

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 16, 2012**

24701

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 5:00 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. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Fay, Mr. Judge

ALSO PRESENT: Jane Gillespie, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Joseph Colao, Esq, Borough Attorney
Peter Avakian, Borough Engineer

Public Comments

A youth member of the public, Jessica, offered comments about the recently discussed bicycle ordinance requiring cyclists to walk their bikes in the business district of Third Avenue.

Mrs. Venables shared that she recently met the youth and they discussed the various considerations about the ordinance including the complaints from the senior members of the public who have had issues with some of the children who are not careful and polite when riding their bikes on the sidewalks on Third Avenue. Mrs. Venables further shared that although she understands that there are many children who are careful and polite, there is still a need to impose a standard of good behavior to ensure the safety of the pedestrians.

Mrs. Reilly added that children are not being singled out on this issue and that there are also adults that ride their bikes on the sidewalks. Mrs. Reilly also noted that this is also for the safety of the bike riders as well. Mr. Jordan stated that he agrees with Jessica in that he fears the ordinance will force children to ride their bike on the street which may result in a more dangerous situation.

Mr. Jordan stated that he'd like to see something a bit more flexible in terms of the hours and noted that enforcement and potential consequences are also a large consideration. Mr. Jordan offered that perhaps restricting bike riding on both the sidewalks and the street on Third Avenue during business hours and placing signage to that effect would help address the issue.

Mrs. Venables noted that the BID has placed several bike racks around town which allows a visitor to still ride their bike to town and lock it up at one of the racks. Mrs. Venables stated that 10:00 am to 4:00 pm or 5:00 pm are the most critical hours for restricting bikes on the sidewalks.

Rich Clayton, representing the Spring Lake Business Improvement District (BID), addressed Jessica noting that the BID is not singling out the youth members of our town. Mr. Clayton reflected on when he was a child growing up in Spring Lake and he was not allowed to ride his bicycle through town and voiced that although it is a different time there are still safety concerns. Mr. Clayton agreed that it's not just children but also adults and also expressed concern that the Borough and/or business owners may be subject to a lawsuit if something happens. Mr. Clayton also agreed that early morning and after 6:00 pm may be acceptable times for bikes to be on the sidewalks but stated that after three (3) years of discussion on the topic, something must be done. Mr. Drasheff asked Mr. Clayton that if an Ordinance was in place that limited cycling on the sidewalks from Monday through Saturday between the hours of 9:00 am and 6:00 pm would satisfy the members of the BID. Mr. Clayton stated that he believed that the BID wants some type of relief and that restricted hours may satisfy their needs.

Mayor Naughton invited other members of the public who arrived late to offer comments on the topic.

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Lyle Marlowe, 110 Pennsylvania Avenue, stated that his recollection was that there are only a few bike racks and that they are on the sidewalks and suggested that a larger area of racks off the sidewalks may be helpful. Mayor Naughton offered clarification that the Ordinance proposed simply asks that bicycles are not ridden on the sidewalks for three blocks on Third Avenue. Riders may ride right up to Jersey Avenue and then get off and walk their bike to the Pizzeria or 5 & 10, the Mayor stated. Mr. Jordan asked if there is a police officer posted in the business district during business hours. It was agreed that there was not. In response to the question of bike racks, Mr. Clayton stated that there are racks to accommodate 65 to 70 bicycles and that about a year ago there was a discussion to possibly use the corners of Morris and Third Avenues or behind the clock to accommodate additional bike racks, however, additional research would be needed to ensure compliance and safety. Mrs. Venables noted that the sidewalks are narrow and in some areas there are tables and chairs, benches, planters and other things that already make navigation of the sidewalks a challenge.

Harry Zarb, 2205 Third Avenue, stated that he is in favor of the use of signs and feels it would be as good as an Ordinance and may get better enforcement results. The Mayor noted that in order to post a sign, an Ordinance must be in place.

Helen Motzenbecker, 4 Glenwood Avenue, asked when the court date for the North Pavilion was. Mayor Naughton addressed.

Council Comments & Staff Reports

Mrs. Reilly reported that basketball sign-ups will be taken starting Wednesday and that there is a new recreation software program being used to accept on-line sign-ups. Mrs. Reilly thanked those involved in implementing the new software and expressed confidence that it will provide for a much smoother process than the previous system.

