

24560

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
MARCH 12, 2013**

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. Judge, Mrs. Reilly, Mayor Naughton
ABSENT: Mr. Jordan

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

Workshop Discussion – NONE

Approval of Minutes - NONE

Public Comments

Eleanor Twomey, 108 Vroom Avenue, questioned by the Ordinance amendment discussed at the last meeting was not on the Agenda. She was advised that it was not prepared and will be ready for the next meeting.

Lyle Marlowe, 110 Pennsylvania Avenue, expressed his concerns with the Ordinance on Flood Prevention which is scheduled for a public hearing this evening.

Marie Reed, 11 Passaic Avenue, voiced her concerned with the beach access decisions and felt that additional traffic will be on Passaic Avenue because of it. She is advised that as many accesses as practical were going to be opened for the 2013 season and that additional access will be made for the 2014 season. Budget constraints were also a factor in this decision.

Barbara Fleming, 7 Passaic Avenue, also voiced her concerns with increased traffic on Passaic Avenue as a result of the changes made to beach access.

Council Comments & Staff Reports

Mayor Naughton welcomed, Bryan Dempsey, Borough Administrator, back to work after his recent absence.

Mr. Avakian explained that in 2009 FEMA updated its FIRM maps following that, Spring Lake adopted its flood damage prevention Ordinance. In December, 2012 FEMA produced for review the ABFE maps. After a lot of public discussion, Governor Christie recommended these maps. He then reviewed the changes which would effect the Borough. He explained that construction methods are identified and will be enforced by the Construction Official.

Mr. Lyle Marlow, 110 Pennsylvania referred to the email regarding proposed Ordinance 2013-002. His email questions the impact the Ordinance would have on him and he explained that height decisions should be made by the property owner as building requirements will also be used to flood define flood insurance costs.

Mr. Fay questioned staffing at the Bath & Tennis beach? Mr. Judge advised that there would be a meeting held with their representatives to discuss this.

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Mrs. Venables reported on the Third Avenue Project which will be done in phases. The project has been designed by Melissa Ix and is being done by the Shade Tree Committee in conjunction with the B.I.D. Everyone has worked really hard on this project and she is excited to see it get underway. They have also assisted with the tree planting around the Mountz School.

Mr. Judge reported that on March 3rd a meeting was held with representatives of the First Aid and Fire Companies with respect to volunteer beach badges. Those present agreed on behalf of their organization to tie the award to LOSAP recipients and that the Borough has the right to issue one badge and for the second badge an identification card could be issued. The \$175.00 non-resident fee would be waived. There is a Resolution on tonight's Agenda approving this and outlines what was discussed and agreed to.

Borough Engineer's Report

Mr. Avakian reported that the Third Avenue roadway improvements would be resuming April 1st.

Borough Administrator's Report

Mr. Dempsey thanked everyone, the Mayor and Council, the Borough Staff and many residents for their kindness and compassion during his recent illness and that he is glad to be back.

Business Items Under Consideration

Event Application - Someone Special Needs You - June 1, 2013 – Discussion on location. Mayor and Council felt that this type of event would be better if it was held in a different location. Mr. Dempsey to contact them and propose that they hold their event around the lake due to the construction taking place at the North End Pavilion. Mrs. Venables offered a motion, seconded by Mrs. Reilly that there would be no further action needed if an alternate location was agreed to.

Shakespeare in the Park - Request for use of Divine Park for 2013 Production - Mrs. Venables offered a motion to approve the Shakespeare in the Park 2013 Production, seconded by Mrs. Reilly. All in favor. None opposed.

Spring Lake Educational Foundation - Permission for Car Raffle – Mrs. Venables offered a motion, seconded by Mrs. Reilly to approve the foundation's request dated February 27, 2013 from Mr. to hold Car Raffle Promotions. All in favor. None opposed.

Ordinances for Introduction

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

R-13-056 RESOLUTION OF THE BOROUGH OF SPRING LAKE MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d) AND N.J.S.A. 40A:2-11.

WHEREAS, the Borough of Spring Lake, in the County of Monmouth, New Jersey (the "Borough") desires to make application to the Local Finance Board for its review and approval of the following bond ordinance pursuant to N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11:

BOND ORDINANCE PROVIDING FOR THE EMERGENCY APPROPRIATION CREATED IN 2012 FOR THE REMOVAL AND RECONSTRUCTION OF THE BOARDWALK IN AND BY THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purposes are not unreasonable; and
- (d) the proposals are an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of this resolution and the introduced bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Borough Attorney Colao read Ordinance No. 2013-004 entitled: "BOND ORDINANCE PROVIDING FOR THE EMERGENCY APPROPRIATION CREATED IN 2012 FOR THE REMOVAL AND RECONSTRUCTION OF THE BOARDWALK IN AND BY THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF", by Title.

Mrs. Venables offered a motion to introduce Ordinance No. 2013-004, seconded by Mrs. Reilly. Public hearing to be held at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Ordinance No. 2013-004 in full/Ordinance Book No. 1

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2013-002 entitled: "AN ORDINANCE SUPPLEMENTING CHAPTER 186, FLOOD DAMAGE PREVENTION, OF THE BOROUGH CODE", by Title.

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Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2013-002, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Lyle Marlowe, 110 Pennsylvania Avenue, expressed with his concerns with the Ordinance as outlined previously in an email and that the Governing Body should consider changing it. He felt that the definition of "Lowest Floor" needed to be clarified. He looked at FEMA's definition and theirs is much more complicated. He felt that the Lowest Floor could be stated as equal to the FEMA flood elevation. Then if a homeowner wanted to build higher to possibly reduce their insurance costs that would be their decision and not governed by the Borough. He thinks that the "+1" should be removed from the Ordinance.

There being no additional comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-002, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

After discussion by the Mayor and Borough Council, Mr. Judge offered a motion to amend Ordinance No. 2013-002 to delete any reference to "+1", seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Borough Clerk to publish notice of amendment and that the adoption was carried to the April 9, 2013 meeting.

RESOLUTIONS

Consent Agenda

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

**R-13-051 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 08-2013
- SPRING LAKE EDUCATIONAL FOUNDATION - ON PREMISE 50/50**

WHEREAS, Spring Lake Educational Foundation has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#8-2013, 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.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#8-2013 be and the same is hereby approved as follows:

NAME: Spring Lake Educational Foundation
411 Tuttle Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-38464
LOCATION: Spring Lake Fire Co. #1
411 Tuttle Avenue, Spring Lake, NJ
DATE: March 23, 2013 7:30 PM - 10:30 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

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

**R-13-052 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 09-2013
- SPRING LAKE EDUCATIONAL FOUNDATION - ON PREMISE RAFFLE**

WHEREAS, Spring Lake Educational Foundation has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#9-2013, 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#9-2013 be and the same is hereby approved as follows:

NAME: Spring Lake Educational Foundation
411 Tuttle Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-38464
LOCATION: Spring Lake Fire Co. #1
411 Tuttle Avenue, Spring Lake, NJ
DATE: March 23, 2013 7:30 PM - 10:30 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

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

**R-13-053 - RESOLUTION - APPROVING RAFFLE LICENSE RA# 10-2013
- SPRING LAKE EDUCATIONAL FOUNDATION - OFF PREMISE RAFFLE**

WHEREAS, Spring Lake Educational Foundation has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#10-2013, 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#10-2013 be and the same is hereby approved as follows:

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NAME: Spring Lake Educational Foundation
411 Tuttle Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-38464
LOCATION: 12 Red Oak Drive, Spring Lake, NJ
DATE: July 27, 2013 10:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

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

**R-13-054 - RESOLUTION - APPROVING AWARD TO VOLUNTEER MEMBERS OF
THE SPRING LAKE FIRST AID, SPRING LAKE FIRE COMPANY #1 AND GOODWILL
FIRE COMPANY #2 OF SEASON BEACH/POOL BADGE**

WHEREAS, members of the First Aid Squad and Fire Departments of the Borough of Spring Lake proved an invaluable service to the community and volunteer many hours of personal services to protect and preserve the health, property and welfare of the residents and visitors to Spring Lake; and

WHEREAS, the Borough Council is desirous of establishing an incentive program to recognize the tireless efforts and dedication of personal time by these citizens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that:

1. Members of the volunteer Spring Lake First Aid Squad and members of the two volunteer fire companies, Spring Lake Fire Company No. 1 and Goodwill Fire Company No. 2, who are active members of the squad/company and who qualified for LOSAP during the previous year for their respective units shall be awarded two (2) Season Pool/Beach Badges in recognition of their efforts to promote the health, safety and welfare of the community as submitted and set forth on Schedule "A" which will be annexed hereto and made a part hereof. No person shall receive more than two (2) badges. Volunteers wishing to obtain a locker will receive a credit for no more than tow (2) volunteer badges (\$460.00) and must purchase three additional badges at full price or the difference due on the balance of a shower or deluxe shower locker. Non-resident volunteers who qualify will be exempt from the \$175 non-resident locker fee. Qualified members only can pick up the badges. In the event that the Borough determines to provide volunteer identification cards to qualifying members, one beach/pool badge will be provided in addition to the identification card and the volunteer will get credit for both the identification card and a badge towards the purchase of a locker as set forth above.
Volunteers who are residents of spring Lake may register for badges/lockers at the same time as other Spring Lake residents. Volunteers who are non-residents of Spring Lake may register for badges/lockers as soon as registration is opened for sponsored non-residents.
2. Badges shall be picked up during the following times which have been designated for the volunteers: May 6-10-, 2013 8:30 A.M – 3:30 P.M. (Evening Hours Tuesday May 14, 2013 from 4:00 P.M. – 6:30 P.M.) at Borough Hall.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

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

R-13-055 - RESOLUTION - APPROVAL OF BILLS - MARCH 12, 2013 - \$3,133,179.91

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 12, 2013, 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)	2,675,467.08
WATER/SEWER OPERATING (9)	17,983.74
DOG TRUST (13)	992.80
UNEMPLOYMENT TRUST (14)	19,379.44
SPRING LAKE TRUST (15)	1,420.00
MT. LAUREL TRUST (16)	290.00
PLANNING BOARD I (21)	13,767.50
RECREATION (25)	2,071.15
BEACH OPERATING (81)	170,604.13
POOL OPERATING (91)	3,094.18
POOL CAPITAL (94)	228,109.89
TOTAL	\$3,133,179.91

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Public Comments

Mr. Sean Flaherty, 320 Passaic Avenue, questioned the beach access changes. Mr. Judge explained the Beach Committee's decisions for the 2013 Season due to the storm.

Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Time of Adjournment: 8:35 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: November 12, 2013