

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
DECEMBER 4, 2012**

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Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:03 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. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mayor Naughton
ABSENT: Mrs. Reilly

ALSO PRESENT: Jane Gillespie, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Joseph Colao, Esq, Borough Attorney
Peter Avakian, Borough Engineer
Robbin Kirk, CFO

Workshop Discussion - None

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of July 19, 2012, seconded by Mr. Jordan.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: Mr. Fay

Mrs. Venables offered a motion to approve the minutes of August 14, 2012, seconded by Mr. Judge.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the minutes of August 28, 2012, seconded by Mr. Judge.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the minutes of September 11, 2012, seconded by Mr. Judge.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: Mr. Jordan

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Mrs. Venables offered a motion to approve the minutes of September 25, 2012, seconded by Mr. Judge.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the minutes of October 16, 2012, seconded by Mr. Jordan.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: Mr. Fay, Mr. Judge

Mrs. Venables offered a motion to approve the minutes of October 23, 2012, seconded by Mr. Judge.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: Mr. Fay

Public Comments

Eleanor Twomey, 108 Vroom Avenue, inquired about the subject matter of the Workshop being held on December 18, 2012. Mayor Naughton informed her that it is a discussion on corner lots which stemmed from the Planning Board having some concerns on the topic. The Mayor noted that the item is a workshop item and therefore there will be no formal action taken.

Bob McAllan, 6 Jersey Avenue, thanked the Mayor and Council and the Department of Public Works for all their efforts in connection with the recent storm and congratulated the Police Department for keeping the town safe and secure.

Marcy Gough, 110 Passaic Avenue, thanked the Mayor specifically for the Code Red calls noting that they were very helpful during the storm. Mayor Naughton encouraged residents who have not registered their cell phones for the Code Red calls, to do so, noting that the loss of power did interfere with some residents getting the Code Red calls.

Joe Rizzo, 416 Tuttle Avenue, stated that in order to get the Code Red messages you need to say something when the call is answered in order to get the message to begin. Also, Mr. Rizzo asked if there would be some discussion regarding the rebuilding plans and if so he'd like to offer some suggestions.

Peter Meade, Spring Lake Fire Chief, offered thanks to the Mayor and Council for their support to the Fire Department throughout the past year and reported that the Fire Department has been quite active throughout 2012 including approximately 250 calls which is an increase of roughly 100 calls over last year. During the hurricane, Chief Meade continued, there were 45 emergency calls ranging from trees down to structure fires. The Chief was happy to report that in spite of the many calls taken throughout the year there were no major injuries to the first responders or firefighters.

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Chief Meade also reported on the PEOSH review resulting in a list of recommendations for the fire department as well as the ISO review and some recent upgrades to the fire equipment as well as a revamp to the Fire Prevention Program. He noted that Spring Lake does its own fire prevention inspections, which includes 120 inspections primarily on Third Avenue. By doing them ourselves, the Chief stated, versus having the State do them the department saves money. Finally, Chief Meade reported that Mr. Tom Mullaney will be taking over the position as Fire Chief beginning next month. Mayor Naughton reflected on the night of the hurricane when she had the opportunity to witness first hand a rather scary water rescue performed by quite a few members of the Spring Lake Fire Department and First Aid Squad and expressed, on behalf of the entire council, her thanks to Chief Meade and his department for all they did during the storm as well as their efforts throughout the year.

Mr. Judge added that many of the council members publicly thanked our first responders yet very few people were in attendance at the meeting to hear the public praise. Mr. Judge also shared that he recalled hearing the whistle throughout the days and nights of the storm and felt confident that they were all in very safe hands.

Tom Foley, 15 Atlantic Avenue, stated that he was at the last meeting and is on the First Aid Squad and often accompanies members of the fire department on calls. Mr. Foley spoke to the night of the Nor'easter and the structure fire that the firefighters fought for three (3) hours in the snow and wind successfully keeping the fire contained to the garage. Mr. Foley stated that they did a great job. Mayor Naughton thanked him for his comments.

