

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 9, 2013**

Mayor Naughton called the Regular 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. Drasheff, Mr. Judge, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Fay, Mr. Jordan

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

Workshop Discussion

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of December 4, 2012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the minutes of December 18, 2012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the minutes of January 4, 2013, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Public Comments

Harry Zarb, 2205 Third Avenue, Mary Harz, 10 Pitney Avenue and Joan McCarn, 2316 Third Avenue thanked Councilman Drasheff for meeting with them and discussing the possibility of having a section on the northern end of the beach designated as an area residents are able to take their dogs.

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Eleanor Twomey, 108 Vroom Avenue, commented on dog owners cleaning up after their dogs. She then commented on the children not wearing bicycle helmets and it not being enforced. Jessica Ressa, 400 Shore Road, was glad to see the flood ordinance being on for introduction. She asked for the Council to consider raising the height and allow the homeowner to decide what height they want to raise their home. They would like to raise their home as high as possible. They have now experienced a fire, two floods and just want to raise their home and live there with a piece of mind. She noted also that she does not want to see anything hold this ordinance up. She advised that they are also concerned with increased insurance rates. She stated that they are waiting for the amendment to proceed with the repair of their home.

Harry Zarb, 2205 Third Avenue, was thankful for all the work being done to get the beach facilities up and running. He also advised that there were several street lights still out in town. Mr. Dempsey to follow up with JCP&L to get them fixed.

Gina Kennedy, 112 Passaic Avenue, questioned if any changes have been made to the beach access plan. She expressed her continued concern about the additional traffic that will be caused because of access changes. She is advised that at this point that is what will be completed for this season and that additional access will be available for the 2014 Season.

Council Comments & Staff Reports

Mayor Naughton reported that she attended the annual fishing contest sponsored by the American Legion and Shark River Surf Anglers. It was very well attended. She also attended the Annual Easter Egg Hunt sponsored by the Goodwill Fire Company. It was also well attended. She thanked these organizations for sponsoring these programs.

Mr. Drasheff reported that the Finance Committee has been meeting on the 2013 Municipal Budget. They are working very hard with our CFO and Borough Administrator to keep it at or my close to 2012 numbers.

Mrs. Venables reported that the Shade Tree Commission in conjunction with the BID is working hard with our consultant Melissa Ix on the Third Avenue Tree Improvement Project. They will be making a presentation to the Council at a future meeting.

Mr. Judge reported that the Beach Committee has been meeting weekly. Badge and locker sales have been going well with everything being done online.

Mr. Avakian reported that his office is continuing to work with Borough, the Army Corp of Engineers and Department of Environmental Protection on the Wr3eck Pond and dune issues along Ocean Avenue.

Mr. Colao advised that he had one item for Executive Session.

Mr. Dempsey explained the reason for the Change Order for the Third Avenue project and that it is needed to facilitate the prompt completion of portions of the project.

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Mrs. Venables offered a motion to approve a change order in the amount of \$5,700, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Mr. Dempsey spoke to the topic of the Lake Como outfall pipe. He explained that there have been several meetings with the officials from all three towns – Spring Lake – Lake Como and Belmar to repair this pipe which was damaged during the storm. He would like to obtain authorization to proceed should FEMA agree to pay a reimbursement of 75%. They are getting three quotes from reputable companies for the repair costs so that they can submit them to FEMA for their review.

Mrs. Venables offered a motion to authorize Mr. Dempsey to negotiate with FEMA for reimbursement of a portion of the costs for the Lake Como outfall pipe repairs, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Business Items Under Consideration

Event Application - Belmar Five Mile Run - July 13, 2013

Mrs. Venables offered a motion to approve the Belmar Five Mile Run, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2013-005 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 107, ANIMALS OF THE BOROUGH CODE" by title.

Discussion on the purpose of this Ordinance. Mayor and Borough Council advised that this was put on at the request of the Chief of Police. Discussion on the dates.

Mrs. Venables offered a motion to amend the Ordinance to change the dates to reflect that it would be from May 1st through October 15th, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

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Mrs. Venables offered a motion to introduce Ordinance No. 2013-005, seconded by Mrs. Reilly. Public Hearing to be at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Ordinance No. 2013-005 in full/Ordinance Book #1

Borough Attorney Colao read Ordinance No. 2013-008 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE" by title.

Mrs. Venables offered a motion to introduce Ordinance No. 2013-008, seconded by Mrs. Reilly. Public Hearing to be at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Ordinance No. 2013-005 in full/Ordinance Book #1

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2013-002 entitled, "AN ORDINANCE SUPPLEMENTING CHAPTER 186, FLOOD DAMAGE PREVENTION, OF THE BOROUGH CODE" by title.

Mayor Naughton explained that this Ordinance was introduced on February 26, 2013 and following the Public Hearing held on February 26, 2013 the Ordinance was amended to remove all references to the "+1" and because it was a sizeable amendment, new notifications were made with the Public Hearing being this evening. The Mayor and Council have since been advised that the "+1" must be included at a minimum.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2013-002, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Lisa Gerrity, 10 Brown Avenue, Chris Ressa, 400 Shore Road and Gina Kennedy, 112 Passaic Avenue spoke on the Ordinance. They questioned what the actual height would be and noted the fact that the ABFE's are just a draft and could change and perhaps would not be accurate to the area to prevent the homeowners being recipients of increased policy premiums. Mr. Ressa

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asked that the Council consider amending the Ordinance to put the additional "+1" at a minimum back in the Ordinance as the BFE's are just a draft and could change.

There being no additional comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-002, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE All in favor.

Following a lengthy discussion amongst the Mayor and Council and after seeking guidance on the process to further amend this Ordinance from the Borough Attorney, Mrs. Venables offered a motion to decline Ordinance No. 2013-002, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Borough Attorney Colao read Ordinance No. 2013-003 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE" by title.

The Mayor spoke to the various opinions both for and against this topic. She cited the Governor's Plan in support of adoption of the ABFE's. It seems clear that even if FEMA pulls back slightly, they will not go back to where they were before. It is the Governor's plan to make New Jersey coastal residents build stronger and it is incumbent upon the Borough to put a plan in place that will work for all of Spring Lake the ABFE's are just a draft and could change. They may not be enough to protect homeowners against the increased cost of flood insurance.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2013-003, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Matt Zahorsky, Zoning Officer, explained the Ordinance. It was his recommendation, based on his professional opinion and the applications he is seeing coming in his office from those who want to raise their homes that are located within the AE Flood Zone that the height restriction requirements be amended so that residents could rely on either the FIRM or the ABFE maps provided that the resulting building height did not exceed 42 feet on existing dwellings. This would allow an additional two (2) feet and would prevent property owners from raising their homes and creating a flat type roof so that they conform to the existing Ordinance. For new construction it would be two (2) feet above the base flood elevation using the FIRM or ABFE

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maps provided that the highest point of the roof is no more than 32 feet above the finished floor elevation. In addition, this amendment would give him and the Construction Official discretion with respect to stairs and landings so that they are in conformance with the Uniform Construction Code.

Chris Ressa and Jessica Ressa were concerned that this Ordinance would not help them as they would like to be a little higher and would like to go to the maximum to avoid any further flooding. This is their second flood. He is in the insurance business and has researched what the increased costs would be to them if the Ordinance was not amended to increase the height. He asked that the Borough consider making it three (3) feet.

Eugene Lavin, 316 Ocean Road, spoke in favor of the Ordinance. He stated that he and his wife would just like to move forward with the plans to raise their home and asked that the Council adopt this Ordinance so that they can proceed.

Lyle Marlowe, 110 Pennsylvania Avenue, felt that the adoption should be delayed until the ABFE Maps are adopted and felt that the height should be left to the homeowner.

Lisa Gerrity, 10 Brown Avenue, was also looking to proceed with her plans and was seeking resolution of this matter.

Mr. Judge offered a motion to amend the Ordinance to change the finished floor elevation from four (4) to three (3), seconded by Mrs. Venables.

After discussion on the motion, and upon the advice of the Borough Attorney, Joseph Colao, Mr. Judge and Mrs. Venables withdrew their motion.

There being no additional comments from the public, Mrs. Venables offered a motion to close the public hearing on Ordinance No. 2013-003, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a motion to adopt Ordinance No. 2013-003, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

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Borough Attorney Colao read Ordinance No. 2013-007 entitled, "AN ORDINANCE SUPPLEMENTING CHAPTER 186, FLOOD DAMAGE PREVENTION, OF THE BOROUGH CODE" by title.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2013-007, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

There being no comments from the public, Mrs. Venables offered a motion to close the public hearing on Ordinance No. 2013-007, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a motion to adopt Ordinance No. 2013-007, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

RESOLUTIONS

Consent Agenda

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

**R-13-064 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 14-2013 -
SPRING LAKE FIRE COM. #1, INC. - OFF PREMISE 50/50**

WHEREAS, Spring Lake Fire Co. #1, Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#14-2013, 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#14-2013 be and the same is hereby approved as follows:

NAME: Spring Lake Fire Co. #1, Inc.
1007 Fifth Avenue, Spring Lake, NJ
Identification No.: 475-9-25090
LOCATION: Spring Lake Fire Co. #1, Inc.
1007 Fifth Avenue, Spring Lake, NJ
DATE: November 30, 2013 8:00 PM

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

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

**R-13-065 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 15-2013
- PTA ST. CATHARINE'S SCHOOL - ON PREMISE RAFFLE**

WHEREAS, PTA St. Catharine's School has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#15-2013, 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#15-2013 be and the same is hereby approved as follows:

NAME: PTA St. Catharine's School
301 Second Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-7331
LOCATION: St. Catharine's School
301 Second Avenue, Spring Lake, NJ
DATE: May 10, 2013 8:00 AM - 2:30 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

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

R-13-066 - RESOLUTION - APPROVING OF BILLS - APRIL 9, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending April 9, 2013, 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>SUMMARY</u>	
CURRENT FUND (1)	337,423.21
WATER/SEWER OPERATING (9)	314,210.07
DOG TRUST (13)	9.00
MARRIAGE TRUST (19)	100.00
RECREATION (25)	686.71
BEACH OPERATING (81)	93,747.96
POOL OPERATING (91)	1,919.30
TOTAL	\$748,096.25

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Public Comments

Eleanor Twomey, 108 Vroom Avenue, questioned if there was any update on the tower. She is advised not at this time.

Harry Zarb, 2205 Third Avenue, questioned the status of the benches. He is advised that they are proceeding and that information should be forthcoming shortly to previous owners of benches who will be giving first option before going to the waiting list.

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

R-13-067 - 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: Lake Como/Behrman Park DEP Diversion.

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, Mrs. Venables, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 9:35 P.M.

MEETING IS RECONVENED: 10:29 P.M.

Adjournment

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

ROLL CALL:

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

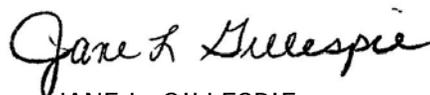
NAYS: NONE

ABSENT: Mr. Fay, Mr. Jordan

ABSTAIN: NONE

Time of Adjournment: 10:29 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: December 17, 2013