

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
MARCH 13, 2018**

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. Mayor Naughton announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Drasheff, Mr. Erbe (via telephone, left at 7:45 pm), Mr. Judge (arrived at 7:06 pm), Mr. Frost, Ms. Whalley

ABSENT: Mr. Sagui

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

Proclamations, Presentations & Special Guests:

2017 Annual Report Business Improvement District

Rich Clayton, 1207 Third Avenue provided the Mayor and Council with the annual Business Improvement District Report. He began by sharing that the relationship with the Administrator, Police Department, and Department of Public Works has been growing stronger over time. He continued that the flowers they have been planting throughout downtown over the past few years are going to be expanded, with purchasing flowers from the wholesalers. The Public Works Department has been working with businesses to increase recycling. The BID added more recycling and garbage cans, making a total of twelve sets, side by side, or recycling and garbage containers for down town. Mr. Clayton continued that the Fire Marshall is very good and to the point. He continued that there is some talk about another art exhibit for this upcoming spring season; there are some concerns and interest.

Ms. Whalley added that both the Chamber of Commerce and the BID will be voting on the art exhibit.

Mr. Frost questioned how the exhibit will be funded. Mr. Clayton explained it will be funded privately, which will need to be raised before committing; he believes the total cost is about \$32,000.00.

Mr. Clayton continued with the report that that the BID will be getting eight bike racks for the price of five, which will be able to park about one hundred and five bicycles.

Mayor Naughton thanked Mr. Clayton for his efforts.

Mr. Clayton finally added that two other towns have contacted the BID regarding the BID process. Ms. Whalley added that Hightstown Council invited the Spring Lake BID to come speak regarding the process. She continued that goals for the BID this upcoming year concern Morris Avenue paving and talking to Jef Buehler from the Department of Community Affairs to discuss an interest free loan that could be used for trees and lighting on Morris Ave; the BID would like to meet with the roads committee to come up with a plan.

Workshop Discussions:

Street Vacation - Second Avenue

Mr. Dempsey explained that a property owner on Second Avenue would like the Borough to vacate a portion of a street so that they are able to use the property as a side yard. He added that the property would not be sold to the property owner, because it is a right of way which does not allow

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the Borough to sell the land; rather the Borough would benefit from the tax revenue of the property since it will be a larger parcel with the potential to build a larger home.

Mr. Avakian explained that the pipe under the area would remain in the right-of-way but there is no reason to access the pipe.

Ms. Whalley asked if this was a formal request to acquire the property; she took pictures of the area but would prefer to see a plot plan before making a decision.

Mr. Dempsey said he would ask the property owner for a plan of what work will be done. He suggested possibly having the homeowner fix the eroded area by the front of Wreck Pond. Mr. Drasheff asked how the street vacation would benefit residents and added that they must be able to come up with a cost for the land.

Mr. Judge agreed that they are in need of open space and expressed that he doesn't see why the Borough would do this.

Mr. Dempsey will report back to the Mayor and Council once he has a plot plan.

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of February 27, 2018, seconded by Mr. Frost.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

Public Comments:

Mr. Drasheff received an email from resident, Harry Zarb, 2205 Third Avenue asking about the use of a brine solution on the roads prior to snow storms. Mr. Dempsey will respond directly to Mr. Zarb but added that the brine is meant to stop the binding of snow to the street, continuing that they will still have to plow and salt the streets. He continued that the brine then gets into the lakes and ponds.

Mr. Drasheff added that Mr. Zarb mentioned that by brining, surrounding towns have reduced the overall salt use by forty percent.

Mayor Naughton added that much of the salt goes into the sewers, lakes, and ocean, which other communities do not have as delicate of an ecosystem. She continued that Mr. Phillips is very conservative with the way they salt because of that reason.

Mr. Frost added that he has received a number of complaints that there is not enough salting throughout town. He understands the ecosystem issue but other towns are using more salt or brine. He feels there should be a discussion about using the brine.

Mr. Dempsey will speak to Mr. Phillips about the use of brine. Mr. Dempsey suggested testing out the brine on a road to see if it makes a difference or not.

Mayor Naughton suggested setting a policy regarding salting in town.

Mr. Frost has received compliments that Spring Lake is great with snow removal, but the issue is when there are smaller snow storms. He suggested discussing the use of brine at the next public works committee meeting.

Council Comments & Staff Reports:

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Mayor Naughton reported that they had a beach committee meeting last week where they discussed the prohibition of tents on the beach front. The committee asked Mr. Dempsey to get ordinances from surrounding towns with similar rules to bring back to the council with a recommendation.

Mayor Naughton then reported that a finance committee meeting will be scheduled within the next few weeks to get a sense of the budget. Mayor Naughton asked for the council to bring up any capital project ideas they may have for the finance meeting so she can prepare.

Lastly, Mayor Naughton brought up the intersection of Warren and Fifth Avenues, discussing the problems with the intersection which have had several serious accidents. She hopes that it is included in the paving project.

Mr. Judge asked Mr. Avakian what kind of impact the intersection at Ludlow Avenue has had on traffic patterns. Mr. Avakian does not think that the intersection has reduced traffic but it has altered traffic behavior. He continued that they are avoiding the use of lights and bright lines on the street.

Mayor Naughton suggested filling in the whole square with slightly raised pavers.

Mr. Frost agrees as this intersection is a focal point. Mr. Avakian will look into grant applications that could subsidize the project.

Mr. Drasheff reported that New Jersey Natural Gas will be beginning a project from Fourth Avenue to the railroad tracks on Monmouth Avenue; the project will begin very soon and be completed just before Memorial Day. He asked if it will interfere with the paving of Fifth Avenue. Mr. Avakian indicated that it will not interfere.

Ms. Whalley reported that at Devine Park there are three different grants that are being worked on. Ms. Whalley reported that they have sent out for quotes for the tree grant and will receive the quotes back by the end of the week.

Mr. Avakian added that the plans and specs are set for the tennis court rehabilitation and will go out to bid on March 22, 2018. He continued that he will be looking at the subsurface material and whether there needs to be drainage put in to prolong the life expectancy of the courts.

Mr. Avakian added that the platforms around the lake are being worked on, the areas need to be identified and what improvements need to be made to each. He would like to have a little more time to evaluate and discuss options with the council.

Ms. Whalley continued her report reminding the audience that Wednesday is National Student Walkout Day, the newspaper reported it is at 10 am but it is confirmed HW Mountz will be having a program in the school at 9 am.

Ms. Whalley lastly reported on Wednesday night Mom's Demand Action will be putting on a program with an ATF agent for Firearms at the Community House from 7:00 to 8:30 pm.

Borough Engineer's Report:

Mr. Avakian reported that the Wreck Pond Berm design plans have been sent to Rebecca Jones of the DEP (Department of Environmental Protection) in regards to flood hazard control.

Ms. Whalley asked if the berm includes the extension of Second Avenue. Mr. Avakian confirmed that it does.

Mr. Avakian continued that funding was received for the improvements to Fifth Avenue; the Borough received \$330,000.00 worth of funding to use on Fifth Avenue which will also be used to address sidewalk issues. Mr. Avakian added that this is one of the largest grants issued by the DOT.

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Mr. Avakian reported that the work on the Pitney sewer lining is continuing. This project has been done in small lengths from manhole to manhole; in one section they had a small setback because of temperature regulations but his office will stay on top of them to complete within the next two weeks, weather permitting.

Mayor Naughton asked if Mr. Avakian had any update on the outfall pipe being installed at Lake Como. He did not, however Mr. Dempsey explained that they are on schedule with the pipe and set to begin working on the lake side across Ocean Avenue.

Borough Attorney's Report: None

Borough Administrator's Report: None

Business Items Under Consideration:

Monmouth Barracudas 2018- Use of Pool - Mr. Judge offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

Event Application- St. Catharine School 5K- December 1, 2018 - Mr. Judge offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

Ordinances for Introduction: NONE

Ordinances for Adoption: NONE

Consent Agenda:

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

**R-18-044-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#6-2018 – LEGAL AID SOCIETY OF MONMOUTH COUNTY, INC.-
ON PREMISE 50/50**

WHEREAS, Legal Aid Society of Monmouth County, Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#6-2018, 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#6-2018 be and the same is hereby approved as follows:

NAME: Legal Aid Society of Monmouth County, Inc.
PO Box 2006, Ocean, NJ 07712
Identification No.: 12-4-29564

LOCATION: The Breakers
1507 Ocean Avenue, Spring Lake, NJ

DATE: April 19, 2018 6:00-9:00 pm

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

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**R-18-045-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#7-2018 – THE WOMAN’S CLUB OF SPRING LAKE –
OFF PREMISE 50/50**

WHEREAS, The Woman’s Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#7-2018, 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#7-2018 be and the same is hereby approved as follows:

NAME: The Woman’s Club of Spring Lake
PO Box 328, Spring Lake, NJ 07762
Identification No.: 475-8-32847

LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Ave, Spring Lake, NJ 07762

DATE: November 14, 2018 from 11:30 am to 3:30 pm

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

**R-18-046-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#8-2018 – THE WOMAN’S CLUB OF SPRING LAKE –
ON PREMISE DRAW**

WHEREAS, The Woman’s Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#8-2018, 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#8-2018 be and the same is hereby approved as follows:

NAME: The Woman’s Club of Spring Lake
PO Box 328, Spring Lake, NJ 07762
Identification No.: 475-8-32847

LOCATION: The Breakers Hotel
1507 Ocean Avenue, Spring Lake, NJ 07762

DATE: November 14, 2018 from 11:30 am to 3:30 pm

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

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**R-18-047-RESOLUTION – APPOINTING LINDSAY WALKER
DEPUTY MUNICIPAL REGISTRAR**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Lindsay Walker be and hereby is appointed Deputy Municipal Registrar for the Borough of Spring Lake.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

**R-18-048-RESOLUTION – APPOINTMENT OF PUBLIC WORKS PART-TIME
EMPLOYEE STEPHEN DOMBROSKI**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that Stephen Dombroski be and hereby is appointed as a part-time Department of Public Works parks employee at a rate of \$16.00 per hour effective immediately not to exceed \$7,500 per year.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

**R-18-049-RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH THE SPRING LAKE CATAMARAN CLUB FOR THE 2018
BEACH SEASON**

WHEREAS, the Spring Lake Catamaran Club, (formerly known as the Sea Girt Catamaran Club) has approached the Borough of Spring Lake with a request to again allow them to keep their boats on the beach in Spring Lake for 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Administrator and Clerk are hereby authorized to execute an Agreement with the Spring Lake Catamaran Club in a form to be agreed upon and approved by the Borough Attorney and which incorporates the following terms and conditions:

1. The total number of catamarans shall not exceed 20 without further approval of the Borough.
2. The fee payable to the Borough's Beach utility for each boat shall be \$150 for each boat for the 2018 season. Each Catamaran must display a permit decal to be provided by the Borough upon receipt of the fee.
3. All individuals wishing to utilize boats shall be required to have valid beach badges, whether seasonal, half season, monthly or daily.
4. Each club member/catamaran owner shall be required to execute a Release, Indemnification and Hold Harmless Agreement in favor of the Borough and its officers and employees for any claims arising out of the use or placement of the boats on the Spring Lake beach.
5. Each boat owner shall carry and provide proof of liability and personal injury insurance covering the catamarans in the amount of \$100,000 per person and \$300,000 per occurrence.
6. The Borough shall have no liability for the safekeeping or security of the boats on the beach.
7. The boats shall only be kept and stored in the approved location(s) designated by the Borough.

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8. The agreement shall be immediately terminable at the option of the Borough if the same is deemed to be in the interest of the public health, safety and welfare.
9. All boats will be removed from the Spring Lake beach at the end of the beach season, no later than the date determined by the Borough, which date will be communicated to the Club to provide at least two weeks' notice.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

**R-18-050-RESOLUTION – GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH
THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION
RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF
1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000 *et seq.*, (April 25, 2012) before submitting its approval annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Governing Body of the Borough of Spring Lake, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

Resolutions:

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

**R-18-051-RESOLUTION – AWARD OF BID – PIER BEACH
MOBILE FOOD CONCESSION**

WHEREAS, bids were received on March 8, 2018 for the Mobile Food Concession located at Pier Beach for the 2018 summer season, with Frances Florentine, Purchasing Agent, W. Bryan Dempsey, Borough Administrator present, and

WHEREAS, ONE (1) bid was received, and

WHEREAS, Steven Barardo, Re-Juice-a-Nation, 99 Main Street, Manasquan, NJ 08736 submitted the highest bid in the amount of \$ 6,500.00 for one (1) year.

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NOW, THEREFORE, BE IT RESOLVED that Steven Barardo, Re-Juice-a-Nation, 99 Main Street, Manasquan, NJ 08736 be and hereby awarded the bid for the Mobile Food Concession at Pier Beach in the amount of \$6,500.00 for the summer season 2018 with the option of 4 additional seasons upon mutual consent and that the Mayor and Borough Clerk are hereby authorized to execute the necessary paperwork.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

R-18-052-RESOLUTION – APPROVAL OF BILLS – MARCH 13, 2018

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 13, 2018, 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)	50,320.39
WATER/SEWER OPERATING (9)	8,396.47
DOG TRUST (13)	34.20
UNEMPLOYMENT TRUST (14)	819.23
COAH TRUST (16)	2,950.00
RECREATION (25)	1,280.00
BEACH OPERATING (81)	5,512.08
POOL OPERATING (91)	83.33
WATER/SEWER UTILITIY (8)	352,989.13
TOTAL	\$422,384.83

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

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

**R-18-053-A RESOLUTION OF SPRING LAKE BOROUGH AUTHORIZING THE PURCHASE
OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION
WEBSITE**

WHEREAS, the Spring Lake Borough has determined to move forward with the EMEX Reverse Auction in order procure electricity for the and Spring Lake Borough

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Spring Lake Borough will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

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WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

FURTHER RESOLVED, that the Borough Administrator of the Spring Lake Borough is here by authorized to execute on behalf of the Spring Lake Borough any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

Public Comments:

Elsie Dubac, 415 St. Clair Avenue asked about the condition of the signs throughout town. Mayor Naughton explained that it is a working progress; they are still working on the list.

Ms. Whalley asked about the process of permitting boats around the lake. Mr. Dempsey explained that a permit is needed and the boat owners have been notified to remove the boats around the lake. Mayor Naughton asked Mr. Dempsey to ask Public Works to remove the boats around the lake.

Executive Session: NONE

Adjournment:

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

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Ms. Whalley

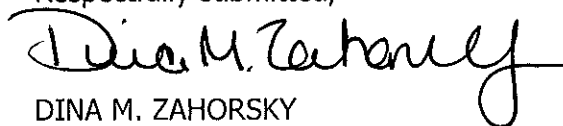
NAYS: NONE

ABSENT: Mr. Erbe, Mr. Sagui

ABSTAIN: NONE

Time of Adjournment: 7:58 PM

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting: March 27, 2018

