

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
MAY 13, 2014**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:03 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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables, Mayor Naughton

ABSENT:

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

Workshop Discussion

Approval of Minutes

Mr. Erbe reported an error in the minutes noting that a particular comment was made by Mr. Dempsey and not him. The Municipal Clerk will revise the minutes.

Mr. Judge offered a motion to approve the minutes of April 22, 2014 as amended by Council Member Erbe, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Proclamations, Presentations & Special Guests

R-14-083 – Introduction of 2014 Municipal Budget

Mayor Naughton reported that this is a very collaborative effort involving the Finance Committee, CFO Robbin Kirk, Borough Administrator Bryan Dempsey along with the various department heads. The Mayor stated that tonight's business represents the formal introduction of the budget which typically results in limited discussion. The Mayor noted that a public hearing will take place in four weeks allowing time for council members to review and discuss the details of the budget. The Mayor also pointed out that this year's budget does include a five (5) year capital roads project which has been requested by many residents and several council members feel strongly about. The Mayor added that the CFO will speak to this project tonight and will also discuss it at the public hearing in four weeks. Mr. Frost also will address this project during the Council Comments portion of the meeting. The Mayor invited CFO Robbin Kirk to speak.

Ms. Kirk reported that the public hearing is set for June 10, 2014 and stated that the copies of the budget being introduced will be made available for the public in the Municipal Clerk's office. Ms. Kirk noted that \$830,000 that is being committed toward a road program. A portion of this will come from a \$.01 tax increase with the rest being accumulated through reductions in other line items, stated Ms. Kirk. Ms. Kirk also reported that there is a resolution on the agenda proposing a water/sewer rate increase. Ms. Kirk stated that although the operating costs have not changed drastically, but the billings, or overall consumption, has been down the last three (3) years. The Borough has not had a rate increase since 2010 so it's actually working out to be about a one and one-half percent increase over five (5) years, stated Ms. Kirk.

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Mr. Judge offered a motion to approve R-14-083 – Introduction of the 2104 Municipal Budget, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Fay

Public Comments

Peter Piro, Belmar, NJ expressed thanks for the efforts in connection with the outfall pipe at Lake Como.

Council Comments & Staff Reports

Mayor Naughton opened her remarks recognizing the passing of Ms. Eleanor Twomey stating that she is an amazing example of how to grow old in a graceful, strong and intelligent way. Mayor Naughton stated that Ms. Twomey has a wonderful and generous spirit which she personal was the recipient of. The Mayor reflected on how Ms. Twomey may have been quick to disagree with the Council but that she was just as quick to offer her genuine and heartfelt praise. Mayor Naughton, while noting the empty seat normally occupied by Ms. Twomey, stated that it's hard to believe she won't be present at future meetings. The Mayor publically voice appreciation for the many years that Ms. Twomey kept the Council on task and her commitment to the Spring Lake community.

Mayor Naughton continued reminding the audience of the Memorial Day Parade and Ceremony scheduled for Memorial Day Monday. The Mayor acknowledged Mr. Bill Wingard's efforts in coordinating the event noting that it's a wonderful and meaningful ceremony reminding us all of the importance and true meaning of Memorial Day. Also, the Mayor reported, Mr. Wingard was recently honored as Citizen of the Year and publically congratulated him on this honor.

Mayor Naughton extended congratulations to the BID on the Fashion Weekend event noting that the banners approved by Council looked great. The Mayor stated that the banners have been replaced with hanging flowers that will look beautiful this summer. Regarding the DOT grant for Ludlow Avenue road repairs, Mayor Naughton reported that the Borough did not get the grant and has learned that the Borough may apply for LAIF (Local Aid Infrastructure Funding). The Borough is going to make application for this funding which would be in addition to the dollars earmarked in the budget for the roads project. Mayor Naughton presented photos of the sluice gates being installed at Wreck Pond stating that this is a project that's been many years in the making. A meeting will take place this week with US Fish and Wildlife in connection with the second pipe for Wreck Pond, stated the Mayor. In addition, the council has the support of all three (3) towns, Wall Township, Sea Girt and Spring Lake Heights on the application for the open space grant which will be used to fund a portion of the project. Finally, Mayor Naughton publically thanked the Borough staff in connection with their efforts in the badges sales and distribution.

Mr. Erbe stated that he looks forward to the public hearing on the budget stating that they worked hard and are anxious to hear the public's response.

Mr. Erbe also stated that Ms. Twomey will be greatly missed noting that she has been an influence on his life since High School reflecting on her role as a monitor to him while a member of the Catholic Youth Organization. Mr. Erbe acknowledged her tireless involvement expressing that she was an incredibly warm and caring citizen of Spring Lake. Mr. Erbe stated that he believes that one of the things that she would most like to be remembered for is how much she cared for Spring Lake.

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Mr. Fay stated that he is also looking forward to the budget.

Mr. Judge, responding to a resident's request for decibel readings on the Pennsylvania Avenue pump station, reported that the readings average between the mid to upper sixties noting that this was prior to the installation of the attenuation devices. They expect the decibel readings to be reduced by about 25% with the devices. Mr. Judge expressed his thanks to the finance committee and Ms. Kirk for their hard work associated with the budget and encouraged the other council members to review it carefully and look for any other cost saving and/or revenue opportunities. Mr. Judge also acknowledged the passing of Ms. Twomey and recognized her great contribution to Spring Lake through her questions and keeping council members, past and present, on their toes.

Mr. Frost thanked Ms. Kirk and the Finance Committee for their efforts in connection with the budget and expressed excitement about the capital being put aside for a comprehensive road program. Mr. Frost stated that he had brought in Rutgers Center for Advanced Infrastructure and Transportation Group that is an engineering group that assesses road conditions and offers ideas for road renovation and preservation. Mr. Frost suggested the Borough consider a proposal from this group to help determine the best way to address the roads problem in the Borough and stated that he looks forward to working with Mr. Avakian on the project.

Mr. Jordan stated that he too would like to acknowledge Ms. Twomey's passing and fondly reminisced on Ms. Twomey's explanation on the difference between bonds and notes when he first became a council member as well as her pointing to Borough Attorney Colao stating "Action?" when he announced an Executive Session. Mr. Jordan stated that she will be missed.

Mr. Jordan expressed appreciation for the kind words in connection with the budget preparation noting that they did work hard and welcome any and all feedback particularly as it pertains to the water and sewer budget.

Regarding the beach season being right around the corner, Mr. Jordan reported that there is some last minute curb and sidewalk work being done at the north end and that there are still some lockers available for purchase.

Mr. Avakian reported that the sluice gates, weather permitting, will be installed later this week and thanked Mr. Dempsey for his continued efforts working with the endangered species habitat. Mr. Avakian further reported that they will be meeting with US Fish and Wildlife in hopes of getting the project on the right track. Mr. Avakian expressed disappointment in not being awarded the DOT grant for Ludlow Avenue.

Mrs. Venables stated that she feels strongly that the Council should acknowledge the opening of the North End Pavilion by way of a short ribbon cutting ceremony and suggested Thursday, May 22nd at 6:00 pm. Mrs. Venables added that she hoped to invite the members of the Pools and Pavilion Committee and other strong supporters including both current and former Council members as well as the general public. Mr. Judge added that he supports the idea noting that it's a great moment for Spring Lake and proposed that there also be a raffle to draw a winning name of who gets to jump in the pool first. The Mayor asked how we get the word out. It was suggested that the Coast Star assist and the use of the Facebook and Twitter. The Mayor asked if a vote was needed. Mr. Dempsey stated that no vote was necessary and there was an informal showing of hands in support.

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Mrs. Venables continued acknowledging Ms. Twomey's passing stating that she was a friend and was always motivated by good heart and good intention. Ms. Twomey was a great service to the public through her participation and reporting of council meeting activities and she will be missed, stated Mrs. Venables.

Mr. Dempsey stated that the Mount Laurel house is moving along with the roof being put in place tomorrow noting that by August 15th it may have occupants. Mayor Naughton asked about the deadline for the application process. Mr. Dempsey stated that the applications are all in and the selection will be made mid-July or early August.

The Mayor asked if Mr. Dempsey would report on Lake Como. Mr. Dempsey stated that they will be using a camera provided by the County to view the pipe from the outfall structure and toward the ocean. A hundred foot section of the pipe was repaired prior to the beach replenishment and there is now a large section of the pipe that has been cracked, stated Mr. Dempsey. The Mayor stated that the pipe is draining. Mr. Dempsey confirmed this stating that even with the last significant storm where the water came close to overflowing they were prepared to start pumps if needed but they were able to monitor it closely and the pumps were not needed. Mr. Judge thanked Mr. Dempsey for his efforts.

Mr. Judge asked Mr. Colao if there could be a short Executive Session, with no action being taken, regarding the Lake Como pipe.

Business Items Under Consideration

Event Application – Belmar Five Mile Run, July 12, 2014 – Mr. Judge offered a motion to approve the Event Application for the Belmar Five Mile Run, seconded by Mrs. Venables. All in favor. None opposed.

Event Application – Annual Poppy Drive – May 2014 – Mr. Judge offered a motion to approve the Event Application for the Annual Poppy Drive, seconded by Mrs. Venables. All in favor. None opposed.

NFIP Community Rating System – Increase Class 6 - Information Only - Mr. Dempsey reported that this is in connection with a FEMA determination that the Borough has increased to a Class 6 in the National Flood Insurance Program Community Rating System which qualifies the Borough for a 20% discount of the premium cost of flood insurance for certain areas. No action is needed.

Ordinances for Introduction

Borough Attorney Colao read Ordinance No. 2014-009 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 CAP BANK (N.J.S.A. 40A:4-45.14), by title.

Mr. Judge offered a motion to introduce Ordinance No. 014-009, seconded by Mrs. Venables. Public Hearing to be set at the convenience of the Borough Clerk.

ROLL CALL:

AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: Mr. Fay

ABSENT: NONE

ABSTAIN: NONE

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Borough Attorney Colao read Ordinance No. 2014-010 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, CREATING NEW SECTION 7-33 OF THE BOROUGH CODE OF THE BOROUGH OF SPRING LAKE", by title.

Mr. Jordan offered a motion to introduce Ordinance No. 2014-010, seconded by Mrs. Venables. Public Hearing to be set at the convenience of the Borough Clerk.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2014-005 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 25 OF CHAPTER 330 "RESTORATION; TEMPORARY AND PERMANENT", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH CODE", by title.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-005, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton offered a brief summary of the ordinance noting that it addresses specifically how a road needs to be repaired when it's been opened for water, sewer, gas or other like reasons. It was the collective thought of the council to ensure that the Borough's roads are repaired in such a way that the repair lasts for several years versus what's been done in the past.

Mr. Jordan asked for clarification in connection with the minimum requirements on either side of the excavation site. Mr. Avakian responded citing the standards typically used but noting that with the use of the infrared technology the strips of replaced pavement that has resulted in the past will be far less visible. The Mayor added that with the infrared repair, the trench or strip will be there but will be far more superior. Mr. Frost inquired as to whether any of the information from the Rutger's study was able to be incorporated into this ordinance. Mr. Avakian responded that the ordinance is fairly comprehensive already but points from the study may be included when they address full width road restoration.

Mrs. Venables asked for clarification of the residents' responsibility versus the Borough's. Mr. Dempsey responded that the residents will be responsible for paying for the street opening permit and then the Borough will coordinate the scheduling of the contractors to create economies of scale.

Mrs. Venables asked if there's a need to edit the ordinance to better clarify the residents role. The Mayor asked if through the permit procedure will the roles of the resident and Borough be obvious and therefore not need to be detailed in the ordinance. Mr. Dempsey voiced confidence that the administrative process is sufficient to clarify the roles and is not needed in the ordinance.

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Mrs. Venebles voiced concern that a resident reading the ordinance may be confused. Mayor Naughton sought counsel from Borough Attorney Colao who stated that the ordinance may be adopted as is and if the Council found a need to make clarifying amendments at a later time, they could. Mayor Naughton expressed a desire to move forward with the adoption given the many requests for street openings that take place in the Borough.

Mr. Judge offered that he is of the belief that most people consult with the construction office versus reading the ordinance.

Elsie Dubac, 415 St. Clair Avenue, asked if there was anything in the ordinance that addressed money being refunded once the road is repaired. Mayor Naughton stated that the performance and maintenance bond guarantees are addressed in the ordinance and noted that there are two (2) other ordinances that address fees.

There being no further comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-005, seconded by Mrs. Venebles.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venebles

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2014-005, seconded by Mrs. Venebles.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venebles

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Borough Attorney Colao read Ordinance No. 2014-006 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 114, "BEACHES AND POOLS", SECTION 4 "LITTERING AND SMOKING" OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH CODE", by title.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-006, seconded by Mrs. Venebles.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venebles

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton gave a brief overview noting that the adopting of this ordinance will effectively ban smoking along the length of the boardwalk as well as the entranceways around the pavilions.

Mr. Frost reflected on Mr. Erbe's previous comments on the topic and that although he agrees with the beach and boardwalk portion of the ban he feels there is a need for a place for smokers to go. Mr. Frost offered that there are areas north of both the north and south pavilions as well as the pier beach parking lot that could be equipped with ashtray receptacles near the bike racks. Mr. Frost reiterated his support for the ordinance but expressed an interest to provide smokers an alternative.

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Mr. Erbe voiced agreement with Mr. Frost's suggestions noting that the ordinance does not need to address it but the Borough should offer a place for people to smoke.

Mr. Judge acknowledged the validity of Mr. Frost's and Mr. Erbe's points but feels strongly that a complete ban is needed. Mr. Judge referenced Belmar's move from a roped off section of the beach for smoking to a complete ban and stated that Spring Lake's ban should be no less restrictive than the neighboring community.

Mr. Frost offered that every entrance to the boardwalk in Belmar has a smoking receptacle and anyone walking to the boardwalk must pass people smoking at the entrance. Unlike Belmar, Mr. Frost continued, Spring Lake has areas that could be used for smokers.

Mrs. Venables pointed out that according the ordinance, people can smoke in the locations identified by Mr. Frost. Mr. Frost acknowledged this but suggested we go a step further by designated the areas and providing receptacles so that cigarette butts are not just thrown on the ground.

Mr. Jordan suggested the council adopt the ordinance as is and then have the Beach Committee review the designated area issue separately.

Mr. Erbe requested some assurance from the Beach Committee that it would be addressed. Mr. Judge offered that assurance. Mr. Frost and Mr. Erbe agreed this was a good solution.

Harry Zarb, 2205 Third Avenue, stated that his position that smoking is bad