

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 16, 2014**

Council President Judge 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. He then proceeded with the Pledge of Allegiance to the Flag. Mr. Judge announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan (via telephone), Mrs. Venables

ABSENT: Mayor Naughton

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

Public Hearing

Proclamations, Presentations & Special Guests

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of August 26, 2014, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Public Comments

Aniela Sullivan, 6 Sussex Avenue, stated that she was present to plea the case of the south end pool users presenting the following letter to the Mayor and Council asking that it be made a manner of public record. Ms. Sullivan stated that there's more to the south end pool than just swimming stating that many people swim there because the water makes them feel good. Ms. Sullivan stated that she has been swimming in the south end pool since sometime in the 1940s and believes there are medicinal benefits to doing so. Ms. Sullivan stated that she's had two (2) knee surgeries this year and when she was well enough to swim in the pool she did so and after about four (4) weeks she was feeling good. Ms. Sullivan stated that she decided to do some research on the benefits of sea water. Ms. Sullivan added that she has a petition of 363 petitioners, with two (2) clipboards still outstanding suggesting the number of petitioners could reach 400 and beyond, who would like to see the south end pool remain open until Columbus Day as it has been in the past. Ms. Sullivan then read the following letter:

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Aniela Sullivan
6 Sussex Ave., Spring Lake, NJ
Sept. 16, 2014

Dear Mayor and Council

After sending one e mail a few weeks ago, I am writing this letter to express my disappointment about the South End pool closing date of September 28. I suggest that in the near future, a pool-user committee be formed to assist the council in making decisions and plans with the users in mind. I feel this forum will be more effective communicating concerns and requests with both council and pool users.

We, the South End pool users, have been very fortunate over the years to have access to the South End pool from Memorial Day until Columbus Day, and would like this tradition to continue. This season our schedule has been reduced by almost four weeks. The South End opened daily on June 23rd, almost 2 weeks later than usual and almost 2 weeks of swimming has been canceled in October. To say the least, we feel short changed considering past practice, both in monetary value and time in the South End pool.

Those who swim in sea water regularly and even intermittently enjoy medicinal healing and therapeutic value to the human body. You see, it's not just the South End pool that is particularly important to so many South End users; it is the **ocean water**.

If you are not a swimmer in ocean water, you cannot understand the therapeutic and medicinal value of swimming or just submerging in God's water. You have to experience it to know its value to the human body. Chlorine water and saline water offer no nutrients to the skin or body that I was able to find; however, cold ocean water has both minerals and therapeutic advantages to the user/swimmer that is easily assimilated by our bodies during sea bathing.

I have attached 2 websites that identify the benefits of cold ocean water.

<http://youqueen.com/life/health/sea-water-health-benefits/>

http://pacificnaturopathic.com/articles/health_benefits_of_sea_bathing.html

I'll try to summarize...

1. In the 4TH century B. C. Hippocrates was the first to use sea water for healing. Seawater contains 84 vital elements also found in the human body. It is rich in iodine, and magnesium. Over all sea water has a similar composition as our blood plasma.
2. Sea water contributes to overall health with the immune system and aids skin in healing.
3. Sea water increases the level of oxygen in our bloodstream and aids the blood to fight off free radicals.
4. The iodine boosts thyroid activity and is a natural antiseptic.
5. Sea water improves blood circulation
6. Sea water relieves cold and flu symptoms and helps cure bronchitis and sinusitis and helps treat pulmonary problems.
7. Sea water relieves joint pain and swelling in the body.

No wonder so many of us just love the South End. It is the ocean water.

I have attached a petition with 363 names of South End pool users who would like the pool to remain open until Columbus Day so they can continue enjoy the healthy healing effects of the ocean water until next season. Our request simply continues past practice.

Please reconsider your decision to extend our swimming season to Oct. 12, and continue past practice. All 363 petitioners and other South End pool users would be very grateful.