Council Comments & Staff Reports

Mayor Naughton shared that she attended the Christmas Tree lighting on Saturday and it was a beautiful event. The Mayor thanked Ms. Kathy Heine of Spring Lake's Recreation Department as well as the Fire Department and all those involved in putting the event together.

Mayor Naughton offered a reminder that this Friday, December 7, is Pearl Harbor Day and the Borough, through lowering of the flags, will honor those who lost their lives on that day.

Also, the Mayor reminded residents that the Department of Public Works is continuing to pick up brush related to the storm through December 19, 2012 and asked that residents place the brush at the curb. The Mayor also reminded residents not to take the brush to the reclamation center and to keep the brush separate from the leaves. The Mayor thanked everyone for their cooperation with this. The Mayor continued reporting that the Department of Public Works is continuing the clean up around town noting that the parks have not yet been cleaned up as the DPW is focusing their efforts on the debris on Ocean Avenue and the beach area. The Mayor asked for patience as they move forward.

The Mayor shared that progress has been made in connection with a post-Sandy plan with a focus on three (3) areas: the beachfront, Wreck Pond and Lake Como. With regard to the beachfront, the Mayor continued, the North End Pavilion project is underway. The anticipated substantial completion date for the project is late summer making it unlikely that the building will be available for the summer, the Mayor stated. Therefore, the Mayor continued, the Borough is looking for temporary facilities to be used for the snack bar and restrooms. As for the South End Pavilion, the Mayor went on, it suffered a fare amount of damage from the storm and the Borough is awaiting a report on the structural inspection. The goal, stated the Mayor, is to review the structural analysis, put specs together and get the project out to bid in an effort to get the facility ready for the summer. We'll know better in the next couple of weeks as to whether we can meet this goal, stated the Mayor. The Mayor offered the good news that the pool liner that was just recently put in place has been inspected and does not need to be replaced, just repaired. As for the pipe that feeds ocean water to the pool, this has not yet been

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inspected, stated the Mayor. In connection with Pier Beach, the Mayor reported that the building was completely demolished by the storm. At this point in time, the Mayor stated, the Borough is considering temporary solutions for concessions and restrooms for this summer and will then evaluate other options for this location for the future. Regarding the boardwalk, the Mayor reported that 95% of the concrete piers survived Sandy quite well. There were a few, the Mayor reported, that were damaged and a couple that were destroyed yet given that they've been there for 80 years the Borough feels very fortunate that they are still in tact. Also, the Mayor stated, the dune structure on the western portion of the boardwalk was instrumental in preventing catastrophic damage to the homes on and near Ocean Avenue. The breaches were primarily where the dune structure breaks for street to boardwalk access. So, there is some consideration, the Mayor stated, to make it a solid dune structure, avoiding the opening for streets and making the walkway access a gentle winding up and over the dunes. Mr. Avakian interjected that the dune walkover is allowed under a CAFRA permit we received roughly two (2) years ago. The placement and design, Mr. Avakian continued, will be determined based on the size of the dune that is replaced. Mayor Naughton continued stating that the solid dune structure is important in order to enhance the safety of the beachfront and the Borough plans on recreating the dunes and replanting the dune grass. As for the boardwalk, the Mayor stated that the Borough has confirmed with FEMA that we are allowed to rebuild the structure where it was. What we are not sure of, the Mayor noted, is whether the Borough has authorization to move the structure if so desired. After vigorous conversation, the Mayor continued, the council reached a general consensus to put the boardwalk back where it was. The council also agreed to make it as safe as possible and minimize it's vulnerability to destruction from storms. Most would agree, the Mayor stated, that there's very little that could've been done to protect a boardwalk from a storm such as Superstorm Sandy. Yet, the professionals are looking at any potential design options to make it as strong and sustainable as possible, stated the Mayor. Another consideration that went into the decision, continued the Mayor, is that the Borough does not have permission to move the dunes or move the boardwalk onto the dunes and to get permission could be a rather lengthy process and would definitely not happen this year. Mayor Naughton discussed the Emergency Appropriation Resolution on the Agenda which gives the Borough the legal green light to move forward with the purchase of materials and the hiring of professionals and laborers. The Mayor also detailed the bid process and the decision to split the bid between materials and labor. In connection with the labor component, the Mayor shared that the Borough intends to cost out the options of bidding out the labor and doing it in-house or some combination of the two. As for the amount, the Mayor stated that although the Emergency Appropriation is \$4,000,000, the Borough does not intend to spend, \$4,000,000. This is the amount needed to get started, stated the Mayor, noting that FEMA will be reimbursing at a rate of 75%. The Mayor went on to explain that the Emergency Appropriation will stay in place until such time that the Borough has a more accurate assessment of how much money the Borough will need to borrow. At this time, the Mayor continued, the Emergency Appropriation will be cancelled and a Bond Ordinance will be done in the amount of approximately \$1,200,000 and \$1,600,000.

