

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
OCTOBER 25, 2011**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Drasheff, Mr. Fay, Mrs. Venables, Mr. Kennett, Mr. Quinn, Mrs. Reilly, Mayor Naughton
ABSENT: NONE

ALSO PRESENT: Jane Gillespie, Borough Clerk
W. Bryan Dempsey, Borough Administrator
Peter Avakian, Borough Engineer
Joseph Colao, Esq., Borough Attorney

Workshop

Discussion – Zoning Amendment Change – Flood Area around Wreck Pond - Mayor advised that Matt Zahorsky is present this evening. Matt is our Zoning Officer and is an Engineer. Mr. Dempsey explained the problem with the existing ordinance and the problems faced with the residents in that area because of the homes being built below the base flood elevation. He advised that in order for those residents to raise their homes, the ordinance would have to be amended to allow them to raise their homes above the base flood elevation. There is FEMA money available towards the cost of raising their home and they encourage the homeowners to raise their homes to prevent future damage. It does not cover the entire cost but if we amend our Ordinance this would alleviate the need for them to go before the Planning Board. FEMA is trying to push some of our residents to raise their homes because of repetitive claims. He felt that if we amended the Ordinance it would assist the residents and asked the Council to consider this type of amendment.

Mrs. Venables questioned if we can create a zone within a zone with exceptions. Mr. Colao advised yes, we would be amending two sections the flood hazard protection in Chapter 186 and the height restriction. That area would be adjusted for existing homes, not new construction.

Mr. Zahorsky explained that all new construction has to be built out of the base flood area. Mrs. Reilly questioned the Planning Board recommendation addressing the height question to eliminate the mention of the curb and go to the center point of the road. Mr. Zahorsky advised no, he is not in favor of the crown of the road as they have recommended as this varies drastically in some areas. He recommends from the curb. He stated that you do not want to set it at an elevation lower than you know that flooded this last storm. He stated yes, there is going to be some higher homes but you will not have them flooding out. He said the amendment must address whether or not it applies to new construction or do you penalize them and only allow it for existing construction. He estimated 50-70 homes being affected. He noted that Ordinances from several other towns were reviewed to come up with this recommendation. He used a newly constructed house on York Avenue as an example. It was built up higher than the others in the area but the water came to the door.

Mrs. Venables questioned if the flood elevation levels change within a block? Mr. Zahorsky advised yes, it depends how it is designated on the map and does vary block to block, property to property. Mrs. Venables questions the homes on South Boulevard, are the elevations similar? Mr. Avakian stated that he believed that that area is an elevation 9 but we do not have the flooding that we do at Wreck Pond there.

Mr. Quinn asked for clarification based on the recommendation. He then questioned if it would be beneficial to create a new zone to have uniformity, such as going to 40 ft. in that zone. Mr. Zahorsky

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stated that that is how you would achieve uniformity similar to the Pompton Lakes Ordinance. Mr. Quinn questioned how accurate the flood zone maps are? Mr. Zahorsky stated that they are educated guesses using a global approach. Mayor Naughton stated that we have to be concerned with property values in that zone. She felt that if we are going to consider it, we should do it so that we know they are not going to flood again. She stated that we have to give the homeowners incentive and make it enough so that they will not flood again. Discussion that it will eliminate the "squatty" looking buildings. Mr. Zahorsky explained the importance of including new construction in the amendment. Mr. Drasheff felt that relief and uniformity should be addressed. Mrs. Reilly agreed that uniformity and relief are the issues. She felt the relief should be a permanent relief and that we should get the number right the first time.

Mrs. Reilly questioned how it is measured? Mr. Zahorsky stated that the elevation is set by bench mark. Mayor Naughton stated that right now it is flooded 24 inches above the 9. Mrs. Reilly stated that what additional should be added.

Kate O'Malley, 402 Shore Road, stated that they have had three feet of flooding on their first floor. She stated that that they have had engineering work done and can assist with the numbers. Dave O'Malley stated that they would have to be 4.5 feet based on their engineer's recommendation. He stated that the tracks are at 10.5 and the water reached there the last storm. They are looking for 4.5 above the elevation and he felt that some of his neighbors would need that also. Mr. O'Malley explained that in order to obtain FEMA money now, he has to go through his mortgage company so it is not easy. They are looking to get their house out of the water and felt that the Council should move quickly on this. Mayor Naughton noted that the storms are supposed to be 100 year storms but they are coming more frequently and we are getting hit harder. Mr. O'Malley stated that it is more than just nor'easters that are causing the flooding.

