

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 13, 2015**

Mayor Jennifer 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 (via telephone 7:03 pm), Mr. Frost, Mr. Sagui, Mrs. Venables, Mayor Naughton

ABSENT: Mr. Fay, Mr. Judge

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 September 14, 2015, seconded by Mr. Sagui.

ROLL CALL:

AYES: Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: Mrs. Venables

Mrs. Venables offered a motion to approve the minutes of September 22, 2015, seconded by Mr. Sagui.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: Mr. Frost

Proclamations, Presentations & Special Guests - None

Public Comments – None

Council Comments & Staff Reports

Mayor Naughton reported on an extremely misleading headline of a report from the Office of the Inspector General (OIG) and results of the Hurricane Sandy audit. She explained that OIG audits all towns or communities that received public funds after Hurricane Sandy; a recent report stated that FEMA should recover \$3 million dollars in funds from Spring Lake. Mayor Naughton stated that this misleading headline was picked up by media outlets without any regard for the actual understanding the FEMA reimbursement process. Using their cost estimating formula, she added, FEMA originally estimated that the cost to replace the boardwalk was \$5.5 million dollars which was obligated to the project back in 2012. All of the Hurricane Sandy expenses were paid for upfront with a \$4 million dollar bond ordinance that allowed the Borough to pay the bills awaiting FEMA reimbursement. She explained that FEMA payments are only made when the Borough submits requests for reimbursement for money that has been spent; the bills are then reviewed and put in queue for payment. She added that in 2013 the boardwalk was rebuilt using in-house department of public works staff which produced an outstanding product and brought

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the project in to about \$2 million dollars less than the FEMA estimate. The Borough only requested reimbursement for the \$3.7 million dollars spent not the \$5.5 million that was estimated.

Ann Butler, 411 Ludlow Avenue, asked how to offset the bad publicity. Mayor Naughton replied that she is unsure, today was the first she heard of it.

Mr. Dempsey explained that he did receive calls from several media outlets; he tried to explain there is nothing to recover from the Borough. He added that the letter from the Attorney General was even offered to show the facts. Mr. Dempsey met with Ms. Kirk and OIG over the language used, they are dead set in the language they use in all of the audits and not willing to change it.

John McGlinchy, 305 South Blvd, asked what prompted this. Mr. Dempsey explained that OIG came in and audited the Borough because they wanted to keep track of how the money was being spent.

Mr. Zarb, 2205 Third Avenue asked about the use of vehicles and time not being recorded properly. Mr. Dempsey explained that OIG was concerned about how it was accounted for; the Borough has been paid for all of the debris and removal. Mr. Dempsey added that OIG is questioning the manpower and labor to take the debris to be removed.

Mayor Naughton congratulated Mr. Dempsey on winning the cannoli contest. She also congratulated the Chamber of Commerce and the Business Improvement District on a successful event.

Mayor Naughton announced that the paving job on Ludlow Avenue has already been awarded to Earle asphalt and Second Avenue paving job will be awarded tonight to the same contractor.

Mr. Frost reported that the Environmental Commission will be working with Lake Como to do a lake cleanup effort on October 24, 2015 from 9-11 am at Lake Como. It is being done twice a year in conjunction with Clean Communities; he added that the Borough is going to join their effort. Mr. Frost explained that clean up will start around Spring Lake soon. He added that the leaf clean up with the crane will start once the power lines are down. Mr. Dempsey added that it should start within the next two weeks.

Borough Engineer's Report

Peter Avakian reported that roads are on schedule to be paved by same contractor which gave a much a better bid price and it will enable us to schedule the projects one after the other. He explained that the Marucci Park improvement design is finished and ready to go out to bid; the plans are finished for phasing of the improvements to the park which includes the platform tennis courts, utilities, and landscape and irrigation. He added that work will be done in the springtime. This is an open space grant from Monmouth County, the Borough will receive half of the construction cost and he believes it will be up to \$250,000. Mr. Avakian reported that the dredging is mobilized at Wreck Pond and ready to commence as soon as the award is finalized. The living shore line and the berm will be designed and evaluated over the winter.

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Mayor Naughton asked about the Ocean Avenue project bid date. Mr. Avakian answered that the plans and specs are eight-five percent complete, he will have a bid schedule at the next meeting.

Borough Attorney's Report

Mr. Colao has one matter for closed session. He reported that there should be a height ordinance on the next meeting for introduction.

Borough Administrator's Report

Mr. Dempsey explained that the DPW did an excellent job prior the storm in regards to Wreck Pond and sluice gates; they were out on every single tide cycle. He added that the sluice gates do an excellent job controlling a ton of water going through.

Business Items Under Consideration

Goodwill Fire Company No. 2 – Annual Halloween Parade and Costume Contest – October 30, 2015 – Mrs. Venables offered a motion to approve the request, seconded by Mr. Sagui. All in favor. None opposed.

NJ Army National Guard – Army Physical Fitness Run/Walk – Date Change from October 8 to October 14 - Mrs. Venables offered a motion to approve the request, seconded by Mr. Sagui. All in favor. None opposed.

Scary Walk – Drug Prevention Alliance – October 23, 2015 - Mrs. Venables offered a motion to approve the request, seconded by Mr. Sagui. All in favor. None opposed.

A. Faustini Wines, LLC – Winery Salesroom – Mayor Naughton explained that a new restaurant downtown has requested a relationship with A. Faustini Wines which is allowed under the State of New Jersey's Division of Alcoholic Beverage Control, the license would authorize A. Faustini Wines to offer samples for on premises consumption and to sell their products in original packaging at retail to consume on or off the premise. Mr. Frost asked if approving this would affect the Borough's ability to apply for a future liquor license, Mr. Colao informed him there would be no issues. Mr. Frost added that currently the Borough is over the allotted licenses now due to population. Mr. Frost then asked about the one consumption license at the Breakers hotel and is that considered a hotel/motel license. Mr. Dempsey answered no because there are not over one hundred rooms.

Mrs. Venables offered a motion to approve the request, seconded by Mr. Sagui.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2015-008 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 250, NOISE, SECTION 250-8 (p) OF THE BOROUGH CODE", by title.

Mrs. Venables offered a motion to introduce Ordinance No. 2015-008, seconded by Mr. Judge. Public Hearing to be set for October 27, 2015.

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

Ordinances for Adoption - None

Consent Agenda

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

R-15-170 RESOLUTION – ESTABLISHING HALLOWEEN CURFEW

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a curfew will be in effect for all persons under the age of eighteen (18) between the hours of 9:00 P.M. and 6:00 A.M. on October 29, 30 & 31 and November 1 and concluding 6:00 A.M. on November 2, 2015.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the two elementary schools in town and the secondary schools in neighboring communities where resident children may be enrolled.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-15-171 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#34-2015 – UNITED METHODIST WOMEN OF ST. ANDREWS -
ON-PREMISE RAFFLE**

WHEREAS, United Methodist Women of St. Andrews has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#34-2015, 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#34-2015 be and the same is hereby approved as follows:

**NAME: United Methodist Women of St. Andrews
907 Fourth Avenue, Spring Lake, NJ
Identification No.: 475-3-31760**

**LOCATION: Wesley Hall
Mercer Avenue, Spring Lake, NJ**

DATE: November 21, 2015 9:30 AM - 2:00 PM

ROLL CALL:

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

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NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

R-15-172 RESOLUTION - AUTHORIZING PARTICIPATION IN THE MONMOUTH COUNTY HIGH WATER MARK (HWM) INITIATIVE

WHEREAS, through the Division of Planning and the Office of Emergency Management, the Monmouth County Board of Chosen Freeholders and the Monmouth County Sheriff's Office established the Community Rating System (CRS) Assistance Program to encourage municipal participation and advancement in the National Flood Insurance Program (NIFP) CRS Program; and

WHEREAS, FEMA (Federal Emergency Management Agency) offers limited financial assistance to communities that want to raise flood risk awareness and conduct mitigation actions to protect the public from future flood events by posting high water mark signs that acknowledge the location of historic flood events; and

WHEREAS, the County of Monmouth in collaboration with Monmouth University's Urban Cost Institute are coordinating efforts and providing additional assistance to those communities that wish to participate in FEMA's national high water mark program; and

WHEREAS, coordination among municipalities in the County will provide a more cohesive message that improves community flood risk awareness and the need for mitigation both locally and throughout the region; and

WHEREAS, municipal participation in the Monmouth County High Water Mark Initiative is voluntary and is being offered at no cost to every municipality in the County, regardless of Community Partings System status; and

WHEREAS, municipal partners will identify the proper location for high water mark signs in their community as well as support public outreach and program launch events.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Spring Lake wishes to participate in the Monmouth County High Water Mark (HWM) Initiative as partner community and agrees to place at least one commemorative sign within the municipality and further agrees to allow Monmouth University's Urban Coast Institute to complete the appropriate surveying to establish the High Water Mark.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-15-173 RESOLUTION – RELEASING STREET OPENING BOND
511 OCEAN AVENUE – BLOCK 32, LOT 5**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from MLZ Sandpiper, LLC for property located at 511 Ocean Avenue, Block 32, Lot 5 and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

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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. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-15-174 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#35-2015 – 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#35-2015, 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#35-2015 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 November 2015
to April 2016 10:30 A.M.**

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-15-175 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#36-2015 –NEW JERSEY STATE FEDERATION OF WOMEN'S CLUBS OF GFWC- ON
PREMISE 50/50 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#36-2015, and

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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#36-2015 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. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

R-15-176 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
#3250	108 Atlantic Avenue	Paul Greenberg	\$286.20

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 \$286.20.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

Resolution

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

**R-15-177 RESOLUTION – AWARD OF CONTRACT #03-2015
IMPROVEMENTS TO SECOND AVENUE – PHASE II**

WHEREAS, on October 8, 2015 bids were received for the Improvements to Second Avenue – Phase II.

WHEREAS, seven (7) packages were picked up and six (6) bids were received, and

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WHEREAS, Earle Asphalt Company, P.O. Box 556, Farmingdale, NJ 07727 submitted the lowest responsible bid for the Improvements to Second Avenue – Phase II at a total bid of \$217,013.13, and

WHEREAS, by letter dated October 9, 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 #03-2015 is hereby awarded to Earle Asphalt Company for the Improvements to Second Avenue – Phase II at a cost not to exceed \$217,013.13.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: 2014 Budget Appropriation DOT Grant not to exceed \$217,013.13.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

R-15-178 RESOLUTION – APPROVAL OF BILLS – OCTOBER 13, 2015

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 13, 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)	161,452.42
WATER/SEWER OPERATING (9)	42,328.08
SPRING LAKE TRUST (15)	1,250.00
MARRIAGE TRUST (19)	375.00
RECREATION (25)	59.95
BEACH OPERATING (81)	28,209.45
POOL OPERATING (91)	3,932.53
TOTAL	\$237,607.43

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

Public Comments

Mr. Dempsey explained that the surf contest that was approved at the last meeting would like to have the contest on this Sunday, October 18 with a rain date of October 25.

Mike Mattia, 313 Jersey Avenue stated that costumes for the scary walk have been misplaced from two years ago and asked if new costumes could be purchased out of the Drug Prevention

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Alliance funds. Mr. Dempsey said that he would help Mr. Mattia. Mr. Mattia then asked about the awning ordinance. Mr. Dempsey answered he would also take care of that.

Harry Zarb, 2205 Third Avenue asked about the Lake Como police department proposals and does the Borough have any plans that can be discussed at this time. Mr. Dempsey answered no that is not something the Borough would be interested in due to not having enough staff.

Rich Clayton, 1207 Third Avenue asked for clarification on the sale of wine at the restaurant, would the consumption be on or off premise after purchasing. Mayor Naughton answered it would be for on or off consumption. Mr. Clayton thanked the Council for voting on this.

Executive Session

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

R-15-179 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: 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. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:36 P.M.

MEETING IS RECONVENED AT: 8:08 P.M.

Adjournment

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

ROLL CALL:

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

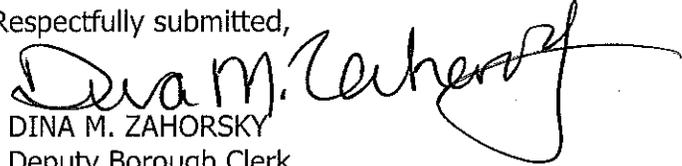
NAYS: NONE

ABSENT: Mr. Erbe, Mr. Fay, Mr. Judge

ABSTAIN: NONE

Time of Adjournment: 8:08 P.M.

Respectfully submitted,


DINA M. ZAHORSKY
Deputy Borough Clerk

Approved at a meeting held on: December 28, 2015

