

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
MARCH 26, 2013**

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

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

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**Workshop Discussion**

**Pier Beach Concessions** - Mayor Naughton reminded the audience that the Pier Beach concession was lost in Super Storm Sandy and invited the Beach Committee to open up this workshop discussion. Mr. Jordan stated that there are plans to restore the services of both restrooms and concessions at Pier Beach and the Beach Committee is still exploring various options to do so. Mr. Jordan further stated that there is water and sewer service still in the area so the Borough will avoid these expenses. Mr. Jordan stated that he personally believes the Borough should not rebuild a permanent structure at Pier Beach but rather make use of a portable structure that could be removed in the event of a storm. Mr. Dempsey stated that the retention of a concessionaire would require the Borough to go out to bid adding that since the previous concessionaire is not interested and it's considered rental of public space, a bid process would be required. Mr. Drasheff asked if the committee was considering purchasing or renting a trailer. Mr. Jordan stated that the committee is leaning toward having a vendor provide everything to eliminate any need for the Borough taking ownership. Mr. Drasheff asked if the vendor would provide restrooms as well. Mr. Jordan stated that the restrooms would be rented by the Borough. Mr. Judge added that ideally the Borough will go back to bidding out all three locations to one vendor. This year, would be the only year Pier Beach would be bid out separately. Mr. Drasheff asked how Belmar bid out their concessions. Mr. Fay stated that he believes they bought some of their concessions. Mrs. Reilly offered that by buying the concessions the Borough would incur the liability. Mr. Drasheff stated that he thought it was a good idea.

**Permit Fees** - Mayor Naughton shared the history of the topic noting that there have been several discussions regarding permit fees in connection with the use of the Borough's ball fields and public areas. Mrs. Reilly referenced a spreadsheet that detailed what other area municipalities have charged for the use of their fields and public areas. Further, Mrs. Reilly noted that they are looking into a new program that will facilitate the permitting, scheduling, and fee collection. Not knowing the condition of the soccer fields post Sandy, Mrs. Reilly stated, the fees outlined in the spreadsheet are suggested fees. Mayor Naughton asked how the fee collection would be handled. Mrs. Reilly stated that it would be overseen by the Recreation Department and the transactions would be processed through Capture Point, the program being utilized for the sale of lockers, beach badges and other recreation programs. Mr. Judge asked for clarification on the fee schedule for leagues. Mrs. Reilly clarified. Mr. Jordan reflected on earlier discussions by Council in connection with putting controls in place such as the use of cleats, fees, etc. as well as the acquisition of security deposits to potential help pay for use and damage. Ms. Gillespie, Municipal Clerk, explained the need to adopt an ordinance in connection with any changes to the tennis court fees since there already exists a fee ordinance. Ms. Gillespie stated that, like with the beach fees, language can be adopted in the ordinance to allow for annual changes to fees to be

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made via resolution by the Mayor and Council. The Mayor agreed that it would make sense to change the existing ordinance to allow the Mayor and Council to adjust fees from year to year through a resolution versus adopting a new ordinance each time new fees are being considered.

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**Public Comments**

Rob Kennedy, 112 Passaic Avenue, stated he is one of the many residents on Passaic Avenue who recently sent a letter to the Council in connection with changing the beach access from the boardwalk. Mr. Kennedy asked if the Mayor and Council could cite the statutory authority that allows the Mayor and Council the right to change the beach entrances without notifying the residents impacted and without a traffic study being conducted. Mr. Judge responded noting that he is unaware of any statute that requires a municipality to notice residents when a stair access to a boardwalk is being put in place. Mr. Judge further offered some additional background on the topic stating that when the boardwalk was destroyed by Superstorm Sandy and a bond ordinance was issued, the Council needed to figure out how to pay for it. One way was to reduce costs, such as staffing, Mr. Judge continued, and reducing the number of access points was a way to reduce staffing costs. The other objective, Mr. Judge stated, was to provide for reasonable access to the beach for all residents by placing a staircase within one block of every cross street in town. An additional staircase at Passaic Avenue was added because the expanse from one access point to another was from Washington Avenue to Warren Avenue which was almost five (5) blocks. Also, Mr. Judge stated, the Passaic Avenue access point was always an access point for fisherman and it was always under the boardwalk. With the beach replenishment, Mr. Judge continued, it became inaccessible and therefore in recent years the fishermen have been climbing over the rail to access the Passaic Avenue jetty. Mr. Judge assured Mr. Kennedy that the suggestions and concerns of his and his neighbors have been heard including concerns about traffic and the possible use of the access to swim at the B&T surfing beach. In response, Mr. Judge continued, a decision was made to move the staircase south to an area between Passaic and Warren with hopes of disbursing the traffic between those two locations. Mr. Kennedy stated that he doesn't believe visitors to the beach will park on or near Warren Avenue to use the Passaic Avenue access and felt that the traffic would still be problematic on Passaic Avenue and asked if there would be access at Warren Avenue. Mr. Judge stated that the access would be at Mercer Avenue. Mr. Judge stated that with the access positioned between Warren and Passaic it is their belief that the traffic would be split between the two locations. Mr. Kennedy felt that without an entrance at Warren, there would be a great deal of traffic on Passaic. Mr. Judge stated that this solution is the best way to achieve the goal of providing an access point within one block of each cross street as well as accommodate the concerns of the Passaic Avenue area residents. Mr. Kennedy stated that had Sandy not occurred would the Council have considered making changes to the access points. Mr. Judge stated that he noticed in the past, prior to Sandy, while walking the boardwalk, that there was a wide expanse of five (5) blocks between access points and felt there needed to be an additional staircase. Mr. Jordan added that the committee had also been discussing consolidation of the entrances prior to Sandy. Ms. Gina Kennedy, 112 Passaic Avenue, asked if they were thinking about the need for another access point, why when the boardwalk was rebuilt a year ago, did they not do it then. Mr. Judge expressed his understanding for their objections and stated that at this point there is a need to agree to disagree. Ms. Kennedy stated that she did not feel the question of whether a traffic study was asked for and/or conducted ever took place asking if the Council ever consulted with anyone at the County to assess whether this was a safe decision. Ms. Kennedy stated that Passaic Avenue is the most traveled Avenue into the town and expressed concern about increased traffic. Mr. Kennedy added that he purchased on the eastern side of Passaic because he knew there was no beach access and this would minimize the traffic flow as well as parking in front of his

