

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JANUARY 22, 2013**

24515

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. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Fay

ALSO PRESENT: Jane Gillespie, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Joseph Colao, Esq, Borough Attorney
Peter Avakian, Borough Engineer (Arrived 6:55 PM)

Workshop Discussion - None

Approval of Minutes - None

Public Comments - None

Council Comments & Staff Reports

Mayor Naughton stated that there have been a couple of meetings with the DEP in connection with keeping the new inlet open where Wreck Pond meets the ocean. The DEP, the Mayor continued, asked the Borough to put together a plan on how this could be done and maintained, including the use of a bulkhead or some type of barrier to guide the water out of the northern section. Mr. Avakian, the Mayor stated, has been working on this with the coastal engineers and submitted a plan on the Borough's report yesterday and therefore our obligation to the DEP has been fulfilled. It is the opinion of the DEP and our that this is a critical component to controlling flooding in this area of the Borough. Mr. Avakian added that the intent is to keep the emergency spillway operating at the elevation that it was designed at and then periodically clear channels.

Mr. Jordan asked if the DEP had given the Borough something in writing that they were okay with the Borough clearing that channel. Mr. Avakian confirmed that there is something in writing. Mayor Naughton stated that the Borough has received a great deal of cooperation and encouragement from the DEP on this aspect of mitigation.

Mayor Naughton reported that there will be an informal discussion for those residents near Wreck Pond and Lake Como, as well as anyone that wants to attend, regarding the new base flood elevations. The Mayor stated that the meeting will address how residents and the Borough can apply for hazard mitigation grants to help offset costs associated with improving your home to reduce flood risk and repeated lost. The meeting is scheduled for January 31, 2013. The Mayor further noted that FEMA has issued advisory base flood elevation maps and the Borough has been advised NOT to adopt the maps until they've been fully vetted and affirmed by FEMA. The sense of urgency, the Mayor stated, is due to the need to complete the letters of intent by February 8, 2013.

Further, the Mayor gave an update on the boardwalk reporting that the lumber for the decking is essentially in place and the repairs underneath are complete from the south end to pier beach. Also, the Mayor continued, the South End Pavilion storeroom has been rebuilt and will soon be resided.

Mr. Drasheff stated that many people have visited the south end and are marveling at how much work has already been completed. He further reported on a Coast Star editorial complaint regarding the counties' dispatching service. Mr. Drasheff stated that the system is less than a year old and there were some minor start-up problems which have since been addressed. Mr. Drasheff noted that any complaints in connection with the service are taken very seriously and stated that the Mayor has called a meeting for

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the finance and personnel committees to address any issues. Mr. Drasheff invited the public to please keep them informed of any concerns in connection with the system.

Mr. Fay voiced his thoughts in connection with the beach redevelopment effort noting that he believes there is a need to consult special expertise in the areas of beach defense and beach and boardwalk construction. Mr. Fay stated that this is an important effort and will result in spending upwards of \$15 to \$20 million.

Mr. Fay made a motion to develop list of experts to help the Borough with the redevelopment. Mr. Drasheff asked Mr. Fay to define the particular items he was considering. Mr. Fay noted the dune system as one area that needs expert consideration. Mr. Judge asked if Mr. Fay was interested in expertise in the area of applying for FEMA money. Mr. Fay responded that his interest was more focused on hearing from experts that do this type of work noting that the Borough does not have this level of expertise. Mayor Naughton cautioned against stating a cost figure of \$20 million in that we are not spending anything near this amount. The Mayor stated that the boardwalk reconstruction will be roughly \$4 million and if the Borough decided to build a seawall at the most it would cost \$8 million.

Mrs. Reilly offered that there is the pool and beach committee which thoroughly vets, including consultation with experts, everything that is discussed and then brought back to the Council. Mr. Judge stated, in connection with Mr. Fay's comments, that he's satisfied with Mr. Avakian's efforts to obtain guidance from experts and expressed concern about incurring additional costs to obtain something he believes the Borough is already getting.

Mr. Fay asked that his motion be put forward and voted on reiterating his position that the Borough should obtain help on this effort. Mr. Jordan asked Mr. Fay what type of expertise he was considering. Mr. Fay responded that he believes people who could help the Borough defend the beaches and stated that he felt he did not get enough information out of last week's workshop. Mr. Fay referenced an email from Mr. Marlowe and comments raised by Mr. Judge.

Mrs. Venables expressed appreciation for Mr. Fay's comments and stated that she feels Mr. Avakian, as a Borough Engineer working with several shore towns, is in fact an expert and expressed great confidence in his expertise. Mrs. Venables reflected on other projects when Mr. Avakian suggested to the Borough to seek out expert opinion beyond his scope of expertise.

Mayor Naughton offered that the Borough has sought out the expertise of a coastal engineer to compliment Mr. Avakian's experience. Mr. Avakian stated that this is indeed his area of expertise and what he is most proficient at, however, when there is a need for substantiation for a component of the beach redevelopment plan, such as the dune system, I'm very comfortable reaching out to other experts. Mr. Avakian reflected on the workshop discussions and noted that he is constantly discussing options of bringing in other experts when necessary. At this point in time, Mr. Avakian stated, he does not feel it's necessary to bring in additional experts based on the boardwalk structure and the options discussed at the workshop. Mr. Avakian stated that he's followed the commentary from around the area on the topic of storm damage and restoration and feels confident that the Borough is at the forefront and the workshop topics are a testament to that. The options discussed at the workshop are the topics that experts in the field have also been discussing including the beach profile, dune system and elevation of the boardwalk. The Mayor noted that there is the need to evaluate the options in terms of both cost and contingent factors. The Mayor cited the example of the need for beach replenishment in order to make the easterly dune a valid option.

Mr. Judge, on behalf of the beach committee, stated that they do not intend on recommending an easterly dune option. Perhaps if there was a beach replenishment effort down the road, Mr. Judge stated, they would reconsider. Mrs. Reilly and Mr. Jordan concurred with Mr. Judge's comment.

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Mr. Drasheff stated that he felt Mr. Avakian did a wonderful job at the workshop both in terms of detailing the options and the cost involved.

Mayor Naughton offered that perhaps Mr. Fay spend some time with Mr. Avakian in an effort to better understand who Mr. Avakian has engaged and the different things that have been considered. Mr. Jordan also stated that this may be helpful for Mr. Fay to get a better understanding of the cost.

Mr. Fay requested to have his motion stand and agreed he would sit with Mr. Avakian. Mr. Fay asked for clarification that we are not going to move forward with a dune system. Mr. Judge clarified that the beach committee will not be recommending the development of an easterly dune yet the westerly dune will still be kept in place. Mr. Fay asked how the Borough expects to protect the boardwalk we've lost twice in two years. Mr. Judge stated that there are other mitigating aspects that were discussed at the workshop such as raising the boardwalk, building a seawall and using temporary seasonal dunes are still under consideration. Mayor asked for a second to Mr. Fay's motion. There was no second, motion dies.

