

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 8, 2017**

Council President Judge called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:02 P.M. with a moment of silent prayer. He then proceeded with the Pledge of Allegiance to the Flag. Council President Judge announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Erbe (via telephone left at 8:22 pm), Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

ABSENT: Mr. Drasheff, Mayor Naughton

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator

Dina M. Zahorsky, Borough Clerk

Joseph Colao, Borough Attorney

Peter Avakian, Borough Engineer

Workshop Discussion: None

Approval of Minutes:

Mr. Frost offered a motion to approve the amended minutes of July 11, 2017, seconded by Ms. Whalley.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

Proclamations, Presentations & Special Guests:

Council President Judge introduced James Wingard who will be beginning his Eagle Scout Project in Devine Park. Mr. Wingard's project consists of two parts, the first being the restorations of a portion of the trail around the lake near the playground. Currently the area is overgrown with weeds and thorn bushes; he will be planting new plants which will be watered by the already existing sprinkler system. The second part of the project will be the building of a new fire pit around the already existing stone circle; it will be five feet in diameter.

Mr. Judge asked about the previous Eagle Scout Project completed by Matthew Hale and where this project will be located in relation to Mr. Hale's. Mr. Wingard used a map to show where his projects will be taking place. Mr. Wingard will be using volunteers from his troop along with friends and family to complete the project.

Mr. Judge asked about the current use of the fire pit located on the path. Mr. Dempsey said he has only seen it used during the winter months when the lake freezes over.

Ms. Whalley asked if the new fire pit will be flush with the ground. Mr. Wingard explained it will go around the perimeter of the existing fire pit. Mr. Dempsey added that this new design will be safer. Mr. Judge asked how Mr. Wingard determined what kind of plants he will be planting. Mr. Wingard explained they are the same plants Matthew Hale used in his project to keep the same look as the previous project.

Mr. Frost asked if there is any intention to clean up the area around the fire pit. Mr. Wingard said it wasn't planned with this project.

Mr. Sagui asked if there will be any mulch. Mr. Wingard said yes.

Mr. Judge asked about the timing of the project. Mr. Wingard indicated they plan to begin work around August 19 and 20th.

Mr. Frost offered a motion to approve the project seconded by Ms. Whalley.

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

Public Comments:

Elsie Dubac, 415 St. Clair Avenue asked for R-17-140 Phase III to be explained. Mr. Dempsey explained it is the last phase of the Third Avenue project from Lake Como to Pitney Avenue. Ms. Dubac asked if it will include pavers. Mr. Dempsey indicated it will not include any pavers but will include crosswalks similar to the crosswalks at Pitney Avenue.

Mr. Dempsey used this as an opportunity to discuss the possibility of a traffic calming device along Third Avenue. He explained that a traffic table has been proposed, which is not a speed bump but more of an incline about twenty two feet long, it has been proposed to have two of them in this section of town; they will be similar to the ones on Jumping Brook Road in Neptune.

Mr. Frost explained it will be a gradual incline that makes you slow down.

Mr. Avakian added it will be going out to bid soon so they can award the contract in September.

Ms. Whalley asked if the idea of a median is off the table. Mr. Frost explained it is not off the table, the goal is to narrow the road without a median since they can be costly. Mr. Dempsey added the issue with the median is that they have not found a median design that anyone likes, which is why the speed tables came up.

Ms. Whalley explained that if you google traffic calming medians, there are beautiful medians that contain small bushes and trees that are six feet wide that are low maintenance.

Mr. Judge added that they are exploring ideas and the possibility of adding a median in the future is a possibility.

Harry Zarb, 2205 Third Avenue brought up the issue of bicycles and lack of enforcement of any rules regarding bicycles. He feels there are plenty of special police officers in the downtown area and suggested the specials enforce bicycle discipline. Mr. Frost agrees with his assessment of children on bikes, they ride in the middle of the road without helmets on their cell phones.

Mr. Judge will bring it to Chief Kerr's attention.

Lisa Deberadine, 10 Brown Avenue added that cyclists think they are pedestrians. Mr. Sagui pointed out that if it has wheels they are to abide by car laws.

Ms. Whalley suggested providing water and bicycle safety with the help of the police department in the schools. Rich Clayton, Third Avenue added that bicycles are a daily issue downtown.

Mr. Judge asked if he sees the police special officers warning the bicyclists or if they avoid them.

Mr. Clayton said they police special officers do not say anything to them about riding on the sidewalk.

