

BOROUGH OF SPRING LAKE MAYOR AND BOROUGH COUNCIL REGULAR MEETING JUNE 24, 2014

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:04 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. Erbe, Mr. Fay, Mr. Judge, Mr. Jordan, Mrs. Venables, Mayor Naughton

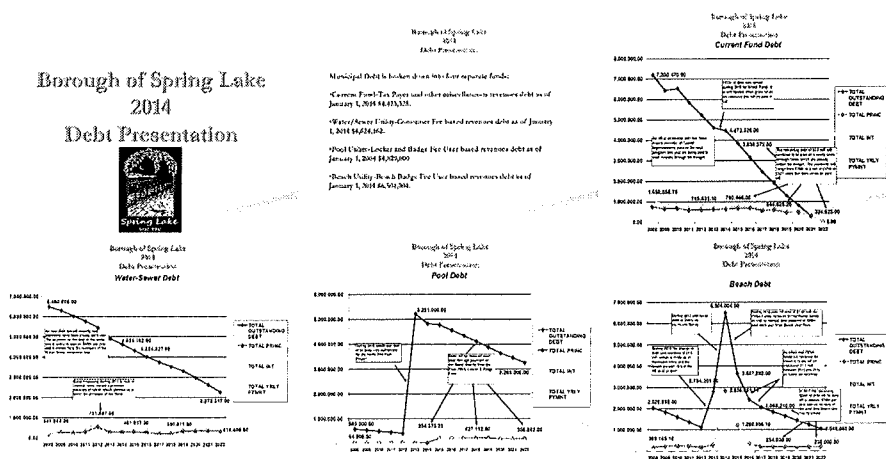
ABSENT: Mr. Frost

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

Workshop Discussion

Review of Municipal Debt by Fund – Robbin Kirk, CFO

Mayor Naughton introduced the workshop topic stating that at the recent budget hearing there was a great deal of discussion and questions regarding the Borough's debt. As such, the Mayor reported that she invited Ms. Robbin Kirk, CFO, to attend the meeting and walk through the Borough's four (4) budgets. The Mayor summarized the four (4) budgets noting that there is a current fund, which is funded by the taxpayers, the water/sewer utility, which is funded by the ratepayers and the beach and pool utilities which are funded by the beach and pool users. Ms. Kirk, using the following slides, gave a presentation.



Ms. Kirk reviewed the debt in connection with each of the four (4) funds (budgets) in order of the lowest debt to the highest. As of January 1, 2014, the current fund is the lowest, stated Ms. Kirk, at \$4,473,325; the water/sewer utility is at \$4,624,162; the pool utility is currently \$4,829,000; and the beach utility is \$6,504,004. Focusing on the current fund, Ms. Kirk stated that the debt as of 2008 was \$7,200,470 and the only added debt since then was a bond issue in connection with the sluice gates at Wreck Pond in the amount of \$475,000. The Borough anticipates this to be paid in full when grant funds are received. Ms. Kirk continued, stating that there has been no additional debt added in the last few years and the Borough has been doing projects only when funds are available. Since 2008, the Borough has been making consistent payments and at the end of this year, there will be \$3.8 million in debt still to be paid off with a plan to completely pay it off by 2021, stated Ms. Kirk. Mr. Judge asked if