Sincerely,

Aniela Sullivan



Mr. Judge thanked Ms. Sullivan for coming to the meeting and sharing her thoughts and voiced his appreciation to her and the others for their efforts. Mr. Judge stated that he believes they have seen the petition before asking for confirmation that there are two (2) parts to the petition. Ms. Sullivan responded stating that when they first found out the pool was closing, about five or six people got together and decided to start a petition. Ms. Sullivan stated that a few words were put together on a piece of paper and they were able to get about 200 signatures. Ms. Sullivan added that Mr. Judge may have a copy of the petition but that this petition is more complete and has more names. Mr. Judge asked if he could view the petition held by Ms. Sullivan in order to ensure they are speaking of the same petition. Ms. Sullivan stated that Mr. Judge should have it in his packet. Mr. Judge indicated that what was delivered was after 3:00 pm and therefore was not available to him. Ms. Sullivan stated that it is the same petition. Mr. Judge asked if it was the petition that included a request to extend the pool opening through Columbus Day as well as a request to return the operating hours to those indicated in the resolution. Ms. Sullivan stated that it was and that they did get the morning hours. Mr. Judge stated, for the audience, that what took place was that the beach committee was faced with a shortage of lifeguards and therefore determined the need to cut back the pool operating hours by two (2) hours in the morning. Mr. Judge continued stating that the opposition to this decision was quick and vigorous. Mr. Judge stated that he read the petition while it was in process and the beach committee reconvened and encouraged Chief Lifeguard, Janet Carbin, to see if she could identify additional lifeguards. Ms. Carbin was successful doing so, added Mr. Judge, and within two (2) days the beach committee reinstated the pool hours as originally set forth in the resolution passed by the council. Mr. Judge then

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stated that what is left to consider, in connection with the petition, is to remain open two (2) weeks beyond what was passed in the original resolution. Mr. Judge stated that the committee is reviewing as much data as possible, including the petition, and that it does not go unnoticed that 362 people have signed this petition. Mr. Judge further stated that the beach committee is not prepared tonight to make a recommendation to the council but once reviewed, they will. Ms. Sullivan asked what the cost would be to keep the pool open. Mr. Judge responded that this is one of the data elements that they are collecting noting that it's a significant factor in the overall analysis. Ms. Sullivan stated that the people that want to use the pool may be interested in helping monetarily. Mr. Judge expressed his appreciation for this.

Joe Garrett, stated that he grew up in the area and has spent his entire life at the shore and has seen hurricanes, storms and replenishment efforts. Mr. Garrett added that he is going to the doctor to have something removed from his foot that he picked up while walking on the beach. Mr. Garrett stated that he intends on writing a letter to the Coast Star and other New Jersey papers about the damage that's being done to the beaches by the Corps of Engineers, DEP and CAFRA. Mr. Garrett continued adding that he's been here for 75 years and he's never seen anything like this, referring to the condition of the beaches. Mr. Garrett stated that New Jersey has been known for having some of the best beaches in the country and now they are filled with dirt and gravel. Mr. Garrett stated that he's heard that they are saying the beach will fade yet in his experience the gravel pits will remain orange. The beaches can be repaired, stated Mr. Garrett, it will be difficult and they should not be repaired by the Corps of Engineers. Mr. Garrett added that the main reason for him attending the meeting is to encourage the Mayor and Council and all elected officials of the state to get behind getting control of these three organizations. They are causing us to lose economic benefits because companies are being told to go to other states such as Delaware and Pennsylvania, stated Mr. Garrett. Mr. Judge thanked Mr. Garrett stating that he is not the first to express concern about the quality of the sand. Mr. Judge stated that Belmar is currently sifting and Borough Administrator Dempsey will be speaking to them regarding their progress. Mr. Judge stated that he's hopeful there will be some bleaching. Mr. Garrett stated that he's not asking for acknowledgement that the beaches are in bad shape, but is asking for action by public officials. Mr. Garrett suggested that the affected towns should pitch in money to file a class action lawsuit against the organizations.

