

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
NOVEMBER 12, 2013**

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

Workshop Discussion

Approval of Minutes

Mrs. Venables offered a motion to approve the minutes of March 12, 2013, seconded by Mr. Judge.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: Mr. Jordan

Mrs. Venables offered a motion to approve the minutes of March 26 2013, seconded by Mr. Judge.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Reilly

ABSTAIN: NONE

Proclamation, Presentations & Special Guests - None

Public Comments

Lyle Marlowe, 110 Pennsylvania Avenue, asked about the exhaust pipe from the generator near the pump station. Mr. Dempsey stated that the pipe is necessary and they intend on painting it to make it blend in a little better. Mr. Marlowe stated that he does not recollect it being so visible and it appears something has been added to it. Mr. Dempsey noted that the pump station footprint has remained the same yet the addition of the generator became necessary after the hurricanes. Mr. Marlowe voiced concern about the noise. Mayor Naughton asked about the frequency of when the generator is operational. Mr. Dempsey stated that it's tested monthly. Mr. Marlowe asked if the test schedule could be shared. Mr. Dempsey agreed to make it available.

Lisa Deberardine, 10 Brown Avenue, asked about the status of the beach replenishment effort and the south end dune repair. Mayor Naughton stated that the beach replenishment project started in Manasquan and the dredge is visible from our beach. The Mayor stated that she expects the dredge to be in Spring Lake sometime in December or January. Mr. Judge spoke to the dune status stating that the portion on the eastern side is as high as the Borough is allowed to build. Ms. Deberardine asked if it can be made wider. Mr. Judge stated that he understood that it will grow and deferred to Mr. Avakian for details. Mr. Avakian stated that it will grow more robust in the winter months due to the natural westerly flow of the sand. Mr. Judge further stated that they have asked Mr. Avakian to redesign the

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Brown Avenue entrance by connecting the dune with a geotube as a basis and reengineer the access point with a ramp and staircase that remains ADA compliant. Ms. Deberardine asked about timing and was informed that it would be before the summer. Mr. Judge added that the south end of town, given its vulnerability, is a top priority. Mr. Marlowe asked how tall the dune is. Mr. Avakian stated that it's approximately five (5) feet.

Council Comments & Staff Reports

Mayor Naughton offered congratulations to Dave Frost and Joe Erbe who won the recent council election. Mayor Naughton also extended her thanks to Mrs. Reilly and Mr. Drasheff for their contributions and expressed disappointment that they will not be part of what's been a very hard working team. Mayor Naughton continued offering her thanks to Mr. John Patterson, the American Legion, and all the veterans who participated in the Veterans Day Ceremony noting that it was a wonderful event. The Mayor also thanked Ms. Eleanor Twomey who recently suggested that the Mayor contact the school and encourage participation from the school children. The Fifth Grade Class from Mountz School was in attendance, the Mayor reported, which made the event even more special. Mayor Naughton thanked the hundreds of people who came to the North End Pavilion Open House and thanked Mr. Dempsey and the Public Works team who prepared the area and made it safe for visitors. Mayor Naughton also reported that the Borough held a meeting in connection with Wreck Pond and a \$2 million grant. The meeting was attended by US Fish and Wildlife, DEP, Mr. Avakian, and Borough representatives with the purpose of determining the best use of the grant money. The meeting resulted in some very positive dialogue and the establishment of some mutually beneficial plans.

Mr. Drasheff extended his congratulations to Mr. Frost and Mr. Erbe and applauded them on running a great campaign.

Mr. Fay congratulated Mr. Frost and Mr. Erbe.

Mrs. Venables reported that Phase I of the tree project is now complete resulting in the removal of the six (6) damaged trees and the planting of ten (10) new trees. Mrs. Venables stated that the removal and planting went very smoothly and all stakeholders seemed very pleased. Mrs. Venables stated that the contractor was very accommodating with the schedule and worked hard not to disrupt the downtown area businesses. Mrs. Venables also thanked Mr. Dempsey for monitoring the project and being available for any necessary troubleshooting. Mrs. Venables congratulated Mr. Frost and Mr. Erbe and stated that Mrs. Reilly and Mr. Drasheff will be missed.