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

debt still to be paid off with a plan to completely pay it off by 2021, stated Ms. Kirk. Mr. Judge asked if Ms. Kirk had an idea of what expenditures caused the debt to be \$7.2 million in 2008. Ms. Kirk stated that, although she was not working for the Borough at the time, she understood there to be some road projects that were done at that time. Ms. Kirk offered to get a better breakdown of the debt. Most of the \$7.2 million is in connection with bonds sold in 2004, stated Ms. Kirk. Other items include the COAH project, equipment, and capital improvements. Ms. Kirk continued reviewing the water/sewer debt noting that in 2008 there was \$6.9 million which included the new water tower along with other infrastructure projects. Ms. Kirk added that there has been no new debt issued and that the debt being paid is related to projects from the early 2000's. Ms. Kirk stated that the Borough is paying approximately \$450,000 annually against this debt. Regarding the pool debt, Ms. Kirk reported that the small debt from 2008 is from the improvements made to the south end pavilion and pool. In 2012, Mr. Kirk continued, the Borough authorized the rebuilding of the north end pool which resulted in the \$4.8 million in debt. Ms. Kirk detailed the debt payments which will increase from \$64 thousand annually to approximately \$427,000. Revenues (fees) in the pool utility have been increased to offset this debt in an effort to make sure user fees pay for the debt and not taxpayer dollars, stated Ms. Kirk. Ms. Kirk went on to detail the beach debt stating that the original debt from 2008 was in connection with the beach replenishment effort from that period. In 2012, Ms. Kirk stated, Hurricane Irene resulted in approximately \$250,000 of additional debt and a portion of the pool project was put toward this debt. In 2013, due to Hurricane Sandy, an additional \$4 million in debt was incurred, stated Ms. Kirk, to rebuild the boardwalk and clean up the beaches. A large debt payment was made during 2014 via FEMA funds that were received and at the end of 2014 the Borough will hold approximately \$3.6 million in debt, stated Ms. Kirk. As additional FEMA monies come in and beach revenues are collected, the Borough's beach utility will be back to the \$2 million level by 2016. Ms. Kirk invited questions from the public. Mr. Peter Meade, 300 Worthington Avenue, asked if additional revenue is being brought in, can the Borough expedite the pay down of the debt. Ms. Kirk explained that there are three (3) ways to fund debt. First, by selling bonds which is considered permanent financing which is similar to a home mortgage. Second, there is temporary financing resulting in a note that becomes due each year and the Borough pays it off when it comes due. Third, as money comes in, such as FEMA money or more money than expected from beach sales, the Borough may use those monies to pay down debt, stated Ms. Kirk. Ms. Delores Cacace, 104 York Avenue, asked about the interest payments. Ms. Kirk stated that FEMA does not reimburse for interest, notes in the current fund and the beach utility have an interest rate of 1 ¼%, while the bonds are variable. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked what portion of the debt must be tied to public facilities. Ms. Kirk stated that when the bond ordinance was originally adopted it split the bond 75%/25% pool and beach respectively. The Mayor interjected that this was a percentage split recommended by the Borough Auditor. Mr. Frank Suozzi, 112 Brown Avenue, stated that Ms. Kirk is paid to worry about things and asked what worries her about the \$20 million in debt. Ms. Kirk stated that nothing worries her about it stating that the Borough has a five year history of making payments and that the budget demonstrates an ability to make the requisite payments going forward. Ms. Kirk added that as certain portions of the debt is paid off, a discussion will be held with the Mayor and Council to determine the most prudent course of action when debt drops off. The Mayor asked if the state mandated a limit on the amount of debt a municipality can hold and if so, is the Borough at risk of reaching this limit. Ms. Kirk responded that there is a calculation based on the average equalized valuation for the last three (3) years and the statutory limit is 3½ %. The Borough is at 1/10th of a percent. Ms. Kirk emphasized that this is in connection with the current fund. The utilities, Ms. Kirk added, are self-liquidating and fund themselves. Therefore, these utilities are not included in this statutory limit. Mr. Jordan asked for clarification of where the Borough will be, in terms

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

of debt, in 2015. Ms. Kirk stated that the Borough will have \$14.1 million in debt. Regarding the pool debt, Mr. Judge asked if the interest rate was locked in. Ms. Kirk confirmed that it was locked at 2.12% for a 20 year pay down. Mr. Judge asked if there would be a need to further raise beach/pool badge fees to meet the payment schedule. Ms. Kirk confirmed that there was not a need to do this. Mayor Naughton stated that Mr. Hulsart, the Borough's Auditor was instrumental in advocating for the pay-as-you-go approach which is why the Borough chose to do the road program that way. Mr. Hulsart also had advised the Borough to reserve debt for very significant capital projects, stated the Mayor. Mr. Lyle Marlowe, 110 Pennsylvania Avenue, asked about the SMRSA payment. Ms. Kirk responded that a bill is received from SMRSA and their debt is included in the bill. The Mayor added that this item is built into the water/sewer utility budget for 2014 and is not debt related. Mr. Marlowe expressed concern that their rates will go up. Mr. Peter Meade, 300 Worthington Avenue, asked for confirmation that in all four (4) cases revenues are sufficient to cover expenses, interest and debt payments and still have a surplus which could be used for unexpected items or to pay down notes. Mayor Naughton stated that Hurricane Irene and Superstorm Sandy are good examples of events that the Borough did not plan for and were still able to manage financially. This, the Mayor continued, speaks to the positive financial health of the Borough and the talents of our CFO who guided us through these emergencies.

Approval of Minutes

Mr. Judge offered a motion to approve the minutes of May 13, 2014, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Proclamations, Presentations & Special Guests**Public Comments**

No public comments.

Council Comments & Staff Reports

Mayor Naughton reported that she along with Mr. Dempsey and Council President Judge participated in a conference call with the County of Monmouth in connection with a Senate Bill and Assembly Bill authorizing the county to take over the operation of the beaches for local municipalities. A vote, the Mayor continued, is scheduled for July which could potential move the legislation forward in the process. Needless to say, the Mayor stated, the members of council oppose these bills and the county has no interest in taking over the operation of the beaches as such the municipalities and Monmouth County are working directly with the County of Monmouth to oppose this pending legislation. The Mayor brought attention to the resolution on the agenda formally opposing the two (2) bills and encouraged unanimous support. The Mayor stated that it would be a catastrophic mistake to yield the management of our beaches, which the Borough has worked tirelessly over many, many years to fine tune not to mention the impact to the operation of the two municipal pools. Mr. Judge added that when the bill was initially introduced it did not have an opt out provision while the current version of the bill does. Mr. Judge voiced even more concern particularly since neither the county nor the local municipalities support the move sharing a fear that the State may have a plan to extract consent from the County. Mr. Judge expressed his thanks to Freeholder Arnone and others for their strong opposition and noted that the

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

Mayor has been asked to testify before the committee in Toms River. In addition, Mr. Judge stated, that the Borough is putting together a written set of guidelines that details how Spring Lake is different than other municipalities as a means of emphasizing the uniqueness of each of the shore communities.

Mr. Judge reported that the Board of Education voted to put restrictions on the hours the basketball courts at Mountz school could be used. Mr. Judge added that he's reached out to the board to determine their interest in detailing the hours of operation in the form of an ordinance in order to allow them to enforce the hours. Mr. Judge stated that he's awaiting a response from the board. Mr. Judge further reported that he had an opportunity to attend the safety day at Marrucci Park expressing thanks to the Police and Fire departments for putting the event together. With regard to the beach, the beach committee has taken steps to open the back door of the north end pavilion in the late afternoon to create a better flow of traffic in and out of the pool area.

Mr. Jordan reported that efforts continue to talk to vendors in connection with a new website. Mr. Jordan stated that there was a recent demonstration and they hope to send out a survey to residents to better understand how they use the website and what types of things they'd like to see on the site. Mr. Jordan added that one important feature being considered is responsive design allowing for ease in viewing via a computer as well as a mobile phone or other device.

Mr. Judge asked if the resolutions in connection with the sale of the three (3) lots could be pulled from the agenda noting that he feels there is a need to discuss in executive session. Mr. Judge stated that he was disappointed with the bids and hoped there may be some opportunity to negotiate. Mayor Naughton sought Borough Attorney Colao's counsel on the process who stated that the council may reject the bids by voting against the resolutions. The Borough could then pass resolutions to go back out to bid, stated Mr. Colao noting that if the Borough chooses to have a private sale it would limit the bidders to those who participated in the sealed bid process. Mr. Colao offered his advice suggesting the Borough go back out for sealed bids with a minimum bid of \$310,000 which may attract more bidders. Mr. Colao detailed the process for both the public and private sale options. Mayor Naughton asked what the down side would be to having a private sale, absent the obvious of limiting it to the original bidders. Mr. Colao stated that it can be a bit cumbersome and the Borough must adhere to the conditions as originally stated. Mr. Erbe stated that he too was disappointed with the bid numbers and stated that he supports the option to try again. Mr. Judge stated that he's leaning in that direction as well stating that although the bids are good faith bids it may be best to make an effort to push the bids higher. Mr. Jordan asked if there were any timing issues that should be considered. Mr. Dempsey stated that it would likely be the first meeting in August when the Borough could accept new offers. Mr. Erbe asked about advertising. Mr. Dempsey stated that there was the legal advertisement as well as an ad placed in the real estate section of several newspapers. Mayor Naughton voiced that she too has mixed feelings stating that having the bids in hand and knowing that the Borough can fund the project is certainly compelling but should the council vote to go back out one more time she wouldn't object. Mrs. Venables voiced concern about trying again stating that there may be a strategy out there that could result in lower bids. Ms. Venables stated that she leans more towards a "bird in the hand" mentality especially with a public project. Mr. Fay stated that he too likes the "bird in the hand". The Mayor suggested that the council await the vote when it comes up on the agenda. Ms. Helen Motzenbecker, 4 Glenwood Avenue, voiced concern that the Borough was protecting itself by not disclosing information to prospective bidders in connection with the Second Place properties. Ms. Delores Cacace, 106 York Avenue, asked if there was a chance that the Borough would lose the bids and be stuck with nothing.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

