

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 22, 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. Judge, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Jordan

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

Workshop Discussion - None

Approval of Minutes- None

Proclamation, Presentations & Special Guests- None

Public Comments

Helen Motzenbecker, 4 Glenwood Avenue, stated that she's simply thrilled to go by the North End Pavillion sharing that it looks just like the old structure but clean and neat. Ms. Motzenbecker further opined that the street is wide enough for three tanks. Ms. Motzenbecker asked when residents will be allowed to see it. Mr. Dempsey responded that he is in discussions with the contractor and it appears there may be an opportunity for an Open House type viewing as early as November 9, 2013. Mr. Dempsey added that although visitors won't be able to view the upper deck since the railing won't be in place, the pool area, restrooms and locker areas will be accessible.

Eleanor Twomey, 108 Vroom Avenue, asked to what extent, in terms of percentage, is the structure complete. Mr. Dempsey responded that it is approximately 85% complete.

Ms. Elsie Dubac, 415 St. Clair Avenue, asked if the viewing of the pavilion will be for residents only. Mayor Naughton stated that it would be difficult to ID visitors at an Open House. Mrs. Reilly stated that there is pride in the structure and to show it off to residents and nonresidents is a nice thing. Mr. Judge reminded the audience that many of our "customers" are nonresidents.

Ms. Twomey then asked if there have been naysayers who express concern about how it looks. Mayor Naughton stated that she has not received any first hand critique but stated that there will always be those who love the building and those that do not. Mrs. Reilly stated that she has heard people express concern that badge prices will be more at the North End Pavillion than the South End Pavillion and commented that the Beach Committee is hoping to set prices equally at both locations.

Council Comments & Staff Reports

Mayor Naughton reported that the Division of Local Government Services has a Best Practices Checklist that municipalities are required to comply with and CFO, Robbin Kirk has been leading the Council through the process. One requirement, the Mayor stated, is that the checklist, and the CFO's responses to it, be presented at a public meeting annually. Failing to comply or falling short in meeting certain standards could result in the loss of the Borough's State Aid, Mayor Naughton reported, however, as in previous years, the Borough is fully in compliance and not at risk of losing State Aid. Mayor Naughton introduced Mrs. Kirk who detailed the Borough's status in connection with the checklist.

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Mrs. Kirk reported that there are two (2) areas that need the Borough's attention and six (6) areas that the Borough answered "no" to which warrant sharing with the Council. The first area needing attention is the need for the Finance Committee to meet monthly unlike the Borough's current practice of meeting periodically and as needed. Second, in connection with Workers Compensation, it is recommended that the Borough limit Workers Compensation reimbursements to 70% as statutorily required unlike many municipalities who pay at 100%. Regarding the "no" items, the first relates to the CFO having a policy in place that requires council members to attend class. Second, pertains to offering employees a P-Card, which is essentially like a petty cash fund, Mrs. Kirk stated, noting that since she did not offer the use of such a card to the council, again she needed to answer "no". Mrs. Kirk suggested that she could discuss this approach with the Finance Committee, yet since it's so rare that Spring Lake Borough employees have a need to purchase outside the voucher system, it may not be necessary. Mr. Judge suggested the Council consider this discussion as fulfillment of the Best Practice Checklist requirement to discuss this item and agree that it's not necessary for the Borough. Mayor Naughton reminded the Council that it's not the goal or requirement to get a "yes" on all items and that it's not uncommon for a municipality of Spring Lake's size to answer "no" on some items. Next, Mrs. Kirk spoke to the topic of quarterly budget and revenue reports and stated that she will strive to deliver monthly reports next year. Next, reporting of employee salaries and making the information free to the public is something the Borough already complies with, stated Mrs. Kirk, but the question specifically asks if the Borough allows the public to view how the municipal salaries have changed over a three (3) year period. The next item, Mrs. Kirk stated, is in connection with capping sick time, stating that the Borough does do this upon retirement but the Borough does not stop an active employee from accumulating time. Regarding surplus balances, Mrs. Kirk stated that the Borough does exceed them from time-to-time and it is important to understand that it's proper practice to recoup these balances when used and if the Borough is unable to recoup the monies, to understand why and to take action to find other areas of revenue or to identify ways of reducing expenses. Mrs. Kirk stated that although the Borough fulfills this requirement in practice it has not been a policy reduced to writing. Mayor Naughton reinforced that although this is not put in writing in the form of a policy it is written inherent with the budget document and suggested that perhaps the Borough put a statement to this effect in writing. Mrs. Kirk stated that she's reviewed the surplus balances with the Finance Committee and how the revenues have tracked for 2013. She reported that the Borough has met the budget numbers through September and that the pool utility has an additional \$80,000 in surplus. The beach utility and current fund remain flat, Mrs. Kirk reported. In summary, Mrs. Kirk stated that the Borough is on track for hitting its revenue numbers for the year without the need to use the Community Disaster Loan (CDL) and at this time she recommends that the Borough does not take the CDL. The Mayor stated that this was great news for the Borough and expressed her appreciation to the Beach Committee and others noting the importance of managing the expense side of things in meeting these numbers. Mrs. Kirk concurred highlighting the management of staffing as a critical component and applauded all the various department heads for their contribution to this effort. Mr. Judge pointed out to the public that there are fifty (50) items on a very extensive list and forty-five (45) of them were "yeses" which is a testament to Mrs. Kirk's hard work. Mayor Naughton thanked Ms. Kirk and expressed relief, noting that what was anticipated to be a rather difficult year appears to be ending with the Borough in pretty solid shape.

Mayor Naughton reported that the Lt. Governor will be in Spring Lake on Tuesday, October 29, the anniversary of Superstorm Sandy, to honor the Public Works Department particularly in light of the fact that Spring Lake was the only town able to rebuild their boardwalk on their own. Mayor Naughton encouraged the public to attend the event. The Mayor also spoke to the Bond Ordinance on the agenda noting that it's for the emergency flood control device on the Wreck Pond pipe adding that the Bond

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Ordinance needs to be in place in order to accept a bid for fabrication and installation. The Mayor added that they fully expect to be reimbursed by FEMA for 75% of these costs. Finally, the Mayor stated that she recently spoke to Mr. Frank Phillips, Superintendent of Public Works, who reported that the plan for the berm and walkover structures at Brown Avenue is complete and they expect that sometime in December, the Public Works Department will begin construction. Mr. Avakian added that he, Mr. Dempsey, and the Beach Committee have had extensive discussions regarding this plan and feel good about the thoroughness of their plan. Mr. Judge added that this project is the number one priority for the Beach Committee in an effort to redesign this area to provide the best protection for the town. Another priority, Mr. Judge stated, is to rebuild the dune at Pennsylvania Avenue. Mrs. Reilly shared the various considerations in connection with the construction of the dunes in this area noting that resident input has been quite valuable in the development of the plans. Mayor Naughton closed her report reminding the audience of the Veterans Day Ceremony to take place at 11:00 am on November 11th at the War Memorial.

Mr. Fay asked what the timing is on getting final permits for the sluice gate project. Mr. Avakian stated that the only outstanding permit is from Dam Safety and that he and Mr. Dempsey met with a representative from Dam Safety who assured them that the permit will be forthcoming soon. Mr. Avakian stated that the Borough may go out to bid prior to having the bid in hand and encouraged the Borough to do so. Mayor Naughton asked if there was anything that could potentially restrict work from moving forward as they near the winter months. Mr. Avakian assured them that there should be no issues. Mr. Fay asked where the Borough stands in terms of monies received from FEMA in connection with Superstorm Sandy. Ms. Kirk stated that to date, \$858,000 has been received with an additional \$2.1 million expected to be approved for release in the next couple of weeks. Ms. Kirk added that they expect an additional \$2 - \$3 million over the next few months. Mr. Fay asked how this compares with what we expected. Ms. Kirk stated that the total authorized was \$4 million and she expects to see all but approximately 10% come in. Mr. Fay asked Ms. Kirk to share, at a later time, the details related to Irene.

Mrs. Venables announced that Phase I of the Third Avenue tree planting project is underway stating that they will be removing and replacing six (6) trees lost during Superstorm Sandy as well as adding four (4) new trees on the corners of Morris and Third Avenues. The contract was awarded to Down to Earth Landscaping for a bid of \$17,200, stated Mrs. Venables. Mrs. Venables also reported that although it will look different, it will be quite beautiful. A total of fifty (50) trees will ultimately be planted on Third Avenue and an additional twenty-five (25) trees will be added to Morris Avenue. In addition to the private fundraising that's underway, Mrs. Venables reported that Municipal Clerk Gillespie has identified a potential grant that the Borough may be eligible for.

Mr. Judge asked Mr. Dempsey when the locker project will go out to bid. Mr. Dempsey reported that the bid packages should be ready by the end of the week.

Mr. Avakian reported that the dredging permitting has been submitted and the material tests results are very good. Further Mr. Avakian reported that there are two (2) places on the beachfront that he recommends using the dredge material, the core of the dune and possibly the dune itself as well as an area in front of the South Pavilion.

Borough Attorney's Report

Mr. Colao stated that he has two (2) matters for closed session.

Borough Administrator's Report

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Mr. Dempsey reported that the Third Avenue tree project will be done between the hours of 7:00 am and 12:00 pm so as to minimize the disruption to the business district. Mr. Dempsey further reported that each tree will be fully planted and pavers installed before moving on to the next tree installation location. This, Mr. Dempsey stated, will further minimize any disruption by isolating the work to one specific location at a time. Mr. Dempsey also reported that he attended the County's Master Plan kick-off meeting and learned that the watershed will be taken into consideration.

Business Items Under Consideration

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2013-013 entitled, "BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF THE WRECK POND OUTLET CONTROL SYSTEM SLUICE GATE IN AND BY THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", by title.

Mrs. Venables offered a motion to introduce Ordinance No. 2013-013, seconded by Mrs. Reilly. Public Hearing to be at the convenience of the Borough Clerk and will be held on November 12, 2013.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Ordinance No. 2013-013 in full/Ordinance Book No. 1

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2013-012 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225, LAND DEVELOPMENT, OF THE BOROUGH CODE" by title.

Mrs. Venables offered a motion to open the public hearing of Ordinance No. 2013-012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mr. Dempsey stated that the ordinance being heard is in connection with the placement of generators. Mayor Naughton added that it's essentially changing the installation distance from eight (8) feet to twelve (12) feet of the homeowner's own property.

Brian Quinn, 304 Salem Avenue asked what percentage of homes in the Borough will be affected by the Ordinance. Mayor Naughton stated that the Borough's Zoning Office recently informed the Council that there have been forty (40) applications for generators placed in the last few months since Sandy, which surprised the Council. The ordinance, the Mayor continued, will affect any homeowner who is interested in placing a generator on their property and basically allows them more flexibility in placement. Mr. Dempsey added that the ordinance will not affect the set-back requirements, but will allow the homeowner who's installing the generator more latitude in connection with their own home.

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There being no additional comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a motion to adopt Ordinance No. 2013-012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Consent Agenda

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

R-13-179 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#33-2013 - ST. CATHARINE CHURCH - OFF PREMISE CALENDAR RAFFLE

WHEREAS, St. Catharine Church has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#33-2013, 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#33-2013 be and the same is hereby approved as follows:

NAME:	St. Catharine Church 215 Essex Avenue, Spring Lake, NJ 07762 Identification No.: 475-01-372
LOCATION:	St. Catharine Church 215 Essex Avenue, Spring Lake, NJ
DATE:	Last Monday of Each Month from November 2013 to April 2013 10:30 A.M.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

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

R-13-180 - RESOLUTION - RECOGNIZING THE WOMEN'S CLUB OF SPRING LAKE ON ITS 95TH ANNIVERSARY

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that recognition and deep appreciation be extended to the Women's Club of Spring Lake as it celebrates its 95th Anniversary, and

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BE IT FURTHER RESOLVED, that all those who read this resolution be aware of the outstanding work of the members of the Women's Club of Spring Lake and that they have given generously of their time, energies, and resources to others which includes major fundraising to benefit scholarships for two female high school seniors and two Monmouth County women returning to college; volunteering at the local Visiting Nurses Association; involvement in a reading program at local schools and senior residences; donating crocheted and knitted items to Project Linus; assisting residents at Brandywine Senior Living with crafts; participation in Operation Beach Sweep; the NJSFWC State Project, Family Promise; and charitable giving to many organizations, and