Mrs. Venables spoke to Resolution R-13-026 in connection with a Professional Services contract for a Landscape Architect, Site Work. Mrs. Venables noted that the owner, Melissa Ix is a long time resident of Spring Lake and a member of the Borough's Shade Tree Committee. Ms. Ix, Mrs. Venables stated, did the landscape design work on the Arch project and has given the Shade Tree committee loads of free advice on a myriad of projects. Mrs. Venables spoke to the issue of the Bradford Pear trees on Third Avenue, which have reached the end of their life cycle and need to be addressed. Ms. Ix is extremely familiar with the project and has been a part of many discussions on the topic, including what should be done with the trees, the sidewalks, the utilities, etc. Ideally, Mrs. Venables, stated they'd like to come up with a solution that has a long view, well beyond the 25 year life span of a Bradford Pear tree. Mrs. Venables stated that she requested a detailed plan from Ms. Ix and her firm. Ms. Ix, presented a proposal not unlike what she would've prepared for New York City that details three (3) phases including the requisite approvals that would be involved. Mrs. Venables explained that the proposals have been reviewed and they've narrowed it down to one. The price would be \$15,000 for planting of 30 shade trees in the downtown area, verifying tree locations with the survey that has been provided by Mr. Avakian, verifying utility locations, overall site plan, street tree species recommendations, tree pit layout and design, cost estimates, project scheduling and final plan review. Mrs. Venables stated that she believes this would be money very well spent and expressed confidence in Ms. Ix because she is very familiar with the project, the concerns of the Shade Tree Committee members, and of course very familiar with Spring Lake and the downtown area. Mrs. Venables asked for the Council's consideration on two (2) issues. One, is the Council in support of having a licensed architect work on the project and if so, are they in support of authorizing \$10,000 (the Committee has \$5,000 from the last two (2) years) to pay for the remainder of the cost of the plan. Mrs. Venables stated that there is \$43,000 in the tree fund but stated that she is hesitant to use these funds knowing that there are approximately 100 residents in town waiting for tree plantings. Mrs. Venables also stated that the BID has offered to do fundraising for the project as well which may help offset some of the costs.

Mr. Jordan asked where the \$10,000 would come from with respect to the Borough's budget. Mr. Dempsey responded with a number of potential options and the potential issues with those options. Mr. Dempsey also noted that having a plan such as the one being presented by Ms. Ix may prove helpful when appealing to the State for potential grants. Mr. Dempsey further stated that this is an issue that has been talked about for years and is clearly a large project where having a plan would prove helpful.

Mr. Judge thanked Mrs. Venables for her efforts on this project and noted that Ms. Ix is certainly deserving of the Council's thanks yet it's important to separate what she's done on a Pro Bono basis from this project. Mr. Judge noted that he's concerned about the price tag and where the money is coming from. Mr. Judge asked how likely it may be that the Borough obtains a grant for some or all of the cost.

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Mr. Dempsey stated that the grant would likely be for the implementation of the project but not for the architect's work.

Mr. Drasheff noted that monies spent on the architectural contract could qualify as the matching portion in connection with any grants received. Mr. Dempsey voiced confidence that grant money may be available noting that Spring Lake's Shade Tree Committee is very active in comparison to other municipalities

Mr. Jordan inquired about the estimate of cost for 30 trees. Mrs. Venables stated that \$1,500 per tree is the estimate Ms. Ix used which may be a bit high, however, this is for mature trees. We may be able to do this for less, stated Mrs. Venables.

Richard Clayton, on behalf of the BID, stated that the BID has discussed the possibility of fund raising for the trees or the possibility of exploring other options. Mr. Clayton expressed concerns about the timing, referencing the paver project that is planned noting that tearing up the sidewalks twice may not be ideal for the local business. Mayor Naughton added that it's not the Shade Tree Committee's responsibility to do something about the trees but the Borough's responsibility as a whole. Mayor Naughton, citing the damaged trees and age of the trees, stated that it's important that the Borough take action.

Mr. Judge asked Mr. Avakian his opinion on whether it is necessary to obtain this level of landscape design expertise for this type of a project. Mr. Avakian responded that he believes it is and added that it's more involved than one might think.

Mr. Jordan reported that the Beach Committee is continuing to meet and the badge sales should begin soon. Prior to going live, we intend to stress test the system with friends and families.

