Council President Judge called the Reorganization 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. Council President announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Sagui, Mrs. Venables,

ABSENT: Mr. Frost, Mayor Naughton

ALSO PRESENT: Dina M. Zahorsky, Borough Clerk

W. Bryan Dempsey, Borough Administrator Joseph Colao, Esq, Borough Attorney Peter Avakian, Borough Engineer

Workshop Discussion - None

Approval of Minutes

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

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost

ABSTAIN: Mr. Drasheff

Proclamations, Presentations, & Special Guests - None

Public Comments

Mr. Judge informed the residents that the Borough will not be moving forward with the bathrooms on Howell at this point.

Gwenn Thompson, 2509 Ocean Avenue asked since there will be no bathrooms on Howell Avenue will there be bathrooms placed at any other location. Mr. Judge answered no not at this time. Mr. Judge asked Mr. Dempsey to contact the Department of Environmental Protection and have the application withdrawn at this time. Mr. Dempsey stated that he would.

Larry Larkin, 101 Morris Avenue congratulated the council for listening to the residents.

Council Comments & Staff Reports

Mr. Judge reported that beach lockers and boxes were reserved for the residents who had one last year; they have until Feb 29th to repurchase their item.

Mathew Sagui reported that meters are going in next Thursday; this will monitor the inflow infiltration and hopefully receive some measures.

Borough Engineer's Report

Mr. Avakian reported that the contract for the Ocean Avenue curbing and sidewalk project is on the agenda to be awarded tonight.

Mr. Sagui questioned if the driveway aprons will need to be replaced. Mr. Dempsey replied that if an apron needs to be replaced it will be.

Mr. Avakian then reported on the Wreck Pond project, the Borough is attempting to extend the endangered species deadline with the NJ Fish and Wildlife and the US Fish and Wildlife.

Mr. Avakian explained that he met with Frank Phillips, Superintendent of Public Works in regards to the Marucci Park platform tennis courts. He added that they formulated a bid so that competitive bids can be received.

Borough Attorney's Report

Mr. Colao reported that there are two matters on for executive session.

Borough Administrator's Report

Mr. Dempsey reported if the contract is awarded the curbs and sidewalks on Ocean Avenue will be done by April.

Mr. Dempsey then reported that the Department of Public Works has been cleaning debris up around the lake.

Mr. Dempsey stated that he had a resident request the name change of Second Street. He suggested having a discussion on the next council meeting. He added that the Historical Society has offered two street names, Villa Park Lane and Rodgers Place; the resident has suggested Clover Lane.

He finally reported that the water line tie-ins will begin next week and will be completed by the middle March. He added that there has not been any issues with the contracts, they are doing a fine job.

Business Items Under Consideration

Clean Ocean Action – Annual Beach Sweeps – April 30, 2016 & October 22, 2016 – Mr. Erbe offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

<u>Event Application – Operation Beachhead – June 18, 2016 & July 30, 2016</u> – Mr. Erbe offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

<u>Event Application – SCAD Research Walk – April 30, 2016</u> – Mr. Erbe offered a motion to deny the request, seconded by Mrs. Venables. All in favor. None opposed.

Ordinance for Introduction - None

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2016-002 entitled, AN ORDINANCE OF THE BOROUGH OF SPRING LAKE AMENDING AND SUPPLEMENTING SECTION 225-8 ENTITLED "ZONING DISTRICTS" AND CREATING SECTION 225-14.2 ENTITLED "MIXED USE AFFORDABLE HOUSING CONTRIBUTION ZONE", by title.

Mr. Erbe offered a motion to open the public hearing of Ordinance No. 2015-009, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Michael Burke, 309 Jersey Avenue congratulates council on job well done. Mr. Burke stated that he is aware that the Borough is in litigation with COAH regarding the number of units required. He added that he read a comment in the NJ Planner magazine that all of the towns are going to have higher numbers of units required, it is not going to get better it will only get worse. He feels that he disagrees with what the Borough is doing and that he believes that it is spot zoning. Mr. Burke stated that the amount of money that will be received from this agreement will not even buy a piece of property in Spring Lake, let alone build a structure. Mr. Burke then suggested increasing the fee or has the COAH unit be built in the new building. He is concerned about the storm water management at the site since there is a lot of building coverage.

Andrew Bayer, Affordable Housing Attorney for the Borough explained that Spring Lake is currently before the court pursuant to the NJ Supreme Court's decision last year that municipalities like Spring Lake had to file declaratory judgment actions before the court; which has been done on Spring Lake' behalf. Since Spring Lake has shown good faith in meeting the obligation, the court has found that the Borough is temporary immune from builders remedy litigation. Mr. Bayer explained that the property owner with respect to the ordinance in questions did threaten to sue, the Borough then engaged in extensive negations. He added that this is what led to the draft ordinance. Mr. Bayer explained that the \$150,000 was based on a Monmouth County in lieu of fee.

John Maczuga, Affordable Housing Planner explained that this is not a developer's fee it is a payment in lieu of COAH units. He added that this is not spot zoning, it is a settlement agreement. Mr. Maczuga added that a storm water management plan is still subject to approval from the Borough Engineer.

Michael Mattia, 313 Jersey Avenue questioned how long the judgment of repose would be good for. Mr. Bayer answered ten years. Mr. Mattia then asked what would happen if the Borough was not granted the judgment Mr. Maczuga explained that a plan would have to be developed; a vacant land adjustment which is an assessment of the Borough ability to meet the obligation.

Mr. Mattia is concerned that his property may get flooded if there is not an adequate storm water management plan. Mr. Maczuga stated that the plan will still have to have site plan approval and will have to meet the standards of the Borough.

Helen Motzenbecker, 4 Glenwood Place stated she is delighted to be a participant in Spring Lake's good faith attempt to comply with the NJ Supreme Courts Mandate to offer an opportunity for affordable house in the Borough. She added that she will pay \$150,000 toward the housing fund. She believes that this will help energize the down town.

Mr. Erbe offered a motion to close the Public Hearing on Ordinance No. 2016-002, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2016-002, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost ABSTAIN: NONE

Consent Agenda

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

R-16-036 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#3-2016 - SISTERS OF CHARITY OF SAINT ELIZABETH -OFF PREMISE DRAW RAFFLE

WHEREAS, Sisters of Charity of Saint Elizabeth has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#3-2016, 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#3-2016 be and the same is hereby approved as follows:

NAME: Sisters of Charity of Saint Elizabeth

P.O. Box 476, Convent Station, NJ Identification No.: 322-2-1324 The Spring Lake Bath & Tennis Club

1 Jersey Avenue, Spring Lake, NJ

DATE: June 7, 2016 2:00 PM

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

LOCATION:

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

R-16-037 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#4-2016— JAMES F. ACKERMAN FEDERATION INC. ON-PREMISE DRAW RAFFLE

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#4-2016, 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#4-2016 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: The Essex & Sussex

700 Ocean Avenues, Spring Lake, NJ

DATE: June 8, 2016 11:00 AM - 3:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-038 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#5-2016 — 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#5-2016, 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#5-2016 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: The Essex & Sussex

700 Ocean Avenue, Spring Lake, NJ

DATE: June 8, 2016 11:00 AM - 3:00 PM

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-039 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#6-2016 - THE WOMAN'S CLUB OF SPRING LAKE -ON PREMISE 50/50

WHEREAS, The Woman's Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#6-2016, 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#6-2016 be and the same is hereby approved as follows:

NAME: The Woman's Club of Spring Lake

PO Box 328, Spring Lake, NJ 07762 Identification No.: 475-8-32847

LOCATION: The Breaker's

DATE:

1507 Ocean Avenue, Spring Lake, NJ May 18, 2016 11:00 AM - 3:00 PM

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-040 - RESOLUTION - APPOINTING ANGELINA DOMENA DEPUTY MUNICIPAL REGISTRAR

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Angelina Domena be and hereby is appointed Deputy Municipal Registrar for the Borough of Spring Lake.

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-041 - RESOLUTION - APPOINTMENT OF FULL TIME ADMINISTRATIVE ASSISTANT - LINDSAY WALKER

BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Lindsay Walker be and hereby is appointed as full time administrative assistant for the Borough of Spring Lake effective immediately with an annual salary of \$35,000.

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-042 - RESOLUTION - APPOINTMENT OF PART-TIME DISPATCHERS

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed as part-time dispatchers by the Borough of Spring Lake at an hourly rate of \$15.00 per hour:

Marjorie Brahn Allison McCabe

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-043 RESOLUTION – RELEASING STREET OPENING BONDS 504 BRIGHTON AVENUE – BLOCK 101, LOT 24

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Robert Linnett for property located at 504 Brighton Avenue, Block 101, Lot 24, and

WHEREAS, a \$1,250.00 bond was posted for the property by each company 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 bonds in the amount of \$2,500.00 be and the same is hereby authorized for return.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost ABSTAIN: NONE

Resolutions

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

R-16-044 - RESOLUTION - AWARD OF CONTRACT #01-2016 OCEAN AVENUE CURB AND SIDEWALK IMPROVEMENTS

WHEREAS, on February 19, 2016 bids were received for the Ocean Avenue Curb and Sidewalk Improvements.

WHEREAS, seven (7) packages were picked up and five (5) bids were received, and

WHEREAS, Fernandes Construction, Inc. South River, N.J. submitted the lowest responsible bid for the Ocean Avenue Curb and Sidewalk Improvements at a total bid of \$371,900.00, and

WHEREAS, by letter dated February 22, 2016 from Peter Avakian, Borough Engineer, the award of this contract is recommended to Fernandes Construction, Inc., and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #01-2016 is hereby awarded to Fernandes Construction, Inc. for the Ocean Avenue Curb and Sidewalk Improvements at a cost not to exceed \$371,900.00.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: General Capitol Reserve for Road Improvements not to exceed \$371,900.00.

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

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

R-16-045 - RESOLUTION - APPROVAL OF BILLS - FEBRUARY 23, 2016

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 23, 2016, 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> </u>
615,233.47
55,000.00
161,643.65
6,858.31
75,766.47
994.00
1,235.00
19,792.14
119.07
\$936,642.11

ROLL CALL:

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

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

Council President Judge asked for clarification on resolution R-16-046. Mr. Dempsey introduced Rich Komissar from Tilson Technology on behalf of Verizon Wireless.

Rich Komissar, Tilson Technology on behalf of Verizon Wireless is seeking approval to place small network nodes on top of existing telephone poles in hot spot areas which will help capacity not coverage. He added that these nodes will be placed in areas where a lot of people congregate. He explained that it looks similar to a paint can and is visually unobtrusive. He added that each time they will request approval through obtaining zoning and construction permits; he is only requesting consent to operate in this matter.

Mr. Drasheff suggested holding this resolution until the next meeting so that the council will be able to obtain more information on possible locations and images on the nodes.

Council President Judge agreed; adding that the next meeting is March 8. Mrs. Zahorsky confirmed that date and will place Verizon Wireless on the next agenda.

R-16-046 RESOLUTION – AGREEMENT WITH VERIZON WIRELESS TO MAINTAIN POLES WITHIN THE PUBLIC RIGHT-OF-WAY

WHEREAS, New York SMSA Limited Partnership, d/b/a Verizon Wireless ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of –way in the Borough of Spring Lake; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY THAT:

- 1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Spring Lake, subject to the following:
 - a. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws requiring safety requirements related to the use of the public right-of-way.
 - b. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Spring Lake.
 - c. Such permission be and is hereby given upon the condition and provisions that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Spring Lake, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out to the act or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts omissions of the Borough of Spring Lake.
 - d. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Spring Lake as an additional insured.
 - e. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
 - f. Notwithstanding any provision contained herein, neither the Borough of Spring Lake nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
 - g. This instrument shall be adopted on behalf of the Borough of Spring Lake by the Borough

Council of the Borough of Spring Lake and attested to by the Borough of Spring Lake Clerk who shall affix the Borough of Spring Lake Seal thereto.

h. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

STATEMENT

This resolution authorizes Verizon Wireless to jointly use poles erected within the public right-of-way of the Borough of Spring Lake by parties that have the lawful right to maintain such poles.

Public Comments

Michael Mattia, 313 Jersey Avenue stated that he would not like to see more equipment clutter on the poles. Mr. Komissar explained that if there is something already on the pole Verizon would not be able to use that pole.

Barbara Siabitas, 901 Ocean Avenue asked if Verizon would be able to make a contribution to the town. Mr. Komissar answered that legally Verizon could not be charged for something like this; what can be charged would be off duty police for closing of the streets.

Dolores Cacace, 104 York Avenue asked what the percentage of competition the second pipe is. Mr. Avakian answered with in the next five to seven working days it will be fifty percent complete.

Executive Session

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

R-16-047 - 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: Affordable Housing Litigation and Spring Lake vs. Lake Como Planning Board 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. Drasheff, Mr. Erbe, Mr. Judge, Mr. Sagui, Mrs. Venables

NAYS: NONE ABSENT: Mr. Frost ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:05 P.M.

MEETING IS RECONVENED AT: 8:25 P.M.

Adjournment

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

ROLL CALL:

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

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

Time of Adjournment: 8: 25 PM

Respectfully submitted,

Duam, Tochany DINA M. ZAHORSKY

Borough Clerk

Approved at a meeting held on: May 10, 2016