Borough Attorney have met with the family member to discuss their concerns and stated that the bump out referenced is into the parking spaces and not the travel lane of Ocean Avenue. Borough Administrator Dempsey stated that a traffic expert is reviewing the plans.

Donna Hurley, 2000 Adrian Avenue, stated that she was surprised that the footprint is not going be the same and voiced concern about a potential bump out on the left side of the structure. Mr. Dempsey responded noting that the only bump out is on the west side of the structure. Ms. Hurley asked if the drawings had been approved. Mr. Dempsey offered additional details on the various conversations, presentations and meetings that have occurred and approvals that have been obtained. Mr. Dempsey emphasized that the results of these various discussions and subsequent plan approvals have been detailed in drawings that have been posted on the Borough's website. Mr. Dempsey further explained that the filters could not be placed below grade and there was a need to find a place to put them hence the need for the west side bump out.

Mr. Fay inquired as to what approvals are needed to build into the county road. Mr. Dempsey stated that some type of Agreement with the County would be needed to build into Ocean Road. Ms. Hurley asked what would happen if the building is knocked down and then the County fails to approve the plans. Mr. Dempsey stated that there is no indication that the County would fail to approve the plans. Ms. Hurley asked why things are being moved around and not left the same. Mayor Naughton stated that the biggest reason is that there is no way to get the permitting, given today's CAFRA standards, for a lower level construction like what is in place today. Therefore, stated Mayor Naughton, everything on the lower level needed to be placed on the boardwalk level resulting in a very complex plan that has taken years to figure out. Mr. Harte asked if the height of any of the walls is being increased. Mayor Naughton stated

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that she believes the west wall height is identical. Mayor Naughton noted that it has been very difficult to make all people happy and those involved in the planning have taken great pains to make sure that the building does not have more of an impact on the neighborhood than it does now, including standing on porches across the street to assess the views, lowering of the locker height twice, lowering the original plan for the retaining wall, all in an effort to not have a large impact on the neighbors. These considerations came with a great deal of push back, stated the Mayor, since it made the planning more difficult. The Mayor reiterated the transparency of the plans noting that the plans have been fully vetted both politically and publicly for years and have been made available to the public via the website for well over a year. Mayor Naughton emphasized that there has been no attempt to hide anything in connection with the plans.

Mary Burke, 210 Lorraine Avenue, stated that the road condition of Lorraine Avenue is in need of attention and asked if the Mayor and Council could consider taking action to improve. Mr. Jordan expressed full agreement with Ms. Burke and noted that discussions took place a few months ago to determine the possibility of accelerating the roads program. Mr. Jordan further explained that it is an expensive endeavor. Mayor Naughton offered details explaining that the cost is so extensive because the Borough does the roadwork underneath including the storm sewers, sanitary sewers, handicap curbing, etc. Historically, the Borough only milled and paved, continued the Mayor, and now the Borough sets aside capital money each year as well as obtains DOT grants to help pay the costs. The Mayor further stated that it still costs the Borough approximately \$200,000 to \$250,000 per block. Mr. Jordan noted that there is a priority list and he offered to check to see where Lorraine fell on the priority list.

Lyle Marlowe, 110 Pennsylvania Avenue, inquired as to the beach closing rules in connection with rainfall. Mayor Naughton noted that it only pertains to Pier Beach and the restrictions kick in at 1/10th of 1 inch of rainfall. Mr. Marlowe reported that the beach was open Sunday.

Eleanor Twomey, 108 Vroom Avenue, inquired about what happened to Worthington Avenue in connection with a closure. Mr. Dempsey reported that it was not a closure but an advisory. Ms. Twomey asked why it was subject to an advisory. Mayor Naughton noted that she was unaware of why the advisory was implemented and noted that when there is storm water run-off and with the heavy rainfall on Sunday the Board of Health and DEP were most likely testing to see if the beach needed to be closed. Ms. Twomey also inquired as to the status of the ordinance in connection with walking bikes through the business district. Mrs. Reilly stated that they are in receipt of a recommendation from the BID and hope to have it available at the next meeting.