Gil Santaliz, 101 Monroe Avenue, voiced support for Mr. Garrett's comments stating that it's a problem across the entire beach and suggested that the solution is as simple as a phone call to perhaps get a shared service agreement for the use of the equipment. Mr. Santaliz added that it may be best to do this now during the offseason when the equipment is not being used as much. Mr. Santaliz also reiterated comments he made at a previous council meeting in connection with the drainage of the streets toward the beach. Mr. Santaliz reported that he reached out to Freeholder Arnone who suggested Mr. Dempsey contact him. Mr. Dempsey added that the county is cleaning storm drains this week at the south end and will also be working on the north end. Mr. Santaliz asked about a receptacle type storm drain that may be available. Mr. Dempsey stated that there is such a thing as a storm sceptor that would prevent debris from going onto the beach. Mr. Santaliz asked if the Borough was aware of the cost associated with this. Mr. Avakian stated that they can range in cost from \$25,000 to \$30,000 each depending on the size installed. The purpose of the sceptors is to remove particulate matter and floatable debris. Mr. Santaliz asked the council to consider getting a cost estimate for doing this for the Worthington beach area and those drains leading to Worthington beach stating that although Worthington beach is not closed that often it is subject to weekly testing. Mr. Santaliz stated that it's hit-or-miss that the test is

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done at the right time and it's likely that the beach should've been closed but there was no testing taking place at the right time. Mr. Santaliz further stated that it's a known fact that the storm drains don't do the job. He added that there is a problem on Worthington Avenue and there is water running toward the beach when the storm drains fill, therefore there really is no need to wait for a beach closure to know that there's a problem. Mr. Santaliz emphasized the need to quantify the cost and determine a budget to correct the issue. Finally, Mr. Santaliz reported that he phoned New Jersey Lt. Governor Guadagno's office and found that they were very interested in helping the Borough when the beaches were closed on August 14th and 15th but now that the summer is over and the beach is not closed, they seem to be less interested. Mr. Santaliz stated that he is still working to get some regional support to assist with the Lake Como issues. Mr. Judge thanked Mr. Santaliz for his efforts.

John Fieseler, 108 Monroe Avenue, stated that if the Borough were to consider the ocean as an asset, the value of Spring Lake and the properties in Spring Lake, would not be as valuable if located elsewhere. Mr. Fieseler further emphasized the need to protect the most important asset, the quality of the ocean water, reflecting on a time when ocean barges dumped raw sewerage off the Jersey shoreline and the impact to property values. Mr. Fieseler suggested keeping this in focus when prioritizing the budget items.

Jan Murray, 321 South Boulevard, asked where the ideas came from in connection with the proposed amenities at Marucci Park and what supports the ideas. Ms. Murray stated that she reviewed the 2010 Master Plan from the Borough's website and reference page 68 that specifically speaks to protecting open space and recreation areas and the promotion of the expansion of recreational services at Marucci Park. Ms. Murray continued stating that since 2010 Marucci Park's recreational services have been expanded to include a soccer field, playground and additional work on the basketball courts. Ms. Murray continued, referencing another section in the Master Plan that speaks to the goal of preserving, protecting, and enhancing parks and open spaces while protecting environmentally sensitive, natural and unique physical features. Ms. Murray stated that she understands the goals of the Master Plan in terms of expansion but feels that since 2010 the Borough has done some expansion. Ms. Murray stated that she's lived there for fifteen years and has never seen the tennis courts fully utilized and expressed doubt that platform tennis would be fully utilized. Ms. Murray expressed concern that there has not been a feasibility study conducted and stated that she does not want a large parking lot and although there is additional parking on the street, she and her neighbors are not bothered by this and have signed a petition to that effect. Ms. Murray stated that she welcomes ideas like a gazebo for summer concerts but questions the development for sports only recreation when there are other ways to enjoy Spring Lake. Ms. Murray stated that she's happy to present her comments more formally if needed. Mr. Judge stated that this was not necessary and added that the council has also seen a copy of the petition. Mr. Judge further expressed his thanks to Ms. Murray and her neighbors for coming to the meeting and stated that the council wants there to be an ongoing dialogue adding that nothing has been set in stone. Mr. Judge noted that what's been developed so far is a concept plan and the council welcomes the neighbors input as to what they want and don't want. The concept plan was needed in order to submit the grant application, stated Mr. Judge, and within certain boundaries, the plan can be altered as needed. The issues that were raised at the last meeting and those raised tonight, are not insurmountable, stated Mr. Judge, noting that he feels they can be addressed to expand the recreational use at Marucci while protecting the neighbors' interest. Ms. Murray stated it would be helpful to learn how many youth, that aren't already on teams, are there waiting to play on a field. Ms. Murray asked how much of the land will be developed before the line is crossed putting the Borough out of line with conservation goals. Mr. Frost thanked Ms. Murray and stated that he has also met with some of the neighbors on South Boulevard. Mr. Frost stated that he was surprised by the reaction to the parking issue, thinking the neighbors would have appreciated getting the cars off the street. Another area,

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continued Mr. Frost, is the gravel stone driveway that goes back to the Borough yard. This, Mr. Frost stated, was an area that we thought could be cleaned up and utilized for parking versus allowing for parking on the grass. Mr. Frost, stated that the intent was to accommodate the neighbors and clean up certain areas and reiterated Mr. Judge's feelings that the areas of concern don't appear to be insurmountable. Mr. Frost added that Marucci Park is 23 acres and currently only about 6 or 7 acres are used. A large portion is currently used by the Department of Public Works.

Julie Murray, 301 South Boulevard, stated that it's obvious that there needs to be some back-and-forth and perhaps the recreation committee could be beefed up to include additional people. Mr. Frost offered an opportunity to have a meeting with residents and Ms. Kathy Heine and Mr. Kevin Carew, who run the recreation programs, to discuss ideas for all the Borough's parks.

Mr. Frost, referring back to Ms. Janet Sullivan's comments regarding how the amenities were identified, stated that the committee spoke to residents who expressed interest in platform tennis. Mr. Frost stated that there are a lot of people who play this sport yet there are few offerings of courts in public parks. Mr. Frost stated that he's received letters of support for the courts from residents on South Boulevard. Mr. Frost reiterated that they have no interest in overdeveloping the open space in Spring Lake or encroach on anything in the Master Plan.

Mrs. Venables offered her support for the open space grant application and expressed support for the inclusion of the paddle tennis courts as it has appeal for an age group that the Borough normally doesn't have a lot of offerings for. The Borough offers senior programs and lots of children's programs but very little for the 30 – 60 year old group, added Mrs. Venables. Mrs. Venables also stated that there is only one court in Sea Girt and the Borough's plan calls for two (2) courts to allow for tournament play which is quite popular. Mrs. Venables also stated that she is very open to discuss ways to accommodate the residents' concerns.

Janet Murray asked if the offerings would be restricted to Spring Lake residents. Mrs. Venables stated that since they would be built with county money, it would not be restricted to Spring Lake residents only. Ms. Murray further asked how many interested residents would there need to be in order to make the courts cost effective. Mr. Fay added that Sea Girt's courts were funded by private monies. Mr. Erbe added that he didn't think it was possible to accurately quantify this and if one did they would likely find that it's not cost effective. Mr. Erbe continued, stating that the tennis courts a likely not cost effective either noting that the Borough, in a sense, eats some of the cost in recognition of the value of having recreational space and the betterment for those who do play the sports.

Ms. Julie Murray stated that much of this discussion seems premature and that it doesn't seem anyone is suggesting the Borough shouldn't have a paddle tennis court in Spring Lake but maybe it shouldn't be located at Marucci Park. These are the types of things that a parks and recreation committee should talk about, said Ms. Murray. Ms. Murray asked Mr. Avakian, in reference to an August 11, 2014 memo that mentioned a recreation meeting, who was in attendance at the meeting. Mr. Frost responded stating that he, Mrs. Venables, Mr. Dempsey and Ms. Heine attended the meeting. Ms. Murray offered a formal request that residents of the town form a committee. Mr. Avakian added that in order to submit a grant of this type, a municipality is not required to design an improvement but more specifically they are required to assess the needs of the municipality. Mr. Avakian emphasized that this grant application submission is not a design but more accurately a conceptual representation of what the Borough wants to do with the funding. Mr. Avakian also explained, in connection with Ms. Murray's suggestion that the paddle tennis be located somewhere other than Marucci Park, that the application could be rescinded

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but not changed. Ms. Murray stated that she believes that there was no exploration of alternative sites. Mr. Avakian stated that within the recreation committee meetings there were evaluations of numerous other projects. Ms. Murray asked, for the record, if Ms. Kathy Heine was a paid employee. Mr. Judge confirmed that she was. Ms. Murray stated that she loves the parks in town and Spring Lake and asked that the council consider slowing down on the development of the town and get input from residents. Mr. Frost reminded Ms. Murray of their previous conversation when he agreed he would reach out to her and other residents to get their ideas on projects for the parks. Mr. Frost added that in the event that the Borough is awarded the grant, he will still reach out to the residents regarding a final design plan to be presented to the county. Further, Mr. Frost stated that in the event that the Borough is not awarded the grant, the Borough can then revise the plan for a future submission. Ms. Murray stated that Mr. Frost has done an outstanding job with Marucci Park and reiterated her desire for it to remain just the way it is.