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home. Mr. Kennedy stated that this decision will potentially affect property values. Mr. Judge first addressed Ms. Kennedy's question regarding a traffic study stating the he did not feel the adding of a beach access near Passaic would increase traffic to a point that would warrant a traffic study. Mr. Judge reiterated the comment that there was always an access point at that location. Ms. Kennedy argued that there was no swimming at this section of the beach and that with the proposed access to the beach people will swim there. Mr. Jordan interjected that the proposed access to the beach is almost to Warren Avenue and would be located south of the jetty where there has always been swimming allowed. Ms. Kennedy asked if they believed car traffic would not be increased on Passaic as a result of the proposed access points. Mr. Judge stated that he does not see the proposed access points resulting in increased car traffic on Passaic Avenue. Mr. Kennedy stated that he does not have the expertise to assess traffic flow and doesn't believe the Council does either. Mr. Kennedy reflected on a past traffic flow issue where there was a disagreement among residents and the Council and a traffic study was conducted. Mr. Kennedy expressed appreciation for getting the boardwalk constructed quickly but disagreed with moving forward without taking the time to obtain input from those being impacted. Mr. Kennedy voiced concern that this issue is not only a fiscal issue but could also be a safety one. Ms. Kennedy asked about the timing of the decision. Mr. Judge stated that the Beach Committee will make a recommendation to the Council tonight. Ms. Kennedy asked if they felt this was adequate time to allow for resident input. Mr. Judge reflected on the previous workshop that was held, the evaluation of the comments received from residents, and the resulting changes to the original recommendation that were made stating that he felt it is prudent to move ahead with a final recommendation.

Harry Zarb, 2205 Third Avenue, referenced a letter regarding delaying the consideration of certain ordinances due to various FEMA issues and asked that the Mayor and Council consider the comments made in the letter. Also, Mr. Zarb stated that he noticed recently a lot of people walking on and over the dunes and asked that the Mayor and Council consider putting up temporary signs reminding people not to walk on the dunes. Mayor Naughton responded that she too noticed this and that the sign ordinance is close to being finalized and signs will be ordered soon.

Eleanor Twomey, 108 Vroom Avenue, asked for clarification of the resolution in connection with the North End Pool Clerk. Mr. Dempsey responded that it's a renewal of the existing contract with Griffin Engineering and that there are no changes to the terms. Also, Ms. Twomey asked for clarification of the resolution in connection with the execution of the Deed of Dedication. Mayor Naughton explained that the Borough must provide the document to the Army Corps and DEP in order to become eligible for beach replenishment.

Peter Cahill, 700 Ocean Avenue, commended the Mayor and Council for all the work that has been done on the boardwalk. Mr. Cahill asked if there would be enough room on the beach for the beach hut that holds the beach chairs and umbrellas for the E&S and the potential impact of the beach replenishment efforts should they put the hut back on the beach. Mr. Judge suggested that the E&S may want to consider an alternative temporary solution at the E&S for the storage of the chairs and umbrellas. Mayor Naughton stated that she would consult with Mr. Frank Phillips, the Superintendent of Public Works, to see what suggestions he may have.

Mayor Naughton shared that they recently met with Army Corps and DEP and was happy to report that Spring Lake will be getting beach nourishment. The Mayor reported that agreements are being developed now and it appears the project will take place in late summer in Manasquan and then move north. There are two (2) phases to the project, reported the Mayor, one is to get the beach to a pre-Sandy elevation and the second phase would be to get the beach to the 1997 construction elevation. There is 100% federal financing for the first phase and they are looking at obtaining 100% financing for

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the second phase. The Mayor continued stating that the 1997 level would result in considerable beach replenishment and result in a huge beach. This is important, the Mayor stated, because as discussed in the past, this is the single most important thing in the protection of the boardwalk, dunes and other beachfront structures.

Harry Zarb, 2205 Third Avenue, asked if dune replacement was part of the beach replenishment effort. Mayor Naughton stated that at this time dune replacement was not part of the program. The Borough has requested, the Mayor continued, supplementary efforts for dune construction, particularly in vulnerable areas but at this time it has not been approved. The Mayor stated that they hope that supplementary efforts, in connection with the cost of pipe extensions past the beach fill, will to be shared at a rate of 75%/25%. Mrs. Reilly added that dune replacement may be included as part of the hazardous mitigation plan that the Borough filed for.

Elsie Dubac, 415 St. Clair Avenue, asked for clarification of the resolution in connection with the change order for the north end pavilion site work. Mayor Naughton explained that there was a request by the Monmouth County Planning Board to make three (3) additions to the work being done at the north end pavilion in connection with Ocean Avenue. Borough Administrator Bryan Dempsey offered additional clarification and detailed the cost associated with the additions.

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**Council Comments & Staff Reports**

Mayor Naughton spoke to a recent meeting with DEP regarding Wreck Pond stating that it was a productive session with a great deal of give-and-take in an effort to determine the best way to keep that area of Spring Lake safe. Mayor Naughton also reported that the DEP took another water quality test at the pond which showed that it continues to improve. Another meeting will be held next week, the Mayor stated, that will delve into further discussions on how to keep the inlet open and minimize further flooding risk. Mayor Naughton also took a moment to recognize the passing of Jack Sylvester who was a former Chief of Police in Spring Lake for many years. The Mayor extended her condolences to his family and expressed her thanks to him for all the years that he served the Spring Lake Community.

Mr. Fay asked if the Council will be voting on the topic of the Passaic Avenue area beach access. Mr. Judge stated that the Beach Committee will make a formal recommendation which would lead to a resolution for consideration at the next Mayor and Council meeting. Mr. Fay asked if the new entrance will be manned by a lifeguard. Mr. Judge stated that there has always been and will continue to be a lifeguard at the location. Mr. Jordan added that based upon information obtained from the head of the Borough's lifeguards, Passaic north has always been the B&T surfing beach, south of Passaic towards Warren is the jetty and just south of the jetty there has always been a lifeguard stand. Mrs. Reilly added that there has always been a lifeguard at Mercer (also referred to as Mambo) and at Warren Avenue (referred to as Mambo North). Mr. Dempsey clarified stating that the south side of the jetty is guarded, as it always has been, the north side of the jetty is the fishing beach and is an area guarded by the B&T and extends north to Jersey Avenue. Mr. Kennedy voiced concerns about the accuracy of the lifeguard placement information. Mayor Naughton suggested the beach committee meet again with the head of lifeguards to confirm the lifeguard placements.

Mr. Jordan gave an update on the sale of lockers reporting that over 400 lockers have been sold and sponsored nonresidents are now able to begin purchasing lockers. Mr. Jordan added that the sales this year have been accomplished with very little labor costs as a result of the online purchasing system. Mr. Jordan also reported that there will be restroom facilities at the north end of the construction site as well

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as at the south end of the site near Brighton Avenue and there will be food concessions at the north side of the pavilion area.

Mr. Judge offered his condolences to the Sylvester family and expressed fond memories of Mr. Sylvester.

Mr. Judge reiterated the goal to accommodate as many concerns as possible in connection with beach access and reported that the beach committee intends on going forward with the recommendation as previously presented. Mr. Judge formally requested that a resolution reflecting the beach committee's recommendation be prepared and presented. In connection with the north end pavilion, Mr. Judge reported that they are in receipt of an update from Mr. Joe Griffin, the owner's representative, regarding the status of construction. The update shows that the demolition is 95% complete and they are 7.75 weeks behind schedule due in part to Superstorm Sandy and in part due to encountering some buried concrete foundation that was not anticipated. Also, Mr. Judge reported, as a result of losing the boardwalk, they had to add forty piles to the project, which won't directly impact cost, however, there will be a small change order in the amount of \$4,000.00 due to some asbestos that was found that was not expected. Mr. Judge also stated that they expect a plan to be presented as to how they will get back on schedule. Mayor Naughton asked for clarification as to who would be rebuilding the boardwalk in front of the pavilion. Mr. Judge confirmed that the contractors will be using the Borough's decking material and would be doing the actual work, as opposed to the DPW crews.