Tyler Walsh from Wally's Transportation advised that he received a letter of complaint in connection with one of his driver's speeding on Third Avenue. Mr. Walsh extended an apology on behalf of his company noting that he has addressed the problem with his drivers and hoped that there have been no additional problems. Mayor Naughton thanked Mr. Walsh and assured him that he was not the only recipient of the letter and expressed appreciation to Mr. Walsh for attending the meeting and addressing the issue.

Council Comments & Staff Reports

Mayor Naughton offered a brief recap of a neighborhood meeting that took place on July 26, 2012 regarding Wreck Pond. Mayor Naughton reported that the dredge permits for the eastern end of Wreck Pond have been submitted and are moving through the process. Further, many discussions have taken place with the County engineering department. The County, the Mayor continued, has been very helpful and will be picking up the cost for the dredging. The permit process for the pumps is also underway reported the Mayor. Mr. Avakian reported on the submission of the final documentation and environmental assessment for FEMA in connection with the release of the \$600,000 grant. The Mayor continued noting that there are two (2) projects permitted and partially funded in Wall Township that have recently been cancelled. The Mayor stated that this is not particularly good news for the Borough; however, as a result, the money left over from those projects will be transferred to the Wreck Pond

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project. The Mayor also noted that there is interest from the State DEP in connection with the berm and additional monies may be transferred to this effort. In closing, the Mayor also reported that the Wreck Pond Committee, along with Mr. Dempsey and Mr. Avakian, has interviewed a number of consultants that may be able to assist with obtaining funds for the project. Mayor Naughton noted that this assistance is specifically at the regional level in an effort to obtain relief from the west.

Mr. Judge commended Mayor Naughton on her efforts in working to get relief for Wreck Pond neighbors noting that obtaining consultants to assist with this effort is a necessary next step. Mr. Judge also reported that in response to Mayor Naughton's direction, he recently reached out to the neighbors and the Board of HW Mountz school in connection with the possible Ordinance to restrict the usage of the planned facilities. Mr. Judge stated that the neighbors have expressed their willingness to participate. Mr. Judge stated that he also spoke to the Chair of the Board of Education who is also willing to participate but hoped to speak with the Mayor and Council first.

Mrs. Reilly reported that New Jersey Natural Gas and Sustainable Jersey are interested in hosting a movie night in Divine Park on September 28 at 6:44 pm (end of daylight) in the evening. Mrs. Reilly offered a motion to give permission to Sustainable Jersey and New Jersey Natural Gas to host a movie in Divine Park on September 28, 2012 at 6:44 PM with a rain date of October 5, 2012, seconded by Mrs. Venables. Unanimously approved.

Borough Engineer's Report

Mr. Avakian reported on the Third Avenue project noting that the survey work and base map have been completed. Further, Mr. Avakian noted that the cost of the project is estimated in the \$450,000 range and the Borough will receive a grant from the Department of Transportation in the amount of \$200,000. In the next few months, continued Mr. Avakian, they will be working with Mr. Dempsey to discuss the project as it relates to how it will be implemented and what will be included in the Borough portion. Mayor Naughton inquired as to the timing of the paving. Mr. Avakian stated that it depended on various factors. Mr. Dempsey interjected that since the infrastructure components have already been addressed and therefore this project is primarily a mill and pave job it can be done fairly quickly. Mr. Avakian continued noting that they anticipated fall construction but want to make sure other fall projects aren't impacted. Mr. Drasheff inquired as to the reported "trip and falls" in connection with the existing tree wells. Mr. Avakian stated that this should be looked at and if needed incorporate any improvements into the project.

Borough Attorney's Report

Mr. Jay Colao - Reported that he has two (2) matters for Executive Session.

Borough Administrator's Report

Mr. Dempsey reported on the bid process in connection with the First Aid Building. Mr. Dempsey noted that the Borough is required to qualify the bidders. Further, Mr. Dempsey stated, the packets have been approved by the state and are out to the public giving them until the 24th of September to submit their qualifications. Once the pre-qualified bidders are identified, the bid packets will go directly to those pre-qualified bidders, stated Mr. Dempsey. Mr. Dempsey noted that given the estimated timeline, a contract could be awarded sometime in September. As for funding, Mr. Dempsey reported that all the money is in place with combined donations from the Preservation Alliance, the Historic Trust Grant and the Community Development Fund.