The Mayor stated that there was that chance. Mr. Frank Suozzi, 112 Brown Avenue, asked how much the Borough hoped to gain in a second round compared to what the Borough has now. Mr. Judge stated that it may not be in the Borough's best interest to say. Mr. Suozzi stated that unless the Borough intends to do a great deal of marketing and advertising, it may not make sense to go back out to bid. Mr. Peter Meade, 300 Worthington Avenue, stated that he would vote for the "bird in the hand". Mr. Matt Sagui, 17 Washington Avenue, stated that he too believes the "bird in the hand" approach is best citing that it's not the most desirable area in town given its proximity to the Borough yard and being in an area susceptible to tidal surges. Mr. Sagui further stated that what needs to be done in Wreck Pond far outweighs the potential for getting a little more money. Mr. Jordan stated that he's leaning toward "bird in the hand" as well. The Mayor stated that a vote will make the decision.

Mr. Avakian reported on the Vroom Avenue repair stating that Mr. Dempsey did a great job working with the county to get a quick and less expensive solution to the problem. Mr. Avakian further reported that he and Mr. Dempsey spoke with Mr. Mike Russo, the state local aid director, who is in receipt of the Borough's application for discretionary money. Mr. Avakian stated that it was a good conversation and Mr. Russo was extremely pleased that the Borough has contracted with Rutgers for the road plan and spoke very highly of Nick. Mr. Avakian stated that the Borough was penalized by one (1) point on the application for holding a project beyond the 18 month time limit. The Mayor asked if Mr. Russo commented on discretionary decisions. Mr. Avakian responded that Mr. Russo was not very forthcoming on the topic. Mr. Avakian stated that the gates at Wreck Pond are installed and a manual process is in place when needed. Mr. Avakian suggested a test run. The Mayor agreed this was a good idea. Mr. Avakian also reported that the meeting with Fish and Wildlife in connection with the bypass pipe went very well. Mr. Jordan asked if they could move forward with the Ludlow Avenue project while awaiting the state's response. Mr. Avakian noted that plans have to be approved prior to going out to bid. If the Borough moves forward on the work, Mr. Avakian stated, the Borough would not be able to go back and request money and therefore it's best to await the state's response. Mr. Avakian added that there are other transportation grants that may make sense for the Borough to pursue, like "Safe Routes to School" and "Safe Routes to Transit".

Mr. Dempsey reported that the county did a great job on Vroom Avenue noting that the timing worked out very well. The Mayor stated that it looks good and is a significant improvement. Mr. Dempsey stated that based on the experience with this project on Vroom Avenue he wouldn't hesitate to go to the county first on similar small projects. Regarding the Rutgers study, Mr. Dempsey reported that the kick off meeting will be in the next week or so and he will keep the council informed. Mr. Dempsey reported that the Borough is testing some new rocking chairs at the north end pavilion noting that they seem to be well received. Regarding the COAH house, the project is moving along noting that the lottery will be 6:00 pm August 12, 2014 prior to the council meeting. The Mayor added that the process is very fair noting that applicants must meet certain qualifying parameters and if they qualify they will be part of the drawing conducted by the Housing Alliance. The Mayor further added that the Borough has no part in determining qualifications or the selection process. Mr. Dempsey added that the Housing Alliance is still accepting applications until July 15, 2014 and to date has received about 60 – 75 applications. Regarding the Lake Como pipe, Mr. Dempsey reported that it's approximately three quarters of the way complete with the work to be complete roughly July 10, 2014; meanwhile the lake is draining properly. Mr. Dempsey also reported that more benches have been placed at the north end acknowledging the talents of the Department of Public Works who designed the bench area along the wall of the shower area and did so in a very economical way repurposing materials from the yard. As for the dog beach,

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

Mr. Dempsey stated that additional signage will be put in place and that the area is being enjoyed both in the morning and at night as part of the pilot program. Regarding the plaques on the benches, Mr. Dempsey reported that he spoke to the vendor who states that they should be delivered around the first week of July. Lap swimming with the lane lines at the pools seems to be working well, Mr. Dempsey reported. Mr. Judge reiterated that this is in the test stage and that feedback from residents is welcomed and encouraged.

