

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:10 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 (via conference call), Mr. Judge,
Mrs. Reilly, Mayor Naughton

ABSENT: NONE

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

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue, asked about updates on the website. Mayor Naughton informed him that the Municipal Clerk had been out of the office for a couple of weeks and the website will be updated soon.

Joseph Curto, 1805 Ocean Avenue, stated that there are no streetlights in the area of Ocean Avenue where they live and asked if the Borough was planning on replacing them. Mayor Naughton commented that she was unaware that the area was without streetlights and strongly agreed that they should be there. Mr. Dempsey agreed to look into the issue.

Council Comments & Staff Reports

Mayor Naughton recognized the passing of Mr. Bob Winemiller noting that Mr. Winemiller was a Public Works employee for forty-six years and was the Superintendent of Public Works for ten (10) years. Mayor Naughton reflected on his love for his work and his community and the many Borough employees who had the pleasure of working with him.

Mayor Naughton reported that the Garden Club is celebrating Arbor Day at Potter Park at 10:30 AM on April 24, 2013. A tree will be donated and planted in Potter Park.

Mr. Drasheff spoke in connection with Resolution R-13-074, Awarding Contract #05-2013 regarding the First Aid Emergency Squad building. Mr. Drasheff reflected on the history of the debate to either restore the building or build a new building and the committees created to assess the various considerations. Mr. Drasheff further detailed the fundraising efforts and accomplishments in connection with the project and reported that the funding is now in place to move forward.

Mrs. Venables added that approximately \$1,080,000 has been raised to fund the restoration and addition.

Mr. Judge asked for confirmation that the resolution being considered is to request approval by the Mayor and Council to contribute \$81,000 from the Borough's capital account to help fund the project. Mr. Drasheff confirmed. Mr. Judge asked if there were any financial ramifications if the

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

Borough chooses not to move forward with the project. Mr. Drasheff stated that they have already spent approximately \$65,000 on architectural fees as well as the costs associated with maintaining the building over the years. If the Borough chooses not to move forward, the Borough would need to re-pay the State the \$65,000 that was drawn down from the Grant money, stated Mr. Drasheff. Mr. Drasheff continued stating that with the municipal contribution, the Borough would get the benefit of a building valued at close to \$1.2 million which could be used by the many organizations that have already expressed interest in using it, while preserving a very important historical building. Mr. Drasheff spoke specifically as a Board Member of the Public Library stating that they have been forced to use the children's table in the Library due to the high demand for the Brown Room at the Community House. Mr. Drasheff also stated that the BID (Business Improvement District) would benefit from the use of the building and would share in the on-going costs of maintaining the building.

Mrs. Venables added that the Borough owns the building and the property and as such has a responsibility to maintain the building. Mrs. Venables stated that it makes absolutely no sense to consider the option of not moving forward and thus leaving over \$1,000,000 on the table. Mr. Jordan asked if there was ever a consideration to charge usage fees for the use of the building and if so, would the revenues go to the Borough. Mr. Drasheff confirmed that the fees would indeed go to the Borough. Mr. Drasheff also added that if the Borough decided not to go forward with the project, the building could not be torn down due to its place on the National Register.

The Mayor commented that the Borough would not want to tear the building down noting that it's one of the oldest First Aid buildings in the country and it would make no sense to tear it down. Mr. Drasheff added that in speaking with the members of the Preservation Alliance, one would learn that the money raised to fund this project comes from hundreds of Spring Lake residents which further demonstrates the popularity of this project and the support for it by the general public.

Mr. Judge asked for clarification on the net expense to the Borough after the \$65,000 obligation is met. Mrs. Venables confirmed that the amount is \$16,000 in order to award the contract.

Mr. Fay stated that he understood from several years ago, approximately 1999, that the building was suppose to be free and asked for clarification. Mr. Drasheff stated that the estimated costs in 1999 are indeed different that the 2013 estimated costs. Mr. Drasheff also spoke to the fact that had the Borough received the monies it expected from the County, there would be no need to request additional funds from the Borough. Mr. Dempsey shared that the \$16,000 may ultimately be less in that there are frequently change orders associated with projects of this kind.

Mr. Drasheff asked if the Council could vote on this item at this time for the courtesy and convenience of the members of the Preservation Alliance present.

