

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
September 8, 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. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables, Mayor Naughton

ABSENT: NONE

ALSO PRESENT: Dina Zahorsky, Deputy Borough Clerk  
W. Bryan Dempsey, Borough Administrator  
Joseph Colao, Esq., Borough Attorney  
Peter Avakian, Borough Engineer

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**Workshop Discussion**

Public Hearing – Open Space Grant Program – Divine Park

Mayor Naughton stated that this grant is in connection with the bridges in Divine Park and as part of the application process the Borough is required to have an open public discussion including presentation of the plans. Mayor Naughton

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

Mr. Dempsey began with an overview stating that the Open Space Grant Application is from the Monmouth County Park System and is similar to the application the Borough submitted for Marucci Park. It is a \$250,000 matching grant that the Borough is proposing be used for the bridges and other amenities in Divine Park, stated Mr. Dempsey. The other amenities, continued Mr. Dempsey, include benches, repairing the platforms around the lake and a gazebo. Mr. Dempsey added that he has spoken with the county and they agree the bridges would be an appropriate item to include in the application. Mr. Dempsey added that the bridges have been a topic of discussion for the Borough for the last five years. The pilings of the bridges are fine and the money, if awarded, would be used for the structure from the platform up and would be similar in design using ipe decking material, stated Mr. Dempsey. The Mayor added that Mr. Joe Walker, an architect from Spring Lake, rendered a design which is available for viewing. Mr. Sagui reflected on a conversation about the possibility for infection if one receives a splinter from ipe wood and also noted that the material is extremely durable and heavy. Mr. Dempsey stated that the ipe would be used on the railings and sides while the platform will be made of recycled material noting that there should be no risk of splinters to feet. The Mayor added that for purposes of the grant application, the design and materials are suggested for costing purposes but there could be changes to both design and materials if the Borough chooses. Mr. Judge asked how many platforms are needed and what material would be used. Mr. Dempsey stated that he would recommend replacing all the existing platforms that need repair, noting that they are concrete, and that most of them are in very bad shape. Mr. Judge further asked where Mr. Dempsey envisioned placing a gazebo. Mr. Dempsey stated that he would defer to the council's recommendation noting that it was an amenity that has been considered and although it is not required there has been discussion about it in the past. Mrs. Venables added that she believes, historically, there were structures around the lake referencing pictures she has seen from the Historical Society. Mrs. Venables questioned whether there would be enough funds to cover anything beyond the bridges and

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platforms. The Mayor stated that the estimates are approximately \$150,000 per bridge. Mr. Dempsey added that there's also been talk of a fundraising effort to help offset the Borough's matching obligation. Also, Mr. Dempsey stated that the Borough is still awaiting word on the recreational trails program grant and hope to hear within the next month or so but noted that this would only be a \$30,000 grant. Mrs. Venables asked if the Borough is awarded the trails grant could it be applied toward the Borough's matching obligation of the open space grant. Mr. Dempsey stated that he didn't believe this would be a possibility. Mayor Naughton voiced her support for making application stating that she and other members of the council have been approached by members of the public about the bridges adding that she believes with the county money and fundraising efforts it would be a great thing. Mr. Judge also voiced support for the grant application stating that the bridges definitely need to be replaced. Mr. Erbe stated that he believes it is a good project and if the Borough is unsuccessful obtaining the grant this year perhaps they should apply again next year. Mr. Erbe also questioned whether the Borough should just apply for the bridges if they believe it will use the entire grant and matching dollars. Mr. Dempsey responded stating that since they have not yet bid the project out he would hate to only include the bridges and fall short of the funds needed for the platforms, benches and a possible gazebo. Mr. Frost stated that he believes it's a worthwhile project and voiced support for making application adding that if private money can be raised reducing the amount of money needed from the grant that would be beneficial. Mr. Dempsey stated that he believes the fishing club will support it reflecting on the crowds visible on both bridges during the fishing contest. The Mayor asked if there were any objections to moving forward with the application. There were none.

Mr. Judge offered a motion to close the public hearing, seconded by Mrs. Venables. All in favor. None opposed.

Mr. Judge offered a motion to approve the Borough's intention to apply for the open space grant for the Divine Park bridges and other amenities, seconded by Mrs. Venables.

**ROLL CALL:**

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

**NAYS:** NONE

**ABSENT:** NONE

**ABSTAIN:** NONE

**Approval of Minutes**

Mr. Judge offered a motion to approve the minutes of July 27, 2015, seconded by Mrs. Venables.

**ROLL CALL:**

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

**NAYS:** NONE

**ABSENT:** NONE

**ABSTAIN:** Mr. Fay

Mr. Judge offered a motion to approve the minutes of August 11, 2015, seconded by Mrs. Venables.