Mr. Jordan congratulated Mr. Frost and Mr. Erbe stating that they have big shoes to fill, referring to Mr. Drasheff and Mrs. Reilly. Mr. Jordan reported that they are in the early stages of taking a fresh look at the website citing an opportunity to renegotiate with the current vendor or source a new vendor. Mr. Jordan added that residents will be given an opportunity to offer comments and suggestions via a survey. Mr. Drasheff offered the suggestion of integrating the Borough's website with the Library's.

Mr. Judge voiced agreement with the Mayor's comments in connection with the North End Pavilion Open House and added additional praise for Mr. Dempsey's role in readying the site for visitors. Mr. Judge stated that as of Friday, it was basically a construction site housing scraps of lumber and a myriad of tripping hazards. Upon arrival the next day, Mr. Judge stated that he found the site to be safe, clean, and well cordoned off for visitors. Mr. Judge also noted that an important aspect of the Open House was giving visitors an opportunity to view the two (2) different style of lockers available for the 2014 season. Mr. Judge encouraged those who did not get an opportunity to visit last week to go this weekend during the second Open House. Finally, Mr. Judge referenced a letter received from the two (2) fire companies regarding LOSAP stating that they want to add a category acknowledging those who

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go to the academy and get certified. Mr. Judge stated that the course is a rigorous one requiring 170 hours and that he would be in favor of discussing adding this to the LOSAP criteria. Mr. Judge asked Mr. Colao for his guidance if and when they make changes to the criteria. Ms. Gillespie noted that there would be a need to move quickly given the closeness to year end. Mr. Judge closed his remarks with congratulations to Mr. Frost and Mr. Erbe and commended Mr. Drasheff and Mrs. Reilly for their hard work and contributions to the Borough.

Mrs. Venables announced that the Historical Society is hosting a program on Wednesday, November 20th called a Tribute to the Borough which will recognize the Borough's First Responders, Department of Public Works and Police.

Mr. Avakian presented an overview of the sluice gate project specifically as it relates to project funding and grants. Mr. Avakian reported the following: the sluice gate installation will be funded by the FEMA Hazard Mitigation Grant in the amount of \$600,000; the Phase III dredging of Wreck Pond is funded through Monmouth County Engineering & Public Works with an annual value of their work estimated at \$50,000; the Living Shoreline & Shoreline Berm has been funded by the Monmouth County Grant for Conceptual Design in the amount of \$32,000 which is part of the \$1.2 million provided by Monmouth County MTD Project Evaluation which also funded the installation of treatment devices that separate pollutants that go into Wreck Pond, of which 8 are located in Spring Lake; the EPA Grant that was obtained by Mr. Dempsey funded the Infrastructure Assessment in the amount of \$196,000 which is now being turned over to NJ Environmental Infrastructure Trust as a forgivable loan/grant solely for Spring Lake in the amount of \$500,000; finally the USF&W Aquatic Connectivity and Flood Resilience Grant in the amount of \$2 million to improve the coastal dune system at Pier Beach and possibly the box culvert and some shoreline work. In total, Mr. Avakian stated, over \$4.5 million dollars in funding has been secured by the efforts of this Mayor and Council and he expressed excitement about seeing their collective efforts pay off and seeing these projects move forward. Mr. Drasheff added perspective by stating that even with \$4.5 million in funding, residents are still at risk which goes to show the amount of money that's needed to completely eliminate the dangers. Mr. Drasheff stated that the help of the Governor and congressional delegation is still very important in order to get additional federal money.

Borough Attorney's Report

Mr. Colao stated that he has two (2) items for Executive Session.

Borough Administrator's Report

Mr. Dempsey reported that the First Aid building is progressing with the placement of the roof shingles and the work on the new addition including the restrooms. Mr. Dempsey stated that provided things continue to move forward it should be done in March. Mr. Dempsey also reported that the Third Avenue tree project has a punch list that needs addressing. Also, Mr. Dempsey stated, there is a need to add a bill to the bills list for Wallover Architects in connection with the North End Pavilion and added that based upon the comments received from the Open House guests Wallover really hit the mark on the design. On the topic of street openings, Mr. Dempsey stated that they are not getting replaced the way they should be. Mr. Dempsey suggested the need for coordination with Zoning, Mr. Avakian, and Public Works to either better meet the existing standards as set out by the ordinance or review the ordinance for possible changes. Mayor Naughton added that the patches seem to look fine upon initial completion but that it's later once the patch settles that it needs attention. Mr. Jordan asked what the policy is in connection with filling a hole after a street opening. Mr. Dempsey stated that the contractors are required to fill an opening no sooner than 30 days and no more than 90 days. Mr. Dempsey reported that there will be a beach replenishment public meeting for Spring Lake and Belmar residents sometime

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at the end of December or early January in an effort to inform the public as to what they can expect from the replenishment effort. Also, Mr. Dempsey reported that they are working with the Army Corps representatives in connection with the fill at the Pier Beach location to ensure a limit to the amount of sand at the inlet.

Mrs. Reilly extended her congratulations to Mr. Frost and Mr. Erbe and expressed her thanks to the residents who supported her and Mr. Drasheff.

Business Items Under Consideration

2014 Fire Chief Nomination - Thomas Mullaney - Mayor Naughton stated that as a formality the Council has been notified that Mr. Tom Mullaney has once again been nominated the Fire Chief and will serve in this capacity for the year 2014.

Garden Club of Spring Lake - Request to Hold "Wreaths Across America" - Saturday - December 14, 2013 - Mayor Naughton announced the Garden Club's event to lay Wreaths at the Borough's War Memorial in conjunction with a nationwide event at Arlington National Cemetery in Washington DC. The event is held at 12:00 noon on December 14, 2013; the Mayor encouraged members of the audience to attend.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2013-014 entitled, "AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF SPRING LAKE TO INCLUDE A SECTION TO PROHIBIT SLEEPING IN MOTOR VEHICLES OR IN PUBLIC PLACES", by title.

Mr. Colao proposed some edits to the Ordinance. The edits were discussed and various issues considered.

Harry Zarb, 2205 Third Avenue, voiced concern that the ordinance, as discussed, would prohibit taking a nap on the beach and suggested the Council take the time necessary to rewrite the ordinance. Mayor Naughton argued that the Chief of Police and the Borough's police force have demonstrated the ability to exercise good judgment in their enforcement of Borough ordinances and that this clearly is not intended to prohibit falling asleep while reading a book on the beach during the day, yet there are a couple of persistent issues that need to be addressed with the backing of an ordinance in place.

Lisa Deberardine, 10 Brown Avenue, asked if this was a time frame issue. Mayor Naughton opined that the ordinance, as written, offers a solid basis for the police to take the necessary action in connection with the persistent issues that exist. The various pros and cons in connection with delaying the introduction were discussed.

Mr. Drasheff offered a motion to introduce Ordinance No. 2013-014 as amended by Borough Attorney Colao, seconded by Mrs. Reilly. Public Hearing to be at the convenience of the Borough Clerk on December 3, 2013.

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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Ordinance for Adoption

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 open the public hearing of Ordinance No. 2013-013 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

Mr. Dempsey stated that the ordinance being heard is in connection with a \$600,000 FEMA grant with a 75% matching leaving roughly \$125,000 to be paid by the Borough. The Mayor asked for clarification that some of this cost can be in-kind related costs such as engineering expenses. Mr. Avakian confirmed.

There being no comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2013-013, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a Resolution to adopt Ordinance No. 2013-013, 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

Consent Agenda

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

**R-13-185 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#34-2013
- PTA ST. CATHARINE SCHOOL - ON PREMISE 50/50**

WHEREAS, PTA St. Catharine School has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#34-2013, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

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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#34-2013 be and the same is hereby approved as follows:

NAME:	PTA St. Catharine School 301 Second Avenue, Spring Lake, NJ 07762 Identification No.: 475-01-372
LOCATION:	PTA St. Catharine School 301 Second Avenue, Spring Lake, NJ
DATE:	December 12, 2013 from 6-11PM

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-13-186 - RESOLUTION - RELEASING STREET OPENING BOND
309 SOUTH BLVD BLOCK 149, LOT 8**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Brielle Developers, LLC for property located at 309 South Blvd., Block 149, Lot 8 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.

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

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

**R-13-187 - RESOLUTION - RELEASING STREET OPENING BOND
115 JERSEY AVENUE – BLOCK 76, LOT 7 & 8**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from National Land Holdings, LLC for property located at 115 Jersey Avenue, Block 76, Lot 7 & 8 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.

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.

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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-13-188 - RESOLUTION - RELEASING STREET OPENING BOND
410 TUTTLE AVENUE – BLOCK 55, LOT 1.01**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from A.V. Murphy Builders, In. for property located at 410 Tuttle Avenue, Block 55, Lot 1.01 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.

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

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

R-13-189 - RESOLUTION - AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, overpayments of the 2013 3rd & 4th Quarter taxes and 2014 1st & 2nd Quarter taxes on the following property hav been made as the result of a payment by the homeowner and the Mortgage Company as certified by the Borough Tax Collector.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Jeffrey & Rosanna Kaladas One Snuffys Lane Lebanon, NJ 08833	126	45	\$4,767.43
Property address: 2116 Fourth Avenue			

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$4,767.43 is hereby approved for the aforementioned property.

I, Robbin Kirk, Tax Collector of the Borough of Spring Lake hereby certify the amount of overpayment to be \$4,767.43.
/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

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Resolutions

Mayor Naughton reminded the Council that this resolution was carried from a previous meeting to allow Mr. Dempsey time to obtain clarification on the donation aspects of the agreement. Mr. Dempsey reported that he consulted with a representative from the Spring Lake 5 who expressed a strong interest in keeping the additional 2,500 registrant clause in place in return for a donation of a flat \$40,000 as opposed to a runner based formula. Mr. Dempsey stated that the Council could consider the agreement for one (1) year of a multi-year sliding scale agreement. Mr. Jordan asked if the Friends of Spring Lake 5 expressed a preference. Mr. Dempsey stated that they would prefer the multi-year agreement. Mr. Colao offered that the purpose of the resolution is to authorize an amendment to the current agreement. Mr. Dempsey added that if the Council elects to amend the current agreement, which extends to 2016, it would be prudent to approve this arrangement for 2014 and then craft an entirely new agreement that would extend through 2018.

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

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

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Amendment to the Agreement with The Friends of the Spring Lake 5 executed May 25, 2012 authorized by Resolution R-12-026 adopted January 24, 2012 and Resolution R-13-033 adopted February 5, 2013 to reflect an amendment pursuant to their request dated October 15, 2013 to allow for an additional 2,500 registrants for a total of 12,500, with this number being capped at 10,000 registrants for donation purposes in accordance with the original agreement to the Spring Lake Recreation, and an additional \$40,000 donation being made to the Borough of Spring Lake. This is an approval for 2014 only.

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-13-190 - RESOLUTION - 2012 AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52: 27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

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GENERAL COMMENTS
RECOMMENDATIONS

and,

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

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as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52: 27BB-52 to wit:

R.S. 52: 27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Spring Lake, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

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

**R-13-191 - RESOLUTION - APPROVAL OF INTRODUCTION OF SPRING LAKE BUSINESS
IMPROVEMENT DISTRICT 2014 BUDGET**

WHEREAS, the Mayor and Council of the Borough of Spring Lake authorized and created the Spring Lake Business Improvement District (hereafter the "SLBID") in Ordinance No. 2007-018 adopted August 14, 2007; and

WHEREAS, Ordinance No. 2007-018 requires the introduction, approval, public hearing and adoption of an annual budget for the SLBID; and

WHEREAS, pursuant to Ordinance No. 2007-018, the Spring Lake Business Development Corporation, Inc., (hereafter the "SLBDC") a duly organized 501(c)(3) corporation, has been designated in Ordinance No. 2007-018 as the District Management Corporation; and

WHEREAS, pursuant to Section 10 of Ordinance No. 2007-018, the SLBDC is charged with the responsibility of submitting a detailed annual budget for approval by the Borough Council together with a report explaining how the budget contributes to the goals and objectives of the SLBID;

WHEREAS, the SLBDC has submitted a detailed annual budget and report as required; and

WHEREAS, the Mayor and Borough Council find that the budget submitted by the SLBDC and the accompanying report are appropriate and that the Budget can be introduced and scheduled for public hearing as required.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the attached 2014 Spring Lake Business Improvement District is hereby introduced and scheduled for public hearing to be held at the regular meeting of the Borough Council at 7:00 p.m. on Tuesday, December 17, 2013.

BE IT FURTHER RESOLVED that the Borough Administrator and Borough Clerk are authorized and directed to ensure proper notice and publication of this approval and the public hearing as required by and in accordance with Ordinance No. 2007-018 and all applicable New Jersey Statutes.

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-13-192 - RESOLUTION - AUTHORIZING EXECUTION OF AGREEMENT FOR
2014 WITH ASSOCIATED HUMANE SOCIETY**

BE IT RESOLVED, by Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Associated Humane Society for animal control services for the year 2014.

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-13-193 - RESOLUTION - REJECTING BIDS – FOR SUPPLY & DELIVERY OF POOL LOCKERS
AT THE NORTH END POOL AND PAVILION FACILITY PROJECT
AND AUTHORIZING THE PROJECT BE REBID**

WHEREAS, a recommendation was made by the Mayor and Borough Council of the Borough of Spring Lake (“Borough”) to seek a contract for the Supply & Delivery of Pool Lockers at the North End Pool and Pavilion Facility Project, and

WHEREAS, the contract was properly advertised to prospective bidders in accordance with N.J.S.A. 40A:11-4 and;

WHEREAS, on September 18, 2013 the Borough received the following bids from potential bidders in accordance with N.J.S.A.40A:11-1, et seq.;

Contractor	409 Beach Lockers	Roof Structures and 6 benches	Bid Amount
Oaktree Sheds & Gazebos	\$392,305.00	\$169,200.00	\$561,505

WHEREAS, upon review of the bids submitted, together with the budget for the Project, and in consultation with the Design Professionals for the Project, the Borough has determined that the bids received exceed the budget for the Project; and

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NOW, THEREFORE, BE IT RESOLVED, that the Borough hereby rejects the bids as unresponsive pursuant to N.J.S.A. 40A:11-13.2(a) & (b), and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Project be rebid pursuant to Local Public Contract Laws, N.J.S.A. 40A:11-1, et seq

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. Drasheff asked if the amount listed included the additional amount requested for Wallover Architects. Mr. Dempsey stated that it did not and asked that the resolution be amended to reflect a total of \$1,145,500.80 to include the payment to Wallover. Mr. Judge asked for the timeframe for his invoiced and what it included. Mr. Dempsey stated that it was dated October 15, 2013 and included an amount equal to 15% of the construction administration pursuant to the contract.

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

R-13-194 - RESOLUTION - NOVEMBER 12, 2013

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending November 12, 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)		579,071.05
GENERAL CAPITAL (4)		1,789.71
WATER/SEWER OPERATING (9)		10,280.06
DOG TRUST (13)		910.00
SPRING LAKE TRUST (15)		4,023.75
MT LAUREL TRUST (16)		712.50
RECREATION (25)		250.00
BEACH OPERATING (81)		194,139.94
POOL OPERATING (91)		2,180.85
POOL CAPITAL (94)		341,620.12
	Additional	10,522.82
TOTAL		\$1,145,500.80

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
NOVEMBER 12, 2013**

Public Comments

Eleanor Twomey, 108 Vroom Avenue, reported that after 5:00 pm there were two (2) cyclists in the area of Third and Passaic Avenues, wearing helmets, but flying quite fast on their bikes on the sidewalks. Also, Ms. Twomey asked about the number of people swimming in the ocean at this time and wondered if the pool should be open at this time as well. Mayor Naughton stated that there is a need to select a definitive date to end lifeguard service at the beach and pools. Ms. Twomey asked if the pool could be open at the same time that badges are required on the beach. Mayor Naughton confirmed that the North End Pavilion pool opens on Memorial Day in conjunction with when badges are required on the beach adding that the South End Pavilion pool opens later but stays open until Columbus Day. Ms. Twomey also inquired as to whether there could be handicap or reserve parking west of the wall at the North Pavilion. Mayor Naughton stated that she feels the County has been more than generous in considering our design plans and feels there is no need to request additional parking.

David Frost, 306 Pitney Avenue, asked for clarification on Spring Lake 5 agreement. Mr. Dempsey detailed the agreement including the per runner amount increases over the next few years. Mr. Frost reflected on the challenges the Little League encountered when requesting donations from the Spring Lake 5 organization to assist with damages caused by Superstorm Sandy. Mrs. Reilly stated that back in the 90's the Borough only received \$2,000 and added that it was around the early 90's when the Kids Race started that the Borough began receiving a per runner donation to the Borough's recreation department. Mr. Frost expressed concern that the race is growing yet the donation structure is moving backwards. Mrs. Reilly stated that she feels that it's moved forward a great deal in terms of the amount of money the organization has donated to the Borough. Mr. Frost acknowledged this and suggested that as the organization adds more participants the Borough should attempt to increase the donation amounts it obtains. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, commented that although we don't want to "bite the hand..." but at the same time there are additional fees for participants to register online and even as a Spring Lake resident one may not get in.

Elsie Dubac, 415 St. Clair Avenue, asked if there was an update on the benches. Mr. Dempsey reported that the materials are in and they are being built at the public works yard noting approximately 20 are already built. Ms. Dubac commented that Mr. Dempsey did a wonderful job at the Open House.

Matt Magyar, Third Avenue Chocolate Shoppe, shared that he had an incident with a NJ Transit bus and learned that the law is basically written in such a way that it requires drivers to get out of their car on the passenger side of their vehicles when parked parallel to a curb. Mr. Magyar stated that he opened his door approximately six or eight inches and in a flash his door was crushed. After doing some research, Mr. Magyar stated that he learned there's technically no bus stop in town and therefore the buses edge over toward where they see people waiting for a bus and stop in the middle of the street. Mr. Magyar suggested perhaps the Borough look into it. The Mayor agreed stating that it's a point well taken and it warrants discussing with NJ Transit to determine where the bus stop is or should be adding that "hailing" the bus is certainly not what should be happening. On another topic, Mr. Magyar reported that Remax was leaving and voiced his support for the restriction of professional tenants yet voiced caution for any leeway allowed a property owner in switching back and forth between retail and professional tenants.

Mr. Dempsey reminded the Mayor and Council of the need to set fees for seasonal beach badges should they decide to offer them for sale for the Christmas season. It was agreed to address at the next meeting.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
NOVEMBER 12, 2013**

24761

Mrs. Venables 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. Jordan, Mr. Judge, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:21 P.M.

MEETING IS RECONVENED: 8:40 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. Jordan, Mr. Judge, Mrs. Reilly

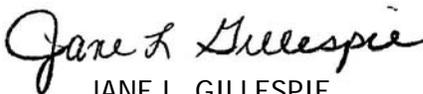
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:40 P.M.

Respectfully submitted,



JANE L. GILLESPIE

Borough Clerk

Approved at a meeting held on: January 7, 2014