Marcy Gough, 110 Passaic Avenue, asked if the Borough was able to salvage any of the large boards (stringers) from the boardwalk. The Mayor acknowledged that there was a large number of stringers salvaged and noted that the volunteers who worked on the beach clean-up separated the stringers from the bashed boards; the stringers are now being stored at the Borough yard.

Eleanor Twomey, 108 Vroom Avenue, asked for clarification of the amount FEMA would pay in connection with the four million dollar appropriation. Mayor Naughton confirmed that using four million dollars as an example, FEMA would indeed pay three million, or 75%. The Mayor emphasized again

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that the Borough does not intend to spend four million dollars but noted that without the Emergency Appropriation the Borough could not go out to bid.

A resident in the audience identified as Mike, asked if FEMA would also reimburse the Borough for the benches. Administrator Dempsey stated that FEMA would pay 75% of the replacement cost leaving open the question of who will pay for the 25% balance given that the benches were initially donated to the Borough.

Joe Rizzo, Tuttle Avenue, stated that he understands that the goal is to put things back in place as quickly as possible but suggested that certain things should be considered in order to better reinforce the beach front. Mr. Jordan stated that FEMA also has a mitigation grant process that will evaluate, and potentially pay for, ideas for mitigating damage in the future. Mr. Rizzo spoke to the idea of possibly considering areas of the beach that do not attract as many beachgoers and using these locations for additional dune structures. Mr. Judge also noted that there are portions of the beach that may lend themselves to a combination of dunes and seawall citing that the north end sustained less damage than the south end due to the seawall.

A resident in the audience identified as Pete, cited a Coast Star article in connection with the cost estimates to rebuild Belmar's boardwalk. Mayor Naughton stated that although she has not seen the details of Belmar's plans, she cautioned against comparing Belmar's plans with Spring Lake noting that Spring Lake has the concrete pilings relatively in tact which will significantly reduce the cost to rebuild the boardwalk. Mrs. Venables also offered that the Belmar boardwalk is significantly wider than the Spring Lake boardwalk which will add to their cost estimates.

A Monmouth Avenue resident, stated that the Borough has experienced two (2) consecutive years losing the boardwalk, and asked how favorable FEMA will be to continue with this program to help us rebuild. Borough Administrator Dempsey stated that there has been no mention of FEMA's willingness or lack thereof, to assist with the boardwalk rebuild.

Norris Harding, 9 Ocean Avenue, referenced the Mayor's earlier statements in connection with the breaches where the dune structures break for the street to boardwalk access and shared that he has photographs showing water pouring through these openings. The Mayor stated that she would welcome an opportunity to see the photos noting that they believe strongly that the walkover described earlier would help make the dunes a more solid structure for the future.

Mr. Zarb asked if there was any word on when they would electrify the street lights on the south end of town. Borough Administrator Dempsey stated that he recently spoke to Jersey Central Power & Light and that the lights are being worked on now and should be lit by the end of the week. The Mayor extended her apologies noting that she should have realized how dark it was and did visit the area yesterday morning and noted how dark it is.

Eleanor Twomey, 108 Vroom Avenue, asked if the Mayor was one of the Mayors attending the conference that was recently held in connection with JCP&L. Mayor Naughton stated that she was not and stated that although what happened in Spring Lake was far from perfect, JCP&L was in our town pretty quickly and it didn't seem prudent for her to go to a meeting to bash the power company. The Mayor stated that there were certainly points regarding communication that made a great deal of sense.