Mr. Dempsey received a phone call today about bicyclists riding on Third Avenue, in the street, and concern about someone getting hit since the road is so tight. Mr. Judge will reach out to the public safety committee to discuss this concern.

Ms. Whalley asked Chief Kerr about using parking spaces for bicycle racks, which he was completely against, stating it is unsafe. Ms. Whalley is looking at getting more three foot bike racks for next summer for along Third Avenue.

Council Comments & Staff Reports:

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Mr. Judge reported there has been a request from the Recreation Director for cameras at Marucci Park. Mr. Dempsey discussed with the Mayor and asked if they can hold off on discussing cameras until next meeting when the she is present.

Mr. Frost discussed road projects that will be completed this fall, which Mr. Avakian will add to. The roads committee is also working on a long range plan for the future. Mr. Avakian indicated the next project they will be going out to bid on will be Third Avenue Phase III from Pitney Avenue to Lake Como. He added that the design is almost completed the traffic calming with include a minimum of two speed platforms which will be twenty two feet in length including a flat area spanning ten feet, which rises on both sides. As drivers pass over the platform, if they are going the speed limit they will feel the gradual rise of the road, however if a driver is speeding they will feel a jolt, not like a speed bump, but it is intended to warn the driver that they are speeding. Mr. Frost added that there will be proper signage to warn the drivers of the plat form. Mr. Avakian explained that speed platforms are allowed on roads where the speed limit is less than thirty five miles per hour and there are less than three thousand vehicles on the road. He added that the speed table will be complimentary to emergency vehicles and snow plows. Mr. Avakian also pointed out that drainage improvements will also be a part of this project at the driveway of Marucci Park; curbing and sidewalks will be replaced from Monroe Avenue to South Boulevard. Mr. Dempsey added that when residents are notified of the work, there will be pricing made available to them to repair their sidewalks. Mr. Avakian added that this work will be complimentary to the work Frank Miksovich completed regarding the traffic study. Ms. Whalley asked about the possibility of laying utility lines underground. Mr. Avakian explained that it would be installed through a conduit; these types of conduits would be placed in the center line of the roadway.

Mr. Avakian continued with the sewer project contract being awarded for South Boulevard between Third and Fourth Avenues; the work will be beginning immediately. Once that work is completed South Boulevard will be paved from Monroe to Third Avenue and from Third Avenue to almost Fourth Avenue. Mr. Dempsey explained Monroe to Third Avenue paving will be a part of the Third Avenue project while the paving of South Boulevard to Fourth Avenue will be completed next year.

Mr. Dempsey added they are looking at micro-surfacing Morris Avenue; it is better to wait until the fall when there is less traffic to start. He is also looking from Prospect to Pitney Avenues and onward to Monroe Avenue. Mr. Dempsey suggested looking into utilizing the County for paving jobs. He indicated there are a couple areas on St. Clair that the gas company paved so it would be wise to mill the remaining section and pave between Fourth and Fifth Avenues.

Ms. Whalley asked if the micro-surfacing will be done before the Irish Festival in the fall. Mr. Dempsey answered yes and added that they will also crack seal Third Avenue from Passaic to the Community House as well.

Mr. Frost thanked the BID (Business Improvement District) and Mr. Dempsey for the American Flags which were used for the funeral of a local Marine from Colts Neck; the mother of the Marine taught at St. Catharine's School for quite some time. He added that a total of forty flags were collected to use.

Mr. Sagui asked where the borough stands on the water main loop right now. Mr. Dempsey indicated that Atlantic Avenue is out to bid and critical valves and hydrants will be out to bid within the next two weeks and will be awarded at the second meeting in September. The Atlantic Avenue

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contract will be awarded at the first meeting in September. Mr. Avakian explained that the next job going out to bid will be the painting of the water tower.

Mr. Dempsey continued that a new four hundred foot water line has been added between Passaic and Warren Avenues along the railroad tracks, which was a part of the Ludlow Project; there has been a continuous rust issue in this area and the looping of the water main should help. Mr. Sagui added there has been a lot of standing water at Warren and Ocean Avenues. Mr. Dempsey added there is also pooling water at Morris and First Avenues which needs to be looked at.

Ms. Whalley reported the BID held three ribbon cutting ceremonies for new businesses in town. Next week on August 16th the BID and Chamber of Commerce are hosting a benefit performance of the Music Man at the Community House.

Ms. Whalley reported that the library opened their new art exhibit which will be open for the next few weeks.

Ms. Whalley further reported that the Board of Education is scheduled to have their demographic study at their August 21st meeting at H.W. Mountz Elementary School starting at 6:30 pm. She added the school is in the process of putting up a new chain link fence as part of their beautification plan and the Public Works helped with the removal of trees and tree stumps to make sure the fence is level.

Borough Engineer's Report:

Mr. Avakian pointed out one item on the agenda tonight is the Lorraine and Tuttle Avenue water improvement, which includes water main updates and system looping on both of those roads; it is an expensive project costing 1.5 million dollars. He added that this will complete the Ocean Avenue project and looping system. He received a proposal from H2M, Pat Cole, and will use their design to go out to bid; once bids are received Mr. Avakians office will make a recommendation for award and will oversee construction. Mr. Avakian added this will be completed over the winter by Memorial Day weekend, meaning it needs to go out to bid before the end of this year.

Borough Attorney's Report:

Mr. Colao has one item for executive session.

Borough Administrator's Report:

Mr. Dempsey reported the 2018 Transportation Trust Fund application has come out; they have to decide on a road and submit an application. Typically they like roads that connect their roads or county roads; in the past they got Ludlow Avenue, Newark Avenue, Jersey Avenue, and South Blvd. Mr. Dempsey will meet with the streets and roads committee before the deadline to come up with a road to apply for.

Mr. Dempsey reported that the BID asked about music downtown during different times of the year through a sound system; the speakers would be paid for by the BID and would be controlled by the BID as to what type of music and when it would be played.

Rich Clayton, Third Avenue added that it would be strictly music played and not advertisements and the system would contain wireless speakers which would be put out during specific times. Mr. Clayton added the project would be done in two to three phases. They would play classic music and stager the speakers and try it block by block. Music would be played during special events and certain times of the year.

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Elsie Dubac, 415 St. Clair Avenue asked how residents in apartments above downtown would feel about music playing. Mr. Sagui and Mr. Clayton both added that the music is soft and not loud, apartments may not even hear the music. Ms. Whalley explained that the music wouldn't be played every day and would only be played during business hours.

Mr. Dempsey further reported that a few months ago Mayor Naughton sent a letter to Lake Como concerning their First Aid calls; Belmar is working on a solution and the number of calls to Lake Como has dropped off.

Business Items Under Consideration:

H.W. Mountz PTA- Annual Beach Day - September 9 - Mr. Frost offered a motion to approve the request, seconded by Ms. Whalley. All in favor. None opposed.

Wahine Bikini Surf Contest- September 30 - Mr. Frost offered a motion to approve the request, seconded by Ms. Whalley. All in favor. None opposed.

Event Application- Friendly Sons of the Shillelagh 5K- October 7 - Mr. Frost offered a motion to approve the request, seconded by Ms. Whalley. All in favor. None opposed.

Ordinances for Introduction: None

Ordinances for Adoption:

Mr. Colao recommended Ordinance No. 2017-007 "An Ordinance Amending Chapter 225, Section 9 Land Development, Amending the Zoning Map" adoption be tabled to August 22, 2017.

Mr. Erbe made a motion to table Ordinance No. 2017-007, seconded by Mr. Frost.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

Mr. Colao recommended Ordinance No. 2017-008 "An Ordinance Amending and Supplementing Chapter 330, Streets and Sidewalks of the Borough Code" adoption be tabled to August 22, 2017.

Mr. Erbe made a motion to table Ordinance No. 2017-008, seconded by Mr. Frost.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

Consent Agenda:

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

**R-17-131- RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#19-2017- ST. CATHARINE'S SCHOOL PTA -
ON PREMISE 50/50**

WHEREAS, St. Catharine's School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#19-2017, and

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

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#19-2017 be and the same is hereby approved as follows:

NAME: St. Catharine's School PTA
301 Second Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-7331
LOCATION: St Catharine School
301 Second Avenue, Spring Lake, NJ
DATE: October 18, 2017 from 5:00 to 8:00 pm

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-132-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#20-2017- ST. CATHARINE'S SCHOOL PTA - ON PREMISE 50/50**

WHEREAS, St. Catharine's School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#20-2017, and

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

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#20-2017 be and the same is hereby approved as follows:

NAME: St. Catharine's School PTA
301 Second Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-7331
LOCATION: St Catharine School
301 Second Avenue, Spring Lake, NJ
DATE: December 7, 2017 from 5:00 to 8:00 pm

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-133-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#21-2017- ST. CATHARINE'S SCHOOL PTA - ON PREMISE 50/50**

WHEREAS, St. Catharine's School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#21-2017, and

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

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#21-2017 be and the same is hereby approved as follows:

NAME: St. Catharine's School PTA

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**301 Second Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-7331**

**LOCATION: St Catharine School
301 Second Avenue, Spring Lake, NJ**
DATE: September 9, 2017 from 3:00 to 7:00 pm
Rain Date: September 10, 2017

ROLL CALL:
AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley
NAYS: NONE
ABSENT: Mr. Drasheff
ABSTAIN: NONE

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

**R-17-134- RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#22-2017- THE GARDEN CLUB OF SPRING LAKE - ON PREMISE 50/50**

WHEREAS, The Garden Club of Spring Lake has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#22-2017, and

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

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#22-2017 be and the same is hereby approved as follows:

**NAME: The Garden Club of Spring Lake
P.O. Box 487, Spring Lake, NJ 07762
Identification No.: 475-8-35025**
**LOCATION: The Breakers by the Ocean
1507 Ocean Ave, Spring Lake, NJ**
DATE: October 4, 2017 from 11:00 am to 3:00 pm

ROLL CALL:
AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley
NAYS: NONE
ABSENT: Mr. Drasheff
ABSTAIN: NONE

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

**R-17-135- RESOLUTION - APPROVING VOLUNTEER APPLICATION
FOR FIREMAN - CHARLES M. BARREDA**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application to Charles M. Barreda to become a volunteer firefighter with Goodwill #2 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:
AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley
NAYS: NONE
ABSENT: Mr. Drasheff
ABSTAIN: NONE

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

R-17-136-RESOLUTION – LIBRARY SALARY INCREASES

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the following individuals hourly and/or salary increase to the following effective January 1, 2017.

Andrea Craig	Salary- \$49,318.00
Christina Burns	\$17.00 per hour
Jessica Grable	\$9.00 per hour

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-137- RESOLUTION AUTHORIZING THE TAX COLLECTOR TO EXTEND
THE GRACE PERIOD FOR THIRD QUARTER PROPERTY TAXES**

WHEREAS, according to N.J.S.A. 54:4-64 the delivering of tax bills to property owners shall be at least 47 days before or 25 days from the day of mailing the third installment of taxes fall due, and

WHEREAS, due to a delay in the printing and mailing of the tax bills, the tax bills for the third quarter will not be sent out July 31, 2017; and

WHEREAS, the Mayor and Council have granted an extension of the grace period to August 25, 2017; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake that the Tax Collector be authorized to grant this extension until August 25, 2017.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

R-17-138-RESOLUTION – APPOINTING ADDITIONAL BEACH LIFEGUARD

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the following individual be appointed immediately as a Beach Lifeguard for the 2017 Season:

Beach Lifeguard:

Caroline Petrone	\$16.11
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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-139-RESOLUTION – AMENDING PARKING REGULATIONS BY RESOLUTION
PURSUANT CHAPTER 7 SECTION 32.6 AS ADOPTED BY THE MAYOR
AND BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE**

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BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that all vehicles parking at any park or public property in the Borough must be in designated parking spaces.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

R-17-140-RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEM OF REVENUE INTO THE 2017 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87, WITH THE REVENUES RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2017 MUNICIPAL AID PROGRAM FOR THIRD AVENUE PHASE III

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

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

WHEREAS, the Borough of Spring Lake has received notice of funding of \$255,000 from the State of New Jersey Department of Transportation Fiscal Year 2017 Municipal Aid Program for Third Avenue Phase III to amend its 2017 Budget to include the additional \$255,000 as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of TWO HUNDRED AND FIFTY FIVE THOUSAND DOLLARS (\$255,000).

Which is now available as revenue from:

NJ DOT Trust Fund Authority Act – Improvements to Roads – \$255,000.00

BE IT FURTHER RESOLVED that the like sum of TWO HUNDRED AND FIFTY FIVE DOLLARS (\$255,000.00) be and the same is hereby appropriated under the caption of:

NJ DOT Trust Fund Authority Act – Improvements to Roads – \$255,000.00

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

R-17-141-RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENT TO THE MUNICIPAL ASSISTANCE / SHARED SERVICES AGREEMENT AUTHORIZED BY RESOLUTION R-09-025 WITH THE COUNTY OF MONMOUTH

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WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et seq.) authorizes local units such as this Municipality to enter into shared service agreements with other local units; and

WHEREAS, the County of Monmouth, a local unit, has offered to provide municipal assistance / shared services to the Borough of Spring Lake; and

WHEREAS, it is in the best interest of the Borough of Spring Lake to enter into a Municipal Assistance / Shared Services Supplemental Agreement with the County of Monmouth.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Spring Lake that the Mayor and Municipal Clerk be and they are hereby authorized to execute the Municipal Assistance / Shared Services Supplemental Agreement with the County of Monmouth for paving of various roadways.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution along with the executed Municipal Assistance / Shared Services Supplemental Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-142-RESOLUTION – AUTHORIZING PREPARATION OF
DEED OF OPEN SPACE EASEMENT – MARUCCI PARK**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Borough Attorney, Joseph Colao is hereby authorized to execute a Deed of Open Space Easement for Marucci Park.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-143-RESOLUTION – RELEASING STREET OPENING BOND
401 CHURCH STREET – BLOCK 128, LOT 7**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Caren Chesler for property located at 401 Church Street, Block 128, Lot 7 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. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Drasheff

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ABSTAIN: NONE

Resolutions:

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

R-17-144- 2016 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 2016 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:

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:

GENERAL COMMENTS

RECOMMENDATIONS

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. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

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

**R-17-145-RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF SPRING
LAKE FOR THE PROVISION OF PROFESSIONAL SERVICES**

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 8, 2017**

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
PS#15-2017	Engineering Services Lorraine & Tuttle Avenues Water Distribution Improvements Phase I – Design, Permitti & Public Bidding	Peter Avakian	Leon S. Avakian, Inc. Consulting Engineers	788 Wayside Road Neptune, NJ 07753	\$119,500.00
PS#16-2017	Engineering Services Lorraine & Tuttle Avenues Water Distribution Improvements Phase II – Construction Administration and Observation	Peter Avakian	Leon S. Avakian, Inc. Consulting Engineers	788 Wayside Road Neptune, NJ 07753	\$105,000.00

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 FURHTER 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

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available for PS#15-2017 and PS#16-2017 from Bond Ordinance 2015-06 W/S Improvements which has an available balance of \$3,016,405.24.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: NONE

R-17-146- Agreement with Goodwill Fire #2 was tabled until August 22, 2017.

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

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 8, 2017**

R-17-147-RESOLUTION – APPROVAL OF BILLS – AUGUST 8, 2017

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending August 8, 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

CURRENT FUND (1)	214,124.24
WATER/SEWER UTILITY CAPITOL (8)	-1,000.00 (Void)
WATER/SEWER OPERATING (9)	61,862.04
DOG TRUST (13)	943.00
SPRING LAKE TRUST (15)	2,175.00
COAH TRUST (16)	75.00
MARRIAGE TRUST FUND (19)	475.00
RECREATION (25)	15,170.71
JR GUARDS (26)	1,512.80
BEACH OPERATING (81)	36,025.59
POOL OPERATING (91)	25,186.11
TOTAL	\$356,549.49

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff

ABSTAIN: Mr. Erbe

Public Comments:

Walter Kimm, Wall Township resident wanted to follow up on an email he sent the Mayor a few weeks back regarding the return of Smith’s Farm Market in town. Joe Smith, owner of Smith’s Farm Market recently approached the bike shop on Third Avenue and discussed the idea with Matt Zahorsky, Zoning Officer who said they would need planning board approval. Mr. Kimm’s question is if it is legal to rent bikes under the awning on the sidewalk and why he cannot share space with the bike shop; he feels it is a conforming use. Mr. Dempsey explained the bike shop is renting the building and it cannot have two separate uses in one building. Mr. Kimm asked to see the ordinance permitting only one use per building. Mr. Colao will look into it. Mr. Dempsey explained the principal use of the building is the bicycle rental. Mr. Judge explained that they are not the body to appeal the zoning officer; he would need to follow the process. Mr. Kimm asked for an interpretation of the zoning ordinance. Mr. Judge suggested filing a zoning application to the zoning officer for the use of the property.

Executive Session:

Mr. Frost offered a motion to approve the following resolution and moved its adoption, seconded by Ms. Whalley.

R-17-148- 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: Davis vs. Spring Lake Borough and the Essex & Sussex.

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. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

25676

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
AUGUST 8, 2017**

NAYS: NONE

ABSENT: Mr. Drasheff, Mr. Erbe

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:30 PM

MEETING IS RECONVENED AT: 8:50 PM

Adjournment:

Mr. Frost offered a motion to adjourn the meeting, seconded by Ms. Whalley.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Drasheff, Mr. Erbe

ABSTAIN: NONE

Time of Adjournment: 8:50 PM

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting: September 12, 2017