

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 27, 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, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables, Mayor Naughton
ABSENT: None

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

Workshop – None

Approval of Minutes - None

Proclamations, Presentations & Special Guests - None

Public Comments – None

Council Comments & Staff Reports

Mayor Naughton reported that the dredging at Wreck Pond has begun and has to be done by December 31, 2015; residences were informed that work will be done seven days a week and into some evenings.

Mayor Naughton also reported that the grant agreement has been signed so tonight the council will be awarding the contract for the second pipe at Wreck Pond.

Mayor Naughton further reported that on November 20th bids will be accepted for the first two phases of the water project; the design is done and the permits are in.

Mayor Naughton reminded everyone about the Veterans Day Ceremony on November 11th at 11:00 a.m.; the HW Mountz fifth graders are involved and the Veterans from the American Legion greatly appreciate it.

Mr. Judge followed up on a prior report regarding a study of the fire equipment because there has been some issue with regard to whether some equipment should be replaced or not. It is narrowed down to two entities, hopefully at the next meeting there will be a recommendation to the council.

Mr. Frost thanked NJ Clean Communities and Monmouth County representative Will Johnson for the supplies such as bags and tools to cleanup Lake Como. He added that this is done twice a year at Lake Como and suggested this be done twice a year for all the lakes.

Mr. Frost reported that that the plans for Marucci Park are completed. Mr. Avakian explained that the bids are being accepted on November 5th, this has to be bid out now because of the lead time that is needed for the platform tennis equipment itself.

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Mr. Judge commended Mr. Frost and Mrs. Venables work on the plans for Marucci Park. Mr. Judge expressed concern about the location of the paddle tennis courts however, he thinks the committee did a great job accommodating the neighbors' concerns.

Mr. Frost then reported that the beach committee has been considering putting a seasonal temporary bathroom north of the north end pavilion as well as some other locations. He added that they are looking to place the bathroom on the sand between Remsen and Lorraine Avenues in the vicinity of Howell Avenue. He believes that permitting shouldn't be an issue. Mr. Dempsey explained that the permit needed for this project is a GP22. Mr. Avakian added that there is a revision in the coastal rules for permits needed that will accommodate seasonal activities. Mr. Frost discussed feedback he has received from the residents, lifeguards and staff about using the full beachfront since it is becoming crowded in front of the north end pavilion.

Mr. Judge agreed adding that this will spread out the people on the beach and would benefit the residents at the north end of town. He explained that it is important that the utilities for this are done now because the county will be repaving Ocean Avenue next year. He added that this past year there was a large surplus from beach badge fees; the committee would like to pay down some debt and install the portable bathroom.

Mr. Frost suggested two portable units that would be ten feet by twelve feet with ramp entrances that are ADA accessible. He also informed council that Frank Phillips believes that the department of public works could build them cheaper.

Mr. Sagui thinks this is a great idea.

Mayor Naughton expressed concern. She believes that it is a reasonable approach to see if this will move people away from the pavilions however; these bathrooms will only be a few blocks away. She added that seventeen bathrooms were installed at the north end pavilion specifically to accommodate the people who use that end of town and there are never any lines. She explained that she is not convinced that this project that is really needed however, if she could be sure that this would work she would be more supportive.

Mr. Frost commented that he doesn't know for sure however, when there was no pavilion people sat anywhere. He believes that if the facility is there people will use it; it is quite a walk from this location to the north end pavilion.

Mr. Judge commented on how effective it was spreading people out away from the south end pavilion by moving sales to the Pennsylvania Avenue. He added that Janet Carbin, Chief Lifeguards has concerns for when guards have to leave the stand to go to the bathroom almost a half mile away to the north end pavilion.

Mrs. Venables agreed with Mayor Naughton and added that she doesn't think the number of people that will be served by two bathrooms will make any appreciable difference. She is unsure the goal will be achieved. She added that she is also concerned about the sight lines of the bathrooms.

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Peter Avakian explained that the temporary restroom structures will require excavation filling or grading of the beach. He added that the goal is to hide the structure behind the boardwalk as much as possible. He explained that the intent is to meet regulations and to obtain the permit.

Mr. Erbe commented that he felt closer to the north end would help with the congestion at the north end pavilion.

Lyle Marlowe questioned why the council was looking at the north end instead of something in between the two pavilions. Mr. Judge expressed that the north end pavilion area is most crowded between Brighton and Monroe Avenues.

Borough Engineer's Report

Peter Avakian reported he is looking forward to getting Wreck Pond started. He explained that Ludlow Avenue and Second Avenue paving projects will start construction within a week to ten days with completion by the end of the year.

Borough Administrator's Report

Mr. Dempsey reported that the official notice of a request for proposal (RFP) was received from Lake Como for police services; he wanted to confirm that Spring Lake is still not interested. The council members confirmed.

Mr. Dempsey congratulated Manasquan High School for winning the high school state surf contest and added that it was very successful. He reported that everyone was very happy with facility and will most likely request the same next year.

Mr. Dempsey then reported that the box culvert is on the agenda this evening to award the contract to Simpson and Brown and there is a pre-construction meeting scheduled for Thursday, November 5th at 1:30 p.m. here at Borough Hall.

Business Items Under Consideration

Veteran's Day Ceremony – November 11, 2015 – Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

Event Application – Lake Como 5 – April 23, 2016 – 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. 2015-009, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT SECTION 13(C) & 34(A) OF THE BOROUGH CODE", by title.

Mayor Naughton explained that this ordinance would change the height of commercial buildings in the retail commercial (RC) and general commercial (GC) zones to thirty five feet where forty feet is currently required.

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Mr. Judge offered a motion to introduce Ordinance No. 2015-009, seconded by Mrs. Venables. Public Hearing to be set for November 11, 2015.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinances for Adoption

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.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2015-008, 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

PUBLIC HEARING NOW OPEN

Mayor Naughton explained that this ordinance is related to adding other noisy elements into our restrictions of the Saturdays between Memorial Day and Labor Day.

Mr. Judge stated more specifically to prohibited tree services from doing work on the Saturdays during the summer unless there is an emergency.

Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2015-008, 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

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2015-008, 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

Consent Agenda

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

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**R-15-180 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT FOR
2016 WITH ASSOCIATED HUMANE SOCIETY**

BE IT RESOLVED, by Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Associated Humane Society for animal control services for the year 2016.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-15-181 RESOLUTION – AUTHORIZING FY 2016 TRANSPORTATION TRUST FUND
IMPROVEMENTS TO THIRD AVENUE – PHASE II**

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2016; and

WHEREAS, the Borough of Spring Lake is desirous of submitting an application under this program for the following purpose:

- Improvements to Third Avenue-Phase II from Brighton Avenue to Pitney Avenue

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Spring Lake, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Third Avenue Phase II – 00545 to the New Jersey Department of Transportation on behalf of the Borough of Spring Lake; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Spring Lake and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-15-182 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT WITH
THE STATE OF NEW JERSEY BY AND FOR THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Administrator be and hereby are authorized to execute an Agreement with the State of New Jersey by and for the Department of Environmental Protection for Flood Hazard Risk Reduction and Resiliency Grant Program.

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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

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

R-15-183 RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUE INTO THE 2015 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87, WITH THE REVENUES RECEIVED FROM NEW JERSEY DEPARTMENT OF TRANSPORTATION – IN THE AMOUNT OF \$155,000.00 WITH OFFSETTING APPROPRIATION FOR MUNICIPAL AID ROAD IMPROVEMENT GRANT – SECOND AVENUE

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Spring Lake has received notice of an award of \$155,000.00 from the New Jersey Department of Transportation for the Municipal Aid Road Improvement Grant – Second Avenue in the sum of \$155,000.00 pursuant thereto, and wishes to amend its 2015 Budget to include these amounts as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2015 in the total sum of ONE THOUSAND FIVE HUNDRED FIFTY FIVE AND 00/100 DOLLARS (\$155,000.00)

Which is now available as a revenue from:

Miscellaneous Revenues:

Fireman’s Fund Insurance Company and the Heritage Program Grant – \$10,000.00

BE IT FURTHER RESOLVED that the like sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) be and the same is hereby appropriated under the caption of:

Fireman’s Fund Insurance Company and the Heritage Program Grant – \$10,000.00

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-15-184 RESOLUTION – RELEASING STREET OPENING BOND
7 PENNSYLVANIA AVENUE – BLOCK 18, LOT 7**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Bob Schwartz for property located at 7 Pennsylvania Avenue, Block 18, Lot 7 and

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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. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions

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

**R-15-185 RESOLUTION – AWARD OF CONTRACT #04-2015
PROPOSED BYPASS BOX CULVERT AT WRECK POND OUTFALL**

WHEREAS, on September 17, 2015 bids were received for the Proposed Bypass Culvert at Wreck Pond Outfall

WHEREAS, twenty-three (23) packages were picked up and eleven (11) bids were received, and

WHEREAS, Simpson & Brown, Cranford, NJ submitted the lowest responsible bid for the Proposed Bypass Box Culvert at Wreck Pond at a total bid of \$1,747,390.50, and

WHEREAS, by letter dated September 17, 2015 from Peter Avakian, Borough Engineer, the award of this contract is recommended to Simpson & Brown, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #04-2015 is hereby awarded to Simpson & Brown for the Proposed Bypass Culvert at Wreck Pond Outfall at a cost not to exceed \$1,747,390.50.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Bond Ordinance 2015-007 Wreck Pond Mitigation not to exceed \$1,747,390.50.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-15-186 RESOLUTION – APPROVAL OF BILLS – OCTOBER 27, 2015

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 27, 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

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CURRENT FUND (1)	602,924.68
WATER/SEWER OPERATING (9)	236,195.88
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	1,250.00
MT LAUREL TRUST (16)	4,906.95
RECREATION (25)	225.00
BEACH OPERATING (81)	4,665.53
POOL OPERATING (91)	96.24
POOL CAPITAL (94)	5,000.00
TOTAL	\$856,174.28

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue asked about the previous discussion on sump pumps going straight to storm sewers instead of out to the streets. Mayor Naughton agreed that this should be reviewed again. Mr. Sagui added that this will be discussed.

Mr. Marlowe then asked about the removal of the leaves in Spring Lake. Mr. Dempsey explained that this will be started within the next two weeks.

Executive Session - None

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: 7:45 P.M.

Respectfully submitted,



DINA M. ZAHORSKY
Deputy Borough Clerk

Approved at a meeting held on: January 26, 2016