Borough Engineer's Report

Mr. Avakian reported that there is a Resolution on the agenda for the award of the contract for the Third Avenue improvements. Mr. Avakian stated that bids were received today that came in within the limits of the engineering estimates and that he is recommending awarding the base bid. Mayor Naughton asked if it was a contractor the Borough is familiar with. Mr. Avakian noted that although the Borough has not done work with this particular contractor in the past, he is confident that they are capable and competent. Mayor Naughton asked for clarification on the grant in comparison to the cost of the project noting her understanding is that the grant is \$200,000 from DOT and the construction costs would be \$287,000 resulting in a cost to the Borough of \$87,000. Mr. Avakian confirmed the numbers and noted that there is additional money available in the bond. The Mayor asked if there were additional monies available now, given that Third Avenue will already be under construction would it make sense to do the additional work now. Mr. Dempsey gave a summary of the cost allocations and suggested that the contract be awarded for the base bid in order to get the project moving and then at the next Mayor and Council meeting discuss and potentially award the alternates. Mr. Avakian agreed this was doable. Mr. Avakian concluded his remarks stating that they had been in contact with the DEP regarding the dredging permit and that the wetlands plan has been submitted showing that the dredging will not impact or encroach upon the wetlands area.

Business Items Under Consideration

Walk/Run/Race Application - Arthritis Foundation - Jingle Bell Walk - December 8, 2012 -
Mrs. Venables offered a motion to approve the application as listed in the request, seconded by Mrs. Reilly. Unanimously approved.

Brielle Fire Company - Annual Request to Use Beach Tractors - October 26th and 27, 2012 -
Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

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Walk/Run/Race Application - DQ Events - Triathlon for Autism - August 4, 2013 – Mrs. Venables offered a motion to approve the application as listed in the request, seconded by Mrs. Reilly. Unanimously approved.

Goodwill Fire Company No. 2 - Annual Halloween Parade and Costume Contest – Mrs. Venables offered a motion to approve the application as listed in the request, seconded by Mrs. Reilly. Unanimously approved.

Ordinances for Adoption

Borough Attorney Colao read Ordinance No. 2012-012 entitled: "AN ORDINANCE SUPPLEMENTING CHAPTER 120, BICYCLES, OF THE BOROUGH CODE (Bicycles & Related Devices on Third Avenue)" by title.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2010-012, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: None

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton asked for comments and thoughts from the Council Members and Public.

Mr. Drasheff stated that he'd like to implement the Ordinance and would be open to doing so with the modified hours as discussed earlier.

Mr. Clayton interjected that Sundays in the summer are quite busy and therefore it may be best to include Sunday restrictions as well. Mr. Clayton recommended a 9:00 am to 6:00 pm restriction seven (7) days a week and emphasized the importance of being consistent. Mayor Naughton asked if the Ordinance would need to be re-introduced if it's modified as suggested to include specific hours.

Municipal Clerk Gillespie offered the suggestion to amend and publish the public hearing to hear the amended Ordinance.

Mr. Drasheff recommended that the council consider Mr. Clayton's recommendation to use the hours of 9:00 am to 6:00 pm seven (7) days per week.

Mr. Jordan suggested that the hours may be excessive and reiterated his concern about safety in connection with kids riding their bikes on the street. Mr. Clayton noted that visitors and other towns are surprised cyclists are allowed on the sidewalks at any time.

Mrs. Venables offered a motion to amend the Ordinance to reflect bicycle riding restrictions during the hours of 10:00 am to 5:00 pm. seven (7) days per week throughout the entire year, seconded by Mr. Drasheff.

Mr. Jordan stated that he would like the council to also look at the idea of bike corrals to encourage parking the bikes in one location. Mr. Clayton stated that if such a thing were considered it may require taking up one or more parking place.

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Mrs. Venables offered a motion to close the public hearing, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a motion to amend the Ordinance to add a time limitation of 10:00 am to 5:00 pm, seconded by Mrs. Reilly.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

Ordinance as amended to be republished and a Public Hearing will be held on the Ordinance as amended as published at the convenience of the Borough Clerk.

Consent Agenda

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

**R-12-171- RESOLUTION – RELEASING STREET OPENING BOND
415 MONMOUTH AVENUE – BLOCK 36, LOT 9**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Theodore Brogowski for property located at 415 Monmouth Avenue, Block 36, Lot 9 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. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-12-172 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#22-2012 – 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#22-2012, 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.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#22-2012 be and the same is hereby approved as follows:

NAME: St. Catharine Church
215 Essex Avenue, Spring Lake, NJ 07762
Identification No.: 475-01-00372
LOCATION: St. Catharine Church
215 Essex Avenue, Spring Lake, NJ
DATE: Last Monday of Each Month from November 2012 to April 2013 10:30 A.M.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-12-173 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#23-2012 – UNITED METHODIST WOMEN ST. ANDREWS-ON PREMISE RAFFLE**

WHEREAS, United Methodist Women St. Andrews has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#23-2012, 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#23-2012 be and the same is hereby approved as follows:

NAME: United Methodist Women St. Andrews
West Lake Avenue, Spring Lake, NJ 07762
Identification No.: 475-3-31760
LOCATION: Wesley Hall
Mercer Avenue, Spring Lake, NJ
DATE: November 17, 2012 9:30 AM - 2:00 PM