Mr. Dempsey offered additional clarification as to the Passaic Avenue beach access, noting that the entrance is only manned with a badge checker and not a badge seller. Therefore, Mr. Dempsey stated, visitors interested in buying daily badges will likely be using an access point other than the one closest to Passaic Avenue. Mr. Kennedy voiced his appreciation for the movement of the access point from the original plan and asked for a more exact idea of where it will be located. Mr. Dempsey offered that it will be approximately in the middle of the lots spanning from the corner lot on Passaic and the corner lot on Warren Avenue. Mr. Kennedy asked if it could be moved all the way to Warren. Mrs. Reilly stated that the goal is to make it as palatable to as many of the residents impacted as possible.

Mrs. Reilly shared that there was a delay in getting stringers for the boardwalk yet they are expected by next week. Mrs. Reilly gave an update on the progress of the decking, railings and ramps and reported that there will be regular and foot showers installed in time for Memorial Day. Mrs. Reilly also reported that beach badges will be available for pick-up at Borough Hall beginning April 15, 2013 and reminded residents to bring their ID.

Mr. Avakian gave an update on the Third Avenue project reminding the public that the project was halted due to Superstorm Sandy and then delayed through the winter months. Mr. Avakian stated that it will start again on April 1, 2013 and it's estimated that it will be completed within six (6) weeks time. Mr. Avakian expressed thanks to Mr. Clayton for his assistance in working with local business owners. Mr. Avakian further reported on the Phase III of the Wreck Pond dredging project stating that the County is requesting additional sediment samples within the westerly area. Mr. Avakian noted that if the Borough is restricted to December, they will attempt to get as much work done as possible.

Mr. Dempsey reported that he received a call from the County Engineer's office in connection with the Phase III dredging and requested that Mr. Avakian's office do the design work while the Borough does the permits and actual dredging. Mr. Dempsey stated that the Borough may need assistance from Sea Girt to construct the access way. Mr. Dempsey also reported that he recently met with Mrs. Venables and others in connection with the trees on Third Avenue as well as JCP&L who requested electrical outlets in the area of the trees. Mr. Dempsey stated that a plan will be developed to hopefully accommodate their requests. Mr. Fay asked if there were cost estimates available. Mr. Dempsey stated

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that they may be available in the next couple of weeks. Mr. Drasheff added that the Shade Tree Commission is working with volunteers to possibly contribute trees to the project to reduce the cost. Mr. Jordan asked if there was a plan in place for the pothole repair noting that although there's been some repair there is a need for more. Mr. Dempsey stated that a plan will be developed. Mayor Naughton added that there was a need by the Gas Company to do several street openings and there is a need to wait for the fill to settle and prior to repaving. Mr. Dempsey reported that he is in receipt of an email in connection with the Irish Festival requesting putting Irish and American flags along Third Avenue.

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**Business Items Under Consideration**

**Ordinances for Introduction**

Borough Attorney Colao read Ordinance No. 2013-005 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 107, ANIMALS, OF THE BOROUGH CODE" by title.

Mayor Naughton stated that the amendment is in response to the Chief of Police's recommendation that the Borough shorten the length of time dogs are allowed on the beach. Mr. Fay asked for additional information as to why the Chief made the recommendation. Mr. Dempsey stated that the Borough has received some complaints and in an effort to address the complaints and be more in line with neighboring towns it was recommended to make the end date earlier. Mr. Judge asked if there was a need to move to introduce prior to him making a motion to amend. The Mayor suggested that the Council discuss and make any amendments prior to a formal introduction. Mr. Judge stated that he believes the current proposed dates are too restrictive and stated that residents and nonresidents of Spring Lake should be allowed to enjoy the Spring Lake beach with dogs in a law abiding fashion and only restrict dogs during the time periods when there are significant people sitting on the beach. Therefore, Mr. Judge stated that he proposes prohibiting dogs on the beach only from May 1st through October 14th. Mr. Drasheff stated that he too was a bit concerned that the dates were too restrictive and suggested the Ordinance be tabled until Chief Kerr had an opportunity to make a presentation. Mr. Jordan stated that he believes the dates proposed are too restrictive and that he believes they are reacting to a specific incident that wasn't so much about a dog being on the beach but being about the dog not being on a leash and cautioned the Council not to over legislate. Mr. Dempsey offered that another issue that prompted the discussion and subsequent recommendation was the need to recreate the lost beach signs. Mr. Dempsey continued stating that Mr. Phillips and Chief Kerr suggested they consider changing the Ordinance. Mr. Drasheff suggested that the Council hold the introduction of the Ordinance until the April 9, 2013 meeting at which time they can introduce it with the dates suggested by Mr. Jordan and in the meantime, obtain additional input from Chief Kerr as to any concerns he might have with the dates. The Mayor sought Borough Attorney Colao's advice on how to proceed with the vote. It was agreed that the introduction should be motioned and then voted down.

