

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 13, 2016**

component of the living shore line is to protect Spring Lake, the borough started the project. He feels that there has to be an aesthetic component to this as well as a flood control component. Mr. Suozzi thinks that the county can be helpful with water retention upstream. Mayor Naughton agreed that is the ideal solution.

Mr. Judge is concerned about the berm idea, anytime water is redirected into the neighboring municipalities or our own it opens up the Borough for liability. He explained that the Borough is not going to create a flooding issue for neighboring communities. Mr. Suozzi stated that there should be a plan to safe guard everyone.

Mr. Avakian suggested a meeting to discuss the impacts of a berm on the neighboring municipalities and on our properties as well.

Elsie Dubac, 415 St. Clair Avenue asked if the Borough is able to bill Wall Township for the excess water coming into town. Mr. Avakian answered that it is State open waters not Wall Townships' water.

Anne Butler, 411 Ludlow Avenue that there does seem to be a communication problem here; if people are going to meetings and are expecting a berm to be build and now there is a big discussion about it. She asked where these people are getting their ideas from. Mr. Dempsey explained that in the grant application there were a couple of components: dredging, living shore line, new pipe, and a berm. He added that the berm's design is based on different people opinions and is not finally designed.

Harry Zarb, 2105 Third Avenue asked about the street lighting on Fifth Avenue north of Jersey Avenue. There was a light there and it is no longer there and very dark. He explained that a resident fell and broke her wrist. Mayor Naughton explained that she will take a look at the area.

Executive Session - None

Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff, Mr. Erbe

ABSTAIN: NONE

Time of Adjournment: 8:38 PM

Respectfully submitted,


DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held: October 11, 2016

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**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 27, 2016**

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. Erbe (via telephone), Mr. Judge, Mr. Sagui, Mayor Naughton

ABSENT: Mr. Frost, Mrs. Venables

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

Workshop Discussion - None

Public Comments -

Lyle Marlowe, 110 Pennsylvania Avenue suggested changing the water rates in the Borough; perhaps lowering the rates would prevent residents from installing wells. And when the residents build wells, Mr. Marlowe continued they are taking water from the town. Mayor Naughton explained that the Borough has put a lot of thought into how the water is priced; the water utility does not make a profit and is self liquidating utility.

Mr. Marlowe then inquired about FEMA not allowing residents to protest flood maps, residents have to go through the municipality first. He also asked if the town has done anything about the maps. Mr. Avakian explained that in order to dispute the FEMA flood maps, the Borough would need to do extensive research and a map amendment would have to be signed by the Borough on a homeowner's behalf. He added that even if the topography of the Borough changes and an area that was once flood prone area no longer floods, FEMA would not change the map.

Mary Merkler, 210 Lorraine Avenue stated that her street is a disaster and needs to be paved; there is a lot of dirt and debris. Mr. Dempsey explained that the paving of Lorraine Avenue is part of the water and sewer project. He added that realistically it will probably be paved within the next year or two. Mayor Naughton explained a major section of the water and sewer project is on Lorraine Avenue and the Borough does not want to mill and pave the road without addressing the water and sewer issues first. Mr. Avakian will meet Monday with the streets and roads committee to see where Lorraine Avenue stands.

Proclamations, Presentations, & Special Guests - None

Approval of Minutes

Mr. Drasheff offered a motion to approve the minutes of August 23, 2016 seconded by Mr. Sagui.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Sagui

NAYS: NONE

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ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: Mr. Judge

Council Comments & Staff Reports:

Mr. Drasheff asked if the the power company took care of the street lights along Ocean Avenue just south of the Essex and Sussex. Mr. Dempsey answered that the power company was out there however he is unsure whether the lights were fixed or not. He will find out.

He then asked about the traffic study that was recently completed. Mr. Dempsey answered that he will be meeting with the traffic engineer, police chief, and public works. He explained that once the report is finished it till be presented to the council about the report's findings.

Mr. Judge asked about the line along Ocean Avenue. Mr. Dempsey answered that he will call the county and find out the status of the approval.

Mr. Erbe reported that the milling and paving of the roads by the gas company looks good.

Borough Engineer's Report

Mr. Avakian reported that the Wreck Pond outfall project is progressing; the contractor will be building a dam first along the one hundred and forty foot pipe and then will start installing the box culvert. He added that the work will be completed by December 1st at the latest.

Mr. Avakian then reported that the streets and roads committee will meet Monday; since there is a freeze on the trust fund projects the town wants to be ready by the spring to make road repairs.

Borough Attorney's Report- None

Borough Administrator's Report

Mr. Dempsey reported that paddle tennis courts are open however they are still being worked on. He explained that the skirting underneath, lights, landscaping, irrigation, and the gas piping is being worked on. Mr. Dempsey added the grand opening is scheduled for October 29th.

Mr. Dempsey the reported that the concession stands at the north and south pavilions are up for renewal, there is an option in their contract to extend an extra two years with a five percent increase. He added that there have been no complaints about either of the pavilions so he does not see any reason why the borough would not extend the contracts. The only complaints were about pier beach which will go out to bid in the beginning of the year.

Mr. Dempsey then reported that the dredging of Wreck Pond will begin the second week of October; the county will be completing this project.

Mr. Dempsey reported that at the last meeting it was discussed to pave a section of Third Avenue; he contacted a person at DOT (Department of Transportation) about the section of Third Avenue that was discussed last meeting and he was told off the record to proceed at your own risk with the project. The borough is going to have to wait until at least the spring for the project until funds are unfrozen. Mr. Avakian agreed.

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Mayor Naughton stated that money for that road is in the 2016 budget so maybe repairs can be done this year on a road that is in need. Mr. Avakian explained that will be discussed at the streets and roads committee meeting.

Mr. Dempsey reported that the pools will be closed this weekend at the north and south end pavilions at 6 p.m. Sunday; please remove items from your locker or beach box.

Mr. Dempsey finally reported that at the Mount Laurel house on Warren Avenue a sprinkler system, sod, and new landscaping will be placed there.

Business Items Under Consideration -

Brielle Fire Company- Use of DPW Tractor for Haunted Hayride Oct. 28 & 29, 2016 –

Mr. Judge offered a motion to approve the request, seconded by Mr. Drasheff. All in favor. None opposed.

HW Mountz Kitchen Tour- Use of Marucci Park parking lot- Oct. 22, 2016 –

Mr. Judge offered a motion to approve the request, seconded by Mr. Drasheff. All in favor. None opposed.

Ordinance for Introduction –

Borough Attorney Colao read Ordinance No. 2016-007, "AN ORDINANCE AMENDING CHAPTER 225, LAND DEVELOPMENT, SECTION 20 (A) OF THE BOROUGH CODE", by title.

WHEREAS, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

WHEREAS, the following sections of Chapter 225 are amended with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline**;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

§ 225-20. Nonconforming lots, structures, and uses.

A. Lots and structures

(2) On any nonconforming lot, or for any nonconforming building or structure on a conforming lot, a zoning permit may be granted to allow for additions to the principal structure or for the construction of an accessory building, provided that all of the following criteria are met:

- (a) The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question;
- (b) The addition or enlargement is conforming; and
- (c) The resulting building or structure does not create any new zoning violations.
- (d) Any renovation does not include conversion of an existing unfinished attic, basement or porch space that encroaches in any required yard into habitable floor area.

This Ordinance shall take effect upon its passage and publication as required by law.

Mr. Judge offered the following Ordinance and moved its introduction, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: NONE

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Mayor Naughton stated the ordinance will be heard for adoption on October 25, 2016.

Ordinance for Adoption - None

Consent Agenda

Resolution R-16-164 was removed from the consent agenda.

Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

R-16-165- RESOLUTION – ESTABLISHING HALLOWEEN CURFEW

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a curfew will be in effect for all persons under the age of eighteen (18) between the hours of 9:00 P.M. and 6:00 A.M. on October 29, 30 & 31 and November 1 and concluding 6:00 A.M. on November 2, 2016.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the two elementary schools in town and the secondary schools in neighboring communities where resident children may be enrolled.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: NONE

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

**R-16-166- RESOLUTION - A RESOLUTION TO AFFIRM THE BOROUGH OF SPRING LAKE'S
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES,
PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF
THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND
VOLUNTEERS**

WHEREAS, it is the policy of the Borough of Spring Lake to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the governing body of the Borough of Spring Lake has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Mayor and the Borough Council that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in

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any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and the Borough Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and the Borough Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor and the Borough Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and the Borough Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: NONE

Resolutions

Mr. Drasheff offered the following Resolution and moved its adoption, seconded Mr. Sagui.

**R-16-164- RESOLUTION – RELEASING STREET OPENING BOND
319 ATLANTIC AVENUE – BLOCK 28, LOT 9**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Walter Judge for property located at 319 Atlantic Avenue, Block 28, 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 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

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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. Drasheff, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: Mr. Judge

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

**R-16-167- RESOLUTION - A RESOLUTION OF THE BOROUGH OF
SPRING LAKE AMENDING THE BOROUGH'S PERSONNEL POLICIES AND
PROCEDURES MANUAL IN COMPLIANCE WITH THE NEW JERSEY MEL'S 2017-2018
EMPLOYMENT PRACTICES RISK CONTROL PROGRAM**

WHEREAS, the New Jersey Municipal Excess Liability Joint Insurance Fund ("MEL") has established an employment practices risk control program ("incentive program") for its member municipalities; and

WHEREAS, the incentive program requires member municipalities to adopt the MEL's model employment practices risk control program in order to be eligible for premium and deductible incentives; and

WHEREAS, in order to be eligible for the MEL's premium and deductible incentives, the Borough of Madison must adopt all of the required policies contained in the MEL's Model Personnel Policies and Procedures Manual; and

WHEREAS, the Borough Council has determined to adopt all of the MEL's required policies and to include same in the Borough of Spring Lake Personnel Policies and Procedures Manual; and

WHEREAS, many of the Borough's Personnel Policies and Procedures already comply with the MEL's requirements and, as such, only certain policies must be updated.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that the Personnel Policies and Procedures Manual be updated and are hereby adopted, as of September 27, 2016, to comply with the MEL's Model Personnel Policies and Procedures.

NOW THEREFORE BE IT FURTHER RESOLVED by the Borough Council that the updated Personnel Policies and Procedures Manual containing all of the changes adopted above is incorporated into this Resolution by reference and made a part hereof;

NOW THEREFORE BE IT FURTHER RESOLVED by the Borough Council that the updated Personnel Policies and Procedures Manual will be distributed to all Borough employees and that a copy of same will be kept on file in the Borough Clerk's office.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: NONE

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

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**R-16-168- RESOLUTION - A RESOLUTION OF THE BOROUGH OF SPRING LAKE
ADOPTING THE BOROUGH’S EMPLOYEE HANDBOOK IN COMPLIANCE WITH THE
NEW JERSEY MEL’S 2017-2018 EMPLOYMENT PRACTICES RISK CONTROL PROGRAM**

WHEREAS, the New Jersey Municipal Excess Liability Joint Insurance Fund (“MEL”) has established an employment practices risk control program (“incentive program”) for its member municipalities; and

WHEREAS, the incentive program requires member municipalities to adopt the MEL’s model employment practices risk control program in order to be eligible for premium and deductible incentives; and

WHEREAS, in order to be eligible for the MEL’s premium and deductible incentives, the Borough of Spring Lake must adopt all of the required policies contained in the MEL’s Model Employee Handbook; and

WHEREAS, the Borough Council has determined to adopt all of the MEL’s required policies and to include same in the Borough of Spring Lake Employee Handbook; and

WHEREAS, the Borough Council has also determined to include additional policies in the Employee Handbook.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that the Employee Handbook be hereby adopted, as of September 27, 2016, to comply with the MEL’s Model Employee Handbook.

NOW, THEREFORE BE IT FURTHER RESOLVED by the Borough Council that, the Employee Handbook adopted above is incorporated into this Resolution by reference and made a part hereof;

NOW, THEREFORE BE IT FURTHER RESOLVED by the Borough Council that the Employee Handbook will be distributed to all Borough employees and that a copy of same will be kept on file in the Borough Clerk’s office.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: NONE

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

R-16-169-RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 27, 2016

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 26, 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>SUMMARY</u>	
CURRENT FUND (1)	621,990.40
GRANT FUND (2)	464.47
WATER/SEWER CAPITAL (8)	3,864.78
WATER/SEWER OPERATING (9)	274,091.62
OTHER TRUSTS (12)	668.47
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	13,255.00
MT LAUREL TRUST (16)	1,425.00

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RECREATION (25)	2,378.34
BEACH OPERATING (81)	7,200.94
POOL OPERATING (91)	1,158.67
TOTAL	\$927,407.69

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: Mr. Erbe

Public Comments –

Frank Suozzi, 112 Brown Avenue stated that perhaps not all of the residents in the Wreck Pond homeowners association are in favor of the berm. He added that there may be some residents on Ocean Road that oppose the berm. Mr. Suozzi explained that Mr. Lally is here tonight who is a long time resident of Ocean Road and one of the founding members of the Wreck Pond Homeowners Association.

Gerald Lally, 304 Ocean Road explained that he is in favor of the berm; the view from a property is not as important as flood protection. Mayor Naughton thanked Mr. Lally and agreed with him.

Mayor Naughton explained that there is currently a pilot project for a living shore line which raises the berm in three areas. After the last meeting Mayor Naughton asked Mr. Avakian to look at the feasibility of a berm and the height. Mayor Naughton added that Mr. Avakian will be putting together a report and will discuss it with the council at a public meeting.

Mr. Suozzi asked why the berm cannot be put in before the living shore line. Mr. Avakian explained that the borough is working with DEP, the Army Corp of Engineers, NOAA, American Littoral Society and all of these groups are part and parcel for the approval. All of these entities are giving the Borough direction on how to move forward and the berm and living shore line are matched together in the flood hazard grant.

Lyle Marlowe, 110 Pennsylvania Avenue stated that it was never implied that the living shore line had to be finished before the berm was put in place; how long do the residents have to wait, the berm is for flood protection.

Peter Avakian explained that the berm is part of the living shore line project. The municipality has not committed to shore or berm line improvements anywhere else in Wreck Pond, outside the limits of Spring Lake, with the exception of possibly Shore Road in Spring Lake Heights and 5th Avenue in Sea Girt. This project has been approved by DEP to this point. We are moving forward but with so many departments involved, we all have to work together. The town would need a permit to put in a berm. The living shore line and the berm are all part of the same project. There are three major components in the grant and one component is not more important than the others.

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Elsie Dubac, 415 St Clair Avenue asked why the bridge work was stopped on the Second Avenue bridge. Mayor Naughton answered that public works carpenter workers are currently working at Marucci Park to have the paddle tennis courts done then he will restart the bridge work.

Harry Zarb, 2205 Third Avenue asked about the light at the intersection of Fifth Avenue, Avenue, Washington Avenue, and Brighton Avenue and if there was any feedback from the council members. Mayor Naughton answered that she drove by and it is very dark, she believes there was a pole taken down. Mr. Dempsey explained that he would call JCP&L.

Mr. Dempsey presented the signs that will be made for around the pond about turtles.

Mr. Dempsey reported that the railroad work at Warren Avenue will be done sometime towards the end of October; the crossing at Warren Avenue will be closed for about a week.

Executive Session- None

Adjournment

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

ROLL CALL:

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

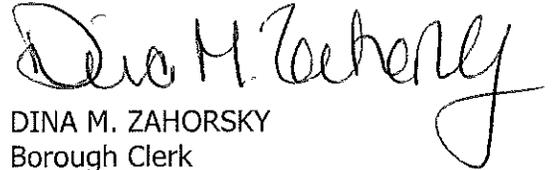
NAYS: NONE

ABSENT: Mr. Frost, Mrs. Venables

ABSTAIN: NONE

Time of Adjournment: 7:52 PM

Respectfully submitted,


DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held: October 25, 2016