Mayor Naughton 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. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly, Mayor Naughton

ABSENT: Mr. Quinn, Mr. Rich

ALSO PRESENT: Jane L. Gillespie, Borough Clerk

W. Bryan Dempsey, Borough Administrator

Peter Avakian, Borough Engineer Joseph Colao, Esq., Borough Attorney Robbin D. Kirk, Chief Financial Officer

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## **Proclamations, Presentations & Special Guests** Introduction of 2011 Municipal Budget

Mayor Naughton stated that the first item this evening is the introduction of the 2011 Municipal Budget. She introduced our Chief Financial Officer, Robbin Kirk and thanked everyone for the work that was put into the budget by everyone. She stated that it is a very strong budget in a very difficult year. There will be a detailed presentation on April 26<sup>th</sup> at the time of the Public Hearing. There were a few goals going into the budget which included maintaining the high level of service the Borough is known for, fund our key departments as much as possible and continue our practice of paying down our debt and trying to fund municipal improvements through the current fund versus incurring additional debt whenever possible. This budget accomplishes those goals. There is a slight increase which equals 1/10 of one penny. This is as close as we could get to a zero budget. It will be published up on the website and copies will be available in Borough Hall.

Mrs. Venables offered a motion to introduce the 2011 Municipal Budget – Resolution R-11-065, seconded by Mrs. Reilly. Public Hearing to be held April 26, 2011.

### R-11-065 INTRODUCTION OF 2011 MUNICIPAL BUDGET

Section 1. Municipal budget of the Borough of Spring Lake, County of Monmouth for the Fiscal Year 2011.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011; and

BE IT FURTHER RESOLVED, that said Budget be published in *The Coast Star* in the issue of March 31, 2011.

THE GOVERNING BODY OF THE BOROUGH OF SPRING LAKE does hereby approve the following as the Budget for the year 2011.

RECORDED VOTE: {Mr. Drasheff ABSTAINED {NONE

{Mr. Fay

AYES {Mrs. Venables

{Mrs. Reilly NAYS {NONE ABSENT {Mr. Quinn

{Mr. Rich

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, on March 22, 2011.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on April 26, 2011 at 7:00 PM at which time and place objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

### **Explanatory Statement**

General Appropriations for:

1. Appropriations within "CAPS"	
a. Municipal Purposes	6,921,190.75
2. Appropriations excluded from "CAPS"	
a. Municipal Purposes	2,953,964.59
b. Local School District Purposes	0.00
Total General Appropriations excluded from "CAPS"	<u>2,953,964.59</u>
3. Reserve for Uncollected Taxes Based on Estimated 98.20% Percent of Tax Collections	400,000.00
4. Total General Appropriations	10,275,155.34
5. Less: Anticipated Revenues Other Than Current Property Tax	3,329,455.27
6. Difference: Amounts to be Raised by taxes for Support of Municipal Budget	
a. Local Tax for Municipal Purposes Including reserve for Uncollected Taxes	6,945,700.07
b. Addition to Local District School Tax	0.00

Mr. Fay stated that having just received this late yesterday, he would like to have more details on the \$75,000 increase. He will be voting on the introduction but he wanted to go on record that he wants to have the opportunity to find out the details on the increase.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

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### **Public Comments**

Brendan Judge commended the Council on moving forward with the demolition of the North End Pavilion and rebuild it. He understood from the article in The Coast Star that would be a public meeting after the plans are substantially complete for input. He suggested that this meeting be inverted, allow the public session to take place now so that any changes that are made will not result in a change order. Mayor Naughton explained that we are not going to construction drawings without a public meeting. Mr. Wallover is incorporating a lot of the comments that have already been heard in the preliminary design. There will not be construction drawings done until there is public input. Mr. Dempsey stated that he does not have approved design drawings to go forward with construction drawings. Mayor Naughton stated that it would be too hard to have a meeting now without making the changes that are already known that is why they were going to be changed so that when the meeting is held with the public, it is a plan that substantially makes sense. The preliminary plans have been available almost a year now. She felt a presentation could not be made on plans that were not remotely close to what it would be.

### **Approval of Minutes**

Mrs. Reilly offered a motion to approve the minutes of March 8, 2011, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

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### **Council Comments & Staff Reports**

Mayor Naughton reported on the following items:

- **FEMA** The Borough has received a \$94,000 reimbursement check from FEMA this week. This was for the nor'easter of March, 2010. She thanked Jim Mullen our Emergency Management Coordinator and Bryan Dempsey for putting together all of the documentation needed to make an aggressive application to FEMA to be reimbursed for unexpected expenses that we experienced during that storm.
- Municipal Court Interlocal Services Agreement There is a Resolution on the Agenda this evening which gives notice to Spring lake Heights to terminate our Interlocal agreement with the Municipal Court with them. It is just a first step for us; we are required to give them notice and is the first step toward going into an Interlocal with Belmar for Municipal Court Services. The main driving for moving the Interlocal to Belmar is not at all the service that we have received from Spring Lake Heights, we have been quite satisfied with the services we have received but it is strictly a financial decision. We can save a significant amount of money by moving to Belmar. This has been discussed with the Chief of Police and he is comfortable with that. We are required to give them six (6) months notice will provide that notice.
- **Beach** Public Works is currently working on putting another section of railings on the western side of the boardwalk matching the new railings. There is also funding for additional railing in the 2011 Beach Budget. Our goal is to do another section each year until it is completed.
- <u>Newspaper Boxes</u> The new boxes have been ordered to replace the old mix of boxes.
   We are investigating putting some type of wood casing around them to make look even better. The old ones were unsightly and were not maintained.
- Warren Avenue This is our COAH Project. The Agreement has been sent to the COAH
  Committee and the Borough Attorney for review. It is to oversee the building of our COAH
  housing on Warren Avenue. She hoped that within a month to six weeks the COAH
  Committee and Council will see designs that we can review and get that building started.
- <u>The Bridge</u>- The latest edition of The Bridge Newsletter is at the printer now and should be in the mail on Saturday. She noted that if anyone wants to see it, it is available online on the borough website.

Mr. Drasheff stated that the Finance Committee worked over the budget this year with the help of the Chief Financial Officer. He noted that the three biggest proponents that are causing the slight increase in the budget this year are group health insurance which is a mandatory increase which we really do not have control over...Mr. Fay questioned why we do not have control he is in that business...Mr. Drasheff stated that it was an increase granted to Blue Cross/Blue Shield by the State. The only way to reduce that is to reduce the number of people receiving the benefits. Mr. Drasheff stated that the other increase is the separation payments required to be levied out to our Police Chief and Captain who retired at the same time, unexpectedly. The third contributor is the full impact of dispatching services that we are being forced to take on this year but we will be addressing this in the future.

Mrs. Venables reported on the recent meeting of the Shade Tree Committee. They will be honoring the Garden Club at the Arbor Day Ceremony. The ceremony will be on April 27<sup>th</sup> in Potter Park.

Mrs. Venables explained the need for the design standards and the need to review new uses of commercial space so that the use is consistent with our ordinances. Mr. Colao is going to make a recommendation on how this is handled. Mr. Colao stated that it is not a Certificate of Occupancy this it be sure of compliance with planning and zoning. It would be applied for on change of occupancy. This would need to be worked into our code and he will have something ready for

introduction at the next meeting. It would be for any change of occupancy. Mrs. Reilly noted that we will also be able to ascertain the square footage and gather a data base.

Mrs. Venables offered a motion to have the Borough Attorney to take whatever time is necessary and make a recommendation to Council and draft an Ordinance that would address this concern, seconded by Mrs. Reilly. Unanimously approved.

## **Borough Engineer's Report**

Mr. Avakian reported on the following items:

- First & Second Avenue Roadway Improvements The contractor has started the work on the drainage component of this project. This includes taking the Wreck Pond discharge from Spring Lake directly to an existing outfall to the ocean. It will relax some of the initial storm runoff into Wreck Pond and will enable us to control the flow into Spring Lake. It is progressing well. The next two weeks will be utility related. Once that is completed, the curbing and roadwork will begin.
- Marucci Park Improvements Tomorrow is the preconstruction meeting for the soccer field improvements with Down to Earth Landscaping. Bids will be received for the bathrooms on March 31<sup>st</sup>. After the bathroom bids are received, we will be able to ascertain the amount of funding remaining as to the three or four outstanding issues. These include the looped walkway around the fields, the windscreens, some site features where you park in front of the tennis courts
- Newark Avenue Roadway Improvements They are completing design on this project. We received a DOT Grant for \$160,000. Work is anticipated for the fall.

Mr. Avakian noted that these projects are the result of over \$700,000 in grant monies.

Mayor Naughton questioned the manhole survey. Mr. Avakian explained that they broke this up into four quadrants. When they surveyed the area that is part of the roadway improvements, they found approximately 12 manholes in disrepair. The rehabilitation of these manholes was included in the project. He would like Public Works to go out and evaluate the manholes and report to him what they find and then they will go out and inspect the ones that seem to have a problem.

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### **Borough Administrator's Report**

Mr. Dempsey reported on the following items:

- **Goodwill Fire Company** We have received a request that did not make the Agenda for their Annual Easter Egg Hunt.
- <u>HW Mountz PTA</u> They have submitted their request to post signs for their Annual Blood Drive.