The Mayor reported on two (2) meetings that were held in connection with Wreck Pond which included representation from DEP, CAFRA, Fish and Wildlife, Army Corps and others to discuss all aspects of this topic. The initial emphasis, the Mayor stated, was the large dune that keeps water in Wreck Pond that breached during the storm creating a natural inlet/outlet of water flow. The Borough, the Mayor

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reported, would like to see this opening remain. The DEP has done three (3) water quality checks since the breach and they've all resulted in water quality that is better than it was prior to the breach. In principle, the agencies in attendance, were very much in support of keeping the inlet open and are looking to the Borough for a plan to maintain it. Since the storm, there's been a natural migration of sand resulting in a slight closing of the inlet, stated the Mayor. The Mayor stated that it's the opinion of the engineers involved, that absent another large storm, the water is not going to flow in and out without a super high tide or large storm surge. So, the Mayor continued, the Borough approached the group regarding keeping it open with a notch to the natural wall and then perhaps putting in place a rock jetty that will allow the water to flow out in a certain way. Our next step, stated the Mayor, would be to have our engineer put together a plan to maintain it including the occasional dredging. The Mayor requested council's approval to authorize Mr. Avakian, Borough Engineer, to put the plan together. Mr. Avakian offered a brief description of what they're considering. Mr. Avakian detailed the objective to lower the emergency spillway structure in a way to allow for a free flow of water which will cleanse the sand on the beach and at the same time allow a storm surge to pass through. Mr. Avakian stated that they've secured an emergency permit to begin work immediately. Mayor Naughton offered that in addition to what Mr. Avakian's team is working on the Borough is also interested in establishing a way to control the water from coming in. The Mayor shared that it was amazingly positive in light of the complexity of working with the various agencies and there was a general feel that it's a healthy way to improve the water quality in the pond. Another piece of good news, reported the Mayor, is that the County has mobilized for the dredging of the eastern end of the pond deploying equipment to the area. Upon completion of a project in Colts Neck, the Mayor continued, they will focus on our area with an eye for completion around the middle of January. Also, the Mayor reported, the County engineer assured the group that the County is committed to the next phase of dredging after which would focus on the western end of the pond and would significantly improve the quality of water and flow in the pond. The Mayor complimented the County and publicly thanked them for their efforts and commitment. Another area of interest for the DEP, stated the Mayor, is the elevation of the berm around the pond, which the DEP refers to as a living shoreline, which is a way to build up the shoreline by 18 inches to 2 feet. It will be built with the right kind of living material, the Mayor noted, grasses etc., that clean the water.

Mr. Judge made a motion to authorize Borough Engineer Avakian to prepare a plan to keep open the Wreck Pond inlet, seconded by Mrs. Venables. Unanimously approved.

Eleanor Twomey, 108 Vroom Avenue, shared her memories of an old seaman who could predict the weather down to the raindrop. Ms. Twomey noted that it's been said that when the inlet was closed it was the worse mistake ever made and wondered if there was any way to research what they did wrong. Mayor Naughton responded that the pipe that was put in place will remain and both the Borough and DEP are focused on keeping the opening open parallel to the pipe. The Mayor noted that they are motivated to move forward versus looking back.

The Mayor recognized the presence of the Mayor and Borough Administrator from the Borough of Sea Girt at the meeting and shared with them that the representatives from Sea Girt that were at the recent meetings were very supportive of the efforts to keep the inlet open. The Mayor expressed her appreciation for their support as an adjoining town noting that the agencies involved are interested to see how neighboring towns are working together.

Mr. Harding asked for more detail in connection with the dredging. The Mayor responded that the County dredging project is separate and apart from the dredging discussed earlier noting that they had always had a target timeframe of December and January and it's fortuitous that it's happening now.

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Yet, the Mayor continued, there charge does not include putting in stone. The Mayor stated that they are still hopeful to get the necessary approval to put the stone in place.

