

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 13, 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, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly, Mayor Naughton
ABSENT: NONE

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

Workshop Discussion - None

Approval of Minutes – None

Proclamations, Presentations, & Special Guests – Allen Harris – Energy Solve Presentation

– Mayor Naughton introduced Allen Harris, CEO of EnergySolve, LLC noting that Mr. Harris has been in contact with Councilwoman Reilly and Mr. Dempsey regarding some options the Borough might like to consider. Mr. Harris explained that the company provides a New Jersey Energy Tracking System which is a web based and paperless accounting bill payment and bench marking system, specifically designed to manager utility spending. EnergySolve would receive Borough utility bills; the information is entered into a searchable data base, scan the bill, and then conducts a thorough validation analysis. Validation checks will be done against the utilities to make sure they are accurate and correct. Once the bills are accurate, the Borough will be notified the amount of the bill. The bill could be paid through a wire transfer or ACH funds, and then EnergySolve would pay the bills on the Borough's behalf. The data is uploaded every month automatically to Energy Star portfolio management, the Borough can then bench mark all of facilities against the national data base to see how they perform from an energy efficiency stand point. Mr. Harris gave examples of who uses this system; companies such as the agencies/facilities for the State of New Jersey, New Jersey Transit, Municipalities, Schools Districts, Institutions of Higher Education, and Housing Authorities. There are no bid requirements; any governmental entity in the State is eligible to participate in the program. The benefits of this program, such as save money, easy handling of utility bills, improves facility management, and promotes sustainability. An extra benefit would provide credit for Sustainable Jersey; any entity that uses the system receives ten priority matching points for certification. He added that if the Borough was interested they would simply sign a letter of agreement and pass a resolution. EnergySolve provides a way to measure the usage and efficiency of the Borough's utilities through the entire municipality.

Mayor Naughton questioned how EnergySolve makes money. Mr. Harris answered that under the State contract it would be \$6.30 per account per month. Mayor Naughton then questioned how many accounts a municipality like Spring Lake would have. Councilwoman Reilly answered that there are approximately thirty to thirty-five accounts. Mr. Harris added that his company provides a certificate of savings, the benefit that the Borough will receive will far out way the

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\$6.30 per transaction charge. Mayor Naughton inquired what types of things they would uncover that saves money. Mr. Lynn Sutcliffe answered that the primary thing is the utility companies miscalculate the bill and EnergySolve catches the miscalculation, the utility companies add late fees by hiding them as interest charges, the utility companies are not allowed to charge late fees to governmental entities.

Mr. Judge questioned if the thirty-five accounts are separate utility bills. Mr. Harris answered yes. Mr. Judge then questioned how the utility bills are currently paid. Mr. Dempsey answered that they are paid by one check for a group of utility bills. Mr. Judge questioned which other municipalities use Energy Solve. Mr. Harris gave a few examples; Maplewood Township, Burnsville, and Franklin Township. He agreed also to provide a list of the municipalities in New Jersey.

Mr. Jordan questioned if thirty-five accounts is a small number for a municipality. Mr. Sutcliffe answered that some companies only have ten utility accounts and still save money. Mr. Jordan then questioned how long would the contract be. Mr. Sutcliffe answered that it is a one year contract with the option to renew.

Mr. Judge asked if there is a way to track a light post that is not working, however the Borough has been paying for the service. Mrs. Reilly added that she has discussed with Mr. Sutcliffe the situation where light posts have been out for a long time and there may be a way to track those particular light posts and there could be recoup. Mr. Sutcliffe explained that if the posts are a metered service they would catch it immediately and there would be much lower bills, unfortunately many of the light systems are unmetered. He added a possibility would be to obtain a meter in order to detect what the issue is. Mr. Judge asked if a pole number was given along with the dates that it was out, would that information be processed and deducted from the charges. Mr. Sutcliffe answered yes, they can work with the Borough on this issue. Mr. Harris added that since EnergySolve works so closely with these utility companies, they would work as the Borough's advocate and resolve any issues before the bill is paid.

Mayor Naughton added that there will be an adjustment; the Borough is practically sensitive to this issue since part of the town has been out since Hurricane Sandy; but it is not easy to wrangle an adjustment out of them.

Mr. Dempsey questioned what Mr. Sutcliffe's background is since he created this company. Mr. Sutcliffe answered that he attended law school, was the General Counsel of the U.S. Senate Commerce Committee, and a founding partner of a Washington D.C. law firm. He then decided to go on to save energy; he has twenty six years of experience in the energy service industry.

Mrs. Reilly noted that the Borough has received approximately \$100,000 in grants to replace old equipment for energy efficient equipment at the Department of Public Works, Police Departments, and Borough Hall. The data available through EnergySolve will help with obtaining additional grants. She added that this is a part of our Sustainable New Jersey application, which is in the process of being applied for.

Mrs. Venables asked if it is possible to provide monthly reports that show what they have paid versus what has been saved. Mr. Sutcliff answered yes, with the exception of the error handling. He added that anyone who has access to the portal can view the bills and reports.

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Mr. Judge stated that one cost which would not be reflected in the reports would be the savings of man hours. He then questions if there is any sense on how many man hours would be saved. Mr. Sutcliff answered he is unsure.

Mrs. Venables questioned when errors are found and there is communication with the utility companies, is there a percentage of times where the dispute takes a long time. Mr. Sutcliff answered that there is six year statute of limitation here in New Jersey, EnergySolve stays on top of the errors until it is resolved and report to the Borough. He added that if it cannot be resolved they would then engage the Borough.

Lyle Marlowe, 110 Pennsylvania Avenue questioned who actually pays the bills. Mr. Harris answered that the Borough would pay the bills either through ACH or wire transfer. Mr. Marlowe then asked if the money has to go through EnergySolve. Mr. Harris explained that a file is sent indicating the amount due, the Borough prepares a purchase order, EnergySolve signs it, then a wire transfer is done into their account, and then from their account the bill payment is executed. Mr. Marlowe questioned why the funds go through EnergySolve account. Mr. Harris explained that once the funds are received, the payment is then made. He added that it goes into an account; they do not physically take possession of the funds.

Harry Zarb, 2205 Third Avenue asked in addition to the monthly fee is there any other expenses; for example is there an expense to place a meter on the pole. Mr. Harris answered that if a meter were placed on a pole it would be paid by the utility company who is in control of the meter.

Helen Motzenbecker, 4 Glenwood Avenue questioned how long would the contract be for and if the contact were not renewed, would it be difficult to obtain the accounts back. Mr. Harris answered that the contract is for one year and the accounts would not be difficult to give back to the Borough.

Mayor Naughton thanked Mr. Harris and Mr. Sutcliffe for their presentation.

Public Comments

Helen Motzenbecker, 2205 Third Avenue inquired about the timing of the benches. Mr. Dempsey answered that he was told by the vendor that next week there should be forty benches delivered. He added that the vendor is supposed to deliver another forty every week. Mayor Naughton explained that the benches are all ordered; it is just a matter of producing them. Mrs. Motzenbecker questioned the status of the North End Pavilion. Mr. Dempsey answered it will be substantially done by end of September or middle of October.

George Donahue, 211 Ocean Avenue asked if someone previously owned a bench, are they going to have the bench placed in the same location. Mr. Dempsey explained that is the intent. Mr. Donahue then questioned about the dune protection along the ocean at the intersection of Ocean and Pennsylvania Avenues. Mr. Judge answered that the Borough is currently looking at the access point at Pennsylvania Avenue. He noted that the ramps at the access points at Newark and Union Avenues go up and over the dune system; it was very well received by the people who live on those streets. At Pennsylvania Avenue the dune does not extend that far

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north. The Borough is considering building a dune closer to the South End Pavilion and changing the access point to the boardwalk over the dune. Mr. Donahue agreed with this idea. Mr. Judge explained that another idea would be a surge protector, essentially a removable gate at each of the access points.

Lyle Marlowe, 110 Pennsylvania Avenue feels that it is a hassle dragging the grandchildren and beach equipment up thirty-six steps and then back down to get to the beach. He believes that the water would have eventually gone over the dunes if there were no access points, which would have destroyed all of the dunes. He added that the dunes need to be higher and stronger; this topic deserves a lot more discussion. Mr. Judge assured that there will be no decision made tonight.

Frank Suozzi, 112 Brown Avenue agreed that the dunes need to be higher and stronger. He then questioned the replacement of the dune at Brown Avenue, the dune does not come close enough to the path ways, and will something be place in those open areas. Mr. Dempsey answered that they are waiting to see what naturally will fill in; within the next couple of weeks they will take look and make a decision on what to do next. Mr. Souzzi asked about replaced dunes, are they as high as they are going to go. Mayor Naughton answered that is as high as the DEP would let us go; there will be vegetation on it. She added that they will be far stronger since we received permission from DEP to have a soil core. Mr. Dempsey added that they are seven feet high.

Mr. Donahue expressed that he would like to see as much done as fast as possible, he understands that bigger and stronger dunes take time, however maybe something can be done. Mrs. Venables stated that the beach replenishment project in the fall or early winter will help place more land between houses and the ocean.

Harry Zarb, 2205 Third Avenue questioned if the Borough understands why the DEP only allows a seven foot dune and wouldn't it be worthwhile challenge the DEP. Mayor Naughton explained that it was very difficult to get the dune that we have, she understand that it does not look like it ought to; we fought for months to even be able to have a soil core. There is a specific elevation that the DEP allows us. Mr. Avakian added that timing was important and we went back and forth with the DEP and it took a couple of weeks to approve a detail. Mr. Avakian stated that the dune system is going to mature and vegetation can be placed on it. The vegetation on the side will capture additional sand and it will grow. A winter berm will also be installed.

Mr. Suozzi felt that the Borough should take a stand and fight a little bit harder to increase the safety of the residents. He understands that the Borough is just as frustrated and apologized for going on. Mayor Naughton explained that he is entitled to and we share his frustration.

David Frost, 306 Pitney Avenue asked if there has been discussion about the dunes at the north end. Mayor Naughton answered yes. He then asked if there is any kind of regulation for endangered species there. Mayor Naughton answered no. Mr. Frost questioned what the height restrictions are at north end. Mayor Naughton doesn't think there is any height restriction, the dune grew organically. She added that twenty years ago the ocean could be seen from the first floor of any Ocean Avenue property now the dune is much higher than that,

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it was designed to grow in exactly that way. She explained that there is a plan submitted for a grant to make those dunes bigger and stronger, however some it will fill in naturally as well. Mr. Frost stated that he is speaking of the north of the pavilion where there are no dunes at all. Mayor Naughton asked if he was speaking of the west side of the boardwalk. Mr. Frost answered yes. Mayor Naughton explained on the west side it is too narrow. Mr. Frost asked if there has been any talk about protecting the boardwalk. Mayor Naughton answered yes, many council meetings ago there was a workshop about what made sense from a dune perspective. She added right now without beach replenishment there is no way to put dunes in front of the boardwalk. Once the beach is replenished that subject will have to be revisited. She explained that there is a Federal beach replenishment project which will pump sand from off shore, this will start in Manasquan and proceed up the coast south to north. The new beach elevation will be restored to the 1993 beach elevation.

Anne Butler, 411 Ludlow Avenue questioned if the stairs built at York and Union Avenues are permanent. Mrs. Reilly answered yes.

Mayor Naughton suggested that in two weeks from now Mr. Avakian will have a discussion on the beach dunes.

Mr. Marlowe stated that the US Department of Agriculture is willing to buy land. He suggested that there are homes along Salem Avenue which would provide an entire block of homes that could be available for purchase. He added there are also homes along Second Avenue; this would give the town a lot more room to build berms. He questioned if the town was willing to contact these residents. Mayor Naughton expressed that this is an incredibly sensitive topic; there is no sense of how much money the homeowners would receive. She added that these are home that people live in or the home has been in their families for a long time. She personally does not agree with the idea that they are just going to sell them and tear them down to make open space. She has not heard from any homeowners that would be interested in giving up their property and moving on. There may possibly be one or two who would be interested. Mr. Marlowe stated that one or two would not work, we would need a whole block.

Council Comments & Staff Reports

Mayor Naughton reported that the Borough did receive our permit from the Army Corp of Engineers on the construction of the sluice gate; it is the biggest, most complicated permit of the permits that have been asked for. There are two or three other permits that still need to be obtained. She added that Mr. Avakian already met with the structural engineer to design it, DEP has to approve the plan and then we will have to go out to bid. Mayor Naughton also reported that Mr. Dempsey was able to allow us to rake the beach at Brown Avenue, with a monitor. She explained that we are in the middle of the EPA grant for Wreck Pond, the infrastructure study. This is a big project to clean and camera all of our sanitary and storm sewers that would have any effect on Wreck Pond. In an effort to try to understand once and for all whether or not there is a compromise in our sanitary sewer that might be affecting the water in the pond. They are about three quarters of the way through and one problem is that there is a lot of sand in the sanitary sewer on Ocean Avenue, which is not surprising due to Hurricane Sandy, which has been cleaned out. The documentation will be submitted to EPA

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since it is under their grant and also to the DEP. It is really important for the health of the pond and also a goal is to stop the beach closings. There could be one tenth of an inch of rain and the beach must close at Brown Avenue. The testing that goes on after the closings, does not support the closings, the water is clean nine times out of ten. If we can show, through this study that we are not contaminating the pond through our storm water or sanitary sewer; that regulation will likely be lifted. She then reported that the First Aid Building construction has started and the project is moving along. She stated that JCP&L has restored a lot of the lights along Ocean Avenue. She explained we gave JCP&L another report for the lights that are still out on Third Avenue and a few other places in town. She noted that trying hard to receive a credit for all of the months the lights were not working. Mayor Naughton suggested that Mr. Dempsey tell a story about a little girl, Lily Wagner, who recently visited Borough Hall. Mr. Dempsey explained that he was in his office and a little girl comes in, with a bag of money and coins. The girl said that she wanted to donate the money to the Borough for Sandy relief. She was here on vacation from California; she raised forty two dollars at her lemonade stand. Mr. Dempsey asked her what she would like her money donated for, she said for the boardwalk repair. He explained that she handed him the money then got on her bicycle and rode away.

Frank Suozzi, 112 Brown Avenue questioned about the proposed berm, he is wondering why the DEP is combining the berm and the living shore line. He believes that the Borough should proceed with the berm first. Mr. Avakian added that the Borough cannot proceed with the berms alone; the DEP has merged the two projects. There are some concerns, there is a possibility that the berm will not work only in Spring Lake, and the berm has to go into other municipalities. He added that at the Wreck Pond meeting next week there should be an update. Mr. Suozzi asked what the sense is in combining these two projects. Mr. Avakian answered that would be a good question for Bruce Freeman, he was in charge of the funding.