Mr. Quinn questioned how many residents would take advantage of this? Mr. Zahorsky felt that there would be a couple of them.

A resident of Worthington Avenue questioned if there is any other solution to this? She questioned if we can we open something up to alleviate the flooding. Mayor Naughton stated that we are doing our own mediation to help this problem. We are raising the berm and pumping and we are trying to get the State and Federal Government to assist in mediating the upstream flooding that has been discussed. There is a major effort. She felt that this Ordinance is something that can be done in the short term to help the residents. It is something that FEMA wants them to do. The Borough is required to send a yearly letter out recommending that some of our residents raise their homes because of repetitive claims. She knows that many of them cannot do that at this time because their homes are at the maximum height and she is supportive of the amendment.

Mr. Zahorsky state that new construction should be included or they would be penalized.

Mr. Drasheff suggested having the Borough Engineer and Zoning Officer work on an Ordinance to makes these amendments. Mayor Naughton asked if there were any strong objections to introducing this Ordinance. Discussion of the need for Planning Board review and our meeting schedule. Mayor & Council to have a Special Meeting for the introduction of this Ordinance as currently we have only one meeting in November because of Election and the Thanksgiving Holiday. Mayor Naughton stated that we need to have the Ordinance put together and introduce it. Mr. Avakian stated that he and Mr. Dempsey will work on it and reach out to others as needed to put it together.

Mr. Drasheff suggested that Mayor follow-up and set a date for introduction next week.

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Ordinances for Adoption

Mr. Colao read Ordinance No. 2011-012 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE" by title.

Mrs. Venables offered a motion to open the Public Hearing on Ordinance No. 2011-012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mr. Zahorsky reviewed the Board's recommendation. He agreed that the definition of cellar needed to be changed to conform and be consistent. Landscaping walls in the front yard, he stated that it was discussed that under 18" was a landscaping wall. What is the 8" going to give us and that is for the Council to decide if it is going to be micromanaged because side and rear yards could be 18".

Mrs. Venables asked what his feelings were. Mr. Zahorsky explained that a block is considered landscape edging that does not need to be regulated but anything more needs to be regulated. It is another level of regulation that is not necessary. As to the marking, he does not want measurements from the crown of the road he would suggest from the curb. The crown of a road varies.

Mrs. Reilly stated that they were looking for a standard and this was recommended by the Planning Board Engineer. Mr. Zahorsky stated that you can use either one but the result is different from property to property. Mr. Avakian stated that the roads have nothing to do with the property wherein the curb does and it does vary by the amount of pavement, and would change if the road were to be repaved. We control that not the property owner. Mrs. Reilly asked that this be worked out with the Planning Board Engineer.

Mr. Zahorsky explained that the area way the Board was concerned with the entrances to cellar ways that go below grade. Some require rail what they want is to allow the portion above ground not be required to have a rail.

Mr. Colao advised that based on the amendments which are required, this ordinance must be reintroduced and another public hearing held as well as the Planning Board reviewing it again.

Lyle Marlowe, 110 Pennsylvania Avenue, stated that he has commented before on the garage height. He stated that he felt that the 18' limit is too high. He stated from the curb would be ok but this could vary depend on the property height based on ground level. Mr. Zahorsky stated that the normal height is 16-18' and is consistent with other towns. The intent is to limit the use not the intent to change the height. Mrs. Venables stated that she wanted it increased because of the garages in town being squatty. Mrs. Reilly agreed with Mrs. Venables and stated that some of the homeowners have mentioned this issue. Mayor Naughton felt it was consistent with what we are trying to achieve. Mr. Zahorsky stated that most people who build new homes do not change the grade.

There being no further comments from the public, Mrs. Venables offered a motion to close the Public Hearing on Ordinance No. 2011-012, seconded by Mrs. Reilly.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mrs. Venables offered a motion to decline adoption of Ordinance No. 2011-012, seconded by Mrs. Reilly.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ORDINANCE IS NOT ADOPTED

Proclamations, Presentations & Special Guests

Mayor Naughton advised that she has signed the following Proclamations:

- a. Proclamation – Community Planning Month – October 2011
- b. Proclamation – Pancreatic Cancer Awareness Month – November 2011

Approval of Minutes

Mrs. Reilly offered a motion to approve the minutes of August 23, 2011, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mrs. Reilly offered a motion to approve the minutes of August 28, 2011, seconded by Mr. Drasheff.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Fay, Mr. Kennett, Mr. Quinn, Mrs. Reilly

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mrs. Venables

Public Comments

David Schneck, 302 C Street, Belmar, Libertarian candidate in November Election for Senate. He asked for the Council's assistance with a school budget movement he is working for. There is a bill to address the distribution of school tax money versus giving more to the Abbott Districts. He explained that Spring Lake would see an increase in the aid if the bill is passed that is proposed by Mike Doherty. It would allow for the Legislature to dictate how the money is distributed which conforms to the Constitution. He felt that the income tax should be eliminated but if not, it should be distributed fairly. He stated that it is not a party issue.

Dave O'Malley stated that the culvert has to be addressed at Wreck Pond. He questioned who was responsible for this. He stated that we need to see what can be done with this as it brings down all of the debris. There has been logs, a boat and Public Works has been cleaning it out. Mayor Naughton stated that this responsibility will be looked into. Mr. Avakian stated that the last two times it was modified it was done by the State DEP and he is sure they will take ownership. He explained the

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structure. The other negative impact is the storm surge coming back from the storm surge. He stated that this has been discussed but felt that we should write to the State and initiate contact.

Mr. O'Malley stated that the sooner is better with the Ordinance that will be considered.

Mr. Marlowe stated that the Wreck Pond Watershed Group at their last meeting it was clear that it was run and managed under Monmouth County and he couldn't find anything on their site. He felt it would be beneficial for us to request a meeting and let them know that this is a committee they should be guiding and that they are funding it and that they should be following up on it. Mr. Dempsey stated that it is a pass through from the State for them to manage it through the Monmouth County Planning Board and it is from a Grant.

Mrs. Venables stated that she and Councilman Drasheff have reached out and have a Freeholder and are hopeful he will assist with our local project.

Peter Meade 300 Worthington Avenue and Chief of the Fire Department thanked the Council for their support this year. He advised of a recent inspection by OSHA and with the help of Borough Employees he was able to mitigate the deficiencies. The generator was used during the last storm and the Fire Department is content. They have had approximately 130 calls so far this year and usually average approximately 160. Mayor Naughton thanked them for their service as one Department, two Companies and she commented on the recent fire on her block.

Council Comments & Staff Reports

Mrs. Venables reminded everyone of the Veterans' Day Ceremony on November 11th and asked everyone to attend.

Mr. Kennett stated that he met with the Borough Engineer the other day trying to brainstorm on the Wreck Pond flooding problem. Mr. Avakian advised that they reviewed the drawing and feasibility plan and reviewed the conceptual plan which has been submitted to the various agencies during the FEMA Mitigation Grant process. He explained that it included dredging. He added that there was an action plan meeting the other day in addition to this and the State was not buying into it. He stated that we have to partner in this. The pumping alone is not going to solve the problem. We have to stop the storm surge and we have to allow the water to flow out a lot quicker during and after storm events. The most important thing that we have no control over is going to back into the watershed and assess and evaluate wetland areas, shoreline areas, areas where water can be impounded and create those impoundment areas back up within the watershed. If we can create the impoundments and hold back the water, we would not experience the storm surge as we did on Sunday morning following the storm. It is not going to not come, our goal is to slow it down. We are at the bottom of the line. The Borough of Spring Lake has stepped up and we are ahead of the curve in preparing for improvements but working to coordinate our efforts with the other agencies. He felt that the first part would be for the residents to do their part once the Ordinance is amended and then the next part is the mitigation grant. Mayor Naughton stated that the funding is from the Federal Government and they are interested in the flooding. The State is involved as they are interested in the pollution issue which also includes the flooding.

Mr. Marlowe questioned DEP saying they have not bought into it? Mr. Avakian stated that this is a question. He stated that this is a high level decision and the people attending the meeting (Wreck Pond Watershed) are not on that level. The State DEP has to be a partner in the study. It has to be a non-federal sponsor. He does not know if the State portion has been agreed upon.

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Mr. Marlowe asked that the Congressman be contacted. Mayor Naughton stated that she will be happy to contact him.

Mrs. Reilly reported that basketball registration is tomorrow night and it is the first occurrence online.

Borough Engineer's Report

Mr. Avakian stated that his priority this week will be drafting the ordinance.

Borough Administrator's Report

Road Improvements – Newark & Adrian Avenues - Mr. Dempsey reported that the preconstruction meeting was held for the improvements to Newark and Adrian Avenues. The curbing work will begin November 14th for three weeks and then they will be back before the end of April to pave. That is what the recommendation is so that the construction can settle.

Wreck Pond – He met with DEP on work action plan. The Commissioner has indicated that they want a work plan. They indicated that it is a pollution beach closing issue. He was vocal that our concern is the flooding issue and that they need to work on something that will alleviate the flooding. Their issue is not the same as ours so we are going to have to do it on our own to get it moving, the ordinance, the pumps and the berm will be a beginning towards solving the problem. They are going to start to dredge Wreck Pond in the area of Jimmy Byrnes site. They are waiting on a fish run but they are hoping to avoid any further delay. He is hoping that it works and the County can be used as a partner on our side.

Ordinances for Introduction - NONE

Consent Agenda

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

R-11-223 RESOLUTION – CANCELLING OUTSTANDING CHECKS

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following outstanding checks be and the same are hereby cancelled:

Beach Payroll Fund

05/26/09	#6348	\$ 8.81	
09/11/09	#9152	\$530.07	\$538.88 Total

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-224 RESOLUTION – RELEASING STREET OPENING BOND
15 MERCER AVENUE – BLOCK 55, LOT 11**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Environmental Landscape Design, LLC for property located at 15 Mercer Avenue, Block 55, Lot 11 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.

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-225 RESOLUTION – APPROVING TRANSFER OF BOROUGH PROPERTY

WHEREAS, the Borough of Spring Lake is the owner of the vehicle described below, and

WHEREAS, it has been determined by the Borough that said vehicle is of no value to the Borough, and

WHEREAS, based on the foregoing, the Mayor and Council of the Borough of Spring Lake authorize the transfer of said vehicle as follows:

Borough Vehicle:	1975 FORD TRACTOR Serial # S90LVV67574
Transferred for	One (1) 20 TON 14 " SHEAVE
Owned by :	ACIS Cranex ,LLC 1600 Ocean Ave (Rt 88), Lakewood, New Jersey 08701

These items are of no value to either party and are in "as is" condition.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the above transfer be and hereby is approved.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-11-226 RESOLUTION – APPROVING OFF-DUTY PAY

WHEREAS the Borough of Spring Lake has received the monies as set forth below in connection with the employment of off-duty Public Works 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:

10/08/2011	Greater Spring Lake Chamber of Commerce	\$156.44
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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

R-11-227 Honoring Robert Witham - Carried

R-11-228 Honoring Mildred Marucci - Carried

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Business Items Under Consideration

Goodwill Fire Company No. 2 – Annual Halloween Parade & Costume Contest – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Garden Club of Spring Lake – Wreaths Across America Request – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Event Application – Jingle Bell Walk – December 10, 2011 – Mrs. Venables offered a motion to approve the request, seconded by Mrs. Reilly. Unanimously approved.

Resolutions

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

R-11-229 RESOLUTION – APPROVAL OF BILLS – OCTOBER 25, 2011

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending October 25, 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)	473,078.87
WATER/SEWER OPERATING (9)	10,002.20
DOG TRUST (13)	891.75
UNEMPLOYMENT TRUST (14)	2,472.93
SPRING LAKE TRUST (15)	706.25
MT LAUREL TRUST (16)	930.00
RECREATION (25)	1,348.53
BEACH OPERATING (81)	85,563.75
POOL OPERATING (91)	24,082.85
TOTAL	\$599,077.13

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-11-230 A RESOLUTION SETTING THE 2011 SALARY AND HOURLY WAGES FOR
MUNICIPAL COURT JUDGE AND PROSECUTOR OF THE BOROUGH OF SPRING LAKE,
MONMOUTH COUNTY, NEW JERSEY**

Whereas, Municipal Court Judge and Prosecutor were part of an Interlocal Services Agreement with the Borough of Spring Lake Heights which has been terminated; and

Whereas, the Borough of Spring Lake has entered into a new Interlocal Services Agreement with the Borough of Belmar for Municipal Court Services but does not share its Municipal Court Judge or Prosecutor;

Whereas, based on the foregoing, the salaries of the Municipal Court Judge and Prosecutor must be paid by the Borough of Spring Lake.

Now Therefore, Be It Resolved, by the Mayor and Council of the Borough of Spring Lake in the County of Monmouth, New Jersey, as follows:

<u>Position Title</u>	<u>Annual Salary</u>
Municipal Court Judge	\$14,006.50
Prosecutor	\$12,398.00

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ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Mr. Schneck gave the website which explained his cause. www.fairschoolfunding.com

Lyle Marlowe, Pennsylvania Avenue asked if there is an update on the North End Pavilion. Mrs. Reilly advised that she had nothing to update at this time. Mr. Dempsey advised that the plans are almost 85% done.

Mrs. Venables offered a motion to adjourn, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:35 P.M .

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: January 24, 2012