Mark Pavliv, 415 Ocean Road, stated that the sampling and tests being conducted by the County is not an overall solution and noted that the concern about Wreck Pond is the dredging program. Mr. Pavliv noted that his group is working with the watershed group that gets together monthly and they have legislators on the state level supporting their efforts including Senator Singer, who has put forth an appropriation for 10 million dollars. Mr. Pavliv reiterated that this issue is not a localized problem and affects other areas and also noted that it's not just a Superstorm Sandy consideration but other "5-year" type storms that affect the area. Mr. Pavliv welcomed the additional attention brought to the issue by Sandy but emphasized the need to reinforce the bigger concern of Wreck Pond.

Mr. Judge stated that residents in flood prone areas may want to consider what they can do to mitigate the problem and referenced an ordinance adopted last year relieving them of the height restrictions so they can build up. Mr. Judge also noted that there is a FEMA grant of up to \$30,000 available to those who are insured and sustained damage to their primary residence. Mayor Naughton added that during a conference call with FEMA they spoke to new advisory base elevation maps that are being made available and noted that they intend to change the maps for several counties including Monmouth. The Mayor stated that the maps will be available by the week of December 10, 2012. The Mayor further noted that FEMA spoke to insurance rates, which will likely go up, and subsidies for flood insurance which will likely be cut or eliminated. The Mayor stated that they're looking for individual homeowners to take mitigation steps on their own home in hopes of reducing the damage and thus reducing their insurance rates.

Carmella Pavliv, 415 Ocean Road, suggested the town look at variations that have been granted allowing over coverage and urged the town not to grant these types of variations.

Mayor Naughton offered an update on Lake Como stating that there is one lake drain that goes from the eastern end to the ocean and was very badly damaged during the storm to the point where it was not draining the lake at all. The Mayor noted that portions of the drain are caved in and filled with sand. The Mayor continued stating that there is no quick repair solution and the drain will either need to be replaced or will need substantial repair. The Mayor stated that unbeknownst to them, the Borough owns the drain. SMRSA, South Monmouth Regional Sewerage Authority, brought in pumps on either side of the lake to address their inoperable pump stations, the Mayor continued, resulting in a four to five day effort to pump the water out. The pumps are still there providing the only means to get water out of the lake given the damage sustained to the lake drain. The Mayor continued reporting that there are some discussions of having SMRSA take over the management of the lake since SMRSA has pumps stations on either side. Options being discussed include replacing the lake drain or putting in a permanent pump. These discussions are just beginning and are at a very high level, stated the Mayor. In the next few weeks, the Mayor continued, we hope to have a better idea of what direction the Borough may go, however, for the next month or so, the pumps will stay in place to ensure the water is effectively drained. The Mayor stated that discussions have also been held with the neighbors in that area in connection with the living shoreline not unlike Wreck Pond.

Mr. Drasheff took a moment to publicly thank CFO Robbin Kirk for the tremendous amount of time and effort she's put into helping us with the financial analysis in connection with the rebuild. Also, Mr. Drasheff thanked members of the Business Improvement District and Chamber of Commerce who were instrumental in getting Third Avenue back in shape after the storm. Mr. Drasheff expressed his personal thanks stating that both groups were a great asset to the Borough of Spring Lake.