Business Items Under Consideration

Request to hold Family Beach Picnic – St. Catharine School – September 14, 2014 – Mr. Judge offered a motion to approve the request, seconded by Mrs. Venables. All in favor. None opposed.

Ordinances for Introduction

Ordinance for Adoption

Consent Agenda

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-123 - RESOLUTION – SUPPORTING SENATE BILL 268 AND ASSEMBLY BILL
1021 - RETURNING ENERGY TAX RECEIPTS DIRECTLY TO MUNICIPALITIES**

Whereas, since the 1980's, the State has been diverting taxes collected from utilities of municipal rights of way, which were intended to compensate municipalities for hosting transmission facilities and lines; and

Whereas, the funds are from energy and business taxes under the Consolidation Municipal Property Tax Relief Act ("CMPTRA") and are to reimburse towns for use of their property for utility poles, wires, gas lines and services provided to businesses; and

Whereas, legislation has been introduced, Senate Bill 268 and Assembly Bill 1021, that would require the State to return these tax receipts to their intended recipients, the host municipalities, pursuant to an existing statutory apportionment method; and

Whereas, identical legislation passed the State Assembly last year by an overwhelming vote of the 65-5-3, but the State Senate failed to act on the legislation; and

Whereas, under this legislation, these funds could be used by municipalities to offset local property taxes, reduce municipal debt, rehire police officers and firefighters and for extraordinary costs related to an emergency declared by the President of the United States or the Governor; and

Whereas, the Board of Chosen Freeholders of the County of Monmouth supports the passage of Senate Bill 268 and Assembly Bill 1021.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

Now, Therefore, Be It Resolved, that the Governing Body of the Borough of Spring Lake, County of Monmouth hereby supports the passage of Senate Bill 268 and Assembly Bill 1021 to properly direct these funds to municipalities.

Be It Further Resolved that the Clerk forwards a certified true copy of this resolution to the Governor of the State of New Jersey, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, Monmouth County Legislative Delegation, Municipal Clerks of Monmouth County, Office of the County Counsel and the Board of Chosen Freeholders.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-124 - RESOLUTION – RELEASING STREET OPENING BOND
204 REMSEN AVENUE – BLOCK 144, LOT 18.01**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Frank Morris Construction, Inc. for property located at 204 Remsen Avenue, Block 144, Lot 18.01 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 Council 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. Erbe, Mr. Fay, Mr. Judge, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-125 – RESOLUTION – RELEASING STREET OPENING BOND
200 ATLANTIC AVENUE – BLOCK 34, LOT 20**

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Frank Morris Construction, Inc. for property located at 200 Atlantic Avenue, Block 34, Lot 20 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 Council 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. Erbe, Mr. Fay, Mr. Judge, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-126 – RESOLUTION – RELEASING STREET OPENING BOND
100 MERCER AVENUE – BLOCK 57, LOT 20**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Klaus Professional Contracting, Inc. for property located at 100 Mercer Avenue, Block 57, Lot 20 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 Council 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. Erbe, Mr. Fay, Mr. Judge, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

**R-14-127 - RESOLUTION – APPOINTING ADDITIONAL BEACH PERSONNEL FOR THE
2014 SEASON**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the following individuals be appointed as Beach Personnel for the 2014 Season:

Paniscotti, Brianna	Swim Coach	\$12.48 per hour
Harold, Richard	Pool Guard	\$10.10 per hour
Corso, Jenna	Badge Checker	\$8.25 per hour
Dombroski, Regan	Badge Checker	\$8.25 per hour
Gilbert, Grant	Badge Checker	\$8.25 per hour
Koryeva, Jack	Badge Checker	\$8.25 per hour
Marsh, Darian	Badge Checker	\$8.25 per hour
Mastrorilli, Colin	Badge Checker	\$8.25 per hour
Randazzo, Andrew	Badge Checker	\$8.25 per hour
Schipani, Danielle	Badge Checker	\$8.25 per hour
Weirman, Andrew	Badge Checker	\$8.25 per hour

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to reject resolutions R-14-128, R-14-129 and R14-130, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Erbe, Mr. Judge