Mrs. Reilly offered a motion to introduce Ordinance No. 2013-005, seconded by Mr. Jordan. Public Hearing to be held at the convenience of the Borough Clerk.

ROLL CALL:

AYES: None

NAYS: Mr. Drasheff, Mr. Fay, Mr. Jordan, Mr. Judge, Mrs. Reilly

ABSENT: Mrs. Venables

ABSTAIN: NONE

**ORDINANCE 2013-005 IS NOT INTRODUCED**

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Borough Attorney Colao read Ordinance No. 2013-006 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE , NEW JERSEY" by title.

Mayor Naughton stated that this Ordinance is in connection with outdoor dining.

Mr. Judge offered a motion to introduce Ordinance No. 2013-006, seconded by Mrs. Reilly. Public Hearing to be held at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

Ordinance No. 2013-006 in full/Ordinance Book No. 1

The Mayor stated that the public hearing will be held on April 23, 2013 and shared that for those that are not familiar with the topic that this is an amendment that would loosen the restriction on outdoor dining and allow outdoor dining year round.

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Borough Attorney Colao read Ordinance No. 2013-007 entitled, "AN ORDINANCE SUPPLEMENTING CHAPTER 186, FLOOD DAMAGE PREVENTION, OF THE BOROUGH CODE" by title.

Mrs. Reilly offered a motion to introduce Ordinance No. 2013-007, seconded by Mr. Jordan. Public Hearing to be held at the convenience of the Borough Clerk.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

Ordinance No. 2013-007 in full/Ordinance Book No. 1

The Mayor stated that the public hearing will be held on April 9, 2013 provided we can meet the publication deadlines.

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**Ordinance for Adoption**

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

Councilwoman Reilly stepped down from the Dais as she has to reclude herself on this issue.

Mr. Judge offered a motion to open the Public Hearing on Ordinance No. 2013-001, seconded by Mr. Jordan.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

**PUBLIC HEARING NOW OPEN**

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Mayor Naughton stated that the ordinance under consideration is in connection with how the Borough regulates corner lots in the R2 zone noting that the Planning Board has been struggling for some time on how best to handle this issue. Prior to today's hearing, the Mayor continued, a workshop was held with the Planning Board members detailing the reasons behind their recommendations. The Mayor stated that the Council has been discussing this topic on and off for close to two (2) years and discussed in detail the various considerations presented at the workshop.

The Mayor invited Mr. Nick Sapnar, Chairman of the Planning Board to speak. Mr. Sapnar shared that when a property is presented to the board for subdivision on a corner lot, and subsequently approved, the corner owner often presents an application for a variance because they are unable to meet the set back restrictions. This results in a difficult decision for the Board, Mr. Sapnar continued, because absent the variance approval, the property owner builds a nineteen foot wide home. Mr. Judge expressed thanks to the Planning Board for their efforts and stated that it's important to understand that the ordinance does not prohibit subdivisions but forces the property owner to have a discussion with the Planning Board in advance of the subdivision on how best to subdivide. Mr. Jordan voiced support for the Ordinance and reflected on his experience as a member of the Planning Board noting the importance of giving the Board the opportunity to discuss both potential lots at one time versus two different discussions. Mr. Drasheff stated that his preference would be to have an ordinance that would prevent subdivision on corner lots, however, he expressed understanding that this would be unreasonable. Mr. Drasheff stated that he felt Mr. Sapnar and the Planning Board did a very thorough job and he trusts in their recommendation. Mr. Fay asked if the homeowners that may potentially be affected ever participated in a meeting or made aware of the ordinance. Mr. Drasheff stated that when the ordinance was both introduced and discussed at the workshop, members of the public were in attendance. Mayor Naughton stated that it's important to note that the recommendations being made by the Board are consistent with the Borough's Master Plan and there is also a letter from the Planning Board showing unanimous support for the recommendations.

Eleanor Twomey, 108 Vroom Avenue, asked how many of the subdivisions are requested by original owners as opposed to a developer stating that she is annoyed that the developers are claiming a hardship that they created. Mayor Naughton offered clarification stating that currently the Planning Board has no option but to allow subdivisions and then at a later date when the corner property owner returns, the Planning Board is left with either allowing deviations from the set backs or denying variance requests and being left with the skinny house. This ordinance forces the discussion on both lots at the point of subdivision which will increase the chances that both houses are built in keeping with the neighborhood, stated the Mayor. Ms. Twomey asked if the ordinance is passed, will a developer have to go to the Planning Board to subdivide the lot. Mr. Sapnar responded that developers, or anyone else, will no longer have the absolute right to subdivide a lot in the R2 zone. The ordinance, Mr. Sapnar continued, requires a party interested in subdividing to come in front of the Planning Board and present the entire 2-lot project. This gives the town the opportunity to assess whether it makes sense for the project. Ms. Twomey reflected on a project on Passaic Avenue. Mr. Mike Rubino, stated that he feels the ordinance, which would impact about six to ten lots, will strongly discourage most people from attempting to subdivide a corner lot. Mayor Naughton stated that it is not the intention of the Planning Board to discourage subdivisions but more to have greater control over both lots at the time of subdivision. Mr. Mike Grzelak, 409 Monmouth Avenue, stated that he feels this ordinance is long overdue as a remedy for the Planning Board to do the work that they set out to do. Mr. Grzelak reflected on when the Venables Estate was subdivided and the resulting "hotdog house" that was built.

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There being no additional comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2013-001 seconded by Mr. Drasheff. All in favor.

**PUBLIC HEARING NOW CLOSED**

Mr. Judge offered a motion to adopt Ordinance No. 2013-001, seconded by Mr. Jordan.

ROLL CALL:

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

NAYS: Mr. Fay

ABSENT: Mrs. Venables

ABSTAIN: NONE

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Councilwoman Reilly returns to the Dais.

Borough Attorney Colao read Ordinance No. 2013-003 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF CHAPTER 225, LAND DEVELOPMENT, OF BOROUGH CODE", by Title.

Mr. Judge offered a motion to open the Public Hearing on Ordinance No. 2013-001, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

**PUBLIC HEARING NOW OPEN**

Mayor Naughton explained that this ordinance is to amend the existing ordinance in connection with the height of homes in the A and E flood zones. The existing ordinance, stated the Mayor, allows a resident to build their home to the base elevation, as defined by FEMA, plus four (4) feet up to a maximum of 40 feet in height. The ordinance to be heard, the Mayor continued, would allow a resident to build their home to the advisory base flood elevation (which is higher than the existing base elevation) plus two (2) feet up to a maximum of 42 feet.

Ms. Greenquist, 41 South Boulevard, asked for clarification on the original ordinance. Mayor Naughton gave a brief overview of the existing ordinance.

Mike Rubino stated that he represents Jessica Ressa of 400 Shore Road who has lived at this property since 1997 and around 2005 received a variance to reconstruct the home. Subsequently, they were hit with a fire and then a flood, Mr. Rubino continued, and then Superstorm Sandy. Mr. Rubino expressed appreciation to the Mayor and Council, on the Ressa's behalf, for all the Council is attempting to do to help residents. Mr. Rubino stated that the Resses are concerned about the ordinance as it relates to insurance noting that Mr. Ressa, who is in the insurance business, has researched this aspect and has learned that there is a difference in the 2, 3 and 4 zones as to the insurance rates. Mr. Rubino stated that the Resses are capped at 39.5 feet and are asking the Council to consider allowing for an ABFE plus 3 which would give persons who are under ABFE plus 2 additional height which may substantially reduce their insurance costs. Mayor Naughton responded first thanking the Resses for their patience and acknowledging their presence at the meetings. Mayor Naughton continued noting that some communities are not even adopting the ABFEs and the Borough decided to do so in an effort to allow homeowners to raise their homes if they wanted to. Further, the Mayor continued, the Council consulted with the Borough professionals challenging them to look at the issue from the perspective of

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risk, getting homes up and out of the risk of flood, and also reducing insurance rates. The professionals responded with a recommendation of ABFE plus 2 which allows for up to 42 feet, the Mayor stated, and when compared to the base house height of 35 feet is a significant increase and potential change to the neighborhood. The Mayor stated that she went to Trenton and met with the Governor's team on insurance and they too recommended ABFE plus 2, and therefore, the Council felt confident that the change to the ordinance made good sense for the Borough's residents in reducing both their flood risk and insurance premiums. The Mayor asked Mr. Avakian to add his thoughts. Mr. Avakian stated that they also considered the land use issues noting that the increase in the base flood elevation as well as the need to comply with the International Building Code, were also strongly considered. There was a brief discussion regarding the Ressa's property and the desire to raise the house once and be in compliance but at the same time reduce insurance costs as much as possible. Ms. Ressa shared details from conversations she has had with an insurance expert from Louisiana, who emphasized the point that the federal government is strongly encouraging homeowners to build as far above ABFE as possible. Ms. Ressa spoke to the hardships they have personally endured with the rebuilding of their home and voiced hope that they or their children won't have to go through this again. Mr. Rubino asked the Council to consider tweeking the ordinance in a way to allow people to get an additional foot or two out of the level. Mr. Rubino expressed frustration with the inability of getting specific insurance rates. Mr. Judge stated that he favors providing residents with as much flexibility as possible to both move up and out of the flood area and to reduce their insurance rates and suggested the Council consider standards for new construction versus people who are raising their home. Mr. Judge further stated that he would be in favor of allowing the Ressa's the additional 2 feet to play with stating that he believes the insurance rates will be directly tied to a measure of footage above the ABFE. Mayor Naughton asked Mr. Avakian to comment on how the ordinance could be worded to provide more flexibility on house heights. Mr. Avakian stated the Mr. Zahorsky was involved in the wording. There was a discussion of possible wording options. Mr. Avakian spoke to additional considerations of possibly going four (4) feet above ABFE including stair access and the potential encroachment into the setbacks. Ms. Ressa acknowledged these considerations and voiced concern about the financial considerations as well. Mr. Jordan asked if the Ressas had the option of going to the Planning Board to get a variance to do what they want in terms of house height. Mr. Rubino stated that this is an option, however timing is an issue, noting that it takes a considerable amount of time to get through that process. Mr. Rubino further opined that the Planning Board would have a tough time approving such an application on the heels of an Ordinance being approved by the Council. Mayor Naughton stated that the Council must consider whether to move forward and vote on the Ordinance as written or close the Public Hearing for tonight. Ms. Eleanor Twomey, 108 Vroom Avenue, asked why there is a difference in how new construction and existing dwellings are treated. Mr. Avakian explained that an existing dwelling is measured from peak of the roof to the curb while new construction is measured from peak of the roof to the finished floor (or Base Flood Elevation).

Gina Sapnar, 103 Worthington Avenue, asked for comments on how the ordinance may affect the look of Ocean Avenue noting that homes are already relatively large and sit up rather high. Mr. Avakian noting that the only Ocean Avenue homes in the flood hazard area are those in the vicinity of Wreck Pond and Lake Como, noting that the length of Ocean Avenue is not in the zones affected by this ordinance.

Ms. Greenquist, 41 South Boulevard, voiced sympathy for the Ressas and others and stated that whatever happens she and her husband are hoping for some level of certainty in knowing what the heights of homes will be and also hope that this issue is resolved rather quickly. Mayor Naughton stated that the Council will be back together in two (2) weeks. The Mayor also spoke to the various opinions

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both for and against moving quickly on this topic and cited a recent filing by the Governor's office of a plan in support of adoption of the ABFE's. The Borough's thought, the Mayor stated, is that even if FEMA pulls back slightly, they will not go back to where they were before. Further, the Mayor stated that the Governor's plan is to make New Jersey coastal residents build stronger and it's incumbent upon the Council to put a plan in place that will work for all of Spring Lake.

There being no additional comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2013-001 seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

**PUBLIC HEARING NOW CLOSED**

Mr. Judge offered a motion to continue the public hearing on Ordinance No. 2013-001 on April 9, 2013, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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**Consent Agenda**

Mr. Fay asked for clarification on R-13-061 specific to Block 1, Lot 1. Mr. Dempsey responded.

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

**R-13-057 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 11-2013  
- FRIENDS OF THE MONMOUTH MUSEUM - ON PREMISE RAFFLE**

WHEREAS, Friends of the Monmouth Museum has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#11-2013, 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#11-2013 be and the same is hereby approved as follows:

<b>NAME:</b>	<b>Friends of the Monmouth Museum PO Box 359, Lincroft, NJ 07738 Identification No.: 303-5-19410</b>
<b>LOCATION:</b>	<b>Spring Lake Bath &amp; Tennis Club 1 Jersey Avenue, Spring Lake, NJ</b>
<b>DATE:</b>	<b>June 19, 2013 11:00 AM - 3:00 PM</b>

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

**R-13-058 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 12-2013  
- FRIENDS OF THE MONMOUTH MUSEUM - ON PREMISE 50/50**

WHEREAS, Friends of the Monmouth Museum has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#12-2013, 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#12-2013 be and the same is hereby approved as follows:

**NAME:** Friends of the Monmouth Museum  
PO Box 359, Lincroft, NJ 07738  
Identification No.: 303-5-19410  
**LOCATION:** Spring Lake Bath & Tennis Club  
1 Jersey Avenue, Spring Lake, NJ  
**DATE:** June 19, 2013 11:00 AM - 3:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

**R-13-059 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA# 13-2013  
- PTA ST. CATHARINE'S SCHOOL - ON PREMISE 50/50**

WHEREAS, PTA St. Catharine's School has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#13-2013, 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#13-2013 be and the same is hereby approved as follows:

**NAME:** St. Catharine's School  
301 Second Avenue, Spring Lake, NJ 07762  
Identification No.: 475-5-7331  
**LOCATION:** St. Catharine's School  
301 Second Avenue, Spring Lake, NJ  
**DATE:** May 21, 2013 5:00 PM - 10:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

**R-13-060 - RESOLUTION - AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF SPRING LAKE FOR THE PROVISION OF PROFESSIONAL SERVICES PROFESSIONAL SERVICE CONTRACT - NORTH END POOL CLERK OF THE WORKS/PROJECT MANAGER**

