

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
MARCH 16, 2017**

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. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley, Mayor Naughton  
ABSENT: NONE

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

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**Workshop Discussion:** NONE

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**Approval of Minutes:**

Mr. Judge offered a motion to approve the minutes February 28, 2017, seconded Mr. Drasheff.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe

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**Proclamations, Presentations & Special Guests:** NONE

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**Public Comments:** NONE

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**Council Comments & Staff Reports:**

Mr. Drasheff reported in the midst of the storm on Tuesday, the Borough turned one hundred and twenty five years old.

Mr. Drasheff questioned the manhole covers being paved during the paving project on Fourth Avenue from the lake to Wreck Pond. He explained that Verizon dug them out on their own and made a mess of the newly paved streets; the manhole covers are now a few inches lower than the new pavement. Mr. Drasheff asked if Verizon could fix them or the public works could put down cold patch. Mr. Dempsey agreed and will look into it.

Mr. Frost reported that Ed Hale and Jim Wingard son's Eagle Scout projects will be concentrating on a couple areas around the park. Mr. Dempsey added that they will be coming in for a presentation at the next council meeting in regards to what they would like to do for their project.

Ms. Whalley reported on the trees being removed in Devine Park; Don Brahn Jr. and she have looked at many trees that need to be removed because they are in bad condition.

Ms. Whalley also reported the shade tree committee has received tree standards from JCP&L and Monmouth County Shade Tree Commission in regards to the Shade Tree Ordinance revisions.

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Ms. Whalley and Mr. Colao will be working on the revisions, specifically which trees are permitted under wires.

Mr. Judge questioned who is funding the removal of the trees in the park. Mr. Dempsey answered the Borough is paying from the general budget and shade tree. He added that the county is doing the work, which is costing about seventy-five hundred dollars per week; the entire bill should come to about ten thousand dollars. Mr. Dempsey added they are also trimming trees as well and also trees at Marucci Park.

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**Borough Engineer's Report:**

Mr. Avakian reported that the Third Avenue Phase III improvements preconstruction meeting will be next week and are anticipating starting late March to early April.

Mr. Avakian gave a status report on the Pitney Avenue sewer evaluation. He provided the council with a map of the sewer and explained the area where the sanitary sewer lines flow to the Pitney Avenue pump station, totaling three hundred and three homes. Mr. Avakian explained the SMRSA flows show excess of what it should really be pumping. When this happened Mr. Avakian explained it is considered unaccounted flow, which could be an open manhole cover in a low laying area or more commonly an aging sewer system with defects that allow groundwater to infiltrate the sewer line. He explained that video was taken of the sewer and it was determined where the water is coming through the sanitary sewer line, including cracks, primarily joints in the line, along with every lateral home connection. Mr. Avakian suggested using a chemical grout on the joint to prevent the flow from coming into the sewer line. On Pitney Avenue, where the road has not been paved, he suggests opening the trenches and replacing the laterals on those lines. He also suggests two hundred and eight houses get new laterals. Mr. Avakian explained the cost of these repairs was estimated at \$1.2 million dollars. Mr. Avakian predicts to see more than a twenty percent reduction in charges from SMRSA. He has met with a consultant regarding lining the sewer lines and Pitney Avenue is included in the long range road program so when the work is complete, the road will not be in a state of disrepair for an extended period of time. Mr. Frost asked if there is any sewer work needed in the area of South Blvd. Mr. Avakian explained that area has already been designed and out to bid, however it has not be awarded yet. He would want to repair the laterals on South Blvd without cutting the road since it was paved nine to ten years ago. This project will reduce the amount of flow to SMRSA, cutting the costs each month. Mayor Naughton asked how long it will take to complete this project from start to finish. Mr. Avakian predicts the project would take about three months if the project is bid out in ninety days. He realizes this project should not be done in the summer months, so maybe prepare for this project and have it ready to mobilize by the fall. He suggests a street and roads committee meeting to discuss the utility work and agree on the sequence of the road improvements.

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**Borough Attorney's Report:**

Mr. Colao had on item for executive session.

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**Borough Administrator's Report:**

Mr. Dempsey reported the sluice gates were used on Monday night they were closed and reopened Wednesday morning at 7:00 a.m.; they are doing what they are supposed to. He

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explained that the next thing that needs to be addressed is the berm and living shore line, especially along Second Avenue since it is low lying. He observed water beginning to lap up on the road in that area. Mr. Dempsey explained that although water was lapping onto the road, as soon as the sluice gates were opened within two hours the waterline dropped. He believes if that area was raised one to two feet it would increase the capacity of the pond. Mr. Dempsey will have the county remove the tires, telephone poles, and other debris from the pond when the water level is extremely low. He is awaiting a recommendation from Department of Environmental Protection (DEP) to determine the best water levels in the pond. He is hoping to have a recommendation by May 1<sup>st</sup> for the summer. Mr. Dempsey explained that Wreck Pond needs to be dredged more, when the water level is low, it is easy to spot where it was previously dredges and where it needs to be done.

Mr. Dempsey reported there will be a dune planting on the new dune between Sea Girt and Spring Lake and along Union Avenue by the Surf Rider Foundation on March 25<sup>th</sup>.

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**Business Items Under Consideration:**

**Council Liaison Assignments:**

Mayor Naughton mentioned that since Mrs. Venables resigned and Ms. Whalley was appointed a new councilmember the assignments have changed.

Mr. Judge offered a motion to approve the 2017 Council Liaison Assignments, seconded by Mr. Erbe.

<b>Jennifer Naughton</b> Mayor	BEACH POLICY, COMMUNICATIONS, COUNTY RELATIONS, DPW, EMERGENCY MANAGEMENT, FINANCE, PERSONNEL, PUBLIC SAFETY, ROADS, TECHNOLOGY, WATER & SEWER, WRECK POND
<b>Robert Drasheff</b> Councilman	BOARD OF EDUCATION, DOWNTOWN PLANNING, INSURANCE, PLANNING BOARD, PUBLIC HEALTH, WATER & SEWER, WRECK POND
<b>Joseph Erbe</b> Councilman	DPW, DOWNTOWN PLANNING, FINANCE, HISTORIC PRESERVATION, PEOSHA, PERSONNEL, ROADS
<b>David Frost</b> Councilman	COUNTY RELATIONS, DPW, ENVIRONMENTAL AFFAIRS, PARKS & RECREATION, ROADS, SHADE TREE
<b>Brendan Judge</b> Council President	ANIMAL CONTROL, BEACH POLICY, CONSTRUCTION/ZONING/CODE ENFORCEMENT, COAH, FINANCE, PARKS & RECREATION, PERSONNEL, PUBLIC SAFETY
<b>Matthew Sagui</b> Councilman	BEACH POLICY, BID LIAISON, DOWNTOWN PLANNING, RECYCLING, STREET LIGHTING, WATER & SEWER
<b>Sydnee Whalley</b> Councilwoman	BID LIAISON, COAH, LAND USE, LEGISLATION, LIBRARY, MUNICIPAL COURT, PARKS & RECREATION, WRECK POND

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Ordinances for Introduction:** NONE

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**Ordinances for Adoption:** NONE

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**Consent Agenda:**

Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Frost.

**R-17-059- RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AGREEMENT WITH THE SPRING LAKE CATAMARAN CLUB FOR THE  
2017 BEACH SEASON**

**WHEREAS**, the Spring Lake Catamaran Club, (formerly known as the Sea Girt Catamaran Club) has approached the Borough of Spring Lake with a request to again allow them to keep their boats on the beach in Spring Lake for 2017; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor, Administrator and Clerk are hereby authorized to execute an Agreement with the Spring Lake Catamaran Club in a form to be agreed upon and approved by the Borough Attorney and which incorporates the following terms and conditions:

1. The total number of catamarans shall not exceed 20 without further approval of the Borough.
2. The fee payable to the Borough's Beach utility for each boat shall be \$150 for each boat for the 2017 season. Each Catamaran must display a permit decal to be provided by the Borough upon receipt of the fee.
3. All individuals wishing to utilize boats shall be required to have valid beach badges, whether seasonal, half season, monthly or daily.
4. Each club member/catamaran owner shall be required to execute a Release, Indemnification and Hold Harmless Agreement in favor of the Borough and its officers and employees for any claims arising out of the use or placement of the boats on the Spring Lake beach.
5. Each boat owner shall carry and provide proof of liability and personal injury insurance covering the catamarans in the amount of \$100,000 per person and \$300,000 per occurrence.
6. The Borough shall have no liability for the safekeeping or security of the boats on the beach.
7. The boats shall only be kept and stored in the approved location(s) designated by the Borough.
8. The agreement shall be immediately terminable at the option of the Borough if the same is deemed to be in the interest of the public health, safety and welfare.
9. All boats will be removed from the Spring Lake beach at the end of the beach season, no later than the date determined by the Borough, which date will be communicated to the Club to provide at least two weeks' notice.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Judge offered the following resolution and moved its adoption, seconded Mr. Frost.

**R-17-060-RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

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WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2017 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Borough Council of the Borough of Spring Lake to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Borough of Spring Lake hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Donald Brahn Jr. as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Judge, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Frost.

**R-17-061-TAX REIMBURSEMENT CERTIFICATION**

<i>Monmouth County Reclamation 2016</i>		
<i>DATE</i>	<i>TAX 107</i>	<i>TAX 102</i>
JANUARY	\$542.88	
FEBRUARY	\$469.67	
MARCH	\$658.51	
APRIL	\$639.48	
MAY	\$889.89	\$200.53
JUNE	\$962.94	\$212.80
JULY	\$1,306.14	\$102.41
AUGUST	\$1,352.89	\$206.75
SEPTEMBER	\$945.72	
OCTOBER	\$664.71	
NOVEMBER	\$856.82	
DECMEBER	\$821.29	\$63.49
<b>TOTAL</b>	<b>\$10,110.94</b>	<b>\$785.98</b>

<i>MAZZA 2016</i>	
<i>DATE</i>	<i>TAX</i>
JANUARY	\$80.46
FEBRUARY	\$86.76
MARCH	\$132.27
APRIL	\$114.43

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MAY	\$140.07
JUNE	\$179.97
JULY	\$119.01
AUGUST	\$127.14
SEPTEMBER	\$121.38
OCTOBER	\$136.32
NOVEMBER	\$110.97
DECEMBER	\$54.33
<b>TOTAL</b>	<b>\$1,403.11</b>
<b><i>Monmouth County Reclamation 2015</i></b>	
<b><i>DATE</i></b>	<b><i>TAX</i></b>
JANUARY	\$501.82
FEBRUARY	\$752.54
MARCH	\$1,059.24
APRIL	\$993.48
MAY	\$793.74
JUNE	\$1,804.12
JULY	\$2,206.85
AUGUST	\$1,061.54
SEPTEMBER	\$1,817.24
OCTOBER	\$1,128.19
NOVEMBER	\$1,162.63
DECEMBER	\$1,367.99
<b>TOTAL</b>	<b>\$14,649.38</b>
<b><i>MAZZA 2015</i></b>	
<b><i>DATE</i></b>	<b><i>TAX</i></b>
JANUARY	\$77.07
FEBRUARY	\$57.69
MARCH	\$87.24
APRIL	\$96.72
MAY	\$154.29
JUNE	\$119.61
JULY	\$461.04
AUGUST	\$121.74
SEPTEMBER	\$132.18
OCTOBER	\$104.85
NOVEMBER	\$89.43
DECEMBER	\$108.75
<b>TOTAL</b>	<b>\$1,610.61</b>

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Judge, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Frost.

**R-17-062-RESOLUTION – AUTHORIZING REFUND OF WATER METER TEST FEE**

WHEREAS, payment was received for a water meter test for 19 York Avenue, Block 8, Lot 12 by John Kelly in the amount of \$200.00, and

WHEREAS, said money was deposited by the Borough of Spring Lake in accordance with law, and

WHEREAS, the fee is being refunded due to the fact that the meter test is not needed and has not been completed, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a refund in the amount of \$200.00 is hereby approved for the aforementioned applicant.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Judge, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Frost.

**R-17-063-RESOLUTION – RELEASING STREET OPENING BOND  
415 SALEM AVENUE – BLOCK 23, LOT 8**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Lou Obsuth for property located at 415 Salem Avenue, Block 23, 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. Erbe, Mr. Frost, Mr. Judge, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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**Resolutions:**

Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Erbe.

**R-17-064-RESOLUTION AUTHORIZING THE EXECUTION OF A  
PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF SPRING  
LAKE FOR THE PROVISION OF PROFESSIONAL SERVICES**

WHEREAS, there exists a need for professional services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

				Amount not to exceed
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PS#08-2017	Legal Services	Dennis Collins, Esq	Collins, Vella, & Casello, LLC	2317 Highway 34, Suite 1A Manasquan, NJ 08736	\$5,000.00
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WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year or until a successor is appointed; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Spring Lake in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

**ROLL CALL:**

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Judge, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Erbe.

**R-17-065-RESOLUTION – APPROVAL OF BILLS – MARCH 14, 2017**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 14, 2017, 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.

**SUMMARY**

<b>CURRENT FUND (1)</b>	<b>110,907.33</b>
<b>WATER/SEWER OPERATING (9)</b>	<b>8,918.28</b>
<b>WATER/SEWER CAPITAL (8)</b>	<b>36,760.00</b>
<b>DOG TRUST (13)</b>	<b>36.00</b>
<b>SPRING LAKE TRUST (15)</b>	<b>1,050.00</b>
<b>COAH TRUST (16)</b>	<b>1,087.80</b>
<b>RECREATION (25)</b>	<b>189.94</b>
<b>BEACH OPERATING (81)</b>	<b>3,647.12</b>
<b>POOL OPERATING (91)</b>	<b>175.43</b>
<b>GENERAL CAPITAL (4)</b>	<b>9,372.50</b>