Mrs. Venables offered a motion to approve the request of Goodwill Fire Company to hold the Annual Easter Egg Hunt on April 23, 2011, seconded by Mrs. Reilly. Unanimously approved.

Mrs. Venables offered a motion to approve the request of HW Mountz PTA to post signs for their Annual Blood Drive, seconded by Mrs. Reilly. Unanimously approved.

**Borough Attorney's Report** – Mr. Colao advised that he had two items for Executive Session.

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**Business Items Under Consideration** – NONE

### **Ordinances for Introduction**

Borough Attorney Colao read the following: Ordinance No. 2011-002 entitled "AN ORDINANCE OF THE BOROUGH OF SPRING LAKE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)" by title.

Mrs. Venables offered a motion to introduce Ordinance No. 2011-002 with publication at the convenience of the Borough Clerk with the Public Hearing to be set for April 26, 2011, seconded by Mrs. Reilly.

**ROLL CALL:** 

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

ORDINANCE NO. 2011-002 in full/Ordinance Book. No. 1

## **Ordinances for Adoption - NONE**

## **Consent Agenda**

Mrs. Venables offered the following Resolution and moved its adoption, seconded by Mrs. Reilly.

## R-11-066 RESOLUTION – APPROVING OFF-DUTY PAY AND RETAINING ADMINISTRATIVE FEES

WHEREAS the Borough of Spring Lake has received the monies as set forth below in connection with the employment of off-duty Police Department employees, and

WHEREAS this money has been deposited by the Borough of Spring Lake in an account designated 'RESERVE FOR OFF-DUTY EMPLOYMENT";

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that payment be made to the employees as shown on the payroll voucher as follows:

02/16/2011	Verizon N.J.	\$288.00	\$270.00	Admin Fee \$18.00
02/18/2011	Verizon N.J.	\$288.00	\$270.00	Admin Fee \$18.00
02/24/2011	Verizon N.J.	\$312.00	\$292.50	Admin Fee \$19.50

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the administrative fee(s) are to be retained by the Borough of Spring Lake as unanticipated revenue.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

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Mrs. Venables offered the following Resolution and moved its adoption, seconded by Mrs. Reilly.

### R-11-067 RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, taxes on the following properties have been overpaid:

Tax Year	Block	Lot	Street Address	Name	AMOUNT
2011	127	23.01	2107 Fourth Avenue	Matthew & Elizabeth Sagui	\$2,599.41
2011	67	17	106 Passaic Avenue	Faeschler Agency	\$3,977.40

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that refunds in the amounts specified are hereby approved for the aforementioned properties.

I, Susan M. Schreck, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayments to be a total of \$6,576.81. /S/ SUSAN M. SCHRECK, TAX COLLECTOR

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

Mrs. Venables offered the following Resolution and moved its adoption, seconded by Mrs. Reilly.

## R-11-068 RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION RA#09-2011 - WOMAN'S CLUB OF SPRING LAKE, INC. - ON PREMISE 50/50

WHEREAS, the Woman's Club of Spring Lake, Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#09-2011, and

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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#09-2011 be and the same is hereby approved as follows:

NAME: Woman's Club of Spring Lake, Inc. Identification No.: 475-8-32847

LOCATION: Essex & Sussex - 700 Ocean Avenue, Spring Lake, NJ 07762

DATE: May 18, 2011 11:00 A.M. to 3:00 P.M.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

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### Resolutions

Mrs. Reilly offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

### R-11-069 RESOLUTION - APPOINTMENT OF SEASONAL EMPLOYEES

BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake, that the following individuals are hereby appointed as seasonal employees with the Borough of Spring Lake for the 2011 season in the following Departments at the following rates:

### **DPW and Sanitation**

Robert F. Davis	\$15.00 per hr
Matthew Winemiller	\$12.50 per hr
Justin Slattery	\$12.50 per hr
Matthew Glassford	\$12.50 per hr

### Beach/Pool Maintenance

Cliff Adams \$18.00 per hr James Easley \$15.75 per hr Anthony Mennie (Also Locker boy Supervisor) \$15.00 per hr

Beach Restrooms

Denise Ploskonka Pre/Post Season Days (All) \$ 75.00 per shift Restroom Attendant Supervisor

In Season Days (N. End) \$110.00 per shift In Season Nights (All) \$160.00 per shift

Melinda Ploskonka \$12.50 per hr Restroom Attendant Meridith Ploskonka \$12.50 per hr Restroom Attendant

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

AGREEMENT FOR MUNICIPAL COURT SERVICES

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

Mrs. Reilly offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

R-11-070 RESOLUTION – AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE BOROUGH OF SPRING LAKE HEIGHTS TO TERMINATE THE INTERLOCAL SERVICES