Mr. Drasheff reported several residents have brought to his attention that there are two properties one on Ocean Road near Prospect Avenue have unfinished foundations with no improvements for many years. He feels that the Borough should take some action to force the property owners to either remove the foundations and re-grade the property or build something. The properties are an eye sore, the property at 409 Ocean Road; the neighbor's actually buy plantings to hide the foundation in the summer months. Mr. Drasheff asked Mr. Colao is he has come up with any ideas of what can be done. Mr. Colao answered that he does not have anything yet, it is a difficult property. Mr. Drasheff stated that it is a safety issue. Mr. Colao explained that there is a property maintenance code in terms of construction but is not sure what can be done. Mr. Drasheff said apparently there is a two year limit, that a project must be completed within two years, what happened to these properties. Mr. Colao assumes that they may have expired but that does not mean the project has to be finished. He then asked if there is any way that the Borough can perform the work then and encumber the property owners for those costs. Mr. Colao answered that he does not think so and he will continue to research the subject. Mr. Drasheff then reported that the dog beach is doing very well. He and Mr. Judge have made numerous trips there, it is well maintained and the dogs are well behaved. The dog owners deserve a lot of credit for maintaining this area clean. Mr. Judge confirmed that the area is well used and there are many dogs there.

Mr. Fay had nothing to report on.

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Mr. Jordan reported that daily beach sales continue to be a little behind; however \$9,000 was made up over the last couple of weeks. He added that there are some options for the end of the year to continue to bring in daily beach revenues. He explained that they have added beach access points at Pennsylvania & Monroe Avenues; we were able to pull people out of the offices and put them in as badge checkers. Things are going good operationally, just hoping for some nice warm days.

Mr. Judge reported on the North End Lockers, the public notice for the bids will be advertised on Friday. He explained that 421 lockers are being replaced with 419 lockers. He discussed the various sizes of the lockers and added that the design envisions people using the changing facilities which have showers instead of changing in their lockers. He added that we hope to get an exemplar of each of the three locker sizes down to the boardwalk later this year, so that people can see what they will be purchasing.

Mrs. Reilly reported that their goals are to be able to offer the ability to purchase lockers, beach badges, etc. if they would like for presents, as soon as we can put it on the Community Pass website.

Borough Engineer's Report

Mr. Avakian reported that the test results came back yesterday, samples were taken from the dredging of Wreck Pond. He added that this year the application is asking for a five year dredging permit which will allow us, west of the First Avenue Bridge, to take sediment out with County's effort, every November or December for the next five years. The dredged sediment could be disposed on the beach which could also be used for dune construction; it is a decent sand material. The permit applications have to be submitted to DEP and Army Corp.

Borough Attorney's Report

Mr. Jay Colao - Reported that he has two (2) matters for Executive Session.

Borough Administrator's Report

Mr. Dempsey reported that a road needs to be chosen for the transportation trust fund application, which is due on September 20th; there should be a meeting on potential roads that would qualify under the standard. Last year we did not receive funding, the year before Third Avenue was funded and the year before that Newark Avenue was funded. Mr. Judge inquired if there are any restrictions on which roads. He answered that they like a road that connects to their highways. Mayor Naughton added that another consideration is the infrastructure underneath the road; the money does not go as far if a lot of work has to be done to the infrastructure. Mr. Avakian stated that when Jersey Avenue was done, there was sewer repair needed which ate into the capitol cost. Mr. Dempsey then reported that if the Borough is going to apply for the Monmouth County Open Space Grant, we will need to discuss a potential application for that which is due September 18th. Mr. Dempsey noted that Matthew Zahorsky, Zoning Officer has come up with a couple of recommendation zoning wise, he has come across some issues with pool cabanas. Cabanas are built without utilities; residents have been

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applying for cabanas with utilities in them for guest or children to use instead of the house. Basically the pool cabana is a shed; there is no difference between them. Another issue is that there is no setback requirement between accessory structures and there should be a separation between these; Mr. Zahorsky is requiring a ten foot setback. The last is the generator issue, they are very common and the ordinance requires a setback of eight feet from the principle dwelling or accessory structure. There is a setback that the generator manufacturer requires from a foundation and the ordinance states that the generator has to be within eight feet of any accessory structure, so the generator would be over the setback. It could be changed to twelve feet to accommodate everything. Mayor Naughton stated that the generator change would be a simple change and the pool cabana may need more discussion; should it be put on as an agenda item and have Mr. Zahorsky come and discuss the changes.