Mr. Judge reported that, as previously discussed, they are still considering various mitigation efforts in connection with the storm damage and we intend to move forward with the westerly dune rebuild. At this point, Mr. Judge continued, the Borough is considering putting in place surge protectors which are essentially gates at the intersection of the current access points and the westerly dune. In discussing this option with Mr. Philips, the Superintendent of Public Works and Mr. Avakian, Mr. Judge continued, it seems this would be a less costly and protective solution. As for the closing of access points, Mr. Judge stated that there are no plans to close any of the access points but to implement a means to close all the access points in the event of a storm. Mr. Avakian has been asked to draw up a plan, including a request for proposal, to get an idea of what something like this may cost. Mrs. Reilly stated that when the dunes were put in place in 1992, the intent was to make them as impenetrable as possible. What we've learned now, Mrs. Reilly continued, is that we need to extend the dunes structure across the access points as well. This plan allows for access points from the street to the boardwalk without any obstruction to views, Mrs. Reilly stated.

BOROUGH ATTORNEY'S REPORT

Mr. Colao stated that he has one item for Executive Session.

BOROUGH ADMINISTRATOR'S REPORT

Mr. Dempsey reported that a meeting has been set with JCP&L to discuss lighting for the boardwalk. Mr. Dempsey is hopeful to look for creative, cost effective solutions to lighting on the boardwalk. The Mayor asked if the LED solution was a potential option. Mr. Dempsey noted that this would also be considered. Mr. Dempsey also reported that the sand is being sifted at the south end and this process should be complete in the next several weeks provided the weather cooperates. Mr. Drasheff asked Mr. Dempsey to ask JCP&L at the upcoming meeting about the status of street lights between Union and Sussex Avenues. Mr. Dempsey agreed and stated he would also explore the status of getting power back to the south end and the pump station.

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Business Items Under Consideration

Greater Spring Lake Chamber of Commerce - 2013 Schedule - Mrs. Venables offered a motion to approve the Greater Spring Lake Chamber of Commerce 2013 Schedule, seconded by Mrs. Reilly. Unanimously approved.

Event Application - Bike MS - May 18, 2013 - Mrs. Venables offered a motion to approve the Event Application - Bike MS, seconded by Mrs. Reilly. Unanimously approved.

Goodwill Fire Company - Annual Request to Use Roll-off - Mrs. Venables offered a motion to approve the Goodwill Fire Company Annual Request to Use Roll-off, seconded by Mrs. Reilly. Unanimously approved.

Ordinances for Introduction

Ordinance No. 2013-001

Borough Attorney Colao read Ordinance No. 2013-001 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE", by Title.

Mayor Naughton stated that the Ordinance is a result of a recent Workshop in connection with corner lots. The Workshop covered how the Borough can best handle corner lot variance requests on R-2 properties. The Mayor stated that the ordinance must first be reviewed and considered by the Planning Board in February and will be heard again by the Council at the second meeting in February.

Mr. Colao reported that there is a revised version of the Ordinance in the packets received by the Council members noting that the change is in connection with the non-conforming lots that will be created. The Mayor asked if there was a need for a deeper explanation of the changes for the Council. Mr. Colao stated that there was not.

Mr. Fay stated that he would like to perhaps delay the introduction of the Ordinance due to some legal information that he's become aware of that he would like to discuss in Executive Session. Mr. Fay stated that he's all for the Ordinance but that he discovered some things that happened ten plus years ago and fears that the town may get sued. Mr. Colao stated that he sees no reason to take the topic into Closed Session. Mr. Colao noted that the Ordinance only effects subdivisions going forward and not those that took place historically.

Mr. Dempsey noted that any subdivisions that have already been approved would also be exempt from the changes proposed in the Ordinance. Mr. Dempsey detailed the process for the Ordinance to be considered and public comments to be heard. Mr. Drasheff stated that if someone had issues with the Ordinance wouldn't that person voice their complaints with the Planning Board.

Mr. Colao noted that an Ordinance can be challenged and that the most likely situation is that there would be a variance request that is denied and subsequently appealed.

Mrs. Venables offered a motion to introduce Ordinance No. 2013-001, seconded by Mr. Jordan.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mrs. Reilly

Ordinance No. 2013-001 in full/Ordinance Book No. 1

Ordinance for Adoption - NONE

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RESOLUTIONS - Consent Agenda

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

**R-13-019 - RESOLUTION - APPROVING RAFFLE LICENSE RA# 01-2013 -
SISTERS OF CHARITY OF SAINT ELIZABETH -
OFF PREMISE RAFFLE**

WHEREAS, Sisters of Charity of Saint Elizabeth has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#1-2013, 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#1-2013 be and the same is hereby approved as follows:

NAME: Sisters of Charity of Saint Elizabeth
PO Box 476, Convent Station, NJ 07961-0476
Identification No.: 322-2-1324
LOCATION: The Spring Lake Bath & Tennis Club
1 Jersey Avenue, Spring Lake, NJ 07762
DATE: June 6, 2013 2:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-020 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#2-2013 – THE WOMAN'S CLUB OF SPRING LAKE -
ON 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#2-2013, 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#2-2013 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
1507 Ocean Avenue, Spring Lake, NJ
DATE: May 22, 2013 11:30 AM - 3:30 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

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ABSTAIN: NONE

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

**R-13-021 - RESOLUTION - RESOLUTION – APPOINTMENT OF CLASS II OFFICERS
SPRING LAKE POLICE FOR THE YEAR 2013**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed EFFECTIVE January 1, 2013 at the hourly rates as listed below as recommended by the Chief of Police, Edward Kerr:

NAME	POSITION	HOURLY WAGE
CASAGRANDE, MARK CHRISTIAN	CLASS II	\$15.24
HEINE, CHRISTOPHER FRANCIS	CLASS II	\$15.24
PHILLIPS, MATTHEW JOSEPH	CLASS II	\$15.24
MARC EVANGELISTA	CLASS II	\$15.24

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-13-022 RESOLUTION – REFUNDING UNUSED ESCROW FEES

WHEREAS, escrow fees were submitted to the Borough for the block and lot set forth below, and

WHEREAS, the Planning Board Secretary has reviewed this account and found that the monies should be returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned as recommended by the Planning Board Secretary:

Charles & Anne Benz	Block 101	Lot 15	520 Brighton Avenue	\$502.00
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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-023 OPPOSITION TO THE APPROVAL PROCESS FOR NON-SHP
HEALTH INSURANCE PLANS AS PROPOSED BY N.J.A.C. 5:30-18.1
THROUGH 18.4 AND N.J.A.C. 6A:23A**

Whereas, The New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities and school boards perform a static comparison of health insurance costs to State Health Benefit Program costs; and

Whereas, These rules are in conflict with Section 42.c of Chapter. 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

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Whereas, The regulations, as proposed, extends this authority to require all public entities electing not to provide health benefits through the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and

Whereas, This interpretation that is contrary to the regulations is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution;
and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added):

The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate.

and

Whereas, the proposed regulation is cumbersome and places a significant burden on any public body intending to utilize the employee contribution schedule contained within the law, but wishing obtain health benefits outside the SHBP or SEHBP; and

Whereas, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHBP and stifle competition; and

Whereas, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

Whereas, If the regulation causes a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

Whereas, This will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

Whereas, The regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.; and

Whereas, Most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP, and the commercial market will further complicate comparisons; and

Whereas, The regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such differences are critical to any valid comparison of plan economics; and

Whereas, The regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

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Whereas, In situations where a local health plan has negotiated benefits that are richer than, or even different than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

Whereas, The comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

Whereas, SEHBP rates are reduced by the amount of the A4 retiree surcharge paid by entities not in the state plan and the rates for local school districts not in the SEHBP are increased by the surcharge further limiting the fairness and utility of the comparison; and

Whereas, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

Whereas, The regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest "shared services" effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a "big government" mentality and are hostile to both "shared services" and "home rule" concepts.
- If the regulation seeks to encourage "due diligence", then members of the SEHBP and SHBP should also be required to compare their claims and cost to the health JIF and commercially insured alternatives.