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#10-2013	Engineering Consultant/Owner Representative	Joseph Griffin	Griffin Engineering, LLC	P.O. Box 316 Sea Girt, NJ 08750
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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 are exempt from the provisions of the bidding statutes because they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training; and

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

WHEREAS, the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk; and

WHEREAS, a notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk shall be printed once in The Coast Star, a newspaper of general circulation in the municipality, pursuant to N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the provider of professional services is required to complete and submit a Business Entity Disclosure Certification which certifies that the professional has 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 the professional 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

BE IT FURTHER RESOLVED that this professional services contract has been awarded without competitive bidding for the following reason or reasons: (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service; (B) The services required are highly specialized and technical in nature; (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise; (D) The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; (E) The services are rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training within the meaning of N.J.S.A. 40A:11-5(a); (F) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; (G) The services include advice to and consultation with the municipality that requires both knowledge and judgment on the part of the individual providing services, as well as the confidence of the municipality officials, such that competitive bidding is not feasible or practical; (H) The services to be

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provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

**R-13-061 - RESOLUTION – AUTHORIZING EXECUTION OF A DEED OF  
DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT**

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 a Deed of Dedication and Perpetual Storm Damage Reduction Easement for Beach Erosion Project, also known as Block 1, Lot 1 on the tax map of the Borough of Spring Lake, County of Monmouth, and State of New Jersey.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

Mr. Fay stated that he had understood that there was some water found that was not there before. Mr. Avakian stated that he believed it was concrete debris that was found and further stated that when the pool was designed it was designed to ensure that the pool shell was above the base flood elevation. Mr. Fay asked what was anticipated in terms of additional change orders. Mr. Avakian stated that he did not think there would be any additional change orders.

**R-13-062 - RESOLUTION - AUTHORIZING CHANGE ORDER NO. 1 CONTRACT  
#06-2012 – SITE WORK FOR THE NORTH END PAVILION**

WHEREAS, Contract #06-2012 for the Site Work for the North End Pavilion was awarded to Precise Construction, Inc. in the amount of \$181,840.00, and

WHEREAS, Borough Engineer, Peter R. Avakian has recommended Change Order No. 1 in the amount of \$35,050.00 for a total contract of \$216,890.00.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 1 increasing said Contract in the amount of \$35,050.00 for a total contract amount of \$216,890.00 be and is hereby authorized for the above contract awarded to Precise Construction, Inc.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available for Change Order #1 are available from: Ordinance No. 2012-008 as amended by Ordinance No. 2012-009 increased by \$35,050.00 not to exceed \$216,890.00.

/s/ Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

**R-13-063 - RESOLUTION – APPROVAL OF BILLS – MARCH 26, 2013**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 26, 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.

<u>SUMMARY</u>	
CURRENT FUND (1)	678,921.50
GENERAL CAPITAL (4)	9,385.00
WATER/SEWER OPERATING (9)	34,225.31
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	1,352.50
MT. LAUREL TRUST (16)	135.00
RECREATION (25)	279.96
BEACH OPERATING (81)	256,080.19
POOL OPERATING (91)	1,850.38
POOL CAPITAL (94)	79,369.00
<b>TOTAL</b>	<b>\$1,062,508.84</b>

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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**Public Comments**

John McGlinchy, 305 South Boulevard, asked if the Borough was sure that FEMA was going to come up with a plan. Mrs. Reilly responded that they were. Mayor Naughton asked Mr. Dempsey to share the details regarding the process. Mr. Dempsey stated that the Borough pays up front and then bills FEMA. Mr. Dempsey also shared that with Hurricane Irene, the Borough received every penny of the 75% back from FEMA. Mr. Avakian stated that there is a federal mandate to fund declared storms. Mayor Naughton added that the Borough is required to submit repair plans along the way prior to execution so FEMA can advise the Borough as to what will and will not be reimbursed by FEMA funds.

Dave Frost, Pitney Avenue, asked if there would be any federal funding available to assist with the costs associated with the dredging of Wreck Pond. Mayor Naughton stated that the dredging makes a difference in water quality but does not necessarily impact water levels. Mayor Naughton shared that Senator Singer has a bill in committee in connection with dredging at Wreck Pond but that she did not believe there would be federal funds available for that project. Mr. Jordan and Mrs. Reilly commented on the impact of activity west of Wreck Pond and the on-going discussions on this topic.

Peter Cahill, on behalf of the Spring Lake 5, asked about the status of the pipes on Ocean Avenue and the impact on the Spring Lake 5 Race. Mayor Naughton stated that they will be buried and the roadway will be accessible.

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**Adjournment**

Mr. Judge offered a motion to adjourn the meeting, seconded by Mr. Drasheff.  
All in favor. None opposed.

Time of Adjournment: 9:23 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 "G".

JANE L. GILLESPIE  
Borough Clerk

Approved at a meeting held on: November 12, 2013