

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 22, 2015**

Council President Judge 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. He 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 (via telephone), Mr. Fay, Mr. Judge, Mr. Sagui, Mrs. Venables

ABSENT: Mr. Frost, Mayor Naughton

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

Workshop — None

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of August 25, 2015, seconded by Mr. Sagui.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: Mr. Fay

Mrs. Venables offered a motion to approve the minutes of September 8, 2015, seconded by Mr. Sagui.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: Mr. Fay

Proclamations, Presentations & Special Guests

Council President read the following Proclamations into the official record.

**PROCLAMATION
MENTAL ILLNESS AWARENESS WEEK
OCTOBER 4-10, 2015**

WHEREAS, mental illness is a term used for a group of disorders causing severe disturbances of thinking, feeling and relating;

WHEREAS, mental illness can affect persons of any age, sex, race, religion, social and economic background;

WHEREAS, during the course of any given year, 5.5 million Americans are disabled by severe mental illnesses;

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WHEREAS, nearly two-thirds of all people with diagnosable mental disorders do not seek treatment because of stigma, ignorance, and lack of appropriate service and treatment options;

WHEREAS, mental illness impacts 1 in 4 individuals;

THEREFORE, be it resolved that the Borough of Spring Lake recognizes and proclaims the week of October 4-10, 2015 as Mental Illness Awareness Week, as I have set forth my hand and seal this 22nd day of September, in the year of 2015.

**PROCLAMATION
CHILDHOOD CANCER AWARENESS MONTH
SEPTEMBER 2015**

WHEREAS, September of each year is recognized as Childhood Cancer Awareness Month throughout the nation; and

WHEREAS, cancer is the leading cause of death by disease in U.S. children under 15 years of age killing more children than AIDS, asthma, cystic fibrosis, diabetes and muscular dystrophy combined; and

WHEREAS, every school day, 46 children or two classrooms of students will be diagnosed with cancer – 7 of them will die; and

WHEREAS, in the last 25 years, only 2 drugs have been specifically developed for children's cancer and two-thirds of childhood cancer patients will develop long-lasting chronic conditions resulting from treatment; and

WHEREAS, the childhood cancer rates have been rising for the past few decades and approximately 15,000 children in the U.S. under the age of 15 will be diagnosed with cancer in 2015; and

WHEREAS, The Ashley Lauren Foundation has operated as a 501 (c) (3) non-profit organization since July, 2005 and The mission of The Ashley Lauren Foundation is to bring hope and help to children in New Jersey who have been diagnosed with cancer through financial, material and emotional assistance, parties, birthdays, outings, "Making Dreams Come True," and anything else that is needed to make their lives easier, free-of-charge; and

WHEREAS, The Ashley Lauren Foundation has developed partnerships with health care centers throughout the State of New Jersey and others in the fight against pediatric cancer in all forms; and

WHEREAS, the Borough of Spring Lake in the State of New Jersey joins in recognizing September as Childhood Cancer Awareness Month to increase awareness and understanding of children with cancer.

NOW, THEREFORE, BE IT RESOLVED, that I, JENNIFER NAUGHTON, Mayor of the Borough of Spring Lake in the State of New Jersey, do hereby proclaim September as CHILDHOOD CANCER AWARENESS MONTH and urge all Spring Lake citizens to "Go Gold" for September

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Public Comments – None

Council Comments & Staff Reports

Council President Judge announced that Sunday September 27 is the last day that the pools will be open and the last day to collect all items from the lockers and beach boxes. He added that the paddle boxes are year round there is no need to empty them. Mr. Judge reported that the boardwalk just south of the south end pavilion has been removed this is for access for the county to be able to do the dredging work; the county will be there for one or two months.

Mr. Judge reported that he met with Mayor Naughton, Planning Board Chairman Nick Sapnar, also zoning and construction officials to discuss the "zoning creep", this is where people obtain approval from the board and make those renovations; after they receive their certificate of occupancy then add more to the property than what has been approved. He added that they have asked the code enforcement officer to adjust his office hours to make himself more available to portal the street.

Borough Engineer's Report

Mr. Avakian reported that bids were received on the Wreck Pond outfall pipe; they are not prepared to award tonight due to the fact that there is no formal signed grant agreement, once the agreement is signed action can be taken on the award. He added that twenty three contractors pick up the bid packet and eleven were returned. The range, Mr. Avakian explained was quite extreme. He called the lowest bidder, who is a very competent marine contractor that has done work in Belmar at the marina and also Asbury Park boardwalk, he was somewhat distressed that his bid was low but is very comfortable with the numbers and gave reasons why some of his bid numbers were lower.

Mr. Avakian reported that Ludlow Avenue water infrastructure is complete. He added that the roadway improve bid award is on the agenda this evening; the bid number was higher than the estimate due to concrete prices being higher.

Mr. Avakian reported that Second Avenue roadway plans have been completed and sent to DOT; once DOT signs off the bid process will be started immediately. The project, Mr. Avakian explained goes from Pennsylvanian Avenue to Monmouth Avenue on Second Avenue.

Mr. Avakian further reported there is a meeting at Marucci Park on Thursday to review the plans before they are ready to go out to bid. He added that at one of the next meetings the plans will be presented and discussed one more time in a public forum to review.

Mr. Judge thanked Mr. Avakian for all of his hard work on the outfall pipe; adding that this project is a great success.

Borough Attorney's Report

Mr. Colao reported that a draft ordinance was circulated in regard to noise and tree work. He received a comment back from Mr. Judge with regard to an emergency provision. Mr. Colao anticipate introducing this ordinance at the next council meeting October 13, 2015.

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Borough Administrator's Report

Mr. Dempsey reported that the dredging project is set up; the work will not start until the grant agreement is signed, as the resiliency grant is the funding to pay the county. He added that it was been tested, the sand is coming out and it is clean however it does have an odor due to the organic material. He explained that the sand is safe to put on the beach. The coloring, Mr. Dempsey added will be slightly gray however with a couple of tide cycles the color will wash out.

Mr. Judge questioned if this sand was essentially washed in with Superstorm Sandy. Mr. Dempsey answered yes, also by Hurricane Irene as well.

Mr. Dempsey explained that the project will take approximately thirty to fifty day and the dredging work will take place on Saturday's as well from seven in the morning to six in the evening. Mr. Avakian added that he received the Army Corp feasibility study and the technical data was provided by Princeton Hydro, the area that Mr. Dempsey is discussing the sand was studied through borings and they found four feet of sand came in with the hurricanes and was deposited in the pond west of First Avenue. This Mr. Avakian explained is what is allowed to take of and what the DEP permitted.

Mr. Dempsey further reported that the SMRSA pump station is complete; the planning board subcommittee is working with SMRSA and the residents to address a visual concern with the type of fencing and landscape.

Mr. Dempsey explained that the surf rider foundation will offer their services again this year to plant some dun grass, late October or early November.

Business Items Under Consideration

Event Application – Cystic Fibrosis Foundation – October 3, 2015 – Mrs. Venables offered a motion to approve the request, seconded by Mr. Sagui. All in favor. None opposed.

2015 NSSA Northeast High School Surfing Championship – October 25, 2015 – Mrs. Venables offered a motion to approve the request, seconded by Mr. Sagui. All in favor. None opposed.

Ordinances for Introduction - None

Ordinances for Adoption - None

Consent Agenda

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

**R-15-163 - RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 - INCREASING
CONTRACT #01-2014 PHASE I INFRASTRUCTURE IMPROVEMENTS IN WRECK
POND AREA BY \$5,742.21**

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WHEREAS, contract #01-2014 for Phase I Infrastructure Improvements in Wreck Pond Area was awarded on December 29, 2014 to Mark Woszczak Mechanical Contractors, Inc. in the amount of \$362,268.10, and

WHEREAS, Mark Woszczak Mechanical Contrator, Inc. has approved Change Order #1 which increases the contract in the amount of \$20,533.96 for a total contract in the amount of \$382,802.06; and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #2 which increases the contract in the amount of \$5,742.21 for a total contract in the amount of \$388,544.27; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 2 increasing Contract #01-2014 for Phase I Infrastructure Improvements in Wreck Pond in the amount of \$5,742.21 for a total contract in the amount of \$388,544.27 is hereby authorized for the above contract awarded to Mark Woszczak Mechanical Contractors, Inc.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Bond Ordinance No. 2014-015.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

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

**R-15-164 - RESOLUTION – AWARD OF CONTRACT #02-2015
IMPROVEMENTS TO LUDLOW AVENUE**

WHEREAS, contract #01-2015 for Utility Rehabilitation Plan Ludlow Avenue was awarded on April 1, 2015 to Mark Woszczak Mechanical Contractors, Inc. in the amount of \$330,398.15, and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #1 which increases the contract in the amount of \$12,001.12 for a total contract in the amount of \$342,399.27; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 1 increasing Contract #01-2015 for Utility Rehabilitaion Plan Ludlow Avenue in the amount of \$12,001.12 for a total contract in the amount of \$342,399.27 is hereby authorized for the above contract awarded to Mark Woszczak Mechanical Contractors, Inc.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Bond Ordinance No. 2015-001 available funds are not to exceed \$400,000.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

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

**R-15-165 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#33-2015 – HW MOUNTZ PTA -
ON PREMISE 50/50**

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WHEREAS, HW Mountz PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#33-2015, 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#33-2015 be and the same is hereby approved as follows:

NAME: HW Mountz PTA
411 Tuttle Avenue, Spring Lake, NJ 07762
Identification No.: 447-8-35275
LOCATION: Spring Lake Train Station
411 Tuttle Avenue, Spring Lake, NJ
DATE: October 17, 2015 9:00 AM to 3:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

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

**R-15-166 - RESOLUTION – AWARD OF CONTRACT #02-2015
IMPROVEMENTS TO LUDLOW AVENUE**

WHEREAS, on September 17, 2015 bids were received for the Improvements to Ludlow Avenue.

WHEREAS, four (4) packages were picked up and four (4) bids were received, and

WHEREAS, Earle Asphalt Company, 1800 State Route 34, Belmar, NJ 07719 submitted the lowest responsible bid for the Improvements to Ludlow Avenue at a total bid of \$336,213.13, and

WHEREAS, by letter dated September 21, 2015 from Peter Avakian, Borough Engineer, the award of this contract is recommended to Earle Asphalt Company, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #02-2015 is hereby awarded to Earle Asphalt Company for the Improvements to Ludlow Avenue at a cost not to exceed \$336,213.13.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: 2015 NJDOT Road Improvements available funds not to exceed \$280,000 and 2015 Capitol Improvement Fund Road Improvement Projects not to exceed \$56,213.13.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

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

**R-15-167 - RESOLUTION – RELEASING STREET OPENING BOND
332 SOUTH BLVD – BLOCK 151, LOT 7**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Richard & Ellen Tosi for property located at 332 South Blvd, Block 151, Lot 7 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 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.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Resolution

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

R-15-168 - RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 22, 2015

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 22, 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.

SUMMARY

CURRENT FUND (1)	582,046.21
GENERAL CAPITAL (4)	26,493.52
WATER/SEWER CAPITAL (8)	216,510.18
WATER/SEWER OPERATING (9)	7,769.06
DOG TRUST (13)	910.00
MT LAUREL TRUST (16)	8,066.80
RECREATION (25)	3,617.09
BEACH OPERATING (81)	32,918.53
POOL OPERATING (91)	3,537.97
TOTAL	\$881,869.36

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Public Comments - None

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Executive Session

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

R-15-169 - 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: Spring Lake vs. Lake Como Planning Board 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. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:20 P.M.

MEETING IS RECONVENED AT: 7:30 P.M.

Adjournment

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

ROLL CALL:

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

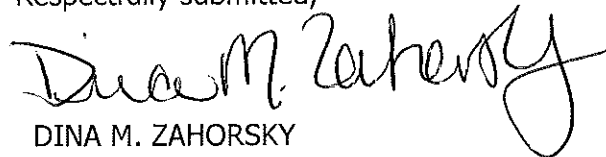
NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Time of Adjournment: 7:30 P.M.

Respectfully submitted,



DINA M. ZAHORSKY
Deputy Borough Clerk

Approved at a meeting held on: October 13, 2015