**ROLL CALL:**

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

**NAYS:** NONE

**ABSENT:** NONE

**ABSTAIN:** Mr. Erbe, Mr. Fay

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**Proclamations, Presentations & Special Guests - None**

**Public Comments**

Ms. Mary Monagle, 312 St. Clair Avenue, asked if the Borough would consider a senior beach badge stating that there are other towns that offer them. Ms. Monagle stated that she doesn't expect them to be free but would like the Borough to consider a discounted badge. Mr. Judge, speaking on behalf of the beach committee, stated that he will bring the topic to the committee for consideration. Ms. Monagle shared the names of several surrounding towns that offer a discounted senior beach badge. Mr. Frost voiced support for the idea stating that he sees it as an opportunity to generate additional revenue by attracting seniors versus a loss of revenue from those that currently visit Spring Lake beaches.

Ms. Donna Ferrante, 502 Jersey Avenue, asked if the beach committee would also consider offering WiFi on the beach. The Mayor stated that this was recently considered in an effort to accept credit cards at the various gates along the boardwalk; however the effort was unsuccessful in getting the signal as far as it was needed. Mr. Dempsey added that Verizon has approached the Borough about possibly installing small cell antennas at both pavilions to provide both better cellphone service and internet connection. This, Mr. Dempsey added, would be provided for a fee. It was agreed that this would be looked into further.

Mr. Harry Zarb, 2205 Third Avenue, asked if Verizon put up the antennas would the service then only be limited to Verizon customers. The Mayor stated that it would be like a guest WiFi and therefore would be open to the public.

Mr. Rob Bielicki, 2110 Fourth Avenue, asked Mr. Frost if lowering prices for beach badges for seniors will increase revenues by attracting more seniors why wouldn't they considering lowering prices for all beach badges. Mr. Frost stated that there are other considerations such as parking. Other towns may offer a lower cost badge but then charge for parking, stated Mr. Frost.

Ms. Adrienne Soltys, 109 Atlantic Avenue, stated that the request to lower the cost of badges for seniors was not intended to attract more seniors but rather to accommodate the seniors on a fixed income that already visit Spring Lake's beaches.

**Council Comments & Staff Reports**

Mayor Naughton reported that Dr. Cahill, a well know physician in this area, is retiring after over fifty years of practicing. The Mayor noted that he was her pediatrician as well as her children's pediatrician and is a remarkable man with a remarkable legacy. In his honor, the Mayor added, the family is hosting an open house at the fire station this Saturday, from 1:00 pm to 4:00 pm.

Further, the Mayor added, this Friday is the anniversary of September 11<sup>th</sup> and although the Borough doesn't have an official program there will be a small ceremony around 6:00 pm at the 9/11 Park on Ocean Avenue during the silent run that begins in Belmar.

Finally, the Mayor reported that the Borough is out to bid for the second pipe at Wreck Pond and is the culmination of many years of hard work toward this very important project.

Mr. Judge, reflecting on the last meeting when a resident introduced the possibility of a loophole in the ordinance regarding commercial landscapers, noting that the resident did not believe it included tree

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work and the use of chain saws and chippers. Mr. Judge reported that he reviewed the ordinance and agrees there may be a loophole stating that his vote certainly intended to cover this type of noise. The Mayor voiced agreement. Mr. Judge asked that if there is a consensus among the council, he would like to ask that an ordinance be drafted to cover the tree work noise. Mayor Naughton asked if the existing ordinance could be modified. Mr. Colao suggested adding an additional category. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, commented that when the council discussed the ordinance, they specifically discussed tree trimming equipment and suggested that perhaps what is needed is for a member of the police department to hear the content of the discussion to better understand the intent. Mr. Judge agreed that this was indeed what was discussed but unfortunately the ordinance only mentions lawn maintenance equipment and a judge would have a difficult time if someone were to fight a ticket. Mr. Marlowe argued that most landscapers will not fight the issue if police tell them it is a violation of an ordinance and voiced concern that the interpretation could go on forever. Mr. Marlowe stated that it is not a question of rewriting the ordinance but more an issue of getting everyone on the same page with the meaning of the language. Mr. Judge stated that whether someone is willing to go to court or not should not be the issue for the council but rather ensuring that the ordinance is clear. Mayor Naughton voiced agreement and suggested the ordinance be specific regarding tree trimming. Mr. Judge suggested Borough Attorney Colao review the ordinance and come back with a recommendation.

Mr. Sagui reported that there was a water meeting held last week and they intend on starting the Ocean Avenue work in December. Also, reported Mr. Sagui, they are looking to put in 1,000 feet of sewer line as well as nine additional manholes on Ocean Avenue to facilitate the need to realign sewers in the future.

**Borough Engineer's Report**

Mr. Avakian reported that the reason the Ocean Avenue work is being done now is because the county plans on repaving Ocean Avenue. Further, Mr. Avakian stated, they expect to get a firm paving schedule from the county on September 21, 2015. In addition, Mr. Avakian reported that the water main portion of the Ludlow Avenue project is complete and the laterals should be finished soon. Bids for the paving portion will be accepted September 17<sup>th</sup> with an award being made on September 22<sup>nd</sup>. The Wreck Pond secondary bypass pipe project bids are also due on September 17<sup>th</sup> and the award will hopefully be made on September 22<sup>nd</sup>, stated Mr. Avakian. The outfall pipe is being funded by the US Fish and Wildlife Grant, and the NJ DEP Flood Resiliency Grant and the Borough is compliant with all the HUD guidelines including the requisite public notices, added Mr. Avakian.

Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked how many contractors have requested bid documents. Mr. Avakian estimated that eleven bid packets have been picked up which he stated was a good number.

Ms. Dolores Cacace, 106 York Avenue, asked if the bid selection will be based upon price. Mr. Avakian stated that they will be following Local Public Contracts Law that states a municipality must select the lowest responsible bidder noting that the qualifications must be met by the contractor in order to be considered. Ms. Cacace asked if they must be available right away to start. Mr. Avakian stated that a timeline is included in the bid documents that states that they must be done by the beginning of March, 2016.

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**Borough Attorney's Report**

Mr. Colao reported that he has three matters for closed session.

**Borough Administrator's Report**

Mr. Dempsey reported that it is time again for the Manasquan High School Surf Team to use the Newark Avenue beach as well as the Junior Guard shed. There were no issues in the past and they once again have presented a Certificate of Insurance, stated Mr. Dempsey. Mr. Judge stated that he has no issues but asked why they don't use the Manasquan beach. Mr. Dempsey stated that they feel that the surfing beach in Manasquan is too crowded.

Mr. Dempsey brought attention to the Chamber of Commerce request to host the Italian Festival noting that they want to add beer to the request so they may offer wine and beer. Mr. Erbe stated that it should also reflect that the location is Morris Avenue not Warren Avenue. Mr. Dempsey stated that that correction has been made as well.

Mr. Dempsey reported that Little Sea Day will be held on September 19<sup>th</sup> at the North End from 2:00 pm to 7:00 pm.

Mr. Dempsey reported that the beach season is officially over noting that it was a great year with no major issues. Mr. Dempsey stated that the badge checkers and lifeguards did a great job. The only minor issue occurred over the Labor Day weekend when there was not enough lifeguards to staff all of the beaches since many of the guards are students and teachers and were already back at school. Although some residents were inconvenienced, Mr. Dempsey opined, this was far better than the alternative of creating an unsafe or risky situation. Mr. Dempsey reported that both pools will remain open until Sunday, the 27<sup>th</sup> of September.

**Business Items Under Consideration**

**NJ Army National Guard – Army Physical Fitness Run/Walk – September 30 & October 8, 2015** – Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

**Event Application – St. Rose High School – October 7, 2015** - Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

**Event Application – Bitiya A Nonprofit – September 27, 2015** - Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

**Brielle Fire Company – Annual Request to use Beach Tractors** - Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

**Chamber of Commerce – Italian Festival – October 10, 2015** - Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

**Ordinances for Introduction – None**

**Ordinances for Adoption - None**

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**CONSENT AGENDA**

Mr. Judge asked for a brief explanation of the shared services agreement. Mr. Dempsey responded stating that it is an agreement with Monmouth County for them to provide dredging services for the Borough. These services, Mr. Dempsey continued, are then paid for with grant monies previously obtained by the Borough. Mr. Dempsey added that it will cost roughly \$17 per cubic yard.

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

**R-15-154 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION  
RA#30-2015 –NEW JERSEY STATE FEDERATION OF WOMEN’S CLUBS OF GFWC- ON  
PREMISE RAFFLE**

WHEREAS, New Jersey State Federation of Women’s Clubs of GFWC has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#30-2015, 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#30-2015 be and the same is hereby approved as follows:

**NAME: New Jersey State Federation of Women’s Clubs of GFWC  
55 Labor Center Way, New Brunswick, NJ 08901-1593  
Identification No.: 338-8-27069**  
**LOCATION: Spring Lake Bath & Tennis Club  
1 Jersey Avenue, Spring Lake, NJ**  
**DATE: November 4, 2015 10:00 AM TO 3:00 PM**

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, 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-15-155 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION  
RA#31-2015 – THE HOLLY CLUB OF SEA GIRT -  
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#31-2015, 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#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 8, 2015 11:00 AM - 2:00 PM**

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ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, 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-15-156 – RESOLUTION – APPROVING RAFFLE LICENSE APPLICATION  
RA#32-2015 – THE HOLLY CLUB OF SEA GIRT -  
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#32-2015, 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#32-2015 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 8, 2015 11:00 AM to 2:00 PM

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, 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-15-157 - AUTHORIZING REFUND OF TAX OVERPAYMENTS**

WHEREAS, overpayment of taxes on the following properties as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Robert & Nicole Masella 32 Cedars Road West Caldwell, NJ 07006	31	7.04	\$4,228.29
Property address: 9 Atlantic Avenue			
Thomas & Carol White 400 Passaic Avenue Spring Lake, NJ 07762	70	27	\$6,158.42
Property address: 400 Passaic Avenue			

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$10,386.71 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 \$10,386.71.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, 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-15-158 – RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENT TO THE MUNICIPAL ASSISTANCE / SHARED SERVICES AGREEMENT AUTHORIZED BY RESOLUTION R-09-025 WITH THE COUNTY OF MONMOUTH**

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et seq.) authorizes local units such as this Municipality to enter into shared service agreements with other local units; and

**WHEREAS**, the County of Monmouth, a local unit, has offered to provide municipal assistance / shared services to the Borough of Spring Lake; and

**WHEREAS**, it is in the best interest of the Borough of Spring Lake to enter into a Municipal Assistance / Shared Services Supplemental Agreement with the County of Monmouth.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Spring Lake that the Mayor and Municipal Clerk be and they are hereby authorized to execute the Municipal Assistance / Shared Services Supplemental Agreement with the County of Monmouth for the sediment removal at Wreck Pond.

**BE IT FURTHER RESOLVED** that the Municipal Clerk forward a certified copy of this resolution along with the executed Municipal Assistance / Shared Services Supplemental Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, 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-15-159 – APPOINTMENT OF TEMPORARY POLICE DEPARTMENT JANITOR – JOSEPH NAPPING**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Joseph Napping be and hereby is appointed as a temporary janitorial employee of the Police Department at an hourly rate of \$14.50 per hour.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

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-15-160 – RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 8, 2015**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 8, 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.

<u>SUMMARY</u>	
<b>CURRENT FUND (1)</b>	<b>104,166.77</b>
<b>GENERAL CAPITAL (4)</b>	<b>4,495.36</b>
<b>WATER/SEWER CAPITAL (8)</b>	<b>1,728.00</b>
<b>WATER/SEWER OPERATING (9)</b>	<b>23,245.88</b>
<b>DOG TRUST (13)</b>	<b>911.20</b>
<b>SPRING LAKE TRUST (15)</b>	<b>3,750.00</b>
<b>RECREATION (25)</b>	<b>11,884.95</b>
<b>JUNIOR LIFEGUARD</b>	<b>472.50</b>
<b>BEACH OPERATING (81)</b>	<b>15,532.84</b>
<b>POOL OPERATING (91)</b>	<b>15,668.16</b>
<b>TOTAL</b>	<b>\$182,855.66</b>

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Public Comments**

Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked if the monies soon to be spent in connection with the Wreck Pond project will be detailed in the bills list. Mr. Dempsey confirmed noting that there is a detailed checklist of items that must be provided in order to be HUD compliant. The funds, Mr. Dempsey added, will likely be certified on a monthly basis. Mr. Dempsey suggested, given the volume of auditing that will likely be required, the possible need for a separate bills list for expenses in connection with the Wreck Pond project.

Mr. Marlowe asked if the Pitney Avenue pump station is complete. Mr. Dempsey responded that there are a few punch list items remaining along with some landscaping issues pending. Mr. Marlowe voiced concerns about the trailer still being in place. Mr. Dempsey noted that the trailer is permanent. Mr. Mike Mattia, the Borough SMRSA representative, added that the trailer that is in place is designed to house the electrical system for the underground pumps. Mr. Marlowe asked if the bottom will be enclosed or masked in some way. Mr. Mattia stated that this issue is being discussed with the neighbors and the planning board. Mr. Mattia added that SMRSA is willing to do a great deal more in terms of landscaping and added that everything outside the fence is Borough property and therefore anything SMRSA did would need the permission of the Borough.

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

**R-15-161 - RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 – EXECUTIVE SESSION**

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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: Spring Lake vs. Lake Como Planning Board, 113 Mercer Avenue Potential Litigation, and 308 Morris Avenue Potential Litigation.

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:50 PM

MEETING IS RECONVENED AT: 8:30 PM

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**Adjournment**

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:31 PM

Respectfully submitted,



DINA ZAHORSKY  
Deputy Borough Clerk

Approved at a meeting held on: September 14, 2015