

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
FEBRUARY 12, 2019**

Mayor Jennifer Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 6:00 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, Ms. Whalley, Mayor Naughton

ABSENT: Mr. Sagui

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator & Deputy Clerk

Joseph Colao, Borough Attorney

Peter Avakian, Borough Engineer

Dina M. Zahorsky, Borough Clerk

Christine Manolio, Chief Financial Officer

Robert Hulsart, Borough Auditor

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**Proclamations, Presentations & Special Guests:**

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**Workshop Discussions:**

a. Capital Planning Workshop

Mayor Naughton acknowledged Robert Hulsart, Borough Auditor and Christine Manolio, Chief Financial Officer present at tonight's meeting. She continued that tonight they will discuss some capital projects the Borough is continuing and new projects they are considering. She continued that several Council Committees have been working on specific projects for a number of years including the roads program, which has been funded in cash through the current fund for five years. She added that they are coming to the end of their five years of funding and hope to continue paving the Borough's roads in conjunction with water and sewer improvements. They also hope to continue the water sewer capital project which consists of a multi-year plan to replace the aging water infrastructure as well as some sewer projects. The water/sewer capital project has been financed by the infrastructure assessment that has been added to the quarterly water/sewer billing that will pay off the two bonds taken out for the project totaling \$10 million. The third major capital improvement that they will be looking at is the rebuilding of the South End Pavilion. She continued that the South End Pavilion renovations will be financed using three different funds; beach fund, current fund, and raising the rest through locker sales. Tonight they will be discussing the projects, how to pay for them, how it will look in terms of debt, and if these projects are responsible.

Bryan Dempsey began the presentation by reviewing the roads project. Currently the Borough needs about \$2.5 million worth of work that the Borough would have to bond. The bond would cover Tuttle, Lorraine, Passaic, Morris, and additional smaller areas to be redone. He continued that the water/sewer projects have dictated which roads are going to be paved. As for the water/sewer projects, they just began working on the lining of sewer laterals on Pitney Avenue this week. Approximately ninety residents will be contacted for access to their home in order to determine where their laterals are located. He continued that this water/sewer project is covered by the bond that is covered by the added assessment.

Mr. Drasheff asked if they are metering the water flow going into the Pitney Avenue pumping station. Mr. Dempsey indicated that it is metered, but they are currently trying to determine how much they send to South Monmouth Regional Sewage Authority (SMRSA). Mayor Naughton explained that they are lining the sewer lateral on every property on Pitney Avenue, South Blvd.,

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Howell Avenue, Church Street, Monroe Avenue, Lorraine, and Remsen Avenue, which is part of the water/sewer capital project.

Ms. Whalley asked which roads they are discussing on paving. Mr. Avakian explained that the map they have indicates 2018 Road Improvements in Phases I and II and Phase II will be taking place in 2019. Ms. Whalley asked if they will be posting the map of projects but is also concerned that there are more roads that need to be addressed. Mr. Avakian reminded Ms. Whalley that the Rutgers study showed that there is a significant difference between the ride-ability and quality of the roads. He continued that with this project they will have paved seventy percent of the roads that were indicated as being less than ninety percent ride-ability.

Mr. Frost explained that they are addressing the worst roads first, and also microsurfacing some of the roads that aren't as bad. He continued that if the Borough is not putting about a half million each year into roads, they will be in the decline. It is a five to ten year project but their plan is to stay on top of the roads and not to fall into disrepair.

Mr. Dempsey added that the plan was also shifted because of the water/sewer project. Mr. Avakian indicated on the map, that red shaded roads indicate part of a trust fund project; lighter red roads will be funded by the \$2.5 million bond.

Mr. Drasheff added that half of the width of Monmouth Avenue will be paved by New Jersey Natural Gas (NJNG) but asked the Council to consider paving the other half of the road.

Mayor Naughton added that the cost of paving is lot, because they also take care of the infrastructure under the road, curbing, intersections, and then the paving itself.

Mr. Avakian suggested as they get into the 2019 road program to evaluate the rest of the roads, re-rank them, and possibly micro surface.

Ms. Monolio added that this would be financed through taking out notes over the course of three years for temporary financing, so that the project is consistently funded.

Ms. Whalley commended the roads committee and Mr. Avakian on their work.

Mr. Judge agreed with Ms. Whalley.

Mr. Erbe commended Mr. Frost who got this project going.

Mr. Frost added that the project was done the right way with addressing the water and sewer utilities before paving, noting that it was the smart way to do it.

Mr. Dempsey reported that the next big ticket project they are planning is the renovations of the South End Pavilion. He continued they would fund that project the same way they funded the North End Pavilion project, by raising fees to cover the \$5.5 million project cost. Currently they are in the design phase, with plans expected to be completed by April 1<sup>st</sup>. After they go out to bid they hope the number is \$5.5 million. Seventy five percent of the improvement costs would come from the pool utility while twenty five percent will come from the beach utility, the soft costs will come from the beach/pool capital.

Mr. Hulsart indicated that the debt is dropping off and that the Borough is well under the debt limit. Mayor Naughton stressed that any debt the Borough takes on has a clear plan to pay it off. She added that the water/sewer utility has the biggest debt but they have a clear plan to pay it off.

Ms. Manolio and Mr. Hulsart both agreed that this structured plan is excellent.

Mr. Drasheff asked if they have accelerated the debt. Mayor Naughton answered that the Borough has debt coming on and off, because they will be paying off the new fire truck and garbage truck.

Mr. Hulsart pointed out that it is very important that they are also including road maintenance in the bond.

Mr. Drasheff commended the beach committee on their structured fee schedule, even going back to the North End Pavilion project.

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Mayor Naughton added that there will possibly be other capital projects but these are the biggest of the projects they are working on.

Mr. Drasheff asked if there are funds available to pave the other portion of Monmouth Avenue when NJNG paves. Mr. Judge said they could ask the county to pave. Mr. Drasheff believes the gas company will be paving from Third Avenue to the railroad tracks in March.

Mr. Dempsey's only concern is the water lines under the road before deciding to pave.

Mr. Avakian suggested asking NJNG to escrow the money and use it towards the paving of the road.

Mr. Dempsey continued that at next meeting they will introduce a bond ordinance for the \$2.5 million for the roads program and in March have the bond ordinance on for the \$5.5 million for the pool project.

Mike Grzelak, 409 Monmouth Avenue asked if the Council is aware of the legislation that just passed setting up the rain tax to allow municipalities the ability to set up a utility to handle drainage. Mr. Judge indicated that he read about this legislation but it doesn't require municipalities to do that.

Ms. Whalley added that the legislation is to set up a separate utility to handle drainage.

Mr. Drasheff added that it is meant to larger municipalities for them to take out bonds to do the larger projects to handle drainage.

Mr. Judge offered a motion to close the workshop discussion, seconded by Mr. Erbe. All in favor. None opposed.

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**Approval of Minutes:** None

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**Public Comments:**

Mr. Dempsey recognized Kevin Byrne who organized the Run for Veronica last year. This year they are asking to host the event again, which will raise funds for Children's Hospital of Philadelphia (CHOP). Kevin Byrne explained that this year they have set up a 501C3 to help other families.

**Event Application- Run for Veronica - June 8, 2019 -** Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

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**Council Comments & Staff Reports:**

Mr. Judge thanked Mr. Dempsey for getting the benches around Divine Park.

Mr. Judge reminded the audience of last year's ordinance banning large gatherings on the boardwalk area and beach year-round. He has found after speaking to residents and fellow Council the ordinance was overly restrictive. Tonight there is an introduction of the ordinance to amend so the restriction is only during the months of July and August and during Memorial and Labor Day weekends. He continued that the purpose of this ordinance was crowd control, and they think that this modified ordinance will address some of the issues residents were concerned with.

Mayor Naughton is in favor of modifying the ordinance but would like to see June and September added to the ordinance. She explained they are introducing the ordinance tonight but will have an open public hearing on it in two weeks.

Mayor Naughton asked Mr. Dempsey about the status of cameras being installed. Mr. Dempsey indicated that they have begun to install cameras, but they will not be turned on until a policy is adopted.

Mayor Naughton asked for the status of the Department of Environmental Protection permit. Mr. Dempsey explained that the comment period ends on February 16<sup>th</sup> and believes that they will get

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the permit but there are a few issues he is aware of. He continued that the sheds and beach boxes may remain where they are on the beach, but they may have to move the Pier Beach bathrooms back onto the boardwalk.

Mr. Avakian pointed out that each permit lasts five years.

Mayor Naughton pointed out that the boardwalk has become damaged from sand under the boards. Mr. Dempsey explained that every year they survey eleven locations to prove that there is enough sand to build seasonal berms and then they build the berm. After the season, when they take down the berm, they survey those locations again to prove they put all of the sand back in place at a ten foot elevation. Mr. Dempsey added that part of this permit will be bumping out the wall at the South End Pavilion and the Washington Avenue outfall pipe. He continued that the permit fee for the Washington Avenue outfall pipe was calculated to be \$30,000 but it has since been adjusted to \$3,000 after Mr. Dempsey explained that the permit fee was changed because the DEP put the pipe in originally and the Borough will be replacing it, but also that the max fee was charged based on the lot size of the beach front. Since the project of replacing the pipe will be in a small area, they are only charging the fee for one acre of property.

Mr. Judge asked if they would consider moving the Pier Beach bathrooms somewhere else, like the parking lot, because it would be more valuable to put picnic tables on the boardwalk rather than bathrooms.

Mr. Dempsey asked if they would want to replace the concession area with bathrooms, and put the concession in the parking lot he could check if that is possible.

Mr. Frost thinks there may be issues with moving the bathrooms to the parking lot, because of plumbing issues.

Ms. Whalley thinks the area of the concession stand may be workable and thinks it's worth looking at. Ms. Whalley asked if they will build berms this season if they get the permit March 1<sup>st</sup>. Mr. Dempsey indicated they will not, but once the permit is obtained they can begin cleaning up the sand under the boardwalk and work their way north.

Mr. Frost is glad to see that they are addressing the ban of gatherings on the beach and boardwalk; he feels the original ordinance was too restrictive.

Ms. Whalley reported that the Shade Tree Committee will begin their inventory of the trees at Panzienza Park. She continued that the Business Improvement District has published their annual report, there is nothing new in it, but are required to put together a report annually.

Ms. Whalley then reported that the Seward Johnson exhibit opening ceremony will be on April 6 at the Duggan Building.

Ms. Whalley continued that the library is working on their strategic plan, so Council members may be questioned about that. She added that the library also has a program with Paula McClain, author of The Paris Wife next week.

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**Borough Engineer's Report:**

Mr. Avakian reported that Fifth Avenue Phase I drainage has been completed and all of the trolley ties have been removed. He knows the condition of the road is not great, but they are working with the contractor on it, as they are scheduled to return in the spring for curbing.

Mr. Drasheff asked when they will be returning. Mr. Avakian explained it is dependent on when the asphalt plants reopen for the season.

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Mr. Avakian reported that the Pitney Avenue sewer lateral project is underway and they will monitor the progress. He is also putting a priority on the sump pump evaluation so they can make some recommendations in the near future.

Mr. Avakian reported on tonight's agenda, there is a change order for the critical valves and hydrants project, which was for the installation of the water main connection to Panzienza Park.

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**Borough Attorney's Report:**

Mr. Colao explained that Andrew Bayer is present for the introduction of Ordinance No. 2019-001 and Ordinance No. 2019-002.

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**Borough Administrator's Report:**

Mr. Dempsey reported that there has been a request to bring back the Ocean Mile Swim. He has spoken with Janet Carbin, Lifeguard Chief and Kathy Heine, Recreation Director about the event. Mr. Dempsey explained that a lot of municipalities along the coast of New Jersey sponsor Ocean Mile Swim events, he has chosen to host the event pre-beach time so swimmers are out of the water by 9:30 am at the latest. Mr. Dempsey explained a committee would be created.

Mayor Naughton added that it is a pretty straight forward event and they needed Janet Carbin involved because it involves lifeguards. She continued that there will be an entrance fee and t-shirt or swim cap, prizes for age groups, with the whole event taking place over the course of two hours. Mr. Dempsey listed the surrounding towns that host similar events.

Mr. Dempsey received a request from a resident on Vroom Avenue to install, at his expense, in the right-of-way a drainage line or sump pump line. The resident is on the corner of Second and Vroom Avenue and asked to run the line from his home down to the Pitney Avenue storm water drain. It would also allow other neighbors to connect to the line. Mr. Dempsey said the resident has been in touch with Mr. Avakian's office, which would over-see the project. The resident asked to do this because he has several sump pumps that have been emptying out onto the street and causing flooding.

Mr. Avakian didn't see any issues with the residents plan.

Mayor Naughton doesn't see any issues with this, as well as Mr. Dempsey.

The Council gave Mr. Dempsey permission to move forward with the project.

Mr. Dempsey discussed the success of the Business Improvement District's (BID's) Beer Garden after last year's Spring Lake Five and a request was made to do it again. Mr. Dempsey asked the Council if they would like to do it again this year if the BID is willing to do it again as well.

Mr. Clayton, from the BID polled stores on Third Avenue if they were in favor and he said about 3-1 or 4-1 are in favor of having a beer garden again.

Mr. Judge offered a motion to approve the Beer Garden, seconded by Mr. Erbe. All in favor. None Opposed.

Ms. Whalley added that they will be measuring out Jersey Avenue west of Third Avenue to see if they could fit the beer garden there.

Mr. Dempsey said last year parking was the biggest concern, but he thinks it was a mishap because they never took the barriers down on the West side of Third Avenue.

Ms. Whalley asked the Council if they are okay with Mr. Dempsey, the BID, and herself choosing where the location of the beer garden will be. The Council gave their permission.

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Mr. Dempsey sent the Council the plan and recommendations for the intersection of Fifth and Warren Avenues. He asked if they wanted to discuss tonight or in the future, but a decision needs to be made. He said they could test out the intersection as a four way stop or add other improvements.

Mayor Naughton isn't sure if they have enough information and advice for the intersection.

Mr. Dempsey said four way stops are inexpensive but they would have to change ordinance and if the intersection didn't work would repeal the ordinance.

Mayor Naughton pointed out that the four way stop was one of the suggestions for the intersection but not necessarily a recommendation, her concern is that it is a large intersection.

Mr. Dempsey explained that four way stops lessen high speed accidents.

Ms. Whalley is not ready to discuss.

Mr. Judge agrees with the Mayor.

Mr. Erbe thinks that something needs to be there and if they are going to do this they have to make it work. Mr. Erbe knows that Chief Kerr is in favor of a four way stop.

Mayor Naughton thinks that the stretch of road from the railroad tracks to Third Avenue needs to be addressed to get drivers to stop at the intersection.

Mr. Dempsey asked if they should consider LED stop signs that are more visible.

Mayor Naughton thinks an elevated platform could make drivers aware that they will have to stop. Joe Rizzo, 416 Tuttle Avenue thinks one of the problems is when coming eastbound on Warren the intersection is set back. He thinks if the put bump outs further out they could be successful.

Mr. Frost thinks a four way stop is the safest way but he thinks they should add a bump out and more signage.

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**Business Items Under Consideration:**

**a. Clean Ocean Action- Beach Sweeps- April 13 & October 26-** Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

**b. Goodwill Fire Co. No. 2- Annual Easter Egg Hunt- April 20-** Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

**c. Goodwill Fire Co. No. 2- Use of Borough's Roll Off Truck-** Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

**d. Monmouth Barracudas- Use of Pool- June 26 to August 16** Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

**e. Event Application- National MS Society- May 18 & 19-** Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

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**Ordinances for Introduction:**

Andrew Bayer, Council on Affordable Housing (COAH) Attorney provided a brief explanation of the two ordinances tonight. He explained that the Borough had approved the settlement agreement with Fair Share Housing Center. He continued that because of the lack land for development in the Borough, the housing obligation was adjusted to zero. He added that because of COAH's regulations, there is an "unmet need", which would allow for an opportunity for fair share housing to be built. He explained that the first ordinance is an overlay zone that provides for a mixed use on Morris Avenue between Third and Fourth Avenues. This zone would require non-residential use on the first floor and one to two stories of residential units above in this area. He explained that the second ordinance implements the requirements of the settlement agreement and incorporates the States regulations and COAH's regulations under the ordinance. The only thing of particular interest

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in the ordinance is that it has a mandatory affordable housing set aside of five or more units are created through development, twenty percent would be dedicated affordable housing.

Mayor Naughton clarified that by adopting these ordinances the Borough will receive a judgement of repose and be safe from builders remedy.

Mr. Judge explained that these ordinances are the execution of what was agreed on in the settlement.

Ms. Whalley asked for clarification of the overlay zone and how many units would have to be set aside.

Mr. Dempsey explained that if they built three units one would be set aside for affordable housing, but if they are building over five units twenty percent of those units would be set aside.

Borough Attorney Colao read Ordinance No. 2019-001 entitled "AN ORDINANCE AMENDING CHAPTER 225 ENTITLED "LAND DEVELOPMENT" ARTICLES III ENTITLED "ZONING DISTRICTS AND ZONING MAP" AND ARTICLE IV ENTITLED "DISTRICT REGULATIONS" OF THE GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE CREATING THE MIXED-USE AFFORDABLE HOUSING OVERLAY ("MUAHO") ZONE IN THE GC GENERAL COMMERCIAL ZONE AND A PORTION OF THE RC RETAIL COMMERCIAL ZONE"

Mr. Judge offered a motion to introduce Ordinance No. 2019-001, seconded by Mr. Erbe.

Public Hearing will be set for February 26, 2019.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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Borough Attorney Colao read Ordinance No. 2019-002 entitled "AN ORDINANCE AMENDING CHAPTER 225 ENTITLED "LAND DEVELOPMENT" ARTICLE V ENTITLED "GENERAL DEVELOPMENT REGULATIONS" OF THE GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE TO IMPLEMENT THE BOROUGH'S THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF SPRING LAKE AND THE FAIR SHARE HOUSING VENTER REGARDING COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATION FOR THE PERIOD 1999 TO 2025 AND TO UPDATE THE BOROUGH'S AFFORDABLE HOUSING REGULATIONS CONSISTENT WITH THE FAIR HOUSING ACT AND THE APPLICABLE REGULATIONS ADOPTED BY THE COUNCIL ON AFFORDABLE HOUSING"

Mr. Judge offered a motion to introduce Ordinance No. 2019-002, seconded by Mr. Erbe.

Public Hearing will be set for February 26, 2019.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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Borough Attorney Colao read Ordinance No. 2019-003 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 114, BEACHES AND POOLS"

Mr. Judge offered a motion to introduce Ordinance No. 2019-003, seconded by Mr. Erbe.

Public Hearing will be set for February 26, 2019.

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ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: 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. Erbe.

**R-19-025-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION**

**RA#2-2019 – ST. CATHARINE SCHOOL PTA - ON PREMISE 50/50**

WHEREAS, St. Catharine School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#2-2019, 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#2-2019 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: Spring Lake Bath & Tennis Club  
1 Jersey Avenue, Spring Lake, NJ 07762**

**DATE: April 13, 2019 6:30 PM - 11:30 PM**

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-19-026-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION**

**RA#3-2019 – ST. CATHARINE SCHOOL PTA - CASINO NIGHT**

WHEREAS, St. Catharine School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#3-2019, 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#3-2019 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: Spring Lake Bath & Tennis Club  
1 Jersey Avenue, Spring Lake, NJ 07762**

**DATE: April 13, 2019 6:30 PM - 11:30 PM**

ROLL CALL:

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

NAYS: None



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ABSENT: Mr. Sagui  
ABSTAIN: None

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

**R-19-027-RESOLUTION – APPOINTMENT OF HUMANE LAW  
ENFORCEMENT OFFICER – EMMETT SMITH**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that Emmett Smith be and hereby is appointed to Humane Law Enforcement Officer effective January 1, 2019.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-19-028-RESOLUTION – RELEASING STREET OPENING BOND  
2009 FIFTH AVENUE, BLOCK 115, LOT 8**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Lee Leddy for the property located at 2009 Fifth Avenue, Block 115, Lot 8.

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. Judge, Mr. Frost, Ms. Whalley

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-19-029-RESOLUTION – RELEASING STREET OPENING BOND  
16 PITNEY AVENUE, BLOCK 148, LOT 28**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from Goodrich Design, Co. for the property located at 16 Pitney Avenue, Block 148, Lot 28.

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. Judge, Mr. Frost, Ms. Whalley

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**RESOLUTION – APPOINTMENT POLICE DISPATCHER –KEVIN O’CONNOR**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that Kevin O’Connor be and hereby is appointed to Police Dispatcher at an hourly rate of \$15.00 effective immediately.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**RESOLUTION – AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO  
CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS  
WITHIN THE BOROUGH OF SPRING LAKE**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Spring Lake is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. the County shall utilize pesticides, application equipment and aircraft that are approved for areal applications by the applicable Federal (USEPS) and State (NJDEP) agencies, and
  - b. such operations will be performed in compliance with applicable Federal and State regulations, and
  - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
FEBRUARY 12, 2019**

**R-19-0033-RESOLUTION TENNIS COURT IMPROVEMENTS – IMPROVEMENTS  
TO DIVINE PARK – PHASE II MUNICIPAL OPEN SPACE GRANT NO. 17-25  
PROJECT COMPLETION – CLOSING STATEMENT**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Grant Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes, and

WHEREAS, the Borough of Spring Lake entered into a Municipal Open Space Grant Agreement with the County of Monmouth on March 13, 2018 that provided \$100,000 for Tennis Court Improvements, Improvements to Divine Park – Phase II under application -No. #17-25 that required certain conditions met by the Borough of Spring Lake prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED BY governing body of the Borough of Spring Lake that all conditions of the March 13, 2018 Grant Agreement have been satisfied by the Borough of Spring Lake and that the project is complete; and