Frank Suozzi, 112 Brown Avenue, stated that now that the piping plover season is past he wanted to remind the council and Mr. Avakian that they made a commitment to restore Brown Avenue dunes to their full height. Mr. Judge stated that the Borough was limited by DEP as to the height of the dune that was already rebuilt. Mr. Suozzi asked why DEP was limiting the height of the dunes when everyone else in New Jersey was telling people to build the dunes high to protect the shore from hurricanes. Mr. Judge stated that he could not explain their thinking but that the restriction was imposed on the Borough and the Borough is hopeful that it will grow and mature. As for Brown Avenue, Mr. Judge stated, that they have committed to redesigning the access point to extend the dune. Mr. Dempsey added that the work will require pilings and will be installed within the next few weeks. Mr. Suozzi asked if the Borough would require a permit to extend the dunes from four to ten feet and suggested that the Borough just go ahead and build up the dunes without a permit questioning how the DEP could take a different attitude toward the dunes than the Governor. Mr. Dempsey stated that when the switchback ramp is put in place, the dune will be built up underneath.

John Fieseler, 108 Monroe Avenue, asked that those involved in the recreation committee step back and think on a macro level stating that other towns have experienced very aggressive people who populate themselves within the committees and town council and take recreation beyond the original intent. Mr. Fieseler used lighting of baseball or soccer fields as an example stating that once lights are put in place it changes the entire feel of the neighborhood. Mr. Judge stated that he is not in favor of lights on the little league or soccer fields and that he didn't think there was much support for that on the council.

Gil Santaliz, 101 Monroe Avenue, stated that lights are needed for platform tennis. Mr. Santaliz also stated that the construction staging area at the north pavilion has yet to be cleaned up or landscaped and asked if there was a plan to do so. Mr. Dempsey stated that the intention is to put the area back to a grassed area but when the season began there was no water. They will begin to seed it, Mr. Dempsey stated, in October.

Joe Garrett, stated that when he was young Marucci Park was just scrub pines and weeds and he and a friend of his, at the age of 10, began to play with matches which resulted in a fire that burned from Third Avenue to the railroad tracks. Mr. Garrett continued stating that he and his friend were never apprehended and now 68 years later he wanted to throw himself at the mercy of the council.

Julie Murray, in response to Mr. Fieseler's comments and with respect to a parks and recreation committee, stated that she believes there needs to be a balance between recreation and park. Ms. Murray stated that she agrees there should not be recreation all over the place and if a committee is formed there should be no worry that this will lead to further buildup of recreation alone.

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Joseph Alu, 1100 -1110 Third Avenue, stated that he understands there will soon be a need for a CO (Certificate of Occupancy) to re-rent the stores. Mr. Judge stated that this requirement was put in place approximately six months ago. Mr. Alu asked what the requirements will be and what a CO will do stating that there must be a reason for it. Mr. Dempsey stated that prior to the implementation of the requirement for a Certificate of Occupancy for Commercial Use, the only CO inspections that were required were for residential homes. Mr. Dempsey further stated that there were some issues at some of the retail locations on Third Avenue. Mr. Dempsey added that there were no CO requirements for the transfer of ownership or tenancy; therefore, it was recommended that a Commercial Certificate of Occupancy be established to allow for the Code Enforcement Officer to inspect a building when it changes hands or tenants. Mr. Alu asked what the inspection was looking at. Mr. Dempsey replied detailing that the inspection would look at code compliance in connection with fire, carbon monoxide, electrically outlets, etc. Mr. Alu asked if compliance with ADA will be enforced. Mr. Dempsey stated that it would depend on the use that the property is being rented for and suggested Mr. Alu speak with Mr. Steve Roe in Code Enforcement. Mr. Dempsey offered to meet with Mr. Alu and Mr. Roe and help walk him through the process. Mr. Alu expressed concern that compliance may make it difficult to rent out his property.

Council Comments & Staff Reports

Mr. Judge reported that a request has been received from a York Avenue resident looking to have a staircase from the boardwalk to the beach. Mr. Judge stated that it's a good time to review request such as this given that this is the time of year that they will be looking at next year's budget. Also, regarding the dog beach, Mr. Judge reported that an ordinance is on the agenda for tonight to formally extend the hours from 6:00 pm to sunset.

Mr. Frost reported that at last week's Planning Board meeting Mr. Mike Mattia from SMRSA was in attendance and Mr. Walter Judge, Mr. Michael Burke and Mr. Joe Rizzo went through a site plan for the pump station at Lake Como. Mr. Frost stated that the plan is approximately 90% complete and there are still some pending landscaping issues as well as the color of the trailer that still needs to be determined. Mr. Frost added that Mr. Mattia will be inviting representatives from SMRSA to attend a council meeting in October and give a second presentation. The residents in that area will be notified of the meeting, stated Mr. Frost.

Mr. Avakian reported that \$280,000 in discretionary monies have been received from the Department of Transportation for the repaving of Ludlow Avenue from Third Avenue west to the municipal boundary. The engineering design is underway with the likelihood of a winter bid schedule and a spring construction, stated Mr. Avakian. In addition, US Fish and Wildlife has postponed the next meeting until October because they are completing their hydraulic modeling of the secondary bypass pipe, stated Mr. Avakian. Mr. Judge asked if there was a delay in the hydraulic analysis. Mr. Avakian stated that it's not a delay but rather they are taking more time and effort to complete their evaluation.

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Mr. Dempsey reported that the sale of the Second Street lots has been finalized and the money is in the Borough's possession. Mr. Dempsey reported that Little Sea Day has been scheduled for September 27, 2014 between the hours of 1:00 pm and 7:00 pm. The event is like a community picnic that will include a beer garden, games and a DJ.

Business Items Under Consideration

Event Application – St. Rose High School Walkathon – Wednesday, October 1, 2014 – Mrs. Venables offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

Event Application – Jersey Shore Running Club – April 18, 2015 – Mrs. Venables offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

Goodwill Fire Company No. 2 – Annual Halloween Parade and Costume Contest – Mrs. Venables offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2014-013 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 8 OF CHAPTER 107 "DOGS PROHIBITED IN CERTAIN PLACES" OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, STATE OF NEW JERSEY", by title.

Mrs. Venables offered a motion to introduce Ordinance No. 2014-013, seconded by Mr. Erbe. Public Hearing to be set at the convenience of the Borough Clerk.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ORDINANCE NO. 2014-013 in full/Ordinance Book No. 1

Borough Attorney Colao read Ordinance No. 2014-014 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 225, LAND DEVELOPMENT OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, STATE OF NEW JERSEY", by title.

Mr. Judge stated that this ordinance will accept from the impervious coverage requirement a generator pad that does not exceed 25 square feet and came to the council from the Planning Board.

Mrs. Venables offered a motion to introduce Ordinance No. 2014-014, seconded by Mr. Erbe. Public Hearing to be set at the convenience of the Borough Clerk.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ORDINANCE NO. 2014-014 in full/Ordinance Book No. 1

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Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2014-012 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 11 OF CHAPTER 7 "PARKING TIME LIMITED ON CERTAIN STREETS" OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, STATE OF NEW JERSEY", by title.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2014-012, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mr. Judge stated that the ordinance came to the council at the behest of the Business Improvement District (BID) to extend the restriction of two (2) hour parking in certain areas of the retail district to three (3) hours.

There being no comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2014-012, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a motion to adopt Ordinance No. 2014-012, seconded by Mr. Frost.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

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

**R-14-178 – RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#31-2014 – GARDEN CLUB OF SPRING LAKE -
ON PREMISE 50/50**

WHEREAS, Garden Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#31-2014, 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.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#31-2014 be and the same is hereby approved as follows:

NAME: Garden Club of Spring Lake
PO Box 487, Spring Lake, NJ 07762
Identification No.: 475-8-35025

LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Avenue, Spring Lake, NJ

DATE: October 8, 2014 11:00 AM - 3:00 PM

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-179 – RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#32-2014 – THE HOLLY CLUB OF SEA GIRL -
ON PREMISE 50/50**

WHEREAS, The Holly Club of Sea Girt has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#32-2014, 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#32-2014 be and the same is hereby approved as follows:

NAME: The Holly Club of Sea Girt
107 Trenton Blvd., Sea Girt, NJ 08750
Identification No.: 447-8-35275

LOCATION: Spring Lake Bath & Tennis
1 Jersey Avenue, Spring Lake, NJ

DATE: October 23, 2014 11:00 AM to 2:00 PM

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-180 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION
RA#33-2014 – THE HOLLY CLUB OF SEA GIRL -
ON PREMISE DRAW RAFFLE**

WHEREAS, The Holly Club of Sea Girt has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#33-2014, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

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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#33-2014 be and the same is hereby approved as follows:

NAME: The Holly Club of Spring Lake
107 Trenton Blvd., Sea Girt, NJ 08750
Identification No.: 475-5-39647
LOCATION: Spring Lake Bath & Tennis
1 Jersey Avenue, Spring Lake, NJ
DATE: October 23, 2014 11:00 AM - 2:00 PM

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-14-181 – RESOLUTION - REFUNDING UNUSED ESCROW FEES

WHEREAS, escrow fees were submitted to the Borough Planning Board for the block and lot set forth below, and

WHEREAS, said applications has been completed and any unused monies returned to the applicant.

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

Jason & Shannon Swiateck	Block 39	Lot 20	300 Monmouth Avenue	\$535.75
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ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-182 - RESOLUTION – RELEASING STREET OPENING BOND
308 ATLANTIC AVENUE – BLOCK 35, LOT 16**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Fabian Hassel for property located at 308 Atlantic Avenue, Block 35, Lot 16 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.

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ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Judge asked Mr. Dempsey for a brief explanation. Mr. Dempsey explained that this resolution is in connection with the HIF, Health Insurance Fund, which is the Borough's dental insurance provider.

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

**R-14-183 – RESOLUTION – CENTRAL JERSEY HEALTH INSURANCE FUND
RESOLUTION TO RENEW**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Central Jersey Health Insurance Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Borough of Spring Lake, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s);
 - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-14-184 – RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 16, 2014

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 16, 2014, 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)	747,961.38
WATER/SEWER OPERATING (9)	68,225.48
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	5,835.00
RECREATION (25)	6,363.84
BEACH OPERATING (81)	161,125.29
POOL OPERATING (91)	44,200.28
TOTAL	\$1,034,621.27

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue, asked if there was any news from the county in connection with their assisting with funding for the second outfall pipe. Mr. Judge stated that the County Freeholders expressed to the council that they were going to search for other funds and would update the council in October. Mr. Marlowe asked if the council has sought out any other funding opportunities. Mr. Judge stated that they have not secured money from other sources but did reach out to the other affected municipalities in terms of applying for the grant. Mr. Marlowe stated that he believes Spring Lake Heights and Sea Girt have experienced flooding issues and asked if the Borough has asked them for assistance with funding. Mr. Dempsey stated that the Borough has not formally asked them for cash yet has asked for their support in filing for a joint application for the open space grant. Mr. Marlowe also stated that the DEP has never said anything about funding in the ten years that they've been attending the meetings. Mr. Judge stated that the DEP has indicated a willingness to commit approximately \$600,000. Mr. Dempsey added that the \$600,000 was originally for a project in Wall and they are also giving \$500,000 toward the infrastructure assessment for improvements at the south end. So, although it's not for the pipe directly, stated Mr. Dempsey, it's for improvements to Wreck Pond. Mr. Marlowe stated that he still believes it would be prudent to ask the DEP for funds in direct connection with the pipe. Mr. Dempsey stated that the Borough also made a request to the county to use their resources to help the Borough get a meeting with the commissioner of the DEP to discuss funding noting that there are many people that attend the meeting from the DEP and a conversation directly with the commissioner may improve the Borough's chances of moving the process along.