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Mr. Fay asked Council if there were any plans for a tax revaluation in connection with the storm affected homes. Mayor Naughton stated that she was unaware of a planned revaluation and asked if Mr. Dempsey had any information from the Tax Assessor Brian Enright. Mr. Dempsey stated that he had not but that he would discuss with Mr. Enright. Mr. Fay asked if there was not a revaluation, what impact this would have on the property owners affected by the storm. Mr. Dempsey stated that they would need to file a tax appeal if they feel the current assessment did not reflect accurately the value of their home. Mr. Dempsey also stated that there were approximately twenty-five homes that have applied for repair permits. Mr. Fay voiced concerns including whether a plan has been approved by the federal government for the beachfront. Mr. Dempsey stated that what has been approved by the federal government is the replacement of what we had in place in terms of a boardwalk. Mr. Fay asked if the Borough could wait for the approved flood maps before we introduce the appropriation. Mr. Avakian noted that the Boardwalk elevation is above the velocity zone. Mr. Drasheff commented that the appropriation will also enable the Borough to pre-order material now and hopefully avoid the inevitable price increases that will likely come as a result of the demand on materials from the storm. Mr. Fay asked, in connection with the elevation, if the Borough decided to change the elevation of the Boardwalk on the far north end that dips down, would that be considered a change under FEMA. Mr. Avakian stated that he didn't think so but that he is investigating this. Also, Mr. Avakian stated, that if it's being elevated for mitigation purposes it may well be encouraged by FEMA. Mr. Dempsey also stated that in regards to the funding, no money will be spent since the Borough will first need to go out to bid. Mr. Fay asked if there are any grants available that may supplement the 75% FEMA reimbursement. Mr. Dempsey stated that there has been some discussion of the state coming up with economic development funds but this has not been released. Mr. Dempsey also stated that there has been some discussion of FEMA moving to a 90% reimbursement but again, Mr. Dempsey stated, this has not been finalized and therefore we have to operate under a 75% scenario. Mr. Judge asked if the Borough needed to get a commitment from FEMA to have the funding in place to award the bid. CFO Kirk responded stated that the Borough may move forward based on the 75% anticipated reimbursement from FEMA.

Mr. Judge reported that the Beach Policy Committee made up of Council Members Jordan, Reilly and himself are fully supportive of the plan presented and are optimistic that the South End Pavilion will be up and running in June with a significant portion of the boardwalk in place as well.

Mr. Jordan asked if Mr. Avakian needed any additional information or approvals from the Council to move forward. Mr. Avakian noted that by the next meeting he'll have a better understanding of what may be needed.

Mayor Naughton followed up on an issue from a previous meeting in connection with the two (2) homes in the Borough that do not have driveways. The Mayor reported that they had many discussions regarding the issue and have determined that the easiest solution may be to modify the parking ordinance to allow homeowners without a driveway to park one (1) car in the street overnight in front of their house. The Mayor asked Borough Attorney Colao if this was possible. Mr. Colao responded that it was possible and offered suggestions on how to alter the Ordinance. Mr. Judge asked if the Council could have a full discussion on the topic and suggested it be placed on the next agenda to allow for public comments. Mayor Naughton agreed and suggested it be placed on the agenda for the December 18, 2012 meeting.

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Business Items Under Consideration - None

Ordinances for Introduction - None

Ordinance for Adoption - None

Consent Agenda

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

**R-12-190 - RESOLUTION - RELEASING STREET OPENING BOND
16 ATLANTIC AVENUE - BLOCK 32, LOT 11**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Arthur Levine for property located at 16 Atlantic Avenue, Block 32, Lot 11 and

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

WHEREAS, the Borough Engineer's office 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. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-12-191 - RESOLUTION – RELEASING STREET OPENING BOND
400 MORRIS AVENUE – BLOCK 73, LOT 26**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Sydnee DeCuir-Whalley for property located at 400 Morris Avenue, Block 73, Lot 26 and

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

WHEREAS, the Borough Engineer's office 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. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-12-192 - RELEASING STREET OPENING BOND
312 PENNSYLVANIA AVENUE – BLOCK 22, LOT 14**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Terrence Hegel for property located at 312 Pennsylvania Avenue, Block 22, Lot 14and

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

WHEREAS, the Borough Engineer's office 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.

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ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-12-193 - RESOLUTION – RELEASING STREET OPENING BOND
412 LUDLOW AVENUE – BLOCK 116, LOT 20**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Greg Longworth for property located at 412 Ludlow Avenue, Block 116, Lot 20 and

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

WHEREAS, the Borough Engineer’s office 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. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-12-194 - RESOLUTION – SUPPORTING THE GOOD SAMARITAN EMERGENCY RESPONSE ACT
(S851/A578) AND REQUESTING THE NEW JERSEY SENATE AND ASSEMBLY TO OVERRIDE
THE GOVERNOR’S VETO**

WHEREAS, Overdose is a major public health problem and the leading cause of accidental death in New Jersey; and

WHEREAS, More than 6,000 New Jersey residents have died from a drug overdose since 2004, with more than 700 New Jersey residents having died in 2009 alone; and