Now, Therefore, Be It Resolved, That, for the foregoing reasons, we respectfully beseech that the Departments modify and reissue the proposed regulations to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health JIF and shares of surplus retained by the health JIF;
- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

Be It Further Resolved that certified copies of this resolution be forwarded to Governor Christie, the NJ Local Finance Board, the NJ Department of Education, and to local legislative representatives.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTIONS

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

R-13-024 - RESOLUTION - APPROVAL OF BILLS – JANUARY 22, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 22, 2013, 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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SUMMARY

CURRENT FUND (1)	408,723.11
GENERAL CAPITAL (4)	6,980.00
WATER/SEWER OPERATING (9)	59,523.06
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	6,802.75
MT LAUREL TRUST (16)	927.90
MARRIAGE TRUST (19)	100.00
RECREATION (25)	2,145.00
BEACH OPERATING (81)	320,590.13
POOL OPERATING (91)	3,281.00
POOL CAPITAL (94)	248,325.24
TOTAL	\$1,058,308.19

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-025 - RESOLUTION - RESOLUTION – AWARD OF CONTRACT #01 -2013
Furnish and Delivery of Stainless Steel Screws as per bid specifications.**

WHEREAS, on January 17, 2013 bids were received for furnishing and delivery of stainless steel screws for the boardwalk in the Borough of Spring Lake.

WHEREAS, six (6) packages were picked up and three (3) bids were received, and

WHEREAS, T & B Specialties Inc, 479 Wright Debow Road, Jackson, NJ 08527 is the lowest responsible bidder for the furnishing and delivery of the stainless steel screws.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #01-2013 be and is hereby awarded to T & B Specialties Inc. for the furnishing and delivery of the stainless steel screws with the amount not to exceed \$91,825.00. /s/ Robbin Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-026 - RESOLUTION - AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF SPRING
LAKE FOR THE PROVISION OF PROFESSIONAL SERVICES**

WHEREAS, there exists a need for professional services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

PS#06-2013	Landscape Architect/ Shade Tree Committee	Melissa Ix	Site Works Landscape Architecture	150 West 28 th Street, Suite 605 New York, NY 10001
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WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Spring Lake in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-027 - RESOLUTION - AMENDING PROFESSIONAL SERVICES AGREEMENT - SPG3 -
RESTORATION AND ADDITION TO THE FIRST AID BUILDING
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT WITH THE BOROUGH OF SPRING LAKE FOR THE
PROVISION OF PROFESSIONAL SERVICES**

WHEREAS, there exists a need for professional services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

PS#07-2013	COAH Counsel	Andrew Bayer, Esq.	Gluckwalrath, LLP	11 Wharf Avenue, Suite 4 Red Bank, NJ 07701
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WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Spring

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Lake in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Harry Zarb, 2203 Third Avenue questioned Resolution R-13-023? It is explained that it puts constraints on municipalities who are not using the State Health Benefits Plan. He then discusses the batter boards that were part of the discussion which would be installed just prior to a storm to try and prevent some of the damage caused during a storm.

Elsie Dubac, 415 St. Clair Avenue, questioned if it would not be more feasible to remove the trees now prior to the paving work? Mrs. Venables explained that the tree replacement is not part of the road improvement program going on now and is being looked at for a later project.

Richard Clayton, 1207 Third Avenue, stated that Public Works had dug out one tree and there were roots and he suggested putting in one as a test and would encourage the project. Some of the trees are close to the crosswalk.

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

R-13-028 – 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, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:10 P.M.

MEETING IS RECONVENED: 8:29 P.M.

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Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

MEETING IS ADJOURNED: 8:29 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 distinct 'L'.

JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: May 21, 2013