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

R-13-074 - RESOLUTION - AWARD OF CONTRACT - FIRST AID BUILDING

WHEREAS, on February 26, 2013 bids were received for the Restoration and Addition to the Spring Lake First Aid Emergency Squad Building: Frederic A Duggan Memorial Building.

WHEREAS, five (5) pre-qualification Bid Packets were picked up and two (2) bids were received, and

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

WHEREAS, Cypreco Industries Inc. 1420 9th Ave, PO Box 822 Neptune NJ 07753 , submitted the lowest responsible bid for the of the Restoration and Addition to the Spring Lake first Aid Building at a total bid of \$1,183,823.00 .

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Contract #05-2013 be and is hereby awarded for the Restoration and the Addition to the Spring Lake First Aid Building to Cypreco Industries, Inc. at a cost not to exceed \$1,183,823.00.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: CDBG, NJ Historical Preservation Trust Grant, Spring Lake Preservation Alliance Donation, and Current Fund – Capital Improvements for an amount not to exceed \$1,183,823.00.
/s/ ROBBIN D. KIRK, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Mr. Drasheff stated that they are working on final version of the Municipal Budget for introduction with hopes of presenting it at the first meeting in May.

Mrs. Venables thanked the Preservation Alliance for their efforts in connection with the First Aid Emergency Squad Building noting that they have been involved in a long, arduous journey in moving this effort forward. Mrs. Venables stated that this is likely the largest privately raised sum of money that she is aware of and expressed confidence that the end results will be outstanding. Mrs. Venables identified several members of the Alliance and recognized their contributions.

Mr. Judge reminded the Council of the material delays in connection with the rebuild of the boardwalk and stated that shipments have been received and the project is moving forward. In connection with the north end pavilion, Mr. Judge acknowledged that the construction site is a bit of a mess and that they are working with Mr. Griffin to clean up the site.

Mrs. Reilly reported that over 470 lockers have been sold and an email has been sent to those individuals who have purchased beach boxes requesting their location preferences. Mrs. Reilly also reported that the summer recreation programs will be available for on-line registration on Friday, April 26, 2013. And, Mrs. Reilly stated, the summer movies on the beach will be at the south end pavilion this summer.

Mr. Avakian offered an update on the Third Avenue project reporting that roughly 60% of the masonry and drainage work is complete between Passaic and Brighton Avenues. Further, Mr. Avakian stated that the masonry work should be completed about a week prior to the Memorial Day weekend. Mayor Naughton asked if this included the striping, noting that it's a high traffic weekend downtown. Mr. Avakian confirmed that the striping should be complete by then. Mr. Avakian also reported that he will be meeting with Mrs. Venables in May in connection with the Wreck Pond dredging project which will include discussing details from a meeting recently attended at the Department of Environmental Protection. Mr. Avakian stated that they are looking to dredge around November or December, 2013.

Mr. Coloa reported that he has one matter for closed session.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

Mr. Dempsey directed a comment to the Coast Star reporter in attendance asking that if an article is written in connection with the Third Avenue re-paving project to assure readers that the Third Avenue businesses will be open and accessible during this effort. Mr. Dempsey also asked if the Mayor and Council meeting dates in May could be changed to the first and third Tuesdays, May 7th and May 21st, in an effort to avoid vacation conflicts as well as to allow for better timing for the budget introduction. Regarding the Lake Como outfall pipe, Mr. Dempsey reported that there are two (2) items on the agenda in connection with the repair work. One related to a temporary repair of the existing pipe of which 75% will be paid by FEMA and the other a permanent solution which will be a four (4) party agreement with Lake Como, Belmar, South Monmouth Regional Sewerage Authority and Spring Lake to install pipes under Ocean Avenue to discharge water out to the beachfront to mitigate water during storms such as Irene or Sandy. Mr. Dempsey further shared a request he received from the Department of Public Works to name the Public Works facility the Robert W. Winemiller Public Works Complex. Mr. Dempsey shared the affection the public works employees have for Mr. Winemiller and their feelings are that this would be a great way to honor him. Mayor Naughton stated that she has no objection.

Mrs. Venables made a motion to adopt the following Resolution , seconded by Mrs. Reilly.

**R-13-088 RESOLUTION – NAMING PUBLIC WORKS COMPLEX THE
ROBERT B. WINEMILLER, JR. PUBLIC WORKS COMPLEX**

WHEREAS, Robert B. Winemiller, Jr. began his employment with the Borough of Spring Lake in April of 1957, and

WHEREAS, Robert B. Winemiller, Jr. retired from the Borough of Spring Lake in November of 2003 after serving as Superintendent of Public Works for the last ten years of his employ, and

WHEREAS, during his tenure in the Department of Public Works, Robert B. Winemiller, Jr. gained the respect and admiration of not only the residents of the Borough of Spring Lake but also the men under his supervision and his many other co-workers, and

WHEREAS, Robert B. Winemiller, Jr., passed away on April 10, 2013 and in his honor, the men who so admired him for his personality and leadership have requested that the Mayor and Borough Council name the Public Works Complex in his honor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Public Works Complex be and is hereby renamed the "Robert B. Winemiller, Jr. Public Works Complex" in his honor.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mr. Dempsey continued stating that he is working with the DEP on the gap near the dune at Brown Avenue. Mr. Dempsey reported that although they originally hoped to use sand, they have learned that sand will not work and they are now trying to finalize the details of using an alternate material that will fill the gap as well as meet DEP approval. Mr. Dempsey further reported that this effort will have no effect on the Piping Plover area. Mr. Judge asked if the cost would be reimbursed by FEMA. Mr. Dempsey confirmed that the cost would be reimbursed at

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

75%. Mr. Dempsey continued his report noting that he has a request from the Goodwill Fire Company to use the Borough's roll-off truck to pick up a restored 1956 antique fire truck that the Borough sold at auction and has subsequently been restored and offered to the Borough. The Mayor inquired as to where the truck would be stored. Mr. Dempsey stated that he believes they have a location to store the truck and that they would use the truck for the various parades and events in town. In connection with the boardwalk, Mr. Dempsey reported that the DPW is making tremendous progress at a rate of roughly twenty sections per day and they anticipate that it will be complete in time for Memorial Day weekend. Mr. Dempsey further reported that the County is on board with phase three of the dredging project noting that the Borough will have to get the permits approve and may need help from neighboring towns. Finally, Mr. Dempsey stated that the EMS is requesting a LOSAP change regarding how they award points to their volunteers. Mr. Dempsey will send details on the request to the Mayor and Council. Mayor Naughton took a moment to recognize Mr. Dempsey's efforts in connection with the items he summarized noting that although it sounds low-key and effortless there are many phone calls and follow-up in connection with each project.

Mayor Naughton reminded those present of the many moving parts within the Borough including the beachfront and two lakes and stated that Mr. Dempsey is the glue that keeps things together.

Business Items Under Consideration

Request for H.W. Mountz Kitchen Tour - October 9, 2013

Mrs. Venables offered a motion to approve the H.W. Mountz Kitchen Tour, seconded by Mrs. Reilly. All in favor.

Ordinances for Introduction - NONE

Ordinance for Adoption

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 open the Public Hearing on Ordinance No. 2013-004, 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

PUBLIC HEARING NOW OPEN

The Mayor invited Mrs. Robbin Kirk, CFO, to speak to the purpose of the ordinance. Mrs. Kirk referenced the connection between the ordinance and the previously approved Resolution R-12-198 in connection with the removal and reconstruction of the boardwalk. Mrs. Kirk further

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

explained that tonight's consideration creates the bond ordinance for the Borough's portion of the expense as well as the monies anticipated from FEMA. Further, Mrs. Kirk explained, the bond ordinance gives the Borough the opportunity, if needed, to take a few years to pay off the 25% obligation. Mayor Naughton reiterated that the intention of the ordinance is to give the Borough the option to borrow money, anticipating approximately 75% back from FEMA. Mrs. Kirk confirmed and added that the Borough hopes to obtain an amount equivalent to 50% of the costs upfront thus avoiding the need to appropriate interest costs.

Mr. Fay asked for confirmation of an approximate cost of \$800,000 that the Borough is responsible for and the period of time the Borough could have to repay this amount. Mrs. Kirk confirmed. A member of the public asked what the interest rate on the monies borrowed would be. Mrs. Kirk responded stating that should the notes be sold it could be approximately 9/10ths of a percent. Mrs. Kirk further noted that another town obtained an interest rate of .6% on a recent note sale stating that short term note interest rates are very good at this time.

There being no further questions or comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-004, 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

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a Resolution to adopt Ordinance No. 2013-004, 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

Borough Attorney Colao read Ordinance No. 2013-005 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 107, SECTION 8, "ANIMALS", OF THE CODE OF THE BOROUGH OF SPRING LAKE, MONMOUTH COUNTY, NEW JERSEY", by Title.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2013-005, 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

PUBLIC HEARING NOW OPEN

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

Mayor Naughton stated that the ordinance under consideration is in connection with the hours that dogs are allowed on the beach noting that it would amend the ordinance from a commencement date of May 15th to May 1st and a termination date from September 30th to October 15th.

Harry Zarb, 2205 Second Avenue, introduced and read a petition expressing opposition to the amendment to the ordinance and also introducing a proposal to allow dogs on the beach throughout the year with a limit to the hours only during the summer months. Mr. Zarb stated that they have approximately 207 signatures in support of the petition. Mr. Judge expressed his thanks to Mr. Zarb for his efforts and asked his fellow Council members if anyone was a strong proponent of changing the dates.

Mayor Naughton stated that she believes that Chief Kerr may have been the biggest proponent for the change and may have initiated the move toward amending the dates, however, Mayor Naughton noted that she believes Chief Kerr is amenable to any compromise the Council makes. Mrs. Reilly shared that she believes that some of the Chief's objections stemmed from people allowing dogs to run on the beach without a leash stating that a dog, albeit even a friendly dog, bounding toward a small child may be frightening for the child.

The Mayor asked if Mr. Judge was suggesting leaving the ordinance as written. Mr. Judge stated that he was and asked for other Council members thoughts.

Mr. Drasheff stated that he believes this effort took on a life of its own and that he would suggest leaving the ordinance as is. Mr. Drasheff stated that it may be reasonable to speak with some of the petitioners or have a meeting with the Chief to ascertain if there is an objection to dogs on the beach.

Mrs. Reilly added that another consideration is that there is a need to replace the signs on the beach and one of the items to be included on the signage is the rules pertaining to dogs. Mrs. Reilly suggested the Borough not make any changes at this time. Mr. Judge agreed and added that they should also look into the possibility of allowing dogs on the beach until 9:00 am during the summer months.

Mr. Drasheff suggested they vote the ordinance down tonight and hold a public safety meeting to also learn from the opposing position of those who do not want dogs on the beach.

Todd Brogowski, 415 Monmouth Avenue, commented that he does not recollect the signs on the beach addressing the dates and times in which dogs are allowed on the beach but only that they are not allowed on the boardwalk. Further, Mr. Brogowski, stated it is also difficult to find any reference to the dog rules on the website. Mr. Brogowski compared this to other towns in New Jersey and other states that have signage and very easy to find information on websites in connection dog rules. Mr. Brogowski suggested that the Borough update the information so visitors may more easily access it.

Gina Kennedy, 112 Passaic Avenue, stated that she is a new dog owner and suggested that if the penalty for letting your dog off its leash were posted it may more readily discourage dog owners from doing so. Mrs. Reilly stated that as they move toward replacing the signs lost due to Superstorm Sandy, they plan to keep them as positive as possible and don't intend on noting the

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

penalties for non-compliance with any of the beach rules. Ms. Kennedy stated that she believes posting the penalty may be a good deterrent.

Mr. Judge stated that although he likes the idea of posting the penalty there is already a great deal of information on the signs. Further, Mr. Judge stated that the opposite effect may occur in that someone may see the penalty information and feel that it's minor enough to "take their chances". Mr. Judge acknowledged Chief Kerr's previously voiced concerns about manpower noting that prior to May 1st, when the Specials are hired, the Chief does not have the manpower to fully enforce the dog ordinance.

Joan McCarn, Third Avenue, suggested that when a committee is formed or a meeting held, to include dog owners as well since there are dog owners who share some of the non-dog owner concerns such as picking up after ones dog.

Mary Ellen Langstine, 2005 Fifth Avenue, represented herself as a dog owner and beachgoer who does not believe dogs should be allowed on the beach in the summer suggesting there are safety issues that need to be considered. Ms. Langstine stated that she believes there are a lot of irresponsible dog owners who do not pick up after their dogs. Mr. Judge agreed that an open forum of both dog owners and those who do not own dogs would be beneficial and further agreed that picking up after ones dog is a key issue.

There being no further questions or comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-005, 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

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to reject Ordinance No. 2013-005, 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

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.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2013-006, 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

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

PUBLIC HEARING NOW OPEN

Mayor Naughton stated that the ordinance being considered is in connection with outdoor dining which currently is restricted to certain seasons; this would allow for outdoor dining all year round.

Eleanor Twomey, 108 Vroom Avenue, asked for clarification on the dimensions detailed in the ordinance regarding placement of the dining furniture. Mayor Naughton stated that she can't speak to these specifics emphasizing that nothing in the ordinance is being changed other than the times of year in which outdoor dining is allowed. Ms. Twomey acknowledged this and raised concern about entities on Third Avenue that may not be meeting the guidelines. Mayor Naughton responded noting that any potential violations have been and will be addressed by the Code Enforcement Officer and all seems to be working to the mutual benefit of the restaurant owners, residents and visitors. Mayor Naughton added that there have been few if any complaints from residents.

Joe Rizzo, 416 Tuttle Avenue, offered that he believes the outdoor dining has been very successful not only for the restaurants but also for the nearby retailers in that visitors are drawn to the areas that appear alive and active. Ms. Cathleen McCusker, 110 Ludlow Avenue, offered thanks to Mr. Drasheff for his presentation in connection with the First Aid Building and wanted people to know that Patricia Colrick started this effort from day one. Mayor Naughton invited Ms. McCusker to hold her comments on this topic for the public comments portion of the meeting and asked for any additional comments on the outdoor dining ordinance.

There being no further questions or comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-006, 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

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a Resolution to adopt Ordinance No. 2013-006, 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

Borough Attorney Colao read Ordinance No. 2013-008 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE", by title.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2013-008, 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

PUBLIC HEARING NOW OPEN

Mayor informed the audience that the ordinance being considered is in connection with the height of homes in flood zones noting that the Mayor and Council recently took action and approved an ordinance that allows homes in flood zones to be at the advisory base flood elevation plus two (2) feet to a maximum of forty-two feet in height. This ordinance, the Mayor stated, is to amend that ordinance further.

Mr. Fay asked if the ordinance will help the residents who recently spoke to the Council. Mayor Naughton stated that she believed it would. Mr. Fay asked if this would be a problem for other residents. Mr. Avakian stated that the ordinance is a zoning ordinance and that he has had discussions with both the Zoning Officer and Regional Construction Official regarding it. Mr. Avakian shared that Mr. Ratz, the Regional Construction Official had raised some concerns about the potential for a raised home to create an additional "story" which would result in a myriad of other compliance considerations. The Mayor added that they also raised the consideration that the higher the finished floor elevation, the more leeway that must be given to a homeowner to bring stairs out into the right of way.

The Council discussed the various considerations and verified that that the maximum finished height for any home is 42 feet and any interest in going above 42 feet would require an application for a variance. The Mayor reminded the Council and audience that the Borough's height ordinance is currently 35 feet emphasizing the significance of the allowance to 42 feet in the flood zone areas and further stated that this is much more generous than many shore area towns. Mr. Judge stated that he favors giving as much relief as possible to those impacted and feels that allowing three (3) feet above the ABFE is reasonable.

Mrs. Venables expressed support for keeping the ordinance as is, noting that the role of the Council is to draw lines and to do their best to accommodate certain groups while keeping in mind the impact on other groups. Mrs. Venables reiterated the recent passing by the Council of ABFE plus two (2) feet which she believes to be quite generous.

Mr. Colao read a letter from the Planning Board which he believed to be relevant to the discussion. The letter is in connection with the impact on stair placement with a raised home. The Council discussed the various considerations and involvement of the Planning Board and Construction Official as well as the appeal process.

Mr. Jordan asked if information was available regarding the impact on insurance rates between the two (2) versus three (3) foot allowance. The Mayor responded that insurance rates would not be affected by either option but a variance would need to be requested of the Planning Board if a homeowner chooses to go beyond whatever ordinance they adopt.

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

Mr. Drasheff stated that he's inclined to support the ordinance amendment being presented because of the testimony from several residents that the plus three (3) feet would impact their insurance costs.

Mr. Judge acknowledged Mr. Drasheff's point and added that likewise property values are a consideration for homeowners.

Mrs. Reilly questioned whether information has been made definitively available regarding insurance rates. Mr. Judge stated there is nothing concrete yet.

Helen Motzenbecker, Glenwood Avenue, expressed support for the current ordinance that offers two (2) feet above ABFE stating that she believes the overwhelming opinion in New Jersey is that the elevations being required are too severe.

Joe Rizzo, 416 Tuttle Avenue, stated that it was his understanding from what he heard that insurance rates would go down if a home was elevated one (1) foot above the flood level. Mr. Rizzo further stated that although he doesn't favor having lots of issues go to the Planning Board, he believes this is to be a serious issue that would warrant presentation to the Board. Mr. Judge stated that what the Council heard in connection with insurance rates differs from what Mr. Rizzo heard.

Mrs. Reilly shared that what she recollects is that there would not be any significant improvement to insurance rates beyond the one (1) foot above the ABFE. Another concern, Mr. Judge stated, is the potential perception that if the Council denies going to three (3) feet the Planning Board may be hesitant to counter the Council's position. Mrs. Reilly responded stating that she believes the Council views things more on behalf of the majority while the Planning Board is focused on individual cases. Mr. Rizzo offered that the Planning Board would certainly give great credence to the language of an ordinance but if an application suggests a warranted need for relief the Planning Board would certainly consider it. Mrs. Reilly agreed that the Planning Board would strongly consider any hardship issues presented to them.

Mr. Judge asked if certain insurance considerations would be considered a hardship. Mr. Rizzo stated that although they don't consider themselves insurance experts, the Planning Board would certainly consider the impact on insurance when making decisions. Mr. Judge asked what the Planning Board discussed in reference to stricter oversight by the Zoning Officer. Mr. Rizzo stated that they knew this could be a concern and discussed the possibility of homes being raised roughly two to three feet higher than they currently are resulting in a need to creatively consider stair access.

The Mayor offered that knowing that front yard encroachment, due to a need to create stair access to the raised home, was going to be an issue, there was an attempt to leave the authority with the Zoning Officer resulting in potential leeway on every applicant which, understandable, is why Mr. Judge is a bit uncomfortable. Mr. Lyle Marlow, 110 Pennsylvania Avenue, stated that it feels the Council is knee-jerk reacting and cautioned the Council from not going too far.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

There being no further questions or comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-008, 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

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a Resolution to adopt Ordinance No. 2013-008, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: Mrs. Venables, Mrs. Reilly

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

The Mayor requested that Resolution R-13-071 - Renewal of Seasonal Liquor License - Grand Victorian, be removed stating that there is a paperwork issue and it is not ready for consideration.

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

R-13-068 - RESOLUTION - APPROVING VOLUNTEER FIREFIGHTER - SHAUN R. TIECHER - GOODWILL FIRE COMPANY #2

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Shaun R. Teicher to become a volunteer firefighter with Goodwill Fire Company #2 is hereby approved as the necessary background investigation has been completed and found to be favorable.

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-13-069 - RESOLUTION - AUTHORIZING EXECUTION OF AGREEMENT - MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION

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 Memorandum of Agreement with the Monmouth County Mosquito Extermination Commission for aerial surveillance and treatment of mosquitoes for 2013.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

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

R-13-070 - RESOLUTION - REFUNDING WATER OVERPAYMENT - ACCOUNT #10900 - \$1,980.00

WHEREAS, payments have been received on the following account resulting in an overpayment as certified by the Borough Tax Collector:

Account	Street Address	Name	AMOUNT
10900	101 Tuttle Avenue	Kristen Goldman	\$1,980.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount specified be and hereby is approved for the aforementioned account.

I, Robbin Kirk, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayments to be a total of \$1,980.00.
/s/ Robbin D. Kirk,

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-13-072 - RESOLUTION - APPOINTMENT OF ADDITIONAL TEMPORARY SEASONAL WORKERS - DPW

BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake, that the following individuals are hereby appointed as additional seasonal employees with the Borough of Spring Lake to continue ongoing boardwalk repairs as a result of Sandy:

Kevin Byrne	\$15.00 per hr
Paul A. Cannamela, Jr.	\$15.00 per hr
Justin Brahn	\$15.00 per hr

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-13-073 - RESOLUTION - APPOINTMENT OF CLASS I & CLASS II SPECIALS – SPRING LAKE POLICE DEPARTMENT

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed and or confirmed (Resolution previously adopted on January 22, 2013) at the hourly rates as listed below as recommended by the Chief of Police, Edward Kerr:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

NAME	POSITION	HOURLY WAGE
ABELES, AARON	CLASS I	\$9.53
DAVIS, IAN	CLASS I	\$11.81
DICK, KYLE	CLASS I	\$11.81
DRUM, KELLY	CLASS I	\$13.52
FRUEHWIRTH, CHRISTINE	CLASS I	\$11.81
MERKLINGER, MARK	CLASS I	\$9.53
NOBLE, WILLIAM	CLASS I	\$9.53
STEWART, ERIC	CLASS I	\$11.81
TULLY, DANIEL	CLASS I	\$9.53
VADAS, TYLER	CLASS I	\$9.53
BOWEN, DAVID	CLASS II	\$15.24
CAFFEY, JESSICA	CLASS II	\$9.53
CASAGRANDE, MARK	CLASS II	\$15.24
CUTTRELL, HARRY	CLASS II	\$15.24
EVANGELISTA, MARC	CLASS II	\$15.24
HEINE, CHRISTOPHER	CLASS II	\$15.24
KELLY, WILLIAM	CLASS II	\$15.24
PHILLIPS, MATTHEW	CLASS II	\$15.24
PRESTON, GERALD R.	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-13-075 - RESOLUTION - APPROVAL OF BILLS - \$1,076,122.96

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending April 23, 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.

SUMMARY

CURRENT FUND (1)	412,160.58
GENERAL CAPITAL (4)	10,621.50
WATER/SEWER OPERATING (9)	28,371.19
DOG TRUST (13)	910.00
MT LAUREL TRUST (16)	240.00
RECREATION (25)	2,245.63
BEACH OPERATING (81)	419,306.55
POOL OPERATING (91)	6,635.71
POOL CAPITAL (94)	195,631.80
TOTAL	\$1,076,122.96

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

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.

Mayor Naughton stated that this Resolution is in connection with the installation of pipes under Ocean Avenue. Mr. Dempsey further offered that the resolution authorizes Spring Lake to join a four party agreement with neighboring towns and SMRSA to share the costs associated with the project. Mr. Dempsey also added that he has been in discussions with representatives from the other parties who have indicated agreement with the cost of the project.

R-13-077 - RESOLUTION - AUTHORIZING PURCHASE PURSUANT TO NJSA 40A:11-6

WHEREAS, an emergency has arisen with respect to installation of an additional overflow pipe under Ocean Ave./County Road 18 from the outfall pipe of Lake Como.

WHEREAS, certification of an imminent hazard was received on April 23, 2013 from Monmouth County Engineering and the Borough of Spring Lake Engineers.

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, as stated in the Monmouth County Engineering letter received on April 23, 2013 that there is an emergent need to remove the above ground piping currently located at the east end of Lake Como over Ocean Ave./Monmouth County Route 18. This type of pumping operation with above ground piping has been deemed to be an unsustainable hazard to the health and public safety of the general public and the above ground piping and must be removed by Memorial Day weekend of 2013 due to the influx of pedestrians, bicycle and vehicular traffic.

WHEREAS, as stated in the Borough of Spring Lake Engineers letter received on April 23, 2013 if the temporary above ground piping and pumping operation are removed before the outfall pipe is repaired and additional underground overflow piping is installed, this could lead to flooding and public health hazardous in the adjacent neighborhoods of Lake Como. As further certified the public bidding process would cause an inordinate delay in completion of the construction of the overflow outfall pipe. Therefore, it is the intent to award and complete this project as an emergency contract in order to remove the above ground piping from Ocean Ave./Monmouth County Route 18 temporary pumping operations by Memorial Day of 2013. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6.

WHEREAS, Avakian Engineering has received pricing from contractors, and the recommendation for award is to Precise Construction in the amount of \$115,970.

WHEREAS, the Borough of Spring Lake, Borough of Belmar, Borough of Lake Como and the South Monmouth Regional Sewerage Authority have agreed to cost share this project equally.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that upon receiving written agreement from each of the other agencies in the cost share agreement, the Borough Administrator is authorized to enter into said contract and the Chief Financial Officer is authorized to encumber said contracts as listed above.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

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-13-078 - RESOLUTION - AUTHORIZING EMERGENCY PURCHASE PURSUANT
TO NJSA 40A:11-6**

WHEREAS, an emergency has arisen with respect to installation of an additional overflow pipe under Ocean Ave/County Road 18 from the outfall pipe of Lake Como.

WHEREAS, certification of an imminent hazard was received from Monmouth County and Borough of Spring Lake Engineers.

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency installation of an overflow pipe from Lake Como under Ocean Ave/County Road 18. While the Lake is currently under temporary emergency pumping operations with above ground piping in order to protect adjacent neighborhoods from flooding, this type of pumping operation has been deemed to be an unsustainable hazard to the health and public safety of the general public, vehicular and pedestrian traffic and the above ground piping must be removed immediately. If the temporary above ground piping and pumping operation was to be removed before the outfall pipe is repaired and additional underground overflow piping is installed, this could lead to flooding and public health hazardous in the adjacent neighborhoods of Lake Como. Therefore, it is the intent to award and complete this project as an emergency contract in order to remove the temporary pumping operations as quickly as possible. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6.

WHEREAS, Avakian Engineering has received pricing from three contractors, and the recommendation for award is to Precise Construction in the amount of \$225,000.

WHEREAS, the Borough of Spring Lake, Borough of Belmar, Borough of Lake Como and the South Monmouth Regional Sewerage Authority have agreed to cost share this project equally.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that upon receiving written agreement from each of the other agencies in the cost share agreement, the Borough Administrator is authorized to enter into said contract and the Chief Financial Officer is authorized to encumber said contracts as listed above.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

**Borough of Spring Lake
Mayor and Borough Council
Regular Meeting
April 23, 2013**

Public Comments

Kathleen McCusker, 110 Ludlow Avenue, expressed thanks to Mr. Drasheff for doing a terrific job on researching and presenting the reason why the First Aid Building project should be continued. Ms. McCusker shared that the building was the first in America that was built for, and solely used for, the purpose of First Aid. Ms. McCusker also acknowledged the collaboration between the Preservation Alliance and the Borough of Spring Lake as well as members who have been actively involved in the effort. Ms. McCusker recognized Eleanor Twomey, Carol and Bob Wallace, Ann and Budd Benz and Patricia and Ed Kolrick noting that their commitment resulted in Spring Lake having this very special building. Ms. McCusker added that Mr. Tom Ferguson, former Borough Administrator, worked very hard doing grant research for the project and then an additional twenty-six people got involved to move the effort forward. Ms. McCusker spoke to the history of the usage feasibility study as well as the various grant applications and receipts. Ms. McCusker further recognized Mr. Wallace and Mr. Benz for their photo contributions to the grant application and detailed the grants received. Arthur and Chris Aria were also recognized by Ms. McCusker for their work with Mr. Fitzgerald in obtaining a Township Grant. Ms. McCusker further spoke to the professional contributions of others involved including Mr. Barry Lewis, former Borough Administrator, Janice Venables, Mayor Naughton as well as the Garden Club, the Women's Club, Wells Fargo and others. In closing, Ms. McCusker thanked this Council and past Councils as well as all those involved in getting the project moved to where it is today.

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

R-13-076 - 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: Personnel – Police Department – Lieutenant Position.

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: 8:50 P.M.

MEETING IS RECONVENED: 9:05 P.M.

In light of the recent bombings at the Boston Marathon, Chief Ed Kerr reported that they have made efforts to borrow two (2) bomb sniffing canines from Wall Township for the Spring Lake 5 Race on Saturday. Further, the Chief reported, there will be a Sheriff's Officer command post on-site as well as increase police presence at both the Kid's Race on Friday and Saturday's event. Mayor Naughton asked if Chief Kerr could also work to coordinate the movements of the ambulance positioned at the finish line to minimize any potential risk at the end of the race.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2013**

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

Time of Adjournment: 9:18 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: December 17, 2013