WHEREAS, The majority of overdose victims do not actually die until several hours after they have taken a drug and most of these deaths occur in the presence of others, meaning that there is both time and opportunity to summon medical assistance; and

WHEREAS, fear of arrest and prosecution often prevents people who are in a position to help from calling emergency services; and

WHEREAS, many of these deaths are entirely preventable; and

WHEREAS, saving lives should always take priority over punishing behavior; and

WHEREAS, a "Good Samaritan" law will encourage people to act by removing the fear of arrest and prosecution and get help during life threatening situations; and

WHEREAS, ten states, Connecticut, New Mexico, New York, Washington State, Illinois, Colorado, California, Massachusetts, Rhode Island and Florida, have already enacted Good Samaritan laws for drug overdoses and similar measures are currently pending in several other states; and

WHEREAS, the Good Samaritan Emergency Response Act (S851/A578) is supported by a long list of public health organizations, treatment providers and advocacy groups, including Hunterdon Prevention Resources and Safe Communities Coalition, BACCHUS of Raritan Valley Community College, Drug Policy Alliance, National Council on Alcoholism and Drug Dependence—NJ, the New Jersey State Nurses Association, the National Association of Social Workers, the New Jersey Hospital Association, Integrity House, the Lutheran Office of Governmental Ministry, Hyacinth AIDS Foundation, Well of Hope Drop-in Center, New Horizon Treatment Service, the Atlantic City Syringe Access Program, the South Jersey AIDS Alliance,

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Camden Area Health Education Center, the North Jersey Community Research Initiative, the New Jersey Women and AIDS Network, the New Jersey Deputy Fire Chiefs Association, Paterson Counseling Center, the ACLU of New Jersey, COPE Center, Buddies of New Jersey, Inc., the Hepatitis C Association, Parent to Parent, and the Center for Family Services.

WHEREAS, the Good Samaritan Emergency Response Act (S851/A578), will provide limited legal protection for those who witness a drug overdose and summon medical assistance; and

WHEREAS, early attention and positive reinforcement given to anyone acting as a Good Samaritan may be one more chance to prevent a death due to drug overdose;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Borough Council calls upon the New Jersey State Senate and Assembly to override the Governor's veto and pass the Good Samaritan Emergency Response Act (S851/A578), with bipartisan support, in a manner that encourages our residents to call for emergency medical assistance on behalf of the afflicted individual, their family members, friends and communities and to enforce the priority of saving life over punishing behavior.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

R-12-196 - RESOLUTION – FEDERAL MIGRATORY BIRD PERMIT APPLICATION

WHEREAS, the Borough of Spring Lake recognizes that the large and growing Canada geese population living in and about the Borough presents an environmental issue which must be addressed; and

WHEREAS, the Borough of Spring Lake holds a Federal Migratory Bird Depredation Permit (Permit No. MB10452A-0); and

WHEREAS, it is in the best interest of the Borough of Spring Lake to renew said Depredation Permit;

NOW, THEREFORE, BE IT RESOLVED, that the mayor and Borough Council of the Borough of Spring Lake, Monmouth County, New Jersey, does hereby authorize and direct the Borough Administrator to apply for a renewal of its Federal Migratory Bird Depredation Permit through the United States Department of the Interior, Fish and Wildlife Service.

ROLL CALL:

AYES: Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: Mr. Drasheff

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

R-12-197 - RESOLUTION – AUTHORIZING THE ADVERTISING FOR SEALED BIDS FOR MATERIALS AND CONSTRUCTION OF A BOARDWALK

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, State of New Jersey, that the Purchasing Agent be and is hereby authorized to advertise for sealed bids for materials and construction of a new boardwalk. Returnable before the Purchasing Agent on or about December 14, 2012, at 10:00 a.m., in accordance with the terms, conditions and specification of the Notice to Bidders and Standard Proposal Form.

