

25706

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:01 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. Mayor Naughton announced that the meeting is being held in accordance with the Open Public Meetings Act.

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

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

Proclamations, Presentations & Special Guests:

Mayor Naughton introduced Linda Ostapovich and read the following proclamation.

Pregnancy & Infant Loss Awareness Month

WHEREAS, The TEARS Foundation is a non-profit organization that wants to lift the financial and emotional burdens from families who have lost a baby. Generous donations from the community help fund the supportive programs available to newly bereaved families; and

WHEREAS, since inception, the foundation has helped thousands of families, both financially and emotionally, providing support services as well as compassionately lifting a financial burden from families by providing funds to assist with the cost of burial or cremation services, believing every parent should have access to bereavement support, in the form of grief support groups, peer companions and online support forums, and every baby's life deserves to be honored and memorialized in accordance with the grieving parents' wishes; and

WHEREAS, in 1988, President Reagan designated October as National Pregnancy and Infant Loss Awareness Month; and

WHEREAS, to pursue this mission to bring support for hurting families, the New Jersey Chapter of the TEARS Foundation has announced the #BreakTheSilence campaign to attain this important goal.

NOW, THEREFORE, I, Mayor and Council, of the Borough of Spring Lake, do hereby honor The TEARS Foundation for instilling generosity, love and support in the surrounding communities. We proclaim this month, October 2017 as Pregnancy & Infant Loss Awareness Month.

Workshop Discussions: NONE

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of September 26th, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe, Mr. Frost

Public Comments: None

Council Comments & Staff Reports:

Mayor Naughton thanked Mr. Dempsey for getting signs installed on the beach indicating that no swimming is permitted.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

Mr. Drasheff reported on the large amount of construction projects taking place on the 100 block of Brown Avenue, which is creating a parking problem for residents. Contractors are parked on either side of the street, blocking residents in, and taking up all available parking spaces. He suggested a solution of not allowing commercial parking year-round on the south side of Brown Avenue to help alleviate the parking problems in this area.

Mayor Naughton asked if it would be a modification of the parking ordinance and if any Brown Avenue residents would oppose such a change. Mr. Drasheff added that residents suggested the change and he feels that residents would not be opposed.

Mr. Judge questioned if it would be a temporary order or if it would be long term. Mr. Drasheff explained that there is the possibility of this being a long term issue.

Mr. Colao suggested making it a temporary order, in effect right away, while they explore the options to modifying the parking ordinance.

Mr. Judge reported on the issues with Ordinance No. 2017-008, regulating trees and sidewalks in the Borough. Upon meeting with Mr. Colao and Ms. Whalley, they would like to ask the council their ideas on having a licensed tree expert to help determine how to handle the trees and sidewalks with each specific situation.

Ms. Whalley explained that they are currently dealing with tree removal companies suggesting tree removal when trees do not need to be removed. By using a tree expert, residents would be advised with an objective opinion. Currently the Shade Tree Committee uses a tree expert at a rate of \$85.00 per hour. Mr. Colao added that a tree expert could make an assessment of a tree because a healthy tree can affect curbing and sidewalks from a safety standpoint.

Mr. explained that they have not discussed who would bear the cost of hiring a tree expert. He feels that the town should initially bear the cost, since it is the town that wants to save the trees. Mr. Judge explained that a permit application would be needed for sidewalk construction, which would determine if the tree expert is needed. He suggested voting down Ordinance No. 2017-008 and come up with a new ordinance.

Mr. Frost wanted to revisit the traffic study and see how the Borough should proceed with improvements. Mr. Dempsey explained that Chief Kerr is taking an inventory of all of the stop signs in town and will be determining which stop signs need to be replaced. He explained that the traffic study suggestions will be used for the NJDOT application for Fifth Avenue improvements. He added that the tree on Washington Avenue has been removed; they will be painting a new center line and crosswalks on Ocean Road, and will be looking at the yield sign on Monmouth Avenue.

Ms. Whalley asked if there is a list of all the suggestions made in the traffic study. Mayor Naughton agrees a list would be helpful to make sure that there aren't any locations that are forgotten.

Ms. Whalley reported that pipe has been replaced and is looped on Fifth and Passaic Avenues. She met with Mr. Dempsey and Don Brahn Jr. to discuss the landscaping of the area, the project is moving along nicely.

Ms. Whalley then reported that over the past few years the Woman's Club has awarded the "Golden Broom" award to a resident or group for beautifying the town, this year's recipient is the Spring Lake Business Improvement District.

Borough Engineer's Report:

25708

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

Mr. Avakian reported that the Third Avenue project is well underway. The Belgium block center island was completed, which is ten feet wide; paving is expected to begin October 23rd. He added that Fernandes has been an excellent contractor to work with.

Mr. Avakian then reported that the sanitary sewer work main has been completed and they will start with the laterals on South Blvd.

Mr. Avakian continued that on tonight's agenda is the grant application for NJDOT for Fifth Avenue improvements from Warren to Salem Avenue Phase I, included in this project is the intersection of Warren and Fifth Avenues. Mr. Dempsey added that this project will also include the instillation of a sidewalk to Salem Avenue.

Mr. Avakian submitted the outfall project for a New Jersey Municipal Engineers Project of the Year Award; he was notified that the Borough will be receiving an award at the League of Municipalities next month.

Mr. Avakian finally reported that they are working on getting the berm plans out to bid; Rebecca Jones from DEP will be reviewing the plans before they are put out to bid.

Ms. Whalley asked about the resurfacing of Morris Avenue. Mr. Dempsey indicated they are waiting for a call back from Microsystems, however suggested phasing out the project and repaving the entire roadway. Mr. Frost asked if they can get together for a road committee meeting to discuss a possible project. Mr. Dempsey agreed.

Borough Attorney's Report:

Mr. Colao had one item for closed session.

Borough Administrator's Report:

Mr. Dempsey suggested on coming up with a road policy on how roads are being worked on. He explained that there should be a certain time for water/sewer infrastructure work, let the projects settle, then plan to pave at a different time. Mayor Naughton explained that they are nearing the end of the four phases in the water/sewer infrastructure improvement project; now that the work is going to be completed they need guidance as to what the next phase will be. Mr. Avakian will coordinate the water/sewer report and streets and roads report together, so they will be able to accomplish what they want to.

Mr. Dempsey reported the Italian Festival was wonderful and a great music spectacular.

Mr. Dempsey then reported that the Wahini Bikini Surf Contest was a really nice event; it is a ladies only event with contestants spanning from five to thirty five years old. He added that this upcoming weekend is the State Surfing Contest at the North End.

Mr. Dempsey also reported that Monroe Avenue will also be paved during the Third Avenue project; the drainage issue is going to be fixed at Monroe and South Blvd. Mr. Dempsey handed out notices along Third Avenue to residents from Marucci Park to the Spring Lake Community House offering the opportunity for residents to do their sidewalks at a lower cost given by Fernandes.

Ms. Whalley added that the kitchen tour is on October 21st, which sold out months ago.

Business Items Under Consideration: None

Ordinances for Introduction: None

Ordinances for Adoption:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

Mr. Judge offered a motion to open the public hearing for Ordinance No. 2017-008, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW OPEN

Mayor Naughton explained that this ordinance pertains to the language used in the ordinance in regard to sidewalks and trees. She continued that it was suggested for the council to vote the ordinance down.

Mr. Judge offered a motion to close the public hearing for Ordinance No. 2017-008, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to reject the adoption of Ordinance No. 2017-008, seconded by Mr. Erbe.
ROLL CALL:

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

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE

Consent Agenda:

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

**R-17-172-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#28-2017 – THE HOLLY CLUB OF SEA GIRT -
ON-PREMISE DRAW RAFFLE**

WHEREAS, The Holly Club of Sea Girt has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#28-2017, 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#28-2017 be and the same is hereby approved as follows:

**NAME: The Holly Club of Sea Girt
107 Trenton Blvd. Sea Girt, NJ 08750
Identification No.: 447-8-35275
LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Ave, Spring Lake, NJ
DATE: November 2, 2017 from 11:00 am to 2:00 pm**

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-17-173-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#29-2017– THE HOLLY CLUB OF SEA GIRT -ON-PREMISE 50/50**

WHEREAS, The Holly Club of Sea Girt has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#29-2017, and

25710

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

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#29-2017 be and the same is hereby approved as follows:

**NAME: The Holly Club of Sea Girt
107 Trenton Blvd. Sea Girt, NJ 08750
Identification No.: 447-8-35275
LOCATION: Spring Lake Bath & Tennis Club
1 Jersey Ave, Spring Lake, NJ
DATE: November 2, 2017 from 11:00 am to 2:00 pm**

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-17-174-RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT FOR
2018 WITH ASSOCIATED HUMANE SOCIETY**

BE IT RESOLVED, by Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Associated Humane Society for animal control services for the year 2018.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-17-175-RESOLUTION –APPROVING VOLUNTEER APPLICATION
FOR FIREMAN – ROSARIO A. FRANCOLINO**

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-17-176-RESOLUTION –APPROVING VOLUNTEER APPLICATION
FOR FIREMAN – JOSEPH C. WOLFE**

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the application of Joseph C. Wolfe to become a volunteer firefighter with Spring Lake Fire Company #1 is hereby approved as the necessary background investigation has been completed and found to be favorable.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-17-177-RESOLUTION – REFUNDING STREET OPENING FEES
514 ESSEX AVENUE BLOCK 48, LOT 13**

WHEREAS, a street opening application and appropriate fees were received by the Borough of Spring Lake from Kathleen McDonough for property located at 514 Essex Avenue, Block 48, Lot 13, and

WHEREAS, the proposed construction did not disturb any pavement and therefore the street opening permit was not necessary, and

WHEREAS, the Borough Engineer’s office has inspected the site and has confirmed that no pavement has been disturbed and has recommended the refund of the all fees associated with the permit; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that refund be made to Kathleen McDonough in the amount of \$550.00 for the application and inspections fees also \$1,250 for the street opening bond.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-17-178-RESOLUTION –APPROVING VOLUNTEER APPLICATION
FOR FIREMAN – ROBERT J. DAWSON**

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions:

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

R-17-179-RESOLUTION- GRANT APPLICATION NJDOT FIFTH AVENUE- PHASE I

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2018; and

WHEREAS, the Borough of Spring Lake is desirous of submitting an application under this program for the following purpose:

25712

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

- Improvements to Fifth Avenue-Phase I from Salem Avenue to Warren Avenue
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Spring Lake, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and
FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Fifth Avenue Phase I – 00563 to the New Jersey Department of Transportation on behalf of the Borough of Spring Lake; and
FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Spring Lake and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-17-180-RESOLUTION – APPROVAL OF BILLS – OCTOBER 10, 2017

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 10, 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.

	<u>SUMMARY</u>	
CURRENT FUND (1)		86,380.27
GRANT FUND (2)		179.00
GENERAL CAPITAL FUND (4)		28,137.24
WATER/SEWER OPERATING (9)		223,882.14
COAH TRUST (16)		187.50
DOG TRUST (13)		1.20
SPRING LAKE TRUST (15)		1,750.00
RECREATION (25)		2,091.74
MARRIAGE TRUST FUND (19)		650.00
WATER/SEWER UTILITY (8)		71,527.62
BEACH OPERATING (81)		26,070.74
POOL OPERATING (91)		7,928.30
TOTAL		\$448,785.75

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments:

Dolares Cacace, 104 York Avenue thanked Mr. Dempsey for keeping an eye on the gate at Wreck Pond during this hurricane season.

Michael Grzelak, 409 Monmouth Avenue asked for clarification as to who is responsible for the tree canopy for trees in the right-of-way. Mayor Naughton explained that homeowners are responsible.

Executive Session:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 10, 2017**

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

R-17-181-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.

BE IT FURTHER RESOLVED that upon conclusion of said matter(s) this discussion will be disclosed by the Borough Clerk via Executive Session Minutes upon written authorization from the Borough Attorney.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:51 PM

MEETING IS RECONVENED AT: 8:03 PM

Adjournment:

Mr. Erbe offered a motion to adjourn the meeting, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:03 PM

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting: November 13, 2017