Mr. Judge asked for details regarding the pre-qualification process. Mr. Dempsey stated that the Borough and Historic Trust work together to pre-qualify bidders using an objective set of criteria. Mr. Dempsey noted that although there is some room for exercising discretion there are only a few companies that actually do this type of pre-qualification project.

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Mr. Dempsey also reported on the ongoing COAH items stating that the Borough has submitted the requisite certification of monies spent and therefore the Borough is in no jeopardy of falling out of compliance. Mayor Naughton asked about the timeframe of the project. Mr. Dempsey stated that he believes the project will begin this fall. Mayor Naughton gave a summary of events over the past twelve (12) years including the purchase of the former two-family home that sat west of Egan's, and is now a vacant lot, as well as the work that's been done with the Affordable Housing Alliance to erect a moderate income four (4) family resident. The Mayor continued, noting that the building is being paid for by collected fees and that the plans are available at Borough Hall for viewing.

CONSENT AGENDA

Mr. Fay suggested R-12-153 be removed from the Consent Agenda in light of the potential delay of the project and the possibility of not getting approvals. Mr. Fay voiced concern about next year if the beach is not opened on time. Mr. Dempsey noted that the site work contract is not related to the demolition but is in connection with the utility work, the relocation of the storm drain, curbs, sidewalks, safety barriers and the connection of sanitary lines. Mr. Fay inquired as to whether there were SMRSA lines. Mr. Mattia, who has knowledge of SMRSA, was invited to offer input. Mr. Mattia noted that sewer lines are owned by municipalities and not by SMRSA and stated that SMRSA operates pump stations in the municipalities that collect and discharge to the main station. Mayor Naughton suggested the Resolution be taken separately from the Consent Agenda.

R-12-153 Removed from the Consent Vote and Voted on Individually

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

Mr. Fay commented that he does not have the same level of confidence, as perhaps others, that this effort is a "slam dunk" stating that absent formal approval a back-up plan may be prudent. Mr. Jordan asked if the site work contract was an alternate component of the original bid and if so, how much money was saved by the Borough by breaking this piece out. Mr. Dempsey stated that it was approximately \$200,000.

**R-12-153 - RESOLUTION – AWARD OF CONTRACT # 06-2012
SITE WORK FOR THE NORTH END PAVILION**

WHEREAS, on July 26, 2012 bids were received for the Site Work for the North End Pavilion in the Borough of Spring Lake.

WHEREAS, Nine (9) packages were picked up and four (4) bid was received, and

WHEREAS, Precise Construction, Inc 1016 Highway 33, Freehold, NJ 07728 is the lowest responsible bidder for the Site Work for the North End Pavilion, in the Borough of Spring Lake.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #06-2012 is hereby awarded The Site Work At the North End Pavilion not to exceed \$181,840.00 and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Borough Council reserve and retain their right to award a contract for the Site Work for the North End Pavilion 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: Ordinance No. 2012-008 as amended by Ordinance No. 2012-009 not to exceed \$181,840.00

/s/ Robin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: Mr. Fay

ABSENT: NONE

ABSTAIN: NONE

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Remainder of Consent Agenda

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

**R-12-148 - RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION
RA#21-2012 – ST. CATHARINE SCHOOL PTA - ON PREMISE 50/50**

WHEREAS, the St. Catharine School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#21-2012, 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#21-2012 be and the same is hereby approved as follows:

NAME:	St. Catharine School PTA
Identification No.:	475-5-7331
LOCATION:	South End Pavilion
	Ocean & Essex Avenues, Spring Lake, NJ 07762
DATE:	September 16, 2012 1:00 - 4:00 P.M.

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-12-149 -RESOLUTION AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE
PERIOD FOR THIRD QUARTER PROPERTY TAXES**

WHEREAS, according to N.J.S.A. 54:4-64 the delivering of tax bills to property owners shall be at least 47 days before the third installment of taxes fall due, and

WHEREAS, due to a delay in the printing and mailing of the tax bills, the tax bills for the third quarter will not be sent out until August 3, 2012; and

WHEREAS, the Mayor and Council have granted an extension of the grace period to August 31, 2012; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake that the Tax Collector be authorized to grant this extension until August 31, 2012.

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-12-150 - RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEM OF
REVENUE INTO THE 2012 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87,
WITH THE REVENUES RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT
OF TRANSPORTATION TRUST FUND GRANT - \$200,000**

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WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Spring Lake has received notice of an award of \$200,000 from the State of New Jersey, Transportation Trust Fund for Third Avenue as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000).

Which is now available as revenue from:

Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services: State and Federal Revenues Off-set with Appropriations: NJ Department of Transportation – Transportation Trust Fund Grant – Third Avenue

BE IT FURTHER RESOLVED that the like sum of TWO HUNDRED THOUSAND DOLLARS be and the same is hereby appropriated under the caption of: General Appropriations: (a) Operations Excluded from CAPS State and Federal Programs Off-Set by Revenues: NJ DOT Transportation Trust Fund – Third Avenue

BE IT FURTHER RESOLVED, that the Borough Clerk is directed forward two certified copies of this resolution to the Director of Local Government Services for approval.

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-12-151 - RESOLUTION AMENDING RESOLUTIONS R-12-100, R-12-101 AND R-12-102 - 2012 SEASONAL BEACH EMPLOYEES – GATE ATTENDANTS AND LIFEGUARDS

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Resolution R-12-100 Resolution – Appointing Lifeguards for the 2012 Season be and the same is hereby amended as follows:

Maldjian Kate	\$14.58 per hour
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BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Resolution R-12-101 Resolution – Gate Attendants for the 2012 Season be and the same is hereby amended as follows:

Maynard Martha	\$7.25 per hour
Zoino Robert	\$7.25 per hour
Hardiman Mary Kate	\$7.25 per hour
Easley Toni	\$7.25 per hour

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Resolution R-12-102 Resolution – Appointment of Additional Seasonal Employees be and the same is hereby amended as follows:

Gregg Keniston	to Beach Maintenance Supervisor	\$11.50 per hour effective 8/11/12
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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

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 14, 2012**

24675

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

**R-12-152 - RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF SPRING
LAKE FOR THE PROVISION OF PROFESSIONAL SERVICES**

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#09-2012	Engineering/Planning Services Affordable Housing Trust Fund Reporting for 2009, 2010 & 2011	Birdsall Services Group (BSG)	611 Industrial Way West Eatontown, NJ 07724
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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 for an amount not to exceed \$3,500.00; 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.

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 FURTHER 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, 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-12-154 - RESOLUTION – APPROVAL OF BILLS – AUGUST 14, 2012

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 14, 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.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 14, 2012**

SUMMARY

CURRENT FUND (1)	3,236,501.11
GENERAL CAPITAL (4)	40,465.00
WATER/SEWER OPERATING (9)	33,624.74
DOG TRUST (13)	914.80
SPRING LAKE TRUST (15)	3,685.00
MT LAUREL TRUST (16)	9,150.00
RECREATION (25)	38,843.40
JUNIOR LIFEGUARDS	7,836.90
BEACH OPERATING (81)	440,936.07
POOL OPERATING (91)	74,956.20
TOTAL	\$3,886,913.22

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Michael Mattia, 313 Jersey Avenue asked how deep the dredging was expected to go in connection with the Wreck Pond project. Mr. Avakian stated that the approved depth is six (6) feet below mean sea level. Mayor Naughton stated that this is a small project at the eastern end designed to increase the depth in order to allow for the installation of pumps to be used to pump water prior to a storm. Mrs. Venable reported that at the neighbors meeting, the County did say that they were open to considering continuing the dredging effort in phases.

Helen Motzenbecker, 4 Glenwood Avenue commended the Mayor and Council for forging ahead on the North End Pavilion project.

Executive Session

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

R-12-155 - RESOLUTION – 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: North End Pavilion Professional Services Agreement and North End Pavilion potential litigation.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Borough Attorney.

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: 8:30 P.M.

MEETING IS RECONVENED: 9:10 P.M.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 14, 2012**

24677

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: 9:11 P.M.

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: December 4, 2012