BE IT FURTHER RESOLVED, that members of the Women's Club of Spring Lake provided the victims of Hurricane Sandy with financial assistance and supplies to start the recovery from the storm, and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council of the Borough of Spring Lake wishes to thank the Women's Club of Spring Lake for the myriad of volunteer functions they perform for the betterment of the residents of Spring Lake and the surrounding communities.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

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

R-13-181 - RESOLUTION - RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUE INTO THE 2013 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87, WITH THE REVENUES RECEIVED FROM FIREMAN'S FUND INSURANCE COMPANY AND THE HERITAGE PROGRAM GRANT – IN THE AMOUNT OF \$10,000.00 WITH OFFSETTING APPROPRIATION FOR THE FIRE DEPARTMENT

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Spring Lake has received notice of an award of \$10,000.00 from the Fireman's Fund Insurance Company and the Heritage Program Grant for Fire Department materials and gear in the sum of \$10,000.00 pursuant thereto, and wishes to amend its 2013 Budget to include these amounts as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013 in the total sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00)

Which is now available as a revenue from:

Miscellaneous Revenues:

Fireman's Fund Insurance Company and the Heritage Program Grant – \$10,000.00

BE IT FURTHER RESOLVED that the like sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) be and the same is hereby appropriated under the caption of:

Fireman's Fund Insurance Company and the Heritage Program Grant – \$10,000.00

BE IT FURTHER RESOLVED, that the Borough Clerk is directed forward two certified copies of this resolution to the Director of Local Government Services for approval.

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Resolutions

R-13-182 - RESOLUTION - AMENDING AGREEMENT WITH FRIENDS OF THE SPRING LAKE 5

Mayor Naughton summarized the following resolution noting that last year the Council allowed the Friends of the Spring Lake 5 to increase the number of registrants by 2,500 and they are requesting to do the same this year. Mr. Judge reminded the Mayor and Council that the purpose last year for the additional registrants was to provide for donations for Sandy relief and asked if those donations were received. CFO, Robbin Kirk responded that a \$50,000 donation was received that went toward the boardwalk restoration as well as the annual donation to the Recreation department. Mr. Dempsey offered that the proposal is not entirely clear as to the formula for calculating the donation going forward. Mr. Colao agreed and suggested that the resolution be tabled to obtain additional clarification. Mr. Dempsey agreed to discuss the topic with the Friends of the Spring Lake 5 representatives.

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

R-13-183 - RESOLUTION - APPROVAL OF BILLS – OCTOBER 22, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 22, 2013, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

<u>SUMMARY</u>	
CURRENT FUND (1)	627,645.21
WATER/SEWER OPERATING (9)	116,955.70
UNEMPLOYMENT TRUST (14)	35,332.70
MT LAUREL TRUST (16)	270.00
RECREATION (25)	5,135.35
BEACH OPERATING (81)	35,113.96
POOL OPERATING (91)	3,047.93
POOL CAPITAL (94)	422.53
TOTAL	\$1,100,190.94

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Public Comments

Susan Erbe, 3 Elizabeth Court, asked about the future plans for concessions and restrooms at Pier Beach. Mr. Judge stated that Mr. Avakian is working on some design options for temporary restrooms at this location but that they would not be placed on the boardwalk itself. As for concessions, Mr. Judge

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stating that they are, once again, considering a concession truck at this location. Ms. Erbe also asked if the schools get involved in the Veterans Day Ceremony noting that the children would benefit from participating. The Mayor agreed stating, however, that since the kids are in school, they typically are not in attendance at the ceremony.

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

R-13-184 - 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: Phoenix Feeley vs. Borough of Spring Lake and Lake Como Behrman Park DEP Diversion.

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. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:55 P.M.

MEETING IS RECONVENED: 8:12 P.M.

Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Jordan

ABSTAIN: NONE

Time of Adjournment: 8:12 P.M.

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk