

25433

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

Mayor Naughton 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. 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. Erbe, Mr. Frost, Mr. Sagui, Mrs. Venables (arrived 7:02 pm), Mayor Naughton

ABSENT: Mr. Judge

ALSO PRESENT: Dina M. Zahorsky, Borough Clerk  
W. Bryan Dempsey, Borough Administrator  
Joseph Colao, Esq, Borough Attorney  
Peter Avakian, Borough Engineer

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**Workshop Discussion-** None

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**Approval of Minutes**

Mr. Frost offered a motion to approve the minutes of July 26, 2016 seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: Mr. Erbe

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**Proclamations, Presentations, & Special Guests-** None

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**Public Comments**

Lyle Marlowe, 110 Pennsylvania Avenue stated that last Wednesday there was a Wreck Pond Regional Storm Water Management meeting which discussed the living shore line with the residents within two hundred feet. It was asked if that meeting could be opened to other members who were interested. Many others are interested in what the living shore line will look like. Mayor Naughton stated she does not see any objections to the public coming to the meeting. The living shore line pilot project has been proposed for a section of Shore Road and residents living in that area have stated some concerns about the height and invasiveness of some of the plantings.

Mr. Avakian also does not see any issues with the public attending the meeting; the meeting took the form it did because the program is a pilot specific to Shore Road and the residents who are directly affected. He agrees with Mr. Marlowe that everyone who will be impacted should have a stake in it and should know about the project before it is design.

Mr. Drasheff requested a meeting with the committee members first then a public meeting to go over the project. Mr. Avakian agreed.

Mr. Marlowe asked if there is a commitment to build the living shore line around the entire pond or just the nine hundred feet. Mayor Naughton answered that right it is only the nine hundred feet.

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

Mr. Avakian added that there were three specific areas in Spring Lake that were presented with the flood hazard grant application including Second Avenue, Ocean Road, and Shore Road; the three totaled about three thousand feet.

Mr. Marlowe asked if there is a commitment to have Shore Road and Brown Avenue done. Mr. Avakian that the Shore Road project is a separate grant, unfortunately has many different organizations involved such as NOAA, DEP, and Army Corporation. The rest of the project is the Borough's project. Mr. Marlowe is disappointed that a berm is not being constructed and just the living shore line. Mr. Avakian explained that was a concept before the outfall pipe was put in place and there was no flood control; the outfall pipe take fifty percent of the volume of the one hundred year flood and mitigates it into the ocean.

Mayor Naughton added that the living shore line does not impact flooding; water quality is equally important based on past council members and residents.

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**Council Comments & Staff Reports:**

Mr. Drasheff reported that work on the second outfall pipe will resume on or around September 8<sup>th</sup> with the projected completion around the middle of November; there is approximately one hundred and seventy feet left.

Mr. Drasheff asked Mr. Dempsey to take a look at 41 Ludlow Avenue it is still under construction and has been for over two years; it looks like construction is completely shut down and the property a mess. Mr. Dempsey answered that he would have someone look into it.

Mr. Erbe reported that the bridge project is progressing well and looking great.

Mr. Frost reported that the cleanup of the lake is well underway. Mr. Dempsey added that they have cleaned out thirty dumpster loads (about three hundred and ten cubic yards) so far from the bridge to the western end of the lake. Mr. Frost stated that they will be moving up around the flag pole next week and clean out that section, then clean out the end of the lake. Mr. Dempsey stated that it has not been cleaned out in twenty five years.

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**Borough Engineer's Report**

Mr. Avakian reported that the remobilization of the work crew for Wreck Pond outfall pipe will begin September 8<sup>th</sup>; sections of the box culvert are at the public works yard. They contractor will then build the coffer dam and the sub structure which is the timber structure that the pipe sits on.

Mr. Avakian then reported that there is no change in the transportation trust fund. He added that the Third Avenue plans are complete however no one is reviewing plans at this time.

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**Borough Attorney's Report**

Mr. Colao had one item for closed session.

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**Borough Administrator's Report**

Mr. Dempsey reported that the Italian Festival is hoping for October 1<sup>st</sup> and would like to have it between 12-8 pm; they would like to have a beer and wine garden and a thirty by sixty foot tent on Morris Avenue, in the case of rain. He added that last year they had beer and wine and there were no issues; the Chief of Police is fine with this as well. The council members have no objections.

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

Mr. Dempsey then reported that there was a case of West Nile in town. He added that testing of mosquitoes was done after the first spraying and found some mosquitoes that tested positive. They will be spraying again, Thursday, August 25<sup>th</sup> between 4 a.m. and 6 a.m., in the same location as before, Washington Avenue from First Avenue to the railroad tracks and Warren Avenue and back to First Avenue. He added that there are no more reported cases of West Nile, just the positive test results of the mosquitos.

Mr. Dempsey further reported that the infrared repairs on our water and sewer trenches have started; it few weeks. Also, the gas company will be coming in the first or second week of September to do their paving work.

Mr. Dempsey reported on a zoning issue; a homeowner has a non-conforming house on a conforming lot. The resident would like to finish the basement and cannot be done based on the borough ordinances; her house is set in the setback with an existing basement with laundry room. Since the house is located within the setback the ordinance will not allow the resident to finish the basement off without a variance or change in the ordinance. He added the resident would like to install some carpet and sheetrock the walls.

Mrs. Venables asked if there was the purpose for not allowing this. Mr. Sagui answered that it would be increasing the intensity of the use in the non-conforming area; he thinks that it seems unreasonable that the resident can not finish her basement since there is no other impact. Mr. Sagui feels the ordinance should be changed.

Mayor Naughton agreed and asked Mr. Sagui to discuss this with the planning board to ensure that if the ordinance was changed that there are no other unintended consequences.

Mr. Dempsey reported that the paddle tennis courts should be completed and operational by September 15<sup>th</sup>. He added that the landscaping and stairs need to be put in.

Mr. Frost added that he would like to see the landscaping and irrigation in before the courts open because of the neighbors. Mr. Dempsey explained that the landscaping will be contracted out.

Mr. Dempsey finally reported that the borough is having issues with cell service up at the beach and for the police. He added that one idea would be to place another antenna to the water tower on Monmouth Avenue; there are currently two carriers there. He explained that another idea for the beach front would be to add antennas on the north and south end pavilions.

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**Business Items Under Consideration**

**Event Application – St. Rose High School- October 5, 2016** – Mrs. Venables offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

**Request to hold Manasquan High School Surf Team- Newark Ave Beaches** – Mrs. Venables offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

**Request to hold NSSA Northeast Championships- October 21, 2016** - Mrs. Venables offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

**Request to hold Wall High School Surf Team- Remsen Ave Beaches** - Mrs. Venables offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

**Request to hold Wahine Bikini Classic 2016- October 1 & 2, 2016** - Donna Fortney, Eighth Avenue, Spring Lake Heights explained that the Wahine Bikini if a surf contest for girls of all ages from age eleven and up. The proceeds would benefit local charities such as the Ashley Lauren Foundation. She explained that there are will be approximately forty to forty eight competitors.

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

Mr. Erbe asked where Ms. Fortney would like to host the event. Ms. Fortney answered at the north end pavilion. He then asked if there will be lifeguard on staff. Ms. Fortney answered that there is a lifeguard on staff for the team.

Mayor Naughton asked if the event had insurance. Ms. Fortney answered yes through the school; it will be a school event.

Mr. Erbe asked if the high school is comfortable with non-students in the event. Ms. Fortney answered yes.

Mrs. Venables offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

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**Ordinance for Introduction** - None

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**Ordinance for Adoption** - None

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**Consent Agenda**

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

**R-16- 135- RESOLUTION – 2015 AUDIT REPORT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52: 27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

and,

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52: 27BB-52 to wit:

R.S. 52: 27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a

**25437**

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Spring Lake, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

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

**R-16-145- RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – MICHAEL ALBERQUE**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Michael Alberque to become a volunteer firefighter with Spring Lake Fire Company #1 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

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

**R-16-146 - RESOLUTION – RELEASING STREET OPENING BOND  
215 LUDLOW AVENUE – BLOCK 111, LOT 8**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Abatare Builders for property located at 215 Ludlow Avenue, Block 111, Lot 8 and

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

WHEREAS, the Zoning Officer 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, Mr. Erbe, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

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

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

**R-16-147- RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION  
RA#24-2016 – ST. CATHARINE’S SCHOOL PTA -  
ON PREMISE 50/50**

WHEREAS, St. Catharine’s School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#24-2016, 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#24-2016 be and the same is hereby approved as follows:

- NAME: St. Catharine’s School PTA**  
**301 Second Avenue, Spring Lake, NJ 07762**  
**Identification No.: 475-5-7331**
- LOCATION: St Catharine School**  
**301 Second Avenue, Spring Lake, NJ**
- DATE: September 21, 2016 7:00 PM - 9:00 PM**

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

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

**R-16-148- RESOLUTION – APPOINTMENT OF PART-TIME INSPECTOR FOR THE  
CONSTRUCTION DEPARTMENT**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake the following Inspectors be and are hereby added on an as needed basis:

Glen Purves \$25.00 per hour

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

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

**R-16-149- RESOLUTION – APPOINTING AN ADDITIONAL  
BEACH EMPLOYEE FOR THE 2016 SEASON**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the following individual be appointed a Beach Employee for the 2016 Season:

**BADGE SELLER**  
Sabaitis, Catharine \$10.25

ROLL CALL:

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

NAYS: NONE

25439

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

ABSENT: Mr. Judge  
ABSTAIN: NONE

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**Resolutions**

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

**R-16-150- RESOLUTION – APPROVAL OF BILLS – AUGUST 23, 2016**

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

**SUMMARY**

<b>CURRENT FUND (1)</b>	<b>689,829.81</b>
<b>WATER/SEWER OPERATING (9)</b>	<b>9,401.11</b>
<b>OTHER TRUSTS (12)</b>	<b>975.58</b>
<b>DOG TRUST (13)</b>	<b>918.40</b>
<b>SPRING LAKE TRUST (15)</b>	<b>3,750.00</b>
<b>MT LAUREL TRUST (16)</b>	<b>295.00</b>
<b>RECREATION (25)</b>	<b>11,359.77</b>
<b>JUNIOR GUARDS TRUST (26)</b>	<b>40.00</b>
<b>BEACH OPERATING (81)</b>	<b>35,325.09</b>
<b>POOL OPERATING (91)</b>	<b>4,144.19</b>
<b>TOTAL</b>	<b>\$756,038.95</b>

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: Mr. Erbe

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**Public Comments** – None

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**Executive Session**

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

**R-16-151- 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: Spring Lake vs. Lake Como Planning Board.

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. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:40 P.M.

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
AUGUST 23, 2016**

MEETING IS RECONVENED AT: 7:55 P.M.

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**Adjournment**

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

ROLL CALL:

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

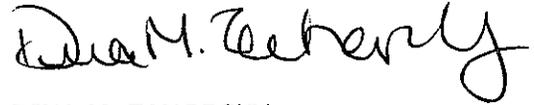
NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

Time of Adjournment: 7:55 PM

Respectfully submitted,



DINA M. ZAHORSKY  
Borough Clerk

Approved at a meeting held: September 27, 2016