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-12-174 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#24-2012 – THE HOLLY CLUB OF SEA GIRL – 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#24-2012, 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#24-2012 be and the same is hereby approved as follows:

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NAME: The Holy Club of Sea Girt
107 Trenton Blvd., Sea Girt, NJ 08750
Identification No.: 447-8-35275
LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Avenue, Spring Lake, NJ
DATE: October 25, 2012 11:00 AM – 2:00 PM

ROLL CALL:
AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly
NAYS: NONE
ABSENT: Mr. Fay, Mr. Judge
ABSTAIN: NONE

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

**R-12-175 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#25-2012 – THE HOLLY CLUB OF SEA GIRT - ON PREMISE 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#25-2012, 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#25-2012 be and the same is hereby approved as follows:

NAME: The Holly Club of Sea Girt
107 Trenton Blvd., Sea Girt, NJ
Identification No.: 447-8-35275
LOCATION: Spring Lake Bath & Tennis Club
107 Jersey Avenue, Spring Lake, NJ
DATE: October 25, 2012 11:00 AM - 2:00 PM

ROLL CALL:
AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly
NAYS: NONE
ABSENT: Mr. Fay, Mr. Judge
ABSTAIN: NONE

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

**R-12-176 - RESOLUTION – AWARD OF CONTRACT #07-2012
Improvements to Third Avenue - Manzo Maroba, Inc.**

WHEREAS, on October 16, 2012 bids were received for Improvements to Third Avenue, in the Borough of Spring Lake, in accordance with specifications prepared by Leon S. Avakian, Inc. Borough Engineer, and

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

WHEREAS, Manzo Maroba, Inc. submitted the lowest bid for the Improvements to Third Avenue in the amount of \$287,000.00.

WHEREAS, it is the recommendation of David J. Howarth, Project Manager of Leon S. Avakian, Inc., Borough Engineer that said contract be awarded to Manzo Maroba, Inc., 1208 Highway 34, Suite 21 Matawan, NJ, for the Improvements to Third Avenue, in the amount of \$287,000.00, subject to the approval of the New Jersey Department of Transportation Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #07-2012 be and the same is hereby awarded to Manzo Maroba, Inc., 1208 Highway 34, Suite 21 Matawan,

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NJ, for the Improvements to Third Avenue, in the amount of \$287,000.00, subject to the approval of the New Jersey Department of Transportation Commissioner.

CERTIFICATION AS TO AVAILABILITY OF FUNDS: I hereby certify that, as of October 16, 2012 the free and unencumbered balance in the appropriation account entitled NJ DOT 2012 Grant is \$200,000 and Capital Improvement Fund – Road Improvements \$170,000 and that there are adequate funds available for the proposed contract noted above.

/s/ Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-12-177 - RESOLUTION – RATIFYING EXECUTION OF LICENSE AGREEMENT
BETWEEN THE BOROUGH OF SPRING LAKE AND THE COUNTY OF MONMOUTH**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that it hereby ratifies the execution of the attached License Agreement by the Mayor and Borough Clerk between the Borough of Spring Lake and the County of Monmouth.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

**R-12-178 - RESOLUTION – AUTHORIZING THE EXECUTION OF A CLASS “A” RECYCLABLES
PURCHASE AND SALE AGREEMENT BETWEEN THE
BOROUGH OF SPRING LAKE AND ATLANTIC COAST FIBERS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby authorized to execute a Class “A” Recyclables Purchase and Sale Agreement between the Borough of Spring Lake and Atlantic Coast Fibers, a copy of which is annexed hereto and made a part hereof as if set forth at length herein.

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

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

R-12-179 - RESOLUTION – APPROVAL OF BILLS – OCTOBER 16, 2012

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 16, 2012, 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)	479,729.05
GENERAL CAPITAL (4)	4,630.00
WATER/SEWER OPERATING (9)	13,276.53
DOG TRUST (13)	4.80
MARRIAGE TRUST (19)	300.00
RECREATION (25)	5,335.91
BEACH OPERATING (81)	21,326.18
POOL OPERATING (91)	21,166.41
TOTAL	\$545,768.88

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

Public Comments

Helen Motzenbecker, 4 Glenwood Avenue, asked if the Judge rules in Spring Lake's favor in connection with the North End Pavilion project, when would work begin. Mr. Dempsey stated that work would begin immediately.

Joe Desiderio, 25 Tuttle Avenue, expressed the importance of enforcement once an ordinance is put in place.

Adjournment

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

ROLL CALL:

AYES: Mr. Drasheff, Mrs. Venables, Mr. Jordan, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Judge

ABSTAIN: NONE

Time of Adjournment: 5:45 P.M.

Respectfully submitted,


JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: December 4, 2012