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**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 14, 2015**

Mayor Naughton called the 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. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables, Mayor Naughton

ABSENT: Mr. Fay

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

Workshop Discussion - None

R-15-065 – Introduction of 2015 Municipal Budget

The Mayor introduced the topic noting that council members Judge, Erbe and she are on the Council Finance Committee. The Mayor also noted CFO Robbin Kirk's presence at the meeting. The Mayor thanked them for their efforts and contributions to the budget. The Mayor stated that the Borough's municipal budget is made up of four (4) budgets including municipal, water/sewer, beach and pool. The Mayor reported that a modest increase of 2% is being proposed which is driven primarily by salaries, a pension payment, and increased utility costs. The budget also allows the Borough to fully fund the roads program without the need to borrow and also allows the Borough to continue to pay down the existing debt at a consistent rate as recommended by the Chief Financial Officer. In connection with the water/sewer budget, the Mayor reported that it's in much better shape than in previous years and will also allow for repairs to the water mains and laterals on the western end of Ludlow Avenue as well as the comprehensive water/sewer study that's been discussed in recent weeks. Regarding the pool budget, there are no increases, stated the Mayor, and the debt in connection with new north end facility continues to be paid with the fees taken in. The Mayor added that the Borough is about one year ahead in the payment schedule. As for the beach budget, it too remains flat, stated the Mayor, noting that an additional \$565,000 in debt incurred after Superstorm Sandy will be paid off. The Mayor asked for a motion in connection with the Resolution to introduce the budget.

Mr. Judge offered a motion to approve the resolution R-15-065 and moved its adoption, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

The Mayor reported that the public hearing on the budget will be held on May 12, 2015.

Mr. Judge added that he strongly encourages the other council members to review the budget noting that Ms. Kirk along with the Finance Committee members welcome any and all suggestions for additional revenue opportunities and/or expense reductions.

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Approval of Minutes

Mr. Judge offered a motion to approve the minutes of March 10, 2015, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Mr. Judge offered a motion to approve the minutes of March 24, 2015, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Mr. Judge offered a motion to approve the minutes of April 1, 2015, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Judge, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: Mr. Erbe, Mrs. Venables

Proclamations, Presentations & Special Guests**Public Comments**

Helen Motzenbecker, 4 Glenwood Avenue, voiced her support for Marucci Park stating that she believes it's a wonderful when there's an opportunity to obtain freebies from the County and the Borough should pursue them. Ms. Motzenbecker stated that she loves the various activities in town siting the recent fishing competition stating that she enjoyed watching the kids fishing as well as skating this past winter.

Julie Murray, 301 South Boulevard, stated that she too is in favor of public funding and also enjoys the various activities at Marucci Park noting that it's a picturesque town but that she is against any night lighting activities.

Mike Mattia, 313 Jersey Avenue, reported that he recently met with the land use committee of the BID (Business Improvement District) stating that it was a very good meeting and that he feels that they've reached a mutually beneficial agreement. Mr. Mattia expressed his thanks to the BID and the Mayor and Council for taking the time to consider his thoughts.

John Fudge, 15 South Boulevard, reported that as a resident of South Boulevard he is very much in favor of installing paddle tennis courts at Marucci Park opining that it's one of the few things that may attract adults to the park. Mr. Fudge further stated that it's his belief that an ordinance exists which allows for the use of the park up until the hour of 11:00 pm and stated that with the implementation of the paddle tennis courts it may warrant looking at the ordinance and perhaps changing it to reflect use of the park until dusk, or shortly thereafter only, with the exception of the paddle tennis courts. Mr. Fudge added that it's his understanding that the lighting proposed at the paddle tennis courts is strictly down lighting which in his opinion will not adversely affect the nearby residents.

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Mr. Judge stated that he agrees with Mr. Fudge's comments in connection with the down lighting. Regarding closing the park at dusk, Mr. Judge stated that although he agrees they don't want kids just hanging out at the park after dark, a change such as this would prohibit adults from walking or riding their bikes over the bridges in Divine Park after dark which may be too restrictive. Mr. Fudge thanked Mr. Judge for clarifying the potential involvement of the bridges.

Cheryl Aquino, 19 Worthington Avenue, stated that she opposes the paddle courts stating that she is in favor of green space and wildlife. Ms. Aquino added that she believes there are sufficient recreational activities in town and stated that with paddle courts available in Sea Girt she doesn't believe there is a need for them in Spring Lake.

Sean Flaherty, 320 Passaic Avenue, stated that he has spent a lot of time speaking with Sea Girt residents who are in favor of getting a second paddle tennis court nearby stating that they have conveyed to him that they wish they would've put in a second one. Mr. Flaherty stated that the Sea Girt residents have been helpful to them in identifying various pros and cons and have offered vendor referrals. Regarding the lighting, Mr. Flaherty stated that the Sea Girt residents stated that the lights are directed straight down and will not interfere with South Boulevard residents particularly if the town puts in new trees. As for recreation in town, Mr. Flaherty stated that most of the recreation offered in town is for children and having something that is primarily for adults is a good thing in his opinion.

Suzanne Newman, 219 South Boulevard, stated that she's in opposition to putting in a paddle court. Ms. Newman stated that she lives across the street from Marucci Park and that it's not used as much as people say it is. Ms. Newman added that an activity such as this, that may attract people to the park at a late hour, could be a problem. She voiced concern about listening to a paddle ball go back and forth in the evening hours when you have small children. Ms. Newman said she rarely sees adults playing tennis in the evening and questioned the utility of the paddle courts. Further, Ms. Newman stated that she has never seen anyone using the pickle board courts in the thirteen (13) years that she's lived there. Ms. Newman continued opining that addressing the need for green space and the issue of flooding is more important.

John Snyder, 504 Jersey Avenue, stated that he's new to the topic and understands that the sport has been gaining in popularity and expressed concern with the idea of sending people to Sea Girt and putting further strain on their courts. Mr. Snyder added that paddle is primarily a winter sport that is played from November through March so he does not believe it will be a nuisance. Mr. Snyder expressed support of the courts provided the other issues such as flooding can be ironed out.

Dick Burrus, 31 Ludlow Avenue, stated that he's totally in favor of paddle tennis courts stating that he personally enjoys the sport and sees it as an outlet to get outside and enjoy a great sport.

Helen Motzenbecker, 4 Glenwood Avenue, stated that she use to live adjacent to the paddle courts in Short Hills, NJ and enjoyed watching them play and did not find it disturbing at all.

Julie Murray, 301 South Boulevard, stated that she is not and has not been talking about paddle tennis and that she doesn't care about paddle. Ms. Murray stated that she feels it's presumptuous of Mr. Flaherty to speak to what is acceptable or not acceptable to the residents on South Boulevard. Ms. Murray stated that the town has already made this mistake once before and suggested that the town should not do this again stating that it's not a nice thing to do. Ms. Murray stated that the town could do whatever they wanted with paddle but should not put lights at Marucci Park.

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Mr. Frost stated that for roughly six (6) months out of the year there is daylight until 8:00 pm and therefore the lighted courts issue at night is primarily an issue for October, November, December and maybe January, which, added Mr. Frost, may result in about four (4) months when there may be lights in use at the park after dusk. Mr. Frost stated that he agrees with Mr. Flaherty and does not believe it's presumptuous of him to comment on the topic since he's played the sport quite a bit and is familiar with the directional lighting. Mr. Frost stated that the lighting is not like lighting such as that used for a tennis court or baseball field. Mr. Frost added that he was President of the Little League for four (4) years and there was talk about lights at the baseball field adding that he was never and never will be in favor of lights on the ball fields and the tennis courts. Mr. Frost added that, according to the Sea Girt residents that play there, the lights on the Sea Girt paddle courts cascade approximately eight (8) feet and if you lose a ball you would need to use the light of a cell phone to find the ball. Mr. Frost stated that he personally has seen the lights at the courts at The Atlantic Club and played on courts in Montclair noting that the lights are not bright lights. Mr. Frost continued stating that Ms. Murray's objection with the project began with parking, which they addressed and now her objection is lighting. Mr. Frost stated that he believes it's a good sport for adults, good for kids and added that the county supports the idea, the council voted to submit the application to the county, and the county awarded the Borough the money to move forward. Regarding flooding, the court is raised with gravel below and therefore has no impact on impervious surface space and flooding. Mr. Frost stated that he believes the issues raised by residents have been fully addressed. Further, Mr. Frost emphasized that there will be a great deal of improvements to the park made possible with the county funding, funding that would not have been obtained without the addition of a new amenity such as paddle tennis. Improvements include new a sprinkler systems and new trees on Third Avenue, South Boulevard, and around the paddle courts, stated Mr. Frost. The entrance to Spring Lake coming in from Lake Como will be greatly improved as well, added Mr. Frost. Mr. Frost further stated that the Borough's Master Plan calls for Marucci to be an active, recreational park noting that other areas in town are passive and green.

Mrs. Venables voiced full support for the project and expressed full agreement with Mr. Frost's comments. Mrs. Venables stated that they have been in contact with Sea Girt and other communities with similar activities and intend on doing everything possible to get it right.

The Mayor added, for the benefit of those who may not attend meetings on a regular basis, that the council discussed this topic at several meetings and held two (2) public hearings on the topic. The Mayor added that they make every effort to be as transparent as possible on any projects in town.

Kenny Shinn, 301 South Boulevard, stated that it was new to him that Marucci was open until 11 pm at night. Mr. Shinn further sought clarification that the proposal is to have lighting and potential activity at Marucci Park, that's permissible during winter months, when it gets dark, at 5:00 pm until 11:00 pm at night. Mr. Frost responded that they intend on putting restrictions on the paddle tennis until 9 or 10 pm at night. Mr. Shinn asked if the use of the courts will be limited to adults and if so what age. Mr. Erbe stated that the paddle tennis will not be restricted to adults only.

Mayor Naughton added that she believes the use of the paddle tennis courts will subject to permitting not unlike the use of the regular tennis courts and with that permit they will have access to the keys and be subject to a level of responsibility in terms of use.

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Mayor Naughton stated that it's not unreasonable to review the time that the park closes at night. Mr. Shinn expressed concern that allowing it to be open until 11:00 pm could be problematic. Mr. Frost added that it has never been their intention to allow for paddle tennis play until 11:00 pm and agrees that that having lights on until 11:00 pm would be a problem.

Mr. Judge stated that he is in favor of paddle tennis at Marucci Park and believes it to be a great activity for the community yet stated that he would like to press the recreation committee to reconsider the location in the park noting that there is a great deal of acreage in the park that has not been used. Mr. Judge added that he's concerned about having the paddle tennis near the tennis courts stating the he feels the area may become cluttered and too congested.

Mr. Erbe stated that they considered a location near the back but were concerned about the potential need to light the entire area in order to make it safe to access the courts from the parking area.

Mr. Judge expressed understanding yet stated that he feels it's worth investigating further in order to possibly address the concerns of those residents in the 200 and 300 block of South Boulevard while also expanding the use of the park without impacting the open space. Mr. Judge also urged the committee to not lose sight of the plans for a skating pond. Mr. Avakian confirmed that this was part of the application submitted but that it's still being discussed with the committee. Mr. Erbe also added the importance of the courts being visible to the police as they drive by the area. The Mayor confirmed that they can be seen up on the ledge.

Suzanne Newman, 219 South Boulevard, asked if anyone has investigated how often the additional soccer field is being used stating that she believes it's rarely used. Ms. Newman expressed concern about the destruction of more green space for paddle courts when the Atlantic Club already provides them. Ms. Newman stated that she goes to The Atlantic Club regularly and she rarely sees anyone playing. The Mayor stated that to her knowledge, The Atlantic Club has a very active paddle club league that is mostly played at night. The Mayor further stated that they toured the park and there are a couple of areas being considered for the courts noting that there might be some limitations to the area in the back. Ms. Newman stated that the area she's speaking of is where the additional soccer field was put in expressing disappointment that trees were removed to put the field in place and it's only being used by people that don't live in the town. Mr. Frost shared that the field is being used by Shark River Lacrosse, the Borough's recreation, and various soccer clinics. The design, stated Mr. Frost, was to take the pressure off the baseball fields which were being damaged by play of other sports. Mr. Frost agreed that it was not built to the size that was intended and although it's not yet being used to its full capacity they hope to attract additional use now that the grass is coming in. Mr. Frost stated, regarding the removal of trees, that there were very few trees that were removed to expand the field stating that a portion of the area was being used by the Department of Public Works for composting. Ms. Newman stated that it's disappointing that they took the trees down because people on the train can now see that there's a park there. Ms. Newman expressed concern about not knowing who is riding on the train that may be looking at the park and looking for kids to take. Mr. Frost stated that replacement of evergreens on the top berm and along the right field side of the baseball field was part of the plan.

Mayor Naughton asked for any additional comments and seeing none thanked the members of the public for attending the meeting and voicing their comments.

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Mayor Naughton asked for any additional comments and seeing none thanked the members of the public for attending the meeting and voicing their comments.

Council Comments & Staff Reports

Mayor Naughton reported that the contract for the replacement of the water mains and laterals on the western end of Ludlow Avenue has been awarded and they expect the work to begin in approximately three (3) weeks. The Mayor added that the work is expected to take roughly four to five weeks to complete and once complete they intend to allow things to settle and repave in the fall. The Mayor added that they are pleased with the contractor who has done work in the Borough before.

The Mayor also reported that there is an additional meeting scheduled with Fish and Wildlife in connection with the second pipe at Wreck Pond and the status of the grant application.

Finally, the Mayor reported that the water/sewer committee is looking at how to control the inflows into the Borough's sewer system citing the issue of water being continuously pumped into the streets from sump pumps resulting in freezing in front of residents' homes and driveways. In the summer months, the Mayor added, it pools and results in other issues such as mosquitos. With the town wide repaving program on the horizon, the Mayor further stated, they are concerned about the possibility of standing water on brand new paved roads. Therefore, the Mayor stated, they may be recommending changes that would require sump pumps and other draining be done directly into storm drains or require residents to have a facility on their property to hold the water. The committee is working with Borough Engineer Avakian to understand all the particulars of this issue, stated the Mayor, and voiced the importance of addressing the topic prior to spending money on the new roads.

Mr. Erbe expressed his thanks to Ms. Robbin Kirk, CFO for her work on the Borough's budget.

Mr. Judge mirrored Mr. Erbes thanks to Ms. Kirk stating that there were several iterations to the budget that resulted in savings to the Borough.

Mr. Judge also reported from the Coalition on Affordable Housing (COAH) committee stating that they met recently with the Borough's consultants and legal counsel on next steps. Mr. Judge stated that COAH rules are presently in flux but the Borough is required to file by July 8th the Borough's plan with regard to meeting the Borough's COAH obligation. Mr. Judge added that the committee will be bringing a plan to the council's attention in the near future. The Mayor asked if the committee expects to know what the Borough's obligation is by this time. Mr. Judge indicated that they were not sure but the committee has decided to take an approach to do what can be done in good faith to comply with the Borough's obligation.

Mr. Frost reported that the Freeholders hold one meeting in Freehold and one meeting in a municipality and for their municipal meeting for April it will be held here in Spring Lake on April 23rd. Mr. Frost invited council members and members of the public to attend. Ms. Marban added that the meeting is also the Freeholder's budget adoption meeting.

Mr. Sagui voiced concurrence with the Mayor's comments in connection with the water infiltration and sump pump run off stating that it can be a hazard in the winter and agreed the Borough should indeed be proactive in addressing this issue. Mr. Saqui stated that \$.42 of every tax dollar goes to the county and strongly encouraged people to attend the meeting on the 23rd.

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Borough Engineer's Report

Mr. Avakian stated that the direction that the Mayor and council are moving with respect to infrastructure improvement is a valuable one for the municipality. Servicing the underlying infrastructure in advance of undertaking a significant roadway improvement project is very important so as not to experience water main breaks, sewer connection problems, and the like shortly after the investment in a new roadway. Mr. Avakian added that they will also ensure that all public underground utility service providers are aware of the roadway resurfacing plans so that any underground maintenance or work that they've planned can be done prior to a road being improved.

Mr. Avakian continued reiterating that there is a meeting with US Fish and Wildlife at the Borough tomorrow and reminded the public of a \$2 million grant from the US Fish and Wildlife to be used for the secondary pipe which should help alleviate the issues of flooding with Wreck Pond. The grant will also pay for some dredging and living shoreline enhancements around the pond, stated Mr. Avakian. Mr. Avakian thanked the residents for their participation in county meetings in connection with Wreck Pond noting that this interaction is helpful in getting critical information.

Borough Administrator's Report

Mr. Dempsey brought attention to agenda item R-15-074 which is a resolution authorizing participation in the federal 1033 program noting that this relates to the acquisition of military surplus items. In the past, Mr. Dempsey stated that participation in this program did not require a resolution but now it does. The Borough has been successful acquiring items such as bulldozers, Humvees, generators, and the like that have been instrumental in saving the Borough money. All pieces acquired undergo a thorough inspection by our mechanic prior to acquisition, added Mr. Dempsey.

Mr. Dempsey also reported that R-15-076 is in connection with the award of a contract to Bruno Brothers, Inc., also known as Whispers, to offer concession services at Pier Beach. Mayor Naughton inquired as to whether he will begin concession services on Memorial Day. Mr. Dempsey confirmed that they would.

Finally, Mr. Dempsey brought attention to R-15-075 in connection with the Surf Camp noting that Sam Hammer will once again, as he has in the past three years, run the camp. Mr. Dempsey stated that he's received only positive feedback on the camp.

As a follow-up to Mr. Mattia's comments in connection with the awning issue, Mr. Dempsey reported that Mr. Mattia and members of the BID did meet and have reached a mutually agreeable solution which will require an amendment to the ordinance. Mr. Dempsey stated that he intends on presenting those amendments at the next meeting and then move forward with the ordinance amendme and Mr. Dempsey asked if there was a way the tenant could move forward pending the Ordinance. The Mayor stated that the council is not in a position to formally grant permission at this time absent the ordinance being revised and adopted. Mr. Dempsey acknowledged this stating that the tenant may move forward with the awning at their own risk.

Business Items Under Consideration

Belmar Five Mile Race – July 11, 2015 – Mr. Judge offered a motion to approve the Belmar Five Mile event, seconded by Mrs. Venables. All in favor. None opposed.

H.W. Mountz Kitchen Tour – October 17, 2015 – Mr. Judge offered a motion to approve the event, seconded by Mrs. Venables. All in favor. None opposed.

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NJ Firefighters Mutual Benevolent Foundation – September 12, 2015

Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2015-002 entitled, "AN ORDINANCE OF THE BOROUGH OF SPRING LAKE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)", by title.

Mr. Judge requested an explanation from CFO Robbin Kirk. Ms. Kirk stated that this is in connection with the appropriations cap and has nothing to do with a tax levy cap adding that the Borough has not used the cap bank this year or in any past year. Ms. Kirk continued stating that it's an ordinance that is routinely passed each year in order to build the bank but that it goes away after two (2) years and in order to use the banked money the Borough would be required to come up with the revenue to offset the bank without raising taxes. In summary, Ms. Kirk stated that it's banked each year in the event of an emergency and is part of the normal course of business.

Mayor Naughton added that the Borough has never used this bank.

Mr. Judge offered a motion to introduce Ordinance No. 2015-002, seconded by Mrs. Venables. Public Hearing to be set at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Ordinance No. 2015-002 in full/Ordinance Book No. 2

Borough Attorney Colao read Ordinance No. 2015-003 entitled, " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18, ARTICLE II BOARD OF RECREATION COMMISSIONERS; RECREATION ADVISORY COMMITTEE AND CHAPTER 86 RECREATION, DEPARTMENT OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, NEW JERSEY.)", by title.

Mr. Judge offered a motion to introduce Ordinance No. 2015-003, seconded by Mrs. Venables. Public Hearing to be set at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Ordinance No. 2015-003 in full/Ordinance Book No. 2

Ordinances for Adoption - None

Consent Agenda

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

**R-15-066 – RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#13-2015 – ST. CATHARINE CHURCH - OFF PREMISE CALENDAR RAFFLE**

WHEREAS, St. Catharine Church has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#13-2015, 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#13-2015 be and the same is hereby approved as follows:

NAME: St. Catharine Church
215 Essex Avenue, Spring Lake, NJ 07762
Identification No.: 475-1-372
LOCATION: St. Catharine Church
215 Essex Avenue, Spring Lake, NJ
DATE: Last Monday of Each Month from May 2015
to October 2015 10:30 A.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-15-067 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION
RA#14-2015 – JAMES F. ACKERMAN FEDERATION INC. – ON-PREMISE RAFFLE**

WHEREAS, James Ackerman Federation, Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#14-2015, 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#14-2015 be and the same is hereby approved as follows:

NAME: James F. Ackerman Federation Inc.
c/o Treasurer: Mary P. Riordon
323 Shadowlawn Dr. Neptune NJ 07753
Identification No.: 334-4-26818
LOCATION: Essex & Sussex
700 Ocean Avenue, Spring Lake, NJ
DATE: June 9, 2015 12:00 PM - 3:00 PM

ROLL CALL:

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

NAYS: NONE

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ABSENT: Mr. Fay
ABSTAIN: NONE

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

**R-15-068 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION
RA#15-2015 – JAMES F. ACKERMAN FEDERATION INC. – ON-PREMISE 50/50**

WHEREAS, James F. Ackerman Federation Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#15-2015, 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#15-2015 be and the same is hereby approved as follows:

NAME: James F. Ackerman Federation Inc.
c/o Treasurer: Mary P. Riordon
323 Shadowlawn Dr. Neptune NJ 07753
Identification No.: 334-4-26818
LOCATION: Essex & Sussex
700 Ocean Avenue, Spring Lake, NJ
DATE: June 9, 2015 11:00 AM - 3:00 PM

ROLL CALL:
AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables
NAYS: NONE
ABSENT: Mr. Fay
ABSTAIN: NONE

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

R-15-069 - RESOLUTION – AUTHORIZING REFUND OF WATER OVERPAYMENT

WHEREAS, payments have been received on the following account resulting in an overpayment as certified by the Borough Tax Collector:

Account	Street Address	Name	AMOUNT
#9606	1203 Fifth Avenue	James Cameron	\$429.30

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount specified be and hereby is approved for the aforementioned account.

I, Robbin Kirk, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayments to be a total of \$429.30. /s/ Robbin D. Kirk, Chief Financial Officer.

ROLL CALL:
AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables
NAYS: NONE
ABSENT: Mr. Fay
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-15-070 - RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, taxes on the following properties have been overpaid due to Homestead Rebates as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Carol Herzberg 412 Sussex Avenue	50	19.02	\$800.76
John & Helen Nugent 407 Worthington Avenue	116	5.01	\$500.00
John Holland 205 Morris Avenue	68	3	\$500.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that refunds in the amount of \$1,800.76 is hereby approved for the aforementioned properties.

I, Robbin Kirk, Tax Collector of the Borough of Spring Lake hereby certify the amount of overpayment to be \$1,800.76. /s/ Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-15-071 – RESOLUTION – 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#	Service	Name	Address	Amount
PS#11-2015	Planning Services	John Maczuga	JDM Planning Associates, LLC 614 Harbor Road Brick, NJ 08724	\$7,500.00

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; 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 in

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accordance with their fee schedule, a copy of which is attached to their contract.

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. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-15-072 - RESOLUTION – RENEWAL OF CERTAIN PLENARY SEASONAL LIQUOR LICENSE
FOR THE YEAR 2015/2016 – THE GRAND VICTORIAN BAR, LLC T/A The Black Trumpet**

WHEREAS, the holder of certain plenary retail consumption liquor licenses set forth below have applied for renewal of their respective licenses and which applications for renewal have been found to be complete in all aspects, and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations, and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following seasonal retail consumption license be renewed for the seasonal period expiring November 14, 2015:

NAME	LICENSE NUMBER	ANNUAL FEE	LOCATION
The Grand Victorian Bar, LLC t/a The Black Trumpet	1348-34-007-005	\$1,342.00	Grand Victorian Hotel

BE IT FURTHER RESOLVED, that said renewal is contingent upon the following Special Conditions:

1. A permanent standing bar is hereby prohibited.
2. The Grand Victorian Hotel is restricted to having only a service bar in order to provide alcoholic beverages to guests that are dining in its restaurant, utilizing its party rooms, or receiving room service while staying in the hotel. All other sales, service, delivery or consumption of alcoholic beverages is prohibited.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-15-073 – RESOLUTION – SETTING DATES FOR 2015 BEACH SEASON

250400

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BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that pursuant to Chapter 114-18 of the Code of the Borough of Spring Lake, the following are the dates for the 2015 Beach Season:

Main Beaches May 23-25, May 30-May 31, June 6-7, June 13-14 and September 5-7, September 12-13
(Weekends Only)

ALL BEACHES June 20 – August 31 Daily

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-15-074 – RESOLUTION – AUTHORIZING THE PARTICIPATION IN THE
FEDERAL 1033 PROGRAM**

WHEREAS, the Legislature requires local unit approvals of applications for participation in federal 1033 program, and

WHEREAS, Federal law permits the Secretary of the United States Department of Defense to transfer to federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities and is excess to the needs of the Department of Defense, and

WHEREAS, informally known as the "1033 Program", this initiative allows local law enforcement agencies to obtain, at little or no cost and without the approval of the governing body of the local unit, surplus federal property, including aircraft, armored vehicles, automotive weapons, and night vision equipment originally intended for use by the United States Armed Forces, and

WHEREAS, according to the New Jersey Department of Law and Public Safety, the Office of Emergency Management has assisted with the transfer of over \$30 million in excess Department of Defense property to participating law enforcement agencies since the beginning of federal fiscal year 2014, and

WHEREAS, in this era of fiscal constraint, participation in the 1033 program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters, such as hurricanes and severe floods, and

WHEREAS, although equipment is provided through the 1033 program at no cost to county and municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling, and upkeep of this equipment, and for specialized training for its operation, and

WHEREAS, taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is being spent in an efficient and effective manner, and the right to know the purposes for which public funds are utilized, and

WHEREAS, it is therefore appropriate to establish a system of local oversight for county and municipal law enforcement agencies that participate in and acquire equipment through the 1033 program and guidelines for the use of this equipment by those entities, and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake authorize the Department of Public Works, the Chief of Police, and the Borough Administrator participate in the federal 1033 program.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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Resolutions

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

**R-15-075 – RESOLUTION – AWARD OF RFP #2015-01 SURF/STAND UP PADDLE BOARD CAMP –
AT NORTH END/SURFERS BEACH SUMMER 2015**

WHEREAS, on April 2, 2015 bids were received for the Surf/Stand Up Paddle Board Camp located at the North End/Surfers Beach in the Borough of Spring Lake for the 2015 Summer Season, and

WHEREAS, one (1) packet were picked up and one (1) bid was received, and

WHEREAS, Sam Hammer Surf Camp, 2315 Bennett Ave, Pt Pleasant, NJ 08742 submitted the Highest Bid for the Surf/Stand Up Paddle Board Camp at North End/Surfers Beach in the amount of \$6,500.00 for one (1) year.

NOW, THEREFORE, BE IT RESOLVED that Sam Hammer Surf Camp be and is hereby awarded the bid for the Surf/Stand Up Paddle Board Camp the amount \$6,500.00 for year 2015. This contract may be extended for up to three seasons. And that the Mayor and Borough Clerk be and are hereby authorized to execute the necessary paperwork.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

**R-15-076 - RESOLUTION – AWARD OF BID – PIER BEACH
MOBILE FOOD CONCESSION**

WHEREAS, bids were received on April 2, 2015 for the Mobile Food Concession located at Pier Beach for the year 2015, with Frances Florentine, Purchasing Agent, and

WHEREAS, ONE (1) bids was received, and

WHEREAS, Bruno Brothers, Inc. Whispers Restaurant, 43 Apple Drive, Spring Lake Heights, NJ 07762 submitted the highest bid in the amount of \$ 11,050.00 for one (1) year.

NOW, THEREFORE, BE IT RESOLVED that Bruno Brothers, Inc., Whispers Restaurant be and hereby is awarded the bid for the Mobile Food Concession at Pier Beach in the amount of \$11,050.00 for the year 2015 and that the Mayor and Borough Clerk be and are hereby authorized to execute the necessary paperwork.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

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

R-15-077 - RESOLUTION – APPROVAL OF BILLS – APRIL 14, 2015

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending April 14, 2015, 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.

250402

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SUMMARY

CURRENT FUND (1)	341,377.33
WATER/SEWER OPERATING (9)	246,721.77
DOG TRUST (13)	15.00
MARRIAGE TRUST (19)	125.00
RECREATION (25)	2,356.89
BEACH OPERATING (81)	30,359.43
POOL OPERATING (91)	847.27
TOTAL	\$621,802.69

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Public Comments

Rich Clayton, 1207 Third Avenue, offered to provide any additional information needed to expedite the awning approval process in connection with Mr. Mattia's tenant. The Mayor thanked Mr. Clayton. Mr. Judge added his thanks to Mr. Clayton and the other members of the BID for moving quickly to reevaluate the rules in connection with the awnings.

Patty Burrus, 31 Ludlow Avenue, shared that she is at the beach almost every day either walking her dog or running on the boardwalk and wanted to share that the members of public works are doing a great job siting the new gazebo and noting how friendly and nice the guys are. The Mayor thanked Ms. Burrus for her comments and assured her that her comments will be passed on to the department.

Lyle Marlowe, 110 Pennsylvania Avenue, asked for clarification on the berm. The Mayor stated that there are two (2) separate items, one being a grant that was awarded by the Department of Environmental Protection to do a test case in the low area on Ocean Road, the other is the berm and living shore line which is part of the grant that's pending. Mr. Marlowe further inquired if both the test section and the berm were to be raised one to two feet. The Mayor confirmed that this would be the goal.

Mr. Marlowe stated that he believes part of the water problem in the Borough is connected to the zoning ordinances for the building of new homes and reconstruction. Mr. Marlowe stated new homes need to be above the water table and sump pumps should go into dry wells but acknowledged that water tables are changing and dry wells are overflowing. Mr. Marlowe stated that his last item is in connection with Pier Beach and the contract for a food vendor stating that with the new ramp in place this year the vendor needs to take caution not to block the ramp entrance. The Mayor assured Mr. Marlowe that they will locate their truck and tables in an area that won't block the entrance. Mr. Marlowe suggested the council also make sure that the debris is properly taken care of.

Helen Motzenbecker, 4 Glenwood Avenue, stated that Belmar has doubled their parking rates for the beach and stated that she believes many people who swim in Belmar are now coming to Spring Lake to park since parking is free which has made it more difficult for residents to find parking. The Mayor stated that the Borough has never entertained parking meters along the beach and speaking for herself stated that she wouldn't imagine that ever happening.

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An identified member of the audience asked if a permit system was a possibility stating that residents could be issued a permit that is place in the window allowing them to park at the Spring Lake beach. The Mayor stated that she believes by law they certainly could do something like this but that the Borough has never discussed it. Mr. Frost stated that there are no parking signs along portions of South and Pitney Avenues. The Mayor added that the Borough's police department does enforce parking. Mr. Sagui stated that he believes it may be less of an issue than one might think noting that the Spring Lake beaches attract a great number of people.

Mr. Marlowe, 110 Pennsylvania Avenue, suggested the council review painted curbs and signs in that area at the north end in anticipation of Belmar increasing their parking fees. Also, Mr. Marlow stated that it seems difficult to see around the parked cars on Ocean Avenue noting that the 25 feet requirement does not seem to be enough. Mr. Erbe acknowledged Mr. Marlowe's concern and agreed it can be difficult to navigate.

Adjournment

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

ROLL CALL:

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

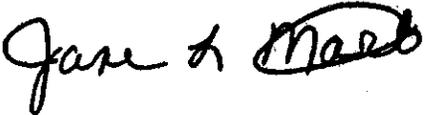
NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Time of Adjournment: 8:00 P.M.

Respectfully submitted,



JANE L. MARBAN
Borough Clerk

Approved at a meeting held on: April 28, 2015