BE IT FURHTER RESOLVED that the Borough of Spring Lake made final payment to the vendors and contractors as per attached invoices and that payments were made per vouchers which are hereby attached and also on file in the Municipal Clerk's Office.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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**Resolutions:**

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

**R-19-034-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

PS#08-2019	Legal Services	Dennis Collins, Esq	Collins, Vella, & Casello, LLC	2317 Highway 34, Suite 1A Manasquan, NJ 08736	Amount not to exceed \$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

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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. Judge, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: Mr. Frost

ABSTAIN: None

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

**R-19-035-RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 – INCREASING  
CONTRACT #08-2017 CRITICAL VALVES & HYDRANTS**

WHEREAS, contract #08-2017 for Critical Valves & Hydrants was awarded on November 13, 2017 to Mark Woszczak Mechanical Contractors, Inc. in the amount of \$942,000.00, and

WHEREAS, Engineer's Certificate includes Change Order #1 which increased the contract in the amount of \$41,568.02 for a total contract in the amount of \$983,568.02; and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #2 which increased the contract in the amount of \$6,876.50 for a total contract in the amount of \$990,444.52; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 2 increasing Contract #08-2017 for Critical Valves & Hydrants in the amount of \$6,876.50 for a total contract in the amount of \$990,444.52 is hereby authorized for the above contract awarded to Mark Woszczak Mechanical Contractors, Inc.

I, Christine Manolio, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available for the award of the above contract from Bond Ord 2015-06 W-08-15-006-219 with an available balance of \$40,094.52.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-19-036-RESOLUTION – APPROVAL OF BILLS – February 12, 2019**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 12, 2019, 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)	174,812.19
GENERAL CAPITAL FUND (4)	38,210.30
W/S UTILITY CAPITAL FUND (8)	18,852.50

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WATER/SEWER OPERATING (9)	13,230.34
UNEMPLOYMENT TRUST (14)	147.33
SPRING LAKE TRUST (15)	3,170.00
RECREATION (25)	1,784.04
JR GUARDS (26)	2,858.00
VOID	-2,260.00
BEACH OPERATING (81)	12,672.19
POOL OPERATING (91)	165.74
<b>TOTAL</b>	<b>\$263,642.63</b>

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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**Public Comments:**

Joe Rizzo, 416 Tuttle Avenue has noticed that people are having problems with water levels. He thought since they are planning on doing a significant amount of work to Morris Avenue they should consider a tie in for sump pumps. Mr. Rizzo also asked if they could consider the placement of trees with improvements to Morris Avenue and perhaps move the sidewalk back from the street to allow for more room for both a drainage tie in and more shade trees. He suggested that in the long term they should consider streams and ponds that were built over or paved over, that should be corrected to prevent flooding.

Mayor Naughton explained that the water table has been higher than it's ever been, the ground is saturated.

Mr. Avakian explained that the total rainfall amount for 2018 was seventeen to eighteen inches higher than the average, which has contributed to the higher water levels. In terms of Morris Avenue they have found that the storm drain runs along the west side of Third Avenue to Spring Lake. The outfall is already under the water level, so when the water table is high, it backs up at the end of the storm drain on Morris Avenue.

Mr. Rizzo asked the Council to consider asking Wall to a mandatory detention basin for runoff so the runoff doesn't overrun the Borough. He thinks it would be beneficial to direct water to farms or fields.

Mayor Naughton agrees but the Borough has been unsuccessful in getting other towns to help with Spring Lake's flooding problems. She continued that Wall Township was going to try but nothing ever happened, which is why the Borough took on the project.

Mr. Rizzo said the new fire inspector is doing a good job, some people are concerned with what they are required to do. He knows someone who is a fireman and can help with consulting individuals with older buildings comply with the fire code. Mr. Frost would like the name of the individual to help.

Mike Grzelak, 409 Monmouth Avenue pointed out that there are only thirty five days until spring; this is a vibrant seasonal town. He suggested watching out for the proposed legislation for a tax increase on rentals and Air B&B's, adding that there is also a bill to repeal the legislation.

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**Executive Session:** None

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**Adjournment:**

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

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ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Sagui

ABSTAIN: NONE

Time of Adjournment: 7:51 P.M.

Respectfully submitted,

  
DINA M. ZAHORSKY  
Borough Clerk

Approved at a meeting: