

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
MARCH 25, 2014**

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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables, Mayor Naughton

ABSENT: NONE

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

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**Workshop Discussion**

**Approval of Minutes**

Mr. Judge offered a motion to approve the minutes of March 11, 2014, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Public Comments**

No public comments.

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**Council Comments & Staff Reports**

Mayor Naughton made a recommendation to begin the ban on construction noise on the Saturday of Memorial Day weekend. Mr. Judge asked for clarification that this would pertain to professional construction versus homeowners. Mr. Dempsey confirmed by reading through the ordinance. Mr. Judge voiced support. The Mayor asked if there were any objections. There were none. Continuing, the Mayor stated that she spoke with Police Chief Kerr and the construction office in connection with the enforcement of this ordinance and noted that if there are violations the person who obtained the permit for the work would be served with a summons and not the actual workers at the sight. The hours subject to the ban will be made clear at the time permits are issued, the Mayor stated. The Mayor reported that they participated in another productive meeting with the US Fish and Wildlife, DEP, and the Army Corps of Engineers in connection with the second pipe at Wreck Pond and the project is moving along.

Mr. Erbe reported that at a recent budget meeting a number of things were discussed including streets and roads noting that most can agree that they are in bad shape. Mr. Erbe stated that CFO, Robbin Kirk is looking into ways to help finance the repairs and invited suggestions from the Council. Mayor Naughton added that she spoke with Mr. Avakian and Mr. Colao regarding modifying the ordinance to mandate road repairs, whether mill and paving or infrared, post road openings to specifications that will result in better repairs. The Mayor stated that they hope to introduce the ordinance in April.

Mr. Judge stated that they hope to have the restrooms at the North End Pavilion open in early April.

Mr. Frost offered thanks to the volunteers who assisted with the Spring clean up at Marucci Park. Mr. Frost also thanked Mr. Josh Reiger from the Spring Lake Golf Club who was also on hand to help clean

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up the geese droppings throughout the park. Mr. Frost further reported they are attempting to get the park benches replaced at various locations at both Marucci and Divine Parks.

Mr. Jordan voiced agreement with Mr. Erbe's comments in connection with the roads and suggested a prioritization of road repairs relative to the sewer infrastructure. Mr. Jordan reported that the Beach Committee anticipates there being a few things on the April Agenda in connection with beach policy. Mr. Jordan further reported that there has been approximately \$1.2 million in sales of beach lockers and badges.

Mrs. Venables reported that the Third Avenue trees have been removed by the County in anticipation of Phase II of the project. Mrs. Venables thanked Mr. Dempsey for his assistance in getting the County involved noting that their efforts resulted in an approximate savings of 25%. Mrs. Venables also extended thanks to Kevin Thompson of the Monmouth County Shade Tree Commission and Freeholder Arnone who have been very supportive of our efforts. Mrs. Venables also reported that Tony from Down to Earth was awarded the remaining part of the job and hopes to complete the next phase by April 15<sup>th</sup>. Also, Mrs. Venables reported that the Cherry Tree project should be underway by the end of May noting that Mr. Bill Brash, a certified Arborist, has been retained as part of the Grant to assist with the tree selection and placement of the trees. Mr. Dempsey added that no tax dollars are being used for this project stating that the project is being funded with donations from the Spring Lake 5, the BID and others and a Cherry Tree Grant of \$25,000.

Mr. Avakian reported that his current focus has been on Wreck Pond and meeting with the many entities involved in the project. Mr. Avakian stated that he hopes an agreement on the design will be reached in the next few weeks noting that it's challenging in that the many groups involved all have a different stake in the project with the Borough's key concerns being flooding and water quality. Mr. Jordan asked about the Pier Beach walkover design. Mr. Avakian reported that the design went out to a couple of different companies and they're awaiting feedback on pricing for Pier Beach as well as Washington Avenue, Pennsylvania Avenue, and the bump out for the restrooms at Pier Beach. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked if there was a consensus that the second pipe will be put in. Mr. Avakian confirmed that there was consensus and that funding from the US Fish and Wildlife has been identified. The Mayor added that the Borough still needs to identify the source of the additional funding and the US Fish and Wildlife will be contracting with the American Litterol Society which will allow for easier bidding and contracting. Therefore, there are two (2) hurdles remaining, the Mayor stated, including the conceptual design and the balance of funding. The Mayor added that there are many stakeholders with an interest in the design elements. Mr. Marlowe asked if the design of the walkovers at Pier Beach was available for resident viewing. Mr. Avakian offered to print out a picture of the design stating that it basically depicts a walkover over the dune to the boardwalk with a ramp and stairs down to Ocean Avenue.

Mr. Colao stated that he has one matter for Closed Session.

Mr. Dempsey reported that the Warren Avenue project has begun stating that the foundation was being dug today. Mr. Dempsey added that nearby neighbors seem supportive and the Borough expects the project to be complete in approximately six (6) months. Mr. Dempsey also reported that he and Mayor Naughton met with the Mayor of Lake Como and the Administrator of Belmar in connection with the pumping project at Lake Como. One challenge that's been discussed, Mr. Dempsey stated, is a means to get the pumps in place during an emergency. One option being

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considered is the construction of an elevated roadway at the site. Any costs incurred will be shared equally between the three (3) municipalities, Mr. Dempsey stated. The Mayor echoed Mr. Dempsey's comments noting that it was a good meeting with mutual support from all three (3) towns. Regarding beach replenishment, Mr. Dempsey reported that the project is close to being completed. Mr. Dempsey also reported that the dog signs noting that dogs are prohibited on the boardwalk have been ordered and will be put in place next week at each entrance of the boardwalk. Regarding the Second Street property, Mr. Dempsey reported that Mr. Avakian's firm visited the site and cleared it in an effort to ready it for sale. Mayor Naughton asked if the property will be staked to delineate the three (3) lots. Mr. Dempsey agreed this could be done. Mr. Judge asked when the bid will take place. Mr. Dempsey stated that they anticipate it to take place around mid-April. Mr. Jordan asked about the potential concern of having a Second Street and Second Avenue. Mr. Dempsey offered that they are considering changing the name of Second Street to avoid confusion. The Mayor asked how this is done. Mr. Colao offered that it would need to be done by ordinance but that there may also need to be a consult with the US Post Office. There was a discussion about changing the address of the single home on the adjoining street to be included in the street renaming. Mr. Dempsey agreed to reach out to the resident to discuss. Regarding the North End Pavilion, Mr. Dempsey reported that they are very close to finishing the Certificate of Occupancy punch list. Finally, Mr. Dempsey shared that the billing for water and sewer will be transitioned from our third party provider, InLine Services, to an in house process using a software program provided by Edmunds and Associates. The readings, Mr. Dempsey added, will be done by part-time Borough employees and the bills processed and mailed from this location. We expect, Mr. Dempsey stated, that the process will be smoother and more accurate. Mr. Dempsey stated that they hope to eventually move to a remote reading process which would eliminate the need to physically scan each meter. Mr. Dempsey stated that if some of the larger towns, such as Wall Township which is also serviced by the South Monmouth Municipal Utility Authority, move to the same meter system, the Borough may be able to transition to this type of system and save money. The Mayor added that if the Borough were to make this change, absent a joint effort with other municipalities, it would be a capital investment of approximately \$300,000.

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**Business Items Under Consideration**

**Bare Wire Surf & Sake – Surf Contest – June 7, 2014** - Mr. Judge offered a motion to approve the Bare Wire Surf Contest, seconded by Mrs. Venables. All in favor. None opposed.

**H.W. Mountz Annual Kitchen Tour – October 18, 2014** - Mr. Judge offered a motion to approve the H.W. Mountz Annual Kitchen Tour, seconded by Mrs. Venables. All in favor. None opposed.

**Goodwill Fire Company – Annual Easter Egg Hunt – April 19, 2014** - Mr. Judge offered a motion to approve the Goodwill Fire Company Annual Easter Egg Hunt, seconded by Mrs. Venables. All in favor. None opposed.

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**Ordinances for Introduction** - None

**Ordinances for Adoption** - None

**Consent Agenda** - None

**24859**

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**RESOLUTIONS**

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

**R-14-054 - RESOLUTION – CANCEL REMAINDER OF 2014 TAXES –  
EXEMPTION FOR DISABLED VETERAN  
JOHN NUGENT – BLOCK 116, LOT 5.01**

WHEREAS, the owner of property known as 407 Worthington Avenue, Block 116, Lot 5.01, in the Borough of Spring Lake is owned by a 100% Permanently and Totally Disabled Veteran, as noted in a letter from the Department of Veterans Affairs which was effective October 2, 2013, and

WHEREAS, the property owner John Nugent, being determined to be totally and permanently disabled by the Department of Veteran Affairs applied to the Borough of Spring Lake for the tax exemption on October 2, 2013, for Block 116, Lot 5.01, and

WHEREAS, the Tax Assessor of the Borough of Spring Lake was unable to enter the tax exemption into the 2014 tax levy causing Block 116, Lot 5.01 to reflect full tax billing for the 2014 year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Chief Financial Officer/Tax Collector is hereby authorized to cancel 2014 taxes as levied, and

**ROLL CALL:**

**AYES:** Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

**NAYS:** NONE

**ABSENT:** NONE

**ABSTAIN:** NONE

Mr. Judge asked for more details in connection with the following resolution. Mr. Dempsey responded that it is an agreement in connection with the operation of the sluice gate at Wreck Pond. It details the operation of the gate when a storm approaches and is required in order to obtain a permit for installation noted Mr. Dempsey. Mr. Judge suggested the wording be changed slightly referencing that it's an agreement in connection with the operation of the gate. Mayor Naughton asked for confirmation from Borough Attorney Colao that the wording change was minor and that the Council could move forward with the adoption of the resolution as amended. Mr. Colao confirmed.

Mr. Judge offered a motion to approve the following Resolution, as amended, and moved its adoption, seconded by Mrs. Venables.

**R-14-055 - RESOLUTION – AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement to operate the sluice gate with the State of New Jersey Department of Environmental Protection.

**ROLL CALL:**

**AYES:** Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

**NAYS:** NONE

**ABSENT:** NONE

**ABSTAIN:** NONE

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

R-14-056 - RESOLUTION – ACCEPTING AND ADOPTING THE MONMOUTH COUNTY MUNICIPAL JOINT  
INSURANCE FUND'S 2014 SAFETY AND COMPLIANCE PROGRAM

WHEREAS, the Borough of Spring Lake is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF); and

WHEREAS, it is the policy of the MONMOUTH JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their member's employees, volunteers, and public are provided with a safe and healthy environment, free from any recognized hazards; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

WHEREAS, the MONMOUTH JIF's Safety Committee is made up of volunteers representing many of the Fund's Municipalities, along with the professionals employed by the Fund; and

WHEREAS, over the past year, the MONMOUTH JIF's Safety Committee has worked hard to develop a new Safety and Compliance Program like none other in the State that will better represent the members of the Fund's needs; and

WHEREAS, the new Program will assist all the Monmouth JIF's members in becoming or maintain compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

WHEREAS, the MONMOUTH JIF has adopted the new 2014 SAFETY AND COMPLIANCE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

WHEREAS, the Clerk/Administrator of the Borough of Spring Lake has reviewed this SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Governing Body; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM be adopted by the Borough of Spring Lake.

**ROLL CALL:**

**AYES:** Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

**NAYS:** NONE

**ABSENT:** NONE

**ABSTAIN:** NONE

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

R-14-057 - RESOLUTION – APPROVAL OF BILLS – MARCH 25, 2014

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 25, 2014, 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.

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<u>SUMMARY</u>	
CURRENT FUND (1)	342,668.58
WATER/SEWER OPERATING (9)	2,537.62
DOG TRUST (13)	910.00
MT LAUREL TRUST (16)	120.00
RECREATION (25)	2,219.38
BEACH OPERATING (81)	680.62
POOL OPERATING (91)	614.51
POOL CAPITAL (94)	44,194.82
<b>TOTAL</b>	<b>\$393,945.53</b>

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Public Comments

Elsie Dubac, 415 St. Clair Avenue, stated that she attended the Board of Education meeting and reported that there has been trouble with the basketball courts. Ms. Dubac stated that they (area residents) have had to call the police. Ms. Dubac further stated that Mrs. Hansen asked if Mr. Judge would act as a liaison with the area residents and the town in connection with establishing policies. Mr. Judge stated that he would be happy to reach out to Mrs. Hansen to discuss it further.

Lisa DeBerardine, 10 Brown Avenue, asked if there would be a concession at Pier Beach for the summer. Mr. Dempsey responded stating that there would be a food truck located there this season. Ms. DeBerardine asked if this was the permanent plan for this location. Mr. Dempsey stated that the concern about placing a more permanent structure at this location is that it sits below the base flood elevation and would be vulnerable to future storms. Ms. DeBerardine asked if there was a way to stipulate the hours the truck is required to be there noting that last year the hours of operation were sporadic leaving some beachgoers without a food service option. Mayor Naughton voiced support for stipulating hours and agreed to work to make sure the hours are adhered to. Ms. DeBerardine also inquired as to whether the Borough has spoken with the County about missing crosswalks on Ocean Avenue. Ms. DeBerardine noted that there are several that are quite faded or nonexistent. Mr. Dempsey agreed to speak with the County.

Harry Zarb, 2205 Third Avenue, asked if the no smoking ban at the beach could be modified to ban smoking on the entire length of the boardwalk including the pavilion areas. Mayor Naughton stated that it's a possibility and that she supports the idea yet it's up to the Council to consider.

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

**R-14-058 - 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.

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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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

MEETING IS RECONVENED: 7:55 P.M.

Adjournment

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 7:55 PM

Respectfully submitted,

  
DINA PARTUSCH-ZAHORSKY  
Deputy Borough Clerk

Approved at a meeting held on: April 8, 2014