

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 25, 2014**

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. Erbe, Mr. Fay, Mr. Frost, Mr. Judge, Mr. Jordan, Mrs. Venables, Mayor Naughton

ABSENT:

ALSO PRESENT: Kathleen Capristo, Acting Deputy Municipal Clerk
W. Bryan Dempsey, Borough Administrator
Joseph Colao, Esq, Borough Attorney
Peter Avakian, Borough Engineer

Mayor Naughton reported that the Clerk and Deputy Clerk were unable to attend the meeting and as such the first item of business is to authorize Kathleen Capristo to serve as Deputy Municipal Clerk for tonight's meeting.

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

R-14-043 - RESOLUTION – AUTHORIZING THE APPOINTMENT OF KATHLEEN CAPRISTO TO ACT AS DEPUTY BOROUGH CLERK FOR THE FEBRUARY 25, 2014 MEEING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE PURSUANT TO N.J.S.A. 40A:9-133(c)

WHEREAS, the Borough Clerk and Deputy Borough Clerk are both unable to attend the February 25, 2014 meeting; and

WHEREAS, Kathleen Capristo is certified as a Municipal Clerk pursuant to N.J.S.A. 40A:9-133.2.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring that Kathleen Capristo is hereby appointed as Acting Deputy Borough Clerk for the February 25, 2014 meeting.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Workshop Discussion

Mayor Naughton reported that she had recently spoken with Mr. Nick Sapnar, the Chairman of the Planning Board, who stated that there was some discussion among his board in connection with the lot coverage reduction issue and he asked that the Mayor and Council hold the Mayor and Council's Workshop Discussion on this topic until after the Planning Board's meeting next week to afford the Planning Board the opportunity to caucus on the item. The Council agreed.

Mayor Naughton continued the Workshop Discussion noting that the other item for discussion is the Second Street properties that the Borough is considering selling. By way of background, the Mayor stated that the Borough has been in discussions with US Fish and Wildlife regarding a \$2 million grant that the Borough hopes will provide for a second pipe at Wreck Pond to alleviate flooding as well as help increase the tidal flow between the ocean and pond. The proposal for the project, the Mayor stated, is

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Approval of Minutes

Mr. Judge offered a motion to approve the minutes of January 23, 2014, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe

Mr. Judge offered a motion to approve the minutes of February 11, 2014, seconded by Mr. Jordan.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Frost, Mr. Jordan

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Judge, Mrs. Venables

Public Comments

Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked about the status of the decibel reading of the generator. Mr. Mike Mattia, 313 Jersey Avenue, representing SMRSA, stated that in short it passes the decibel testing. Mr. Mattia further stated that there are two (2) things that are tested; one, the decibel level and second, the noise omission. The way the generator is hung, Mr. Mattia continued, results in a vibration that omits a sound. Prior to the decibel test, they are working to minimize this vibration, stated Mr. Mattia, noting that they do not want to do a test for the Borough until this vibration sound has been addressed. Mayor Naughton asked Mr. Mattia to obtain an estimate of when this work would be complete thus allowing for the decibel test to be done. Mr. Mattia agreed to do so. Mr. Marlowe continued stating that he recently read a report detailing the recommendations for additional post-Sandy FEMA money noting that within the report there is a section on energy resilience where they are offering monies to support communities in providing reliable energy sources for emergency facilities including emergency response facilities such as shelters. Mr. Marlowe suggested the Borough look into submitting an application. Mayor Naughton stated that this was a good idea and reported that the Borough does have a generator at the firehouse; however, this location was identified as a temporary shelter given its proximity to the ocean. The Mayor further reported that they are hoping to put a generator in Borough Hall. Mr. Marlowe stated that this may be eligible for the grant. Mayor Naughton thanked Mr. Marlowe for his suggestion.

Council Comments & Staff Reports

Mr. Judge reported that they have been in active discussions with the entities involved in the outflow pipe noting that his impression of US Fish and Wildlife is that they are a very effective partner in getting through the regulations and potentially accessing funding. Also, Mr. Judge reported that they met with Freeholders Lillian Burry and Gary Rich who both appear to be very open to working with the Borough in obtaining financing for the project.

Mr. Jordan reported that beach locker sales continue noting that revenues have just past \$1 million. Mr. Jordan stated that there are dozens of residents that have yet to purchase and reminded everyone to do so soon in order to secure their locker.

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Mayor further stated that the Council may want to consider putting in place controls that give the Borough flexibility in managing similar requests in the future. Borough Attorney Colao confirmed that the Borough could indeed control this. Mr. Jordan inquired as to the height of the lower portion of the banner expressing concern about the possibility of kids and/or trucks reaching them. Mr. Clayton confirmed that they are beyond the reach of kids and trucks. Mr. Erbe inquired as to what the banners are made of. Mr. Clayton indicated that they are made of a vinyl material. Mr. Judge asked if the approval would be limited to one year. Mr. Clayton confirmed. Mayor Naughton called for a motion.

Mr. Erbe offered a motion to approve the hanging of banners in the business district for Fashion Week for 2014, seconded by Mr. Judge. All in favor. None opposed

Mr. Dempsey continued his report noting that the plans for the Warren Avenue project came in and they expect the footing and foundation permit to be in place by the end of the week.

Business Items Under Consideration

Event Application – National MS Society Walk – April 27, 2014 - Mr. Judge offered a motion to approve the National MS Society Walk, seconded by Mrs. Venables. All in favor. None opposed.

Event Application – National MS Society "Coast to Coast" Bike Ride – May 17, 2014- Mr. Judge offered a motion to approve the National MS Society "Coast to Coast" Bike Ride, seconded by Mrs. Venables. All in favor. None opposed.

Ordinances for Introduction

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2014-002 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 107, ANIMALS, SECTION 107-8 OF THE BOROUGH CODE", by title.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-001 seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mr. Judge expressed thanks to the Mayor and Council for holding this item from the last meeting to afford him the opportunity to address the new council members on the topic. Mr. Judge offered a brief history of the pilot program that took place last summer in connection with the dog beach north of Pitney Avenue. Mr. Judge reflected on his personal experience stating that he considers the pilot to have been quite successful noting that the residents fully enjoyed the experience and demonstrated a commitment to keep the area clean. Mr. Judge asked his fellow council members for their support. In addition, Mr. Judge asked for a discussion in connection with a request by residents to extend the program to the evening hours as well. Mr. Judge suggested another pilot program be initiated to assess the impact on beachgoers during the evening hours particularly at that portion of the beach. Mr. Harry Zarb, 2205 Third Avenue, spoke to the topic stating that he would greatly appreciate the opportunity for

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that particular location. Mayor Naughton stated that she does not have strong feelings about it either way. Mrs. Venables stated that the resolution should state a specific time as opposed to "dawn" or "dusk". Mr. Dempsey added that using 8:00 pm may work well in that this is the time when the DPW begins the beach cleaning and this is the location where they enter the beach with their vehicles. It was agreed to use 6:00 am to 8:00 pm beginning May 15th for 60 days.

Consent Agenda

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

**R-14-037 - RESOLUTION – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT
WITH MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION FOR 2014**

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 a Memorandum of Agreement with the Monmouth County Mosquito Extermination Commission for aerial surveillance and treatment of mosquitoes for 2014.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-038 - RESOLUTION – APPROVING RELEASE OF PERFORMANCE GUARANTEES
FOR BLOCK 71, LOT 19 – FILKIN SUBDIVISION**

WHEREAS the Borough of Spring Lake has received performance guarantee monies as the result of a subdivision application approved by the Spring Lake Planning Board for Block 71, Lots 19, and

WHEREAS, said funds were deposited by the Borough of Spring Lake in accordance with law, and

WHEREAS, the Borough Zoning officer has recommended the release of the guarantee as the required improvements have been completed and are acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that performance guarantees posted for Block 71, Lot 19 be and hereby are released.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue, asked for an update on the beach replenishment project. Mr. Avakian stated that they expect the project to be underway in the Borough in the next three (3) weeks beginning at the south end and working north. Mr. Avakian added that they intend to fill the Pier Beach location in order to comply with a federal beach template. Also, Mr. Avakian stated, they could potentially fill under the boardwalk. Mr. Avakian noted that he and Mr. Dempsey have been in discussions with the Army Corps specific to this topic. Mr. Marlowe asked about the rebuilding of the westerly dunes. Mr. Avakian stated that he's been in contact with Mr. Frank Phillips and as the seasonal berm is removed, the westerly dune will be rebuilt.

Frank Suozzi, 112 Brown Avenue, asked if "Sandy's Inlet" will be filled in. Mr. Avakian stated that it would be and agreed that this is unfortunate and explained that the Corps is compelled to comply with a federal template that details the area and elevation that is filled regardless of what's there or what the area is used for. Mr. Avakian assured the residents that the DPW will make provisions to address this.

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

R-14-042 - 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 and Police Personnel Matter.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:03 P.M.

MEETING IS RECONVENED: 8:16 P.M.