BE IT FURTHER RESOLVED that the Purchasing Agent report, in writing, as to the detail of the bidding to the Borough Council at its first meeting held after the receipt of bids.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-12-198 - BOROUGH OF SPRING LAKE COUNTY OF MONMOUTH
RESOLUTION OF THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH,
NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A.
40A:4-49 TO FUND THE RECONSTRUCTION OF THE BOARDWALK AND BEACHFRONT
IN AND BY THE BOROUGH AND FURTHER AUTHORIZING THE ISSUANCE OF
EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION**

WHEREAS, an emergency has arisen requiring the appropriation of funds of the Borough of Spring Lake, in the County of Monmouth, New Jersey (the "Borough"), in the amount of \$4,000,000 to provide for the reconstruction of the boardwalk and beachfront, including all preparation, clearing and related work and materials necessary therefor and incidental thereto, resulting from Hurricane Sandy; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$4,000,000, and 3% of the total current and utility operating appropriations in the budget for CY 2012 is \$335,466.95; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, exceeds 3% of the total operating appropriations (including utility operation appropriations) in the budget for CY 2012.

NOW THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Pursuant to N.J.S.A. 40A:4-49, an emergency appropriation is hereby made in the amount of \$4,000,000 for the reconstruction of the boardwalk and beachfront, including all preparation, clearing and related work and materials necessary therefor and incidental thereto. The \$4,000,000 appropriated herein is sufficient to fund the emergency described herein.
2. The emergency appropriation set forth in Section 1 hereof shall be provided for in full through a bond ordinance pursuant to N.J.S.A. 40A:2-1 et seq., which bond ordinance will be finally adopted by the Borough prior to the adoption of the CY2013 budget.
3. An emergency note not in excess of \$4,000,000 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
4. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
5. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such notes, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2013.
6. In accordance with N.J.S.A. 40A:4-49, petition shall be made to the Director of the Division of Local Government Services (the "Director") for permission to exceed the statutory limitation of 3 percent for the creation of one or more appropriations for the purposes set forth in the preamble in accordance with this Resolution. Notwithstanding, pursuant to Local Finance Notice 2012-22, dated October 29, 2012, the Director has granted "blanket approval" for the purposes set forth in this resolution. The Borough understands that formal approval of this Resolution is not required in order to authorize the spending contemplated by this Resolution.
7. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
8. This resolution shall take effect immediately.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

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

**R-12-199 - RESOLUTION – FEDERAL MIGRATORY BIRD PERMIT APPLICATION
RESOLUTION – APPROVAL OF BILLS – DECEMBER 4, 2012**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending December 4, 2012, and

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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)	618,859.13
GENERAL CAPITAL (4)	53,621.40
WATER/SEWER OPERATING (9)	175,084.72
DOG TRUST (13)	912.40
MT LAUREL TRUST (16)	150.00
RECREATION (25)	4,409.25
BEACH OPERATING (81)	34,990.23
POOL OPERATING (91)	1,475.11
TOTAL	\$889,502.24

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Public Comments

Eleanor Twomey, 108 Vroom Avenue, stated that the lights on Third Avenue are beautiful and asked why there were no lights on the tree at the bottom of Third Avenue on Passaic Avenue. Mayor Naughton stated that it was really a matter of time given the work load created by the storm. Ms. Twomey also asked what damage, if any, the North End Pavilion sustained. Mayor Naughton responded stating that a complete inspection was not warranted and therefore was not done. However, the Mayor reported, the roof did sustain some damage.

William Gilroy, 37 Worthington Avenue, asked if the bridge, which he believed is a County bridge, sustained damage. The Mayor asked Mr. Avakian if he was aware of any damage. Mr. Avakian stated that he was unaware of any but that he will be meeting with the County on site Thursday and will bring it to their attention.

Executive Session

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

R-12-200 - RESOLUTION – PURSUANT TO N.J.S.A. 10:4-13 – EXECUTIVE SESSION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that pursuant to N.J.S.A. 10:4-13, the Mayor and Council shall adjourn to Executive Session for the purpose of discussing: Lake Como/Behrman Park DEP Diversion.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Borough Attorney.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:28 P.M.

MEETING IS RECONVENED AT: 8:49 P.M.

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Adjournment

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

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Time of Adjournment: 8:49 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Jane L. Gillespie". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: February 26, 2013