

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 6:00 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: Jane Gillespie, Borough Clerk
 W. Bryan Dempsey, Borough Administrator
 Joseph Colao, Esq, Borough Attorney
 Peter Avakian, Borough Engineer

Workshop Discussion

Shade Tree Presentation Third Avenue - Melissa Ix

Mayor Naughton welcomed the members of the Shade Tree Committee in attendance as well as Ms. Melissa Ix who is on the Committee and who is also an experienced Landscape Architect. Mrs. Venables introduced the presentation stating that the Council authorized Ms. Ix's firm to work on a plan for the Third Avenue tree replacement project. Mrs. Venables introduced Ms. Ix who walked through a PowerPoint Presentation detailing the project goals, the condition of the trees post Superstorm Sandy and the final recommendation. Ms. Ix noted the many considerations in developing the plan including the replacement of lost trees, safety for pedestrians, diversity of tree species, compatibility with the sidewalk structure, shade for visitors, flowering vs. non-flowering trees, pruning requirements, and life of species. Ms. Ix then spoke to the proposed master plan detailing Phases I through IV and the completed plan. Ms. Ix shared the design elements of the tree pits and pavers surrounding the trees and gave a visual schematic of the trees at the time of installation, 5 years and 20 years noting that the trees being considered for planting have at least a 50 year life span. Ms. Ix then detailed the importance of maintenance in connection with the pavers, sidewalks, tree pits and the trees themselves and offered suggestions for an annual maintenance plan. Ms. Ix gave some preliminary estimates for each of the four phases.



Mayor Naughton asked about the funding and timing of Phase I. Ms. Ix confirmed that the money is available for Phase I and ideally they would plant in October, 2013. Mayor Naughton asked if the Committee envisioned the Borough's Public Works Department assisting with the Phase I plantings. Ms. Ix responded that they envisioned putting the project out to bid and stated that they have already worked with the Borough and have received great input from Don Brahn, Jr. regarding tree selection. Ms. Ix emphasized the importance of getting cooperation from all stakeholders including the Borough. Mrs. Venables added that Phase I is estimated to cost approximately \$20,000 which falls below the bid

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

threshold allowing for the Borough to move forward with the requisite three (3) proposals. Mrs. Venables also stated that the vast majority of funding for the project will be raised privately noting that there is a small group of private residents who will be initiating the fundraising efforts. Mrs. Venables also reported that they have already received a generous contribution of \$10,000 from the Spring Lake 5 Mile Run Committee and the BID was able to make \$10,000 available to the project from their budget. Mr. Jordan asked for confirmation that Phases I through III would complete the Third Avenue portion of the project while Phase IV is the Morris Avenue portion. Mrs. Venables confirmed noting that Phase III also included adding additional trees. Mr. Judge asked if there was a timeline for the completion of Phase II and Phase III. Ms. Ix responded stating that Phase II is targeted for the spring of 2014. As for Phase III, it would be dependent upon getting more concrete numbers from contractors to better estimate costs and timing. Mrs. Reilly asked about the possibility of grant money being available. Mrs. Venables stated that they have not yet applied for grants associated with this project but are looking into the possibility for next year. Mrs. Venables added that she believes the maximum they could get through grants is approximately \$20,000. Mr. Drasheff asked about the opportunity for individuals to donate a tree. Mrs. Venables confirmed that that will be part of the fundraising. Mr. Judge asked what was needed from Council at this point. Mrs. Venables stated that although the Committee does not need Council approval since this project is independently funded, the Shade Tree Committee is certainly looking for Council's input and suggestions. Mrs. Reilly asked about monies available from the tree fund to help with the project. Mrs. Venables stated that there is approximately \$37,000 in the fund but most of this fund is earmarked for the replacement of trees in the right-of-ways around town. Mrs. Venables added that the Spring Lake 5 Mile Run Committee has committed to an annual donation of \$5,000 for the maintenance of the trees. Mr. Jordan asked about the need for irrigation particularly early on post installation. Ms. Ix responded that the installation expense and ongoing maintenance costs of an irrigation system far outweigh any benefits gained by the system and the watering of the trees can be handled in other ways.

Donald Brahn, Jr., Department of Public Works, added that they have the requisite equipment to handle this. Mrs. Venables asked Mr. Brahn if the DPW would be in a position to assist with the removal of the stumps remaining from the trees that were downed by Sandy. Mr. Brahn stated that removal of the remaining trees and stubs may be a possibility but the pavers could be an issue. Mayor Naughton briefly added that Mr. Brahn, a member of the Borough's Public Works department, serves as the Shade Tree liaison and is also responsible for the care of many of the beautiful plantings seen around the Borough. Mr. Fay requested additional details regarding the cost of the project. Mrs. Venables reiterated the Phase I cost of approximately \$22,000 which is already funded while Phase II and Phase III will be paid for through fundraising and Phase IV will hopefully be paid for in part by one or more grants.

Mr. Fay expressed concern that at some point the tax payers will be impacted. Mrs. Venables attempted to alleviate this concern stating that there is no intention of impacting tax payers which is why the project is being done in phases. Mrs. Venables added that if the Committee experiences difficulty raising money, they can make a decision to do additional fundraising, delay or cancel a phase, or make more economical changes to the plan. Mr. Fay directed a question to members of the Business Improvement District (BID) in attendance asking if they had any concerns regarding liability. Mr. Rich Clayton responded that he believes the plan makes for a much safer environment adding that he has been sued twice, in connection with trees, and lost both cases. Mr. Clayton added that the design that's been presented makes a lot more sense being a paver based design, and he voiced his belief that it's much safer than the previous layout. Mr. Clayton went on to say that he's only concerned with the removal portion of the project opining that the power washing component is quite messy. He asked that the

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

Committee detail in advance the timing of the removal so the retailers no what to expect. Ms. Ix confirmed that the project details these steps and that the contractor will offer more precision to the removal steps. Ms. Ix expressed appreciation for the potential disruption and agreed to work closely with the BID. Mr. Clayton, in connection with the Phase II portion, asked if they would consider toning down the Third Avenue portion and start on Morris Avenue in an effort to minimize the disruption on Third Avenue. Mr. Clayton suggested starting at the clock and moving west. Ms. Ix stated that given that the Morris Avenue portion of the project is a much greater undertaking, and contained within itself, it was felt that it warranted being a complete phase in and of itself. Mrs. Venables offered that if they are fortunate enough to get additional grant money or raise additional funds; it may be an option to consider. Mrs. Venables stated that there seems to be a great deal of interest in this portion of the project and in an effort to create a more consistent look on both Third and Morris Avenues. Mr. Clayton asked if there was a strategy to diffuse the potential anger from people about the trees being removed. Mrs. Venables responded stating that the most important thing is education and helping people understand that the trees are at the end of their life cycle and the plan to address this fact is a thoughtful and sensitive one.

Dawn McDonough, 326 Pitney Avenue, commented that it's her understanding, upon reflection of when she served on the Shade Tree Committee, that the trees are actually well beyond their life expectancy and this is important for people to know.

Eleanor Twomey, 108 Vroom Avenue, asked for clarification of what appears to be a gap in the design on the south side of Morris Avenue. Ms. Ix stated that although it's hard to see from the aerial picture provided, there are already London Planes on that section of Morris Avenue. Ms. Twomey voiced support for a sponsorship program or public donation of trees. Mayor Naughton stated that there is already a history of people quietly, without public attention or the affixation of a plaque, donating money to be used for the planting of trees in the Borough's parks in memory of a loved one. The Mayor voiced concern about affixing plaques to every tree in downtown. Mrs. Venables offered that the fundraising group will explore a variety of ideas and the various considerations of those ideas. Ms. Twomey expressed concern that the attention being given to the trees in the business district is at the expense of the other areas of the Borough.

Gary Ciliberto, 207 Ludlow Avenue, introduced himself as Chairman of the Shade Tree Committee and reported that over 300 trees have been planted in the right-of-ways over the last two and one-half years as well as some other select tree planting projects in residential areas around town. Mr. Ciliberto added that another planting is scheduled for this fall with a focus on areas that are considered sparse noting that their efforts are depended upon manpower and money.

Ms. Twomey asked about the dead tree and stump removals. Mayor Naughton reported that any appearance of delay in the removal of trees and stumps is an absolute issue of manpower. On the surface, the Mayor added, it may appear as if the Borough has fully recovered from Superstorm Sandy, but that the reality is there is still a great deal of work to be done in addition to the daily work of trash collection, keeping streets clean, rebuilding the boardwalk, etc. The Mayor thanked Ms. Ix and the members of the Shade Tree Committee for their efforts. Mrs. Venables read the names of the Shade Tree Committee and publicly thanked them for their efforts.

Beach Dunes Discussion - Peter Avakian

Mayor Naughton invited the Beach Committee to introduce the topic. Mr. Judge stated that in reaction to the positive feedback received from property owners along York and Union Avenues in connection

BOROUGH OF SPRING LAKE MAYOR AND BOROUGH COUNCIL REGULAR MEETING AUGUST 27, 2013

with the access ramps that were constructed up and over the dunes, the purpose of the discussion is to assess the need to continue the dune from north of Union Avenue to the south end of the South End Pavilion. The focus, Mr. Judge continued, is on Pennsylvania Avenue where there may be a need to build an access point over the dune.

Mr. Avakian offered the following presentation detailing dune construction, benefits of dunes and the vegetation that grows on them, and state and federal regulations in connection with dunes. Mr. Avakian also detailed the present status of the Borough's dunes, potential for additional harvesting of sand for dune use, pedestrian accesses in place and those still needed, and vehicle access considerations.

<h3 style="text-align: center;">Spring Lake Dune Restoration</h3>  <p style="text-align: center;">August 27, 2013</p>	<h3 style="text-align: center;">Dune North of South Pavilion</h3> 	<h3 style="text-align: center;">Dune Creation & Coastal Zone Management</h3> <ul style="list-style-type: none"> Stable Sand dunes play an important role in protecting our coastline. They act as a buffer against wave damage during storms, protecting the land behind from salt water intrusion. This sand barrier allows the development of more complex plant communities in areas protected from salt water inundation, sea spray and strong winds. Dunes also act as a reservoir of sand, to replenish and maintain the beach at times of erosion.
<h3 style="text-align: center;">Dune Creation & Coastal Zone Management</h3> <ul style="list-style-type: none"> Stable Sand dunes play an important role in protecting our coastline. They act as a buffer against wave damage during storms, protecting the land behind from salt water intrusion. This sand barrier allows the development of more complex plant communities in areas protected from salt water inundation, sea spray and strong winds. Dunes also act as a reservoir of sand, to replenish and maintain the beach at times of erosion. Plants play a vital role in this process, acting as a windbreak and trapping the deposited sand particles. A characteristic of these plants is their ability to grow up through the sand and continually produce new stems and roots as more sand is trapped and the dune grows. 	<h3 style="text-align: center;">Dune Creation & Coastal Zone Management</h3> <ul style="list-style-type: none"> Stable Sand dunes play an important role in protecting our coastline. They act as a buffer against wave damage during storms, protecting the land behind from salt water intrusion. This sand barrier allows the development of more complex plant communities in areas protected from salt water inundation, sea spray and strong winds. Dunes also act as a reservoir of sand, to replenish and maintain the beach at times of erosion. Plants play a vital role in this process, acting as a windbreak and trapping the deposited sand particles. A characteristic of these plants is their ability to grow up through the sand and continually produce new stems and roots as more sand is trapped and the dune grows. The vegetation can be destroyed by natural causes such as storms or droughts, or by human interference such as clearing, vehicles, or excessive foot traffic, causing sand loss. With a diminished reservoir of sand, erosion of the beach may lead to coastal intrusion. Protecting the vegetation is vital. The beach is resilient but the sensitive dunes which we cross to reach it must be protected also. 	<h3 style="text-align: center;">Dune Creation & Coastal Zone Management</h3> <ul style="list-style-type: none"> Stable Sand dunes play an important role in protecting our coastline. They act as a buffer against wave damage during storms, protecting the land behind from salt water intrusion. This sand barrier allows the development of more complex plant communities in areas protected from salt water inundation, sea spray and strong winds. Dunes also act as a reservoir of sand, to replenish and maintain the beach at times of erosion. Plants play a vital role in this process, acting as a windbreak and trapping the deposited sand particles. A characteristic of these plants is their ability to grow up through the sand and continually produce new stems and roots as more sand is trapped and the dune grows. The vegetation can be destroyed by natural causes such as storms or droughts, or by human interference such as clearing, vehicles, or excessive foot traffic, causing sand loss. With a diminished reservoir of sand, erosion of the beach may lead to coastal intrusion. Protecting the vegetation is vital. The beach is resilient but the sensitive dunes which we cross to reach it must be protected also. In New Jersey, all beachfront activities are required to comply with New Jersey Department of Environmental Protection "Coastal Zone Management Rules", N.J.A.C. 7:27. The Borough has secured a CAFRA Individual Permit for Beach and Dune Maintenance's permitting activities related to maintenance and development of our coastal dune systems.
<h3 style="text-align: center;">Spring Lake Aerial Map</h3> 	<h3 style="text-align: center;">Spring Lake Dune Restoration</h3>  <p style="text-align: center;">Dune at Wreck Pond</p>	<h3 style="text-align: center;">Spring Lake Dune Restoration</h3>  <p style="text-align: center;">Dune at Wreck Pond</p>
<h3 style="text-align: center;">Spring Lake Dune Restoration</h3>  <p style="text-align: center;">Brown Avenue & Ocean Avenue</p>	<h3 style="text-align: center;">Spring Lake Dune Restoration</h3>  <p style="text-align: center;">York Avenue</p>	<h3 style="text-align: center;">Spring Lake Dune Restoration</h3>  <p style="text-align: center;">Union Avenue</p>

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**



Mayor Naughton requested Mr. Avakian address the reasons behind placing access points over the dunes as opposed to the historical approach. Mr. Avakian reminded the audience of the volume of sand that was pushed onto the streets and property during Superstorm Sandy. Mr. Avakian stated that most of the sand was gathered and stockpiled from Brown Avenue to an area close to Pennsylvania Avenue effectively creating a dune without a break or access point. This created a continuous dune which would require a DEP permit to divide the pile. As summer approached and concerns were raised about the ability to access the beach, it was determined that the easiest way to create an access was to build a walkover, stated Mr. Avakian. Mr. Avakian added that the intent going forward would be to merge the dunes at open points and build similar walkover structures in an effort to create a more stable dune for storm protection. Mr. Avakian reminded the audience that most of the water intrusion occurred at the access points and it's been recommended by experts that the best way to protect the Borough in the future is to merge the dunes and build walkovers for beach access. In an effort to meet the DPW's need for gaining access to the beach with their grooming equipment, Mr. Avakian stated that he recommends

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

the use of seasonal berms at designated areas. Mr. Judge asked if a dune were to be built, what materials would be used and where would the Borough get them. Mr. Avakian responded that one option, although costly, would be to truck in the material. Another option, investigated by Mr. Avakian and Mr. Dempsey, is a betterment project offered by the Army Corps which entails the purchase of the sand at a cost of roughly \$14 or \$15 per cubic yard. Mr. Dempsey offered that when looking from Mercer Avenue north on the storm surge maps, in the event of a Category 2 storm, anything north of Mercer Avenue to approximately Pitney Avenue, the Borough is only at risk of getting street flooding and therefore Sussex Avenue south is the breakpoint for street flooding. Mr. Avakian continued the presentation referencing views of the various access points up the beach northward detailing potential beach fill areas, opportunities to reinforce sections of the dunes, and areas that may warrant the use of seasonal berms. Mr. Avakian detailed the various considerations regarding the height of the dunes in connection with beach protection as well as various options for mitigation grants. Mayor Naughton requested a review of the possibility of the Borough funding the area of Sussex Avenue south for dune restoration and walkovers, noting the lengthy time it may take for the hazard mitigation grant application process. Mr. Dempsey stated that there may be ample budget dollars and manpower available to address the dunes in the area from the South Pavilion south; however the walkovers may need to wait until 2014. Mr. Judge asked for confirmation that the dune rebuilding would be covered by the 90% FEMA reimbursement as opposed to the walkovers. Mr. Dempsey stated that the dune rebuild would be covered but the walkover construction may not. Council members voiced support for moving quickly to rebuild the dune from Pennsylvania Avenue to the south end of town. Mr. Dempsey introduced another area of vulnerability in the area of Lake Como stating that although there is a functioning pipe in place it's undersized and may not fully protect the area from flooding. Mr. Dempsey suggested that the area, where the dog beach is, may be an area to consider for dunes since this is an area of substantial amount of flooding. Mr. Jim Curry, 116 Pennsylvania Avenue, asked how many feet above the boardwalk the walkover would be. Mr. Avakian stated that at Pennsylvania Avenue it would be roughly three (3) feet above the boardwalk. Ms. Helen Motzenbecker, 4 Glenwood, asked for confirmation that the walkovers would be built on pilings. Mr. Avakian confirmed. Mr. Jim Curry, 212 Remsen Avenue, stated that his home was flooded during Sandy and asked for clarification about the possibility of dunes on the north end beach. Mr. Avakian stated that at this time, there is no sand at that location to build a dune and historically a seasonal berm has been put in place. Mr. Curry said that this section of the beach is rarely used by beachgoers and asked why a permanent berm can't be put in place. Mr. Avakian stated that it may make sense but may be prudent to see how it looks after the beach re-nourishment effort. Mr. Curry inquired as to why it is necessary to wait opining that this section is only used by dogs and is not needed. Mayor Naughton noted that after the beach re-nourishment the width of the beach in that area may be widened enough to allow for a permanent dune. Another consideration, the Mayor added, is that it may not make sense for Spring Lake to do something in this area, given its close proximity to Belmar, absent a commitment from Belmar to do the same. The Mayor, repeating a comment she stated she has made at previous meetings, suggested the Borough take caution in using Superstorm Sandy as the benchmark for all things that the Borough does noting that a coastal town such as Spring Lake can never be completely hurricane proof but perhaps more hurricane ready. The Mayor further commented that if there are unused sections of the beach such as the north end area, it may make sense to put in a berm. Mr. Dempsey reminded the Council that they recently buried piping underneath this section of the beach that may need to be extended if a berm is added. Mr. Jordan also reminded the Council that this area was badly hit by Irene but agreed it makes since to see how this area looks after the beach replenishment. Mayor Naughton added that permanent dunes grow quite rapidly and spread with vegetation quickly and once a dune is put in place it can't be altered or removed, which in some cases has not always been ideal. The Mayor reflected on

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

a historical instance that required five (5) years of negotiation with the DEP to address a growing westerly dune that was damaging the boardwalk. Mr. Curry stated that he would like some assurance that the reason for not considering a dune is due to the use of this area for the dog beach. Mr. Drasheff responded that based on his observation, the dogs finish at 9:00 am and from roughly mid-morning through early evening there are several families in this area. Mr. Curry also asked about the drainage capacity of Lake Como. Mr. Avakian stated that he and Mr. Dempsey have been working with FEMA since Superstorm Sandy in an effort to increase the pipe diameter. Mr. Greg Scheuermann, 501 Mercer Avenue, referenced his knowledge of the Ocean City's installation of a system known as dune dikes that protected the city when Sandy hit and asked if the Council had looked into this is a viable option for Spring Lake. Mr. Avakian stated that he had indeed discussed this with designers of this type of structure and stated that this type of dune structure may be beneficial to Spring Lake when considering dunes on the east side of the boardwalk. Mr. Scheuermann spoke to an Eagle Scout project from several years ago that secured volunteers to assist with the planting of vegetation on the dunes and suggested there may be another opportunity for such a project. Mayor Naughton expressed her recollection of the project and thanked Mr. Scheuermann for the suggestion. Ms. Lisa Deberardine, 10 Brown Avenue, stated that she is happy to see the dunes being rebuilt but remains very concerned about the Brown Avenue entrance and asked about potential options. Mr. Avakian expressed agreement with Ms. Deberardine's concerns and stated that this is one of the most difficult areas to address and stated that it clearly requires additional consideration.

Approval of Minutes

Proclamation, Presentations & Special Guests

Public Comments

Helen Motzenbecker, 4 Glenwood Avenue, asked about the status of the benches. Mr. Dempsey stated that he's been told that they should be on the boardwalk by the end of the week; however, Mr. Dempsey was not confident that this would be the case. Mr. Jordan suggested that the Borough consider only putting some of the benches up at this time noting that it's so close to the end of the season.

Elsie Dubac, 415 St. Clair Avenue, asked for details regarding the House of Friendship event application. Mayor Naughton responded that this item is on the agenda for discussion.

Council Comments & Staff Reports

Mr. Judge reported that the Beach Committee is recommending that the beach season be extended an additional week due to the lateness of the Labor Day weekend.

Mr. Colao noted that he has one matter for close session.

Mr. Dempsey reported that the infrastructure assessment is winding down with the completion of the smoke testing of the homes in the Wreck Pond area. Mr. Dempsey stated that although they did find a couple of areas that warrant additional review they found nothing that was leading to the contamination of Wreck Pond. Mr. Dempsey stated that a report will be prepared and submitted to the EPA. As for the sluice gate project, Mr. Dempsey reported that the Army Corps has approved the project and the Borough is awaiting approval from the DEP. Mr. Dempsey suggested the Borough begin the bid process as it pertains to getting the design and documents ready. In connection with the pool project, Mr. Dempsey reported that it's moving forward.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

Business Items Under Consideration

Event Application - House of Friendship - October 20, 2013

Mayor Naughton reported that this item was held from the last meeting to ascertain if the organization is a 501(c)(3) which it's been subsequently confirmed that they are.

Mrs. Venables offered a motion to approve the Event Application of House of Friendship, seconded by Mrs. Reilly. All in favor. None opposed.

Wall High School Surf Team - North End Beach for Practices & Competitions

Mrs. Venables offered a motion to approve the use of the north end beach by the Wall High School Surf Team, seconded by Mrs. Reilly. All in favor. None opposed.

Request to extend Beach Season - September 7 & 8, 2013

Mrs. Venables offered a motion to approve the extension of the beach season, seconded by Mrs. Reilly. All in favor. None opposed.

Ordinances for Introduction

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2013-010 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT, SECTION 58 OF THE BOROUGH CODE" by title.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2013-010, 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 Naughton explained that the ordinance being considered is one to amend an existing ordinance in connection with requiring a zoning permit when changes in occupancy occur in a commercial property. Mr. Judge stated that he had hoped Zoning Officer, Matt Zahorsky, would've been present as he has a number of questions regarding the ordinance and asked that the Public Hearing be carried.

Mr. Judge offered a motion to carry the Public Hearing of Ordinance No. 2013-010, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING CARRIED

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

Consent Agenda

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

R-13-154 - RESOLUTION - REFUNDING STREET OPENING FEES - 314 WORTHINGTON AVENUE BLOCK 126, LOT 37

WHEREAS, an application was received by the Borough of Spring Lake for a Street Opening application for 314 Worthington Avenue, Block 126, Lot 37, and

WHEREAS, this money has inadvertently been deposited twice in error by the Borough of Spring Lake, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that refund be made to Miana Properties in the amount of \$550.00

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

R-13-155 - RESOLUTION - APPOINTING ADDITIONAL BEACH PERSONNEL FOR THE 2013 SEASON

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Moira Adam be and hereby is appointed as a Badge Checker with an hourly rate at \$8.25.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

R-13-156 - RESOLUTION - A RESOLUTION IN OPPOSITION OF LNG FACILITES IN THE NY/NJ BIGHT

WHEREAS, for years, energy interests have been trying to gain a foothold in the ocean waters off the New York and New Jersey ocean coastlines to build Liquefied Natural Gas (LNG) import and export facilities. LNG, a supercooled compressed form of natural gas, a fossil fuel, is transported by tanker all over the globe —with markets in Asia and Europe paying the most (up to six times more than U.S. domestic natural gas costs as of 2013).

WHEREAS, in a letter addressed to the Maritime Administration (the agency in charge of approving these offshore ports), New Jersey Governor Chris Christie noted that these ports can *"present unacceptable and substantial risks to [New Jersey's] residents, natural resources, economy, and security."* Whether located closer to New Jersey or closer to New York, these ports can devastate important fish habitats, impact endangered species, and exclude the public (and any other uses) from large areas of the ocean. LNG also contributes to climate change— the energy needed to super-cool natural gas and ship it overseas adds more to the fuel's greenhouse gas emission budget.

WHEREAS, these ports are, as NJ Governor Christie noted, dangerous for boaters, fishermen, and shipping/trade interests — often located near or next to shipping lanes, the US Department of Energy warns that *"a large breach and spill could have both short-term and long-term impacts on public safety, energy security and reliability, and harbor and waterway commerce."*

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013**

WHEREAS, finally these ports are gateways to a more expensive, more polluted energy future. With the nation's energy system turned on its head, and a glut of natural gas available at low prices, energy companies are scrambling to build LNG export terminals and ports around the coastline. Several facilities have already been approved, and several companies have already been granted permission to export up to 40% of our domestic daily natural gas production. Exports are projected to lead to higher natural gas prices, higher manufacturing costs, and more shale gas fracking. Ports in the ocean off NY and NJ, licensed under the Deepwater Port Act, are legally allowed to be both an import and export hub—with no paperwork needed to switch gears.

WHEREAS, LNG ports along the NY and NJ coastlines and in the NY/NJ sight are not in the public interest and endanger clean ocean economies, public safety, and the environment.

THEREFORE, BE IT RESOLVED that, on this date, August 27, 2013 the undersigned organization hereby opposes the building of LNG terminals and ports for either the import or export of LNG off the NJ/NY coast.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

**R-13-157 - RESOLUTION - RELEASING STREET OPENING BOND - 314 WORTHINGTON AVENUE
BLOCK 126, LOT 37**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Miana Properties for property located at 314 Worthington Avenue, Block 126, Lot 37 and

WHEREAS, a \$2,500.00 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.

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 \$2,500.00 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

Resolutions

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

R-13-158 - RESOLUTION - APPROVAL OF BILLS – AUGUST 27, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 27, 2013, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 2013

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.

Table with 2 columns: Fund Name and Amount. Includes categories like CURRENT FUND (1), GENERAL CAPITAL (4), WATER/SEWER OPERATING (9), etc., with a total of \$1,066,664.74.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Jordan, Mr. Judge, Mrs. Reilly
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

Mr. Judge asked about the term of the contract. It was confirmed that it was one (1) year. Mr. Jordan voiced concerns that Spring Lake may not be able to fully benefit from such an agreement...

Mrs. Venables offered a motion to carry Resolution R-13-159 - AGREEMENT WITH ENERGYSOLVE, LLC TO PROVIDE ENERGY BILL ANALYSIS SERVICES, 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
AUGUST 27, 2013**

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue, asked when the FEMA proposed maps become official and the process for making comments stating that he was told that only state departments were able to comment. Mr. Avakian stated that it's his belief that residents can comment, however, the comment period has not yet started and won't start until September. Mr. Marlowe also asked if Mr. Zahorsky could consider the placement of generators along side garages.

Anne Butler, 411 Ludlow Avenue, asked for clarification on the timing of the beach closing for the season. Mrs. Reilly responded noting that the Borough will be charging for daily badges as well as weekend badges through the weekend of September 8th and 9th while the South End will stay open through mid-October.

Mrs. Venables offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Reilly.

R-13-160 - 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: Joseph Smith vs. Borough of Spring Lake.

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: 8:22 P.M.

MEETING IS RECONVENED: 8:22 P.M.

Borough Attorney Colao offered counsel on how to proceed in connection with the agreement and suggested a motion to consider a resolution approving the arbitrator's recommended settlement.

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

**R-13-161 - RESOLUTION - APPROVING ARBITRATION SETTLEMENT JOSEPH SMITH
VS. BOROUGH OF SPRING LAKE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that they hereby approve the Arbitration Settlement as presented by the Borough's Labor Counsel dated August 27, 2013

ROLL CALL:

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

NAYS: Mrs. Venables

ABSENT: NONE

ABSTAIN: NONE

24710

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 27, 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

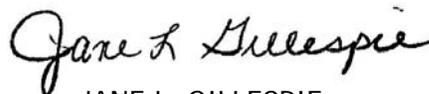
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:45 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: January 7, 2014