NAYS: Mr. Fay, Mr. Jordan, Mrs. Venables

ABSENT: Mr. Frost

ABSTAIN: NONE

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

**R-14-128 – RESOLUTION OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF
REAL ESTATE REGARDING REAL PROPERTY NOT NEEDED FOR PUBLIC USE AND KNOWN
AS BLOCK 13, LOT 3.01 ON THE SPRING LAKE TAX MAP AND ALSO KNOWN AND
DESIGNATED AS 310 SECOND STREET, SPRING LAKE, NEW JERSEY.**

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

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

WHEREAS, the governing body of the Borough of Spring Lake has determined that said property is not needed for public use, and that it is in the best interest of the Borough to sell the property; and

WHEREAS, the governing body passed Resolution 2014-097 authorizing the sale of Block 13, Lot 3.01 and also known and designated as 310 Second Street, Spring Lake, New Jersey, by public auction via sealed bids to the highest bidder, subject to the approval of the governing body; and

WHEREAS, a public auction by sealed bid was conducted on June 17, 2014 at the Spring Lake Borough Hall; and

WHEREAS, three sealed bids were received and Kolarsick Builders Inc. of Rumson, New Jersey ("Kolarsick Builders"), with a bid of Three Hundred Five Thousand Dollars (\$305,000), was the highest bidder; and

WHEREAS, Kolarsick Builders submitted a deposit of Thirty Thousand Five Hundred Dollars and executed a *Contract for Sale of Real Estate* ("Contract") which is attached hereto as Exhibit "A"; and

WHEREAS, the governing body has determined that such contract proposal is in the best interest of the Borough.

NOW, THEREFORE, BE IT AGREED that the governing body approves of the sale of the property to the highest bidder, Kolarsick Builders, and the following terms and conditions, as may be amended, shall prevail and shall be hereinafter published in a public notice pursuant to the Statute:

1. The governing body accepts Kolarsick Builders' bid of Three Hundred Five Thousand Dollars (\$305,000) and hereby authorizes the sale of the property to Kolarsick Builders, in accordance with the terms of the Contract.
2. The governing body authorizes Mayor Jennifer Naughton to execute the Contract on behalf of the Borough of Spring Lake.
3. The governing body affirms that the required sixty (60) closing period shall commence upon the execution of the Contract by the Borough of Spring Lake's representative.
4. The staff and attorney of the Borough of Spring Lake are hereby authorized to take such action as may be necessary to carry out the terms of said Contract.
5. This Resolution shall take effect immediately upon its passage and approval as provided by law.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

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

**R-14-129 – RESOLUTION – RESOLUTION OF THE BOROUGH OF SPRING LAKE,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A
CONTRACT FOR SALE OF REAL ESTATE REGARDING REAL PROPERTY NOT NEEDED FOR
PUBLIC USE AND KNOWN AS BLOCK 13, LOT 2.02 ON THE SPRING LAKE TAX MAP AND
ALSO KNOWN AND DESIGNATED AS 320 SECOND STREET, SPRING LAKE, NEW JERSEY.**

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

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Spring Lake currently holds title to real property known as Block 13, Lot 2.02 and also known and designated as 320 Second Street, Spring Lake, New Jersey; and

WHEREAS, the governing body of the Borough of Spring Lake has determined that said property is not needed for public use, and that it is in the best interest of the Borough to sell the property; and

WHEREAS, the governing body passed Resolution 2014-100 authorizing the sale of Block 13, Lot 2.02 and also known and designated as 320 Second Street, Spring Lake, New Jersey, by public auction via sealed bids to the highest bidder, subject to the approval of the governing body; and

WHEREAS, a public auction by sealed bid was conducted on June 17, 2014 at the Spring Lake Borough Hall; and

WHEREAS, four sealed bids were received and Shore Home Builders, Inc. of Atlantic Highlands, New Jersey ("Shore Home Builders"), with a bid of Three Hundred Six Thousand Three Hundred Dollars (\$306,300), was the highest bidder; and

WHEREAS, Shore Home Builders submitted a deposit of Thirty Thousand Six Hundred Thirty Dollars (\$30,630.00) and executed a *Contract for Sale of Real Estate* ("Contract") which is attached hereto as Exhibit "A"; and

WHEREAS, the governing body has determined that such contract proposal is in the best interest of the Borough.

NOW, THEREFORE, BE IT AGREED that the governing body approves of the sale of the property to the highest bidder, Shore Home Builders, and the following terms and conditions, as may be amended, shall prevail and shall be hereinafter published in a public notice pursuant to the Statute:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

1. The governing body accepts Shore Home Builders' bid of Three Hundred Six Thousand Three Hundred Dollars (\$306,300) and hereby authorizes the sale of the property to Shore Home Builders, in accordance with the terms of the Contract.
2. The governing body authorizes Mayor Jennifer Naughton to execute the Contract on behalf of the Borough of Spring Lake.
3. The governing body affirms that the required sixty (60) closing period shall commence upon the execution of the Contract by the Borough of Spring Lake's representative.
4. The staff and attorney of the Borough of Spring Lake are hereby authorized to take such action as may be necessary to carry out the terms of said Contract.
5. This Resolution shall take effect immediately upon its passage and approval as provided by law.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

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

R-14-130 - RESOLUTION – RESOLUTION OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF REAL ESTATE REGARDING REAL PROPERTY NOT NEEDED FOR PUBLIC USE AND KNOWN AS BLOCK 13, LOT 2.01 ON THE SPRING LAKE TAX MAP AND ALSO KNOWN AND DESIGNATED AS 330 SECOND STREET, SPRING LAKE, NEW JERSEY.

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

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Spring Lake currently holds title to real property known as Block 13, Lot 2.01 and also known and designated as 330 Second Street, Spring Lake, New Jersey; and

WHEREAS, the governing body of the Borough of Spring Lake has determined that said property is not needed for public use, and that it is in the best interest of the Borough to sell the property; and

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

WHEREAS, the governing body passed Resolution 2014-052 authorizing the sale of Block 13, Lot 2.01 and also known and designated as 330 Second Street, Spring Lake, New Jersey, by public auction via sealed bids to the highest bidder, subject to the approval of the governing body; and

WHEREAS, a public auction by sealed bid was conducted on June 17, 2014 at the Spring Lake Borough Hall; and

WHEREAS, four sealed bids were received and Patrick J. O'Connor, Jr. of Spring Lake ("Mr. O'Connor"), with a bid of Three Hundred Three Thousand Eight Hundred Eighty-Eight Dollars (\$303,888), was the highest bidder; and

WHEREAS, Mr. O'Connor submitted a deposit of Thirty Thousand Eight Hundred Eighty-Eight Dollars and 80/100 (\$30,888.80) and executed a *Contract for Sale of Real Estate* which is attached hereto as Exhibit "A"; and

WHEREAS, the governing body has determined that such contract proposal is in the best interest of the Borough.

NOW, THEREFORE, BE IT AGREED that the governing body approves of the sale of the property to the highest bidder, Mr. O'Connor, and the following terms and conditions, as may be amended, shall prevail and shall be hereinafter published in a public notice pursuant to the Statute:

1. The governing body accepts Mr. O'Connor's bid of Three Hundred Three Thousand Eight Hundred Eighty-Eight Dollars (\$303,888) and hereby authorizes the sale of the property to Mr. O'Connor, in accordance with the terms of the Contract.

2. The governing body authorizes Mayor Jennifer Naughton to execute the Contract on behalf of the Borough of Spring Lake.

3. The governing body affirms that the required sixty (60) closing period shall commence upon the execution of the Contract by the Borough of Spring Lake's representative.

4. The staff and attorney of the Borough of Spring Lake are hereby authorized to take such action as may be necessary to carry out the terms of said Contract.

5. This Resolution shall take effect immediately upon its passage and approval as provided by law.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending June 24, 2014, 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)	557,440.04
GENERAL CAPITAL (4)	18,488.69
WATER/SEWER OPERATING (9)	35,028.67
DOG TRUST (13)	910.00
SPRING LAKE TRUST (15)	3,750.00
MT LAUREL TRUST (16)	141,965.68
RECREATION (25)	1,438.75
BEACH OPERATING (81)	22,983.59
BEACH CAPITAL (84)	24,714.61
POOL OPERATING (91)	958.77
POOL CAPITAL (94)	27.80
TOTAL	\$807,706.60

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Mr. Judge offered a motion to approve the following resolution and moved its adoption, seconded by Mrs. Venables.

**R-14-132 - RESOLUTION – OPPOSING SENATE BILL 2171 AND ASSEMBLY BILL 1596 –
AUTHORIZING ANY COUNTY OF THE FIFTH OR SIXTH CLASS TO ASSUME COMPLETE
RESPONSIBILITY FOR THE OPERATION AND CONTROL OF THE BEACHES THAT BORDER
THE ATLANTIC OCEAN**

WHEREAS, Senate Bill No. 2171/Assembly Bill No. 1596 would authorize any county of the fifth or sixth class (Atlantic, Cape May, Monmouth and Ocean Counties) to assume complete responsibility for the operation and control of the beaches that border the Atlantic Ocean within the county by ordinance or resolution; and

WHEREAS, shore communities have a long standing tradition of providing for the public health, safety and welfare of beach goers in their communities; and

WHEREAS, shore communities have the ability to provide a seashore experience in keeping with the lifestyle and character of its own design; and

WHEREAS, the communities have had ability to sell beach badges since the 1970s; and

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

WHEREAS, revenues from beach badges sales have been dedicated to the cleaning and maintaining of beaches and public restrooms along with the provision of seasonal lifeguards and law enforcement ; and

WHEREAS, seasonal beach operations provide jobs for high school and college students and senior citizens in the community; and

WHEREAS, beach badge fees are user fees created to offset the cost directly to the taxpayers and are enforced during seasonal beach-going hours only, all other times beaches are 100% free; and

WHEREAS, many municipalities welcomed and accepted legislation to allow for free or reduced beach badges for active members of the Armed Forces and Senior Citizens; and

WHEREAS, Federal beach re-nourishment is primarily a means of protection through dune stabilization to local homes and businesses from storm surges; and

WHEREAS, the proposed legislation does not consider the tax impact to shore communities if beach badge revenues are lost; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Spring Lake strongly oppose any legislation that would regionalize the provision of beach management and operations while putting the burden of beach public health, safety and welfare onto the taxpayers of all the municipalities.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Chris Christie, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, the members of the Monmouth County Legislative Delegation, the sponsors of the aforesaid bill, all County Board of Chosen Freeholders and the Mayors of all Monmouth County municipalities.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Public Comments

Ms. Helen Motzenbecker, 4 Glenwood Avenue, stated that she's been going to the north end beach for close to eighty years and that she has never seen it look better offering acknowledgment to everyone who worked on the pavilion and boardwalk area.

Mr. Frank Suozzi, 112 Brown Avenue, asked Mr. Avakian about the funding of the second outfall pipe. Mr. Avakian stated that when the Borough meets with US Fish and Wildlife all the interested parties comment on the funding resources available and there are others that may be available to the Borough. Mr. Avakian added that they have a level of comfort that the needed funds will be there but are still

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JUNE 24, 2014**

awaiting a final commitment. Mr. Suozzi asked when the Borough would know for sure if the funding sources are there. Mr. Dempsey estimated that they would know something in about a month or so. Mr. Suozzi added that when this project is done, he's hoping to see the Borough address the berm. Mr. Avakian stated that survey work with the County is underway on the berm.

Mr. Lyle Marlowe, 110 Pennsylvania Avenue, stated that at the Wreck Pond meeting last week there was a great deal of discussion about the sand that was placed on the dune and with the possible rain coming asked if it was possible to move the sand out of the inlet area in a short period of time or should the Borough be moving the sand out of the way now. Mr. Dempsey stated that after the plover season there may be an opportunity to do so. The Mayor added that in order to stay compliant with the DEP they must wait until the season is over. Mr. Marlowe asked when the plover season ended. Mr. Dempsey stated that it ends August 31st.

Ms. Dolores Cacace, 106 York Avenue, thanked Mr. Avakian and Mr. Dempsey for participating in the monthly meetings emphasizing the importance of having representation from the Borough.

Mr. Lyle Marlowe, 110 Pennsylvania Avenue, stated that he believes landscapers using leaf blowers should be part of the noise ordinance particularly during the summer hours. The Mayor asked if Mr. Marlowe felt homeowners should be restricted as well. Mr. Marlowe felt they should be excluded stating that most homeowners know their neighbors and are likely more sensitive when using their lawn equipment unlike landscapers who come and go.

Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Frost

ABSTAIN: NONE

Time of Adjournment: 8:15 PM

Respectfully submitted,



DINA M. ZAHORSKY
Deputy Borough Clerk

Approved at a meeting held on: August 12, 2014