WHEREAS, the Borough of Spring Lake entered into an Interlocal Services Agreement for Municipal Court Services with the Borough of Spring Lake Heights on February 9, 2007; and

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WHEREAS, the Interlocal Services Agreement for Municipal Court Services contains a termination clause that requires six (6) months notice to the other party; and

WHEREAS, the Governing Body of the Borough of Spring Lake has determined that it is in the best interest of the Borough to terminate the Municipal Court Services Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Borough Council of the borough of Spring Lake, that Mayor Naughton be and hereby is authorized to give the required six (6) month termination notice to the Borough of Spring Lake Heights, in accordance with Section 9(B) of the Municipal Court Interlocal Services Agreement dated February 9, 2007. Such notice will be effective October 1, 2011, or as or such earlier date as is mutually agreeable to the parties.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

Mrs. Reilly offered the following Resolution and moved its adoption, seconded by Mrs. Venables.

## R-11-071 RESOLUTION - APPROVAL OF BILLS - MARCH 22, 2011

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WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 22, 2011, 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)	1,050,900.70
WATER/SEWER OPERATING (9)	198,196.87
DOG TRUST (13)	62.60
SPRING LAKE TRUST (15)	4,435.00
MT LAUREL TRUST (16)	30.00
RECREATION (25)	3,739.96
BEACH OPERATING (81)	94,878.69
POOL OPERATING (91)	20,547.17
TOTAL	\$1,372,790.99

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

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Mrs. Venables explained that Assembly Bill #3859 would require the Borough to send out ballots every ten years to the property owners within the Business Improvement District to continue the district and if a majority of the property owners do not respond by returning a ballot that is notarized or if they, by majority, vote to do away with the district then the District has to be dismantled. She is opposed to this bill. She felt that the Borough has a lot vested in our Business Improvement District and we do not want to have an Assemblyman to come along and tell this Borough that they have to disband their district. If there was a majority of property owners who no longer want it, they can petition the Council to have it dismantled. She felt that the Borough should oppose this and let our representatives know we oppose it and ask them to oppose it as well.

Mrs. Venables offered the following Resolution and moved its adoption, seconded by Mrs. Reilly.

### R-11-072 RESOLUTION - OPPOSING ASSEMBLY BILL 3859

WHEREAS, Assemblyman Albert Coutinho has sponsored legislation which has been assigned number 3859 which would require the Municipal Clerk at ten (10) year intervals to provide ballots to the owner of real property within the boundaries of the district questioning its continuation, and

WHEREAS, said legislation provides that by majority of said property owners within the district, if the vote is in the negative, the governing body shall dissolve by Ordinance said district within ninety days following the referendum to the said property owners, and

WHEREAS, the district created within the Borough has proven to be beneficial to the property owners within the district as well as the residents and visitors to the Borough of Spring Lake, and

WHEREAS, this legislation puts an unnecessary financial burden on the municipalities who have created districts within their municipalities as a result of the balloting process which it creates.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that it hereby goes on record opposing Assembly Bill 3859, and

BE IT FURTHER RESOLVED that a copy of this Resolution opposing the bill be forwarded to Assemblyman Albert Coutinho, State Senator Sean T. Kean, Assemblywoman Mary Pat Angelini and Assemblyman David Rible.

**ROLL CALL:** 

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

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### **Public Comments**

Eleanor Twomey, Vroom Avenue questioned if there is a timetable for the amendments to the land use amendments? She commented on the fact that people are requesting subdivisions on corner lots that later require additional variances when they are ready to build a home on the lot because they cannot meet the setbacks. She felt that the variances are being granted too easily. She does not want to see this rushed into but would like to see it completed. She also noted that she does not like the use of percentages as they are difficult to compute. Mrs. Reilly advised that these are the issues that will be addressed. Mayor Naughton stated that they are working with Matt Zahorsky on the issues and corner lots is a number one priority but is a thornier issue. Ms. Twomey is advised to express her concerns and suggestions to Mr. Dempsey. Mayor Naughton commented that the Planning Board is sometimes faced with hard decisions and work hard to make the right decision and must use the existing Ordinances for guidance. Some of our Ordinances are not clear cut and need to be amended so that they are clear.

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Mrs. Venables offered the following Resolution and moved its adoption, seconded by Mrs. Reilly.

### R-11-073 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: Essex & Sussex Litigation and Joint Dispatch Negotiations.

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. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:45 P.M.

MEETING IS RECONVENED AT: 8:03 P.M.

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

**ROLL CALL:** 

AYES: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mrs. Reilly

NAYS: NONE

ABSENT: Mr. Quinn, Mr. Rich

ABSTAIN: NONE

Time of Adjournment: 8:03 P.M.

Respectfully submitted,

JANE L. GILLESPIE BOROUGH CLERK

Approved at a meeting held on: April 12, 2011