

**25469**

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
OCTOBER 25, 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, Mr. Judge (arrived 7:06 pm), Mr. Frost, Mr. Sagui, Mrs. Venables, Mayor Naughton

ABSENT: NONE

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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**Public Comments** – None

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

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**Approval of Minutes**

Mr. Erbe offered a motion to approve the minutes of September 27, 2016 seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: Mr. Frost, Mrs. Venables

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**Council Comments & Staff Reports** -

Mayor Naughton wished Caitlyn Bahrenburg good luck, she is Spring Lake's Coast Star reporter and she is moving onto to another community. Ms. Bahrenburg thanked Mayor Naughton and the council.

Mr. Drasheff requested a meeting to be set up with Mr. Dempsey, Mr. Sagui, and the Mayor regarding the outfall issues on South Blvd. Mr. Dempsey agreed.

Mr. Drasheff then requested that a workshop discussion be on the next agenda for the traffic study. Mayor Naughton asked if the workshop should be scheduled before the regular meeting. Mr. Drasheff thought that would be a good idea.

Mr. Frost reported that the grand opening and ribbon cutting for the Paddle Tennis Courts will be this Saturday, October 29<sup>th</sup> at 1:00 p.m. at Marucci Park. He added that there will be professionals there to give demonstrations and instructions. The plantings went in this week with more to be planted throughout the week. He explained that the irrigation will be going in

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this week as well. Mr. Dempsey added that the well was dug this week. Mr. Frost stated that some of the neighbors had concerns which will be addressed.

Mr. Sagui reported the video of wagon wheel and Pitney Avenue was completed and is waiting for results.

Mrs. Venables reported that under resolutions, R-16-186 is for a grant application for NJDOT for Morris Avenue; this will be the third time an application has been submitted for full funding of the program.

Mr. Avakian explained that for the last three or four years he has been meeting with representatives of the Business Improvement District (BID) and the Shade Tree Committee; a plan was developed for pedestrian corridor enhancements including streetscape enhancements, paving stone sidewalks to match Third Avenue, street lights, trees, drainage improvements, and roadway repaving and reconfiguration of parking. He added that it will probably be about a \$500,000.00 project, but would be broken up into phases with funding from the BID, Shade Tree Committee, along with grant money and county resources to keep the boroughs portion of the funding low. Mr. Avakian explained that the transportation alternative grant was funded in 2014 through the Department of Transportation (DOT); the grant funds construction, design, and contract administration.

Mr. Erbe asked if the road will be paved. Mr. Avakian answered yes as well as drainage, curbs, and sidewalks.

Mr. Judge asked if this is a matching grant. Mr. Avakian answered no; it is a funding source which is fully funded from the DOT.

Mr. Judge then asked what the issues are with the pedestrian thoroughfare now. Mr. Avakian answered that it is disconnected from Third Avenue, there are no street trees and the parking lot looks like a mall parking lot. He added this project would enhance businesses in the area.

Mr. Frost stated that it is a nice looking plan and agrees that there should be something done on Morris Avenue to improve it. Mr. Frost asked how many parking spots will be lost with this project. Mr. Avakian answered four to six spaces on each side. Mr. Avakian answered that this is just a conceptual plan once the funding is received then a real plan will be discussed and implemented. Mr. Frost is concerned with losing the parking spaces since there is a huge parking issue downtown. Mr. Frost also wants to make sure the owners on that road are in favor of this as well.

Mr. Judge asked if this project is something that would be done in lieu of phase three of the Shade Tree Committee's plan. Mrs. Venables answered yes.

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Mr. Sagui stated that the BID is in favor of this and the Planning Board's only concern is the parking issue. Mr. Sagui added that there is never going to be enough parking down town and this area is an eye sore.

Mayor Naughton pointed out there has always been a parking issue in town at certain times of the day. She recalled back fifteen years ago when the Borough proposed improving the area at the railroad crossing at Fifth Avenue; there was some debate as to whether or not to spend the money and it turned out to be a beautiful buffer once the project was done. She added that this grant is a good one to at least apply for since it will be fully funded.

Mr. Judge suggested that if money is needed beyond the grant amount would the Shade Tree Committee put up the money. Mrs. Venables stated that the Shade Tree Committee is committed to covering the cost of the trees and tree pits.

Mr. Erbe asked if the BID is in favor of this project even though they are going to lose sixteen parking spaces. Mr. Avakian explained that the parking spaces could be narrower to not lose as many. Mr. Erbe would not be in favor of that since there are a lot of people getting in and out of their cars. Mr. Erbe then asked about the trees. Mrs. Venables answered that they would be in pits similar to what is on Third Avenue.

Mr. Sagui asked if the Borough received the money and then decided not to move forward with the project could the Borough just pull out. Mr. Avakian answered yes.

Mr. Judge asked Mr. Clayton from the BID if he is okay with losing parking spots. Mr. Clayton answered that he is never okay with losing parking spots however; the smartest route would be to obtain the funds and then come up with a plan that would work better for everyone. Mr. Clayton believes that this improvement would be a good one.

Mr. Erbe is concerned with the parking and the traffic however; the Borough should at least apply for the grant. He will keep an eye on the project.

Mr. Drasheff suggested forming a committee for this project. Mayor Naughton suggested waiting to see if the Borough even receives the grant money.

Mr. Frost is concerned if the grant does not get fully funded what would the Borough's responsibility be and also can the parking be adjusted. He added that parking may be an issue for the residents in that area.

Peter Meade, 300 Worthington Avenue believes that it may be a good thing losing the parallel parking spots on the other side of the street.

Mr. Judge requested a presentation for the fire study team. Mr. Dempsey asked if the traffic study or fire study workshop discussion should be on for the November meeting. Mr. Judge suggested the fire study in November and the traffic study the first meeting in December.

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**Borough Engineer's Report**

Mr. Avakian reported under the resolutions there is a a change order for the bypass culvert contract; the change order is for demobilization and remobilization. Mr. Dempsey added that the cost will be funded by the grant.

Mr. Avakian then reported that the DOT Trust Fund plans for Third Avenue have been reviewed; there are a few minor revisions that need to be done.

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**Borough Attorney's Report-** None

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**Borough Administrator's Report-**

Mr. Dempsey reported that he received a request from John Patterson for a Veteran's Day ceremony on Friday, November 11<sup>th</sup> at 11:00 am. Mayor asked for a motion on the request.

**Veterans Day Ceremony- Friday, November 11, 2016 at 11:00 am-** Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

Mr. Dempsey then reported that the white line on Ocean Avenue is complete; it looks awkward now but once the summer season is upon us it will serve its purpose.

Mr. Dempsey reported that the county has started the dredging of Wreck Pond and are working from six a.m. to six p.m. every day; they are hoping to be done by early January.

Mr. Dempsey reported that the gas piping at Marucci Park was completed today. Gas heaters will be installed within the next day or two. He explained that the bathrooms at Marucci Park will be winterized and open during winter time activities. He added that walkways will be installed within the next two weeks; this grant project is complete.

Mr. Dempsey stated that the gas company finished the paving; they are beginning to infrared the trenches which will take two to three weeks.

Mr. Dempsey explained that there is a resolution on the agenda to purchase a new vehicle for the Chief of Police; the current Chief's vehicle will be transferred to the Fire Chief. In the fire study there was a suggestion to replace the fire chief's vehicle since it is ten to fifteen years old.

Mr. Dempsey finally reported that on the county website there is a new feature called "Know your Zone"; if you can put in your address it will tell you what zone the address is in for flooding and storm event.

Mr. Meade added that the maps show what a storm surge would be during a storm event. He asked to have this placed on the Borough website as well.

Mayor Naughton received a letter from the Department of Environmental Protection (DEP) regarding the drought; right now voluntary water restrictions are in place but if conditions continue, mandatory water restrictions will be put into place.

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**Business Items Under Consideration**

**Scary Walk- Drug Prevention Alliance- October 28, 2016** – Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

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**Ordinance for Introduction** – None

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**Ordinance for Adoption**

Borough Attorney Colao read Ordinance No. 2016-007 entitled, "AN ORDINANCE AMENDING CHAPTER 225, LAND DEVELOPMENT, SECTION 20 (A) OF THE BOROUGH CODE", by title. Mr. Judge offered a motion to open the public hearing of Ordinance No. 2016-007, 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

**PUBLIC HEARING NOW OPEN**

Mr. Dempsey explained that if a homeowner has an existing basement that is in the setback a homeowner would not be able to finish off the basement. This ordinance would allow someone in this situation to finish the basement. Mr. Dempsey added that the Planning Board agrees with the ordinance change.

Mr. Erbe offered a motion to close the Public Hearing on Ordinance No. 2016-007, 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

**PUBLIC HEARING NOW CLOSED**

Mr. Judge offered a motion to adopt Ordinance No. 2016-007, 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

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**Consent Agenda**

Mr. Judge offered the following resolution and moved its adoption, seconded Mrs. Venables.

**R-16-178- RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION  
RA#32-2016 – 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#32-2016, and

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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#32-2016 be and the same is hereby approved as follows:

**NAME: St. Catharine Church  
215 Essex Avenue, Spring Lake, NJ 07762  
Identification No.: 475-1-372**  
**LOCATION: St. Catharine Church  
215 Essex Avenue, Spring Lake, NJ**  
**DATE: Last Monday of Each Month from November 2016  
to April 2017 10:30 A.M.**

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-16-179- RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – FRANCIS SULLIVAN**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Francis Sullivan to become a volunteer firefighter with Goodwill Fire Company #2 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-180- RESOLUTION –APPROVING VOLUNTEER APPLICATION  
FOR FIREMAN – DAVID VILLETA**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of David Villeta 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. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-16-181- RESOLUTION – APPOINTMENT OF BASKETBALL INSTRUCTOR**

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**MICHAEL ROTANDO**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that Michael Rotando be and hereby appointed as a recreation basketball instructor with an hourly rate of \$25 as recommended by the Recreation Department:

ROLL CALL:

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

NAYS: NONE

ABSENT: None

ABSTAIN: NONE

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**Resolutions**

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

**R-16-182-RESOLUTION – APPROVAL OF INTRODUCTION OF SPRING LAKE  
BUSINESS IMPROVEMENT DISTRICT 2017 BUDGET**

WHEREAS, the Mayor and Council of the Borough of Spring Lake authorized and created the Spring Lake Business Improvement District (hereafter the "SLBID") in Chapter 317 of the Borough Code adopted August 14, 2007; and

WHEREAS, Chapter 317 of the Borough Code requires the introduction, approval, public hearing and adoption of an annual budget for the SLBID; and

WHEREAS, pursuant to Chapter 317 of the Borough Code, the Spring Lake Business Development Corporation, Inc., (hereafter the "SLBDC") a duly organized 501(c)(3) corporation, has been designated in Chapter 317 of the Borough as the District Management Corporation; and

WHEREAS, pursuant to Chapter 317 of the Borough Code, the SLBDC is charged with the responsibility of submitting a detailed annual budget for approval by the Borough Council together with a report explaining how the budget contributes to the goals and objectives of the SLBID;

WHEREAS, the SLBDC has submitted a detailed annual budget and report as required; and

WHEREAS, the Mayor and Borough Council find that the budget submitted by the SLBDC and the accompanying report are appropriate and that the Budget can be introduced and scheduled for public hearing as required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the attached 2017 Spring Lake Business Improvement District is hereby introduced and scheduled for public hearing to be held at the regular meeting of the Borough Council at 7:00 p.m. on Tuesday, December 6, 2016.

BE IT FURTHER RESOLVED that the Borough Administrator and Borough Clerk are authorized and directed to ensure proper notice and publication of this approval and the public hearing as required by and in accordance with Chapter 317 of the Borough Code and all applicable New Jersey Statutes.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-16-183- RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 - INCREASING  
CONTRACT #04-2015 PROPOSED BYPASS BOX CULVERT AT WRECK POND OUTFALL  
BY \$67,500.00**

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WHEREAS, contract #04-2015 for the Proposed Bypass Box Culvert at Wreck Pond Outfall was awarded on September 17, 2015 to Simpson & Brown in the amount of \$1,747,390.50, and

WHEREAS, Simpson & Brown has approved Change Order No. 1 which increased the contract in the amount of \$159,250.00 for a total contract in the amount of \$1,906,640.50; and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order No. 2 which increases the contract in the amount of \$67,500.00 for a total contract in the amount of \$1,974,140.50; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 2 increasing Contract #04-2015 for the Proposed Bypass Box Culvert at Wreck Pond Outfall in the amount of \$67,500.00 for a total contract in the amount of \$1,974,140.50 is hereby authorized for the above contract awarded to MSP Construction Corporation.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-16-184- RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR  
2017 CHEVROLET SUBURBAN**

WHEREAS, the Borough Council of the Borough of Spring Lake wishes to purchase a 2017 Chevrolet Suburban from an authorized vendor under the State Contract; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, DE 19963 is under the State Contract #A89939 (T2776); and

WHEREAS, the Chief of Police recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

WHEREAS, the cost for the purchase of one 2017 Chevrolet Suburban is \$42,730.50; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the purchase of one 2017 Chevrolet Suburban ordered under State Contract #A89939 (T2776) be and is hereby authorized.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-16-185- RESOLUTION – APPROVING RELEASE OF PERFORMANCE GUARANTEES  
FOR BLOCK 29, LOT 1 – RICHARD ROCCESANO**

WHEREAS the Borough of Spring Lake has received performance guarantee monies as the result of a subdivision application approved by the Spring Lake Planning Board for Block 29, Lot 1, and

WHEREAS, said funds were deposited by the Borough of Spring Lake in accordance with law, and

WHEREAS, the Zoning Officer has recommended the release of the guarantee as the required improvements have been completed and are acceptable.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that performance guarantees posted for Block 29, Lot 1 be and hereby are released.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Judge offered the following Resolution and moved its adoption with the understanding that money will not come out of the general fund for any overage on this project; funds would come from the Shade Tree Committee, the BID, and potentially to an assessment, and also that the BID is in favor of the loss of parking places, seconded by Mrs. Venables.

**R-16-186- RESOLUTION- GRANT APPLICATION NJDOT MORRIS AVE**

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Alternatives Program for the Fiscal Year 2016; and

WHEREAS, the Borough of Spring Lake is desirous of submitting an application under this program for the following purpose:

- Improvements along Morris Avenue Business District from Third Avenue to Fourth Avenue

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Spring Lake , County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as TA-2016 - Improvements along Morris Avenue Bus – 00077 to the New Jersey Department of Transportation on behalf of the Borough of Spring Lake ; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Spring Lake and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Judge

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

**R-16-187- RESOLUTION – APPROVAL OF BILLS – OCTOBER 25, 2016**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 25, 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>661,676.76</b>
<b>GRANT FUND (2)</b>	<b>173.74</b>
<b>GENERAL CAPITAL (4)</b>	<b>128,592.12</b>
<b>WATER/SEWER CAPITAL (8)</b>	<b>31,051.26</b>

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WATER/SEWER OPERATING (9)	5,216.82
OTHER TRUSTS (12)	3,333.47
DOG TRUST (13)	910.00
MT LAUREL TRUST (16)	960.00
BEACH OPERATING (81)	47,918.15
POOL OPERATING (91)	12,953.91
<b>TOTAL</b>	<b>\$892,786.23</b>

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe

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**Public Comments**

Harry Zarb, 2205 Third Avenue questioned the two structures under construction of First Avenue between Atlantic and Salem Avenues. Mr. Dempsey stated they are single family homes.

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**Executive Session-** None

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**Adjournment**

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

ROLL CALL:

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

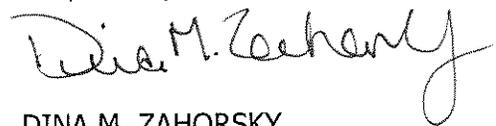
NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Time of Adjournment: 8:23 PM

Respectfully submitted,



DINA M. ZAHORSKY  
Borough Clerk

Approved at a meeting held: November 14, 2016