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Delores Cacace, 104 York Avenue, stated that some of the members of the Wreck Pond homeowners' alliance attended the Freeholders Meeting and expressed their concerns about the funding and they did not come away from the meeting feeling very optimistic. Ms. Cacace asked Mr. Avakian what the latest estimates were in connection with the project. Mr. Avakian stated that the last estimate they have was approximately \$3.8 million for the secondary pipe. Mr. Avakian added that this figure will be confirmed by US Fish and Wildlife. Ms. Cacace also voiced her support for the beach access at Brown Avenue stating that many of the residents that use this access are over 60 years of age or have very young children. Mr. Judge stated that the access is being considered.

Gil Santaliz, 101 Monroe Avenue, stated that he thought the Rutgers report would be available at this meeting. Mr. Dempsey responded noting that it will be available in October. Mr. Santaliz asked if there would be something available online prior to the meeting for residents to review. Mr. Dempsey stated that the consultants will be giving a presentation and he suspects that at the close of the presentation they would supply documents detailing their findings. Mr. Santaliz asked if there was a date certain in October. Mr. Dempsey stated that there was not but that it would be held during a council meeting. Mr. Frost added that by the next meeting of September 30, 2014, they should have the date and will announce it then. Mr. Santaliz asked if the plan they present will include a plan to maintain the Borough's streets in perpetuity and that this plan will result in a 2% increase in taxes. Mr. Dempsey stated that the budget includes close to \$1 million in road programs which, if needed, will be included in future budgets as well. Mr. Dempsey stated that taxes are not being increased for this purpose at this time but if there is a decision to increase the budget for roads in the future, taxes could be affected. Mr. Erbe added that the budget commitment for roads is roughly six times what it's been in the past. Mr. Santaliz asked if the study will include a cost estimate. Mr. Erbe stated that he expects that if it does it will be a huge number. Mr. Dempsey added that the study will also help prioritize the roads in terms of severity. Mr. Avakian added that it's basically an assessment and a prioritization of roadways for reconstruction, repaving, and maintenance. Mr. Judge asked to what extent cost will be addressed. Mr. Avakian stated that it may be a component of their study but that Avakian's office could certainly conduct a cost evaluation based on their study. Mr. Santaliz offered that on his block there were four homes rebuilt and as a result the roads have been severely damaged. Mr. Santaliz suggested that when a CO is presented that requires a change in foundation that the Borough impose a levy for roads.

Lyle Marlowe, 110 Pennsylvania Avenue, ask if the Wreck Pond meeting scheduled for tomorrow will be addressing the living shoreline. Mr. Avakian responded that he didn't believe this will be addressed noting that it would be a week or so before Turner is available. Mr. Marlowe stated that he understood the cost of the living shoreline to be estimated at \$2 to \$4 million and wondered how this would be funded. Mr. Avakian responded that this was not an accurate figure and the cost is still being evaluated noting that the living shoreline conceptual plan was authorized by the county and Najarian Associates is putting together this plan to show how it could work at Wreck Pond. Mr. Avakian added that they are also looking at the berm elevation in connection with water containment. Mr. Marlowe stated that even though cost information is not available, there will be a cost, and the Borough already knows it doesn't have money for the outfall pipe.

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Frank Suozzi, 112 Brown Avenue, stated that the county is preparing to do dredging around the First Avenue bridge to remove sand that has accumulated and instead of dumping the sand on the beach Mr. Suozzi suggested the sand be used as part of the beginning developments of a berm.

Harry Zarb, 2205 Third Avenue, asked for an update on the website and the beach plaques. Mr. Dempsey stated that he spoke to Mr. Frank Phillips, Superintendent of Public Works, who stated that the plaques will be placed on benches in the next couple of weeks. Mr. Zarb asked if they can expect an update on the website by next meeting. Mr. Jordan responded indicating that he doesn't anticipate an update by the next meeting but they should have an update sometime this fall once the Mayor and Mr. Jordan have an opportunity to meet.

Joseph Alu, 1100 -1110 Third Avenue, asked if the Borough would consider putting a toilet in the park in order to relieve the burden of the stores on Third Avenue. Mrs. Venables reported that the First Aid Building is under renovation and there will be public restrooms available.

Adjournment

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

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:26 PM

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: September 30, 2014