Business Items Under Consideration

Request for Annual Beach Day - HW Mountz School - South End Pavilion - September 14, 2013 – Mrs. Venables offered a motion to approve request for Annual Beach Day, seconded by Mrs. Reilly. Unanimously approved.

Event Application – House of Friendship – October 20, 2013 – Mayor Naughton recommended contacting the House of Friendship to find out whether or not they are a 501C3, typically we will not approve an event that is not a recognized charitable organization. She suggested to add 501C3 on the event application and have documentation provided??? Carried to August 27, 2013

Event Application – Cystic Fibrosis Foundation – October 5, 2013 – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2013-010 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT, OF THE BOROUGH CODE", by Title.

Mayor Naughton explained that this ordinance is related to obtaining a permit when there is a change of tenants for any commercial property. Mrs. Venables stated that this is something that the Council has been asked to consider by the Business Improvement District for some time, also by Mr. Roe and Mr. Zahorsky. The concern is that without this ordinance there is no opportunity or mechanism for a Borough Official to be assured that a new tenancy or new use complies with our zoning ordinances for Third Avenue. Mrs. Reilly noted that it will alert Borough Officials to a change of use; also it will have the tenants contact information in case of any issues. Mr. Judge is concerned that this may be an excessive regulation with a fee attached to it. He suggested requiring a permit when there is a change of use. Mayor Naughton explained that the problem is that we do not know when there is a change of use. Mr. Dempsey added that currently the Borough requires a certificate of occupancy for residential homes. Mr. Judge suggested the Mr. Zahorsky come to the public meeting to discuss this.

Mrs. Venables offered a motion to introduce Ordinance No. 2013-010, seconded by Mrs. Reilly.
ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinance No. 2013-010 in full/Ordinance Book No. 1

Ordinance for Adoption - None

Consent Agenda

Mr. Jordan questioned the resolution approving the appointment of new beach personnel so late in the season. Mr. Dempsey answered that some of the employees are going back to college.

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

**R-13-144 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#28-2013 – SPRING LAKE MEMORIAL COMMUNITY HOUSE-
ON PREMISE 50/50**

WHEREAS, Spring Lake Memorial Community House has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#28-2013, 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#28-2013 be and the same is hereby approved as follows:

NAME: Spring Lake Memorial Community House
300 Madison Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-40119
LOCATION: Spring Lake Community House
300 Madison Avenue, Spring Lake, NJ
DATE: September 20, 2013 10:00 PM

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-145-RESOLUTION AUTHORIZING THE TAX COLLECTOR TO EXTEND THE GRACE
PERIOD FOR THIRD QUARTER PROPERTY TAXES**

WHEREAS, according to N.J.S.A. 54:4-64 the delivering of tax bills to property owners shall be at least 47 days before or 25 days from the day of mailing the third installment of taxes fall due, and

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WHEREAS, due to a delay in the printing and mailing of the tax bills, the tax bills for the third quarter will not be sent out until August 7, 2013; and

WHEREAS, the Mayor and Council have granted an extension of the grace period to September 3, 2013; and
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake that the Tax Collector be authorized to grant this extension until September 3, 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-13-146 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, taxes on the following property has been overpaid:

| Tax Year | Block | Lot | Street Address | Name | AMOUNT |
|-----------------|--------------|------------|-----------------------|--------------------------|---------------|
| 2013 | 147 | 56 | 206 Monroe Avenue | William & Eileen Donohue | \$741.00 |

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

I, Robbin Kirk, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayment to be a total of \$741.00
/S/Robbin D. Kirk, Chief Financial Officer

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-147 - RESOLUTION – APPOINTING KATHLEEN CAPRISTO
ALTERNATE MUNICIPAL REGISTRAR**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Kathleen Capristo be and hereby is appointed Alternate Municipal Registrar for the Borough of Spring Lake.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-13-148 - RESOLUTION – APPOINTING ADDITIONAL BEACH PERSONNEL
FOR THE 2013 SEASON**

BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake that the following individuals be appointed as additional Beach Employees for the 2013 Season:

| | | |
|--------------------|----------------|---|
| Ann-Elise Doussett | Office Manager | \$15.00 per hour (effective July 1, 2013) |
| Joseph McGarry | Office Clerk | \$11.25 per hour |
| Matthew Hanley | Gate Checker | \$8.25 per hour |
| Korrine Durando | Gate Checker | \$8.25 per hour |
| Matilda Marks | Gate Checker | \$8.25 per hour |
| Lazaro Goncalves | Gate Checker | \$8.25 per hour |

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-13-149 - RESOLUTION – APPOINTING EMPLOYEE REGIONAL
CONSTRUCTION OFFICE – PLUMBING INSPECTOR**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that John Quigley is hereby appointed to the position of Plumbing Inspector for the Regional Construction Office for Spring Lake, Spring Lake Heights, Sea Girt, and Brielle, and

BE IT FURTHER RESOLVED that John Quigley be and hereby is appointed to Plumbing Inspector affective July 15, 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-13-150 - RESOLUTION – RELEASING STREET OPENING BOND
120 ST. CLAIR AVENUE BLOCK 106, LOT 12**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Borab Landscape for property located at 120 St. Clair Avenue, Block 106, Lot 12 and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 13, 2013**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolution

Mr. Fay asked if the money for the dispute is being paid by insurance. Mr. Colao answered that it is not an insurance issue; it will be paid to avoid further litigation.

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

R-13-151 - AUTHORIZING PAYMENT TO RESOLVE DISPUTE

WHEREAS, the Borough of Spring Lake is a municipal corporation in the County of Monmouth, State of New Jersey, and has been formed in compliance with the applicable statutes; and

WHEREAS, Peter Tsairis is the owner of property located within the Borough of Spring Lake at 1254 Monroe Avenue, Lot 10, Block 134 and previously brought legal proceedings challenging the Borough's affordable housing fee contribution ordinance as it was applied to prior improvements.

WHEREAS, Peter Tsairis, through counsel, has threatened to renew legal proceedings which the Borough maintains is similarly without justification but wishes to avoid further legal fees and effort.

WHEREAS, the Borough attorney recommends approval of the resolution.

NOW, THEREFORE, BE IT AGREED that:

Upon receipt of the appropriate release as approved by the Borough attorney, the Borough administrator is authorized to tender payment to Peter Tsairis in the amount of one thousand dollars (\$1,000.00).

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-13-152 - RESOLUTION – APPROVAL OF BILLS – AUGUST 13, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 13, 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.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 13, 2013**

SUMMARY

| | |
|---------------------------|--------------|
| CURRENT FUND (1) | 517,459.79 |
| GENERAL CAPITAL (4) | 7,109.14 |
| WATER/SEWER OPERATING (9) | 19,254.39 |
| DOG TRUST (13) | 16.20 |
| SPRING LAKE TRUST (15) | 1,377.50 |
| MT LAUREL TRUST (16) | 750.00 |
| RECREATION (25) | 3,517.46 |
| JUNIOR GUARDS (26) | 4,447.25 |
| BEACH OPERATING (81) | 85,136.18 |
| POOL OPERATING (91) | 3,083.35 |
| POOL CAPITAL (94) | 199,586.80 |
| TOTAL | \$841,738.06 |

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Mr. Zarb suggested Vroom Avenue for the road improvement program, the road is in bad condition and needs to be repaired.

Executive Session

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

R-13-153 -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: Behrman Park Diversion – Lake Como Cell Tower and State vs. Pheonix Feeley.

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.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 13, 2013**

Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 9:05 P.M.

Respectfully submitted,



DINA M. PARTUSCH-ZAHORSKY
Deputy Borough Clerk

Approved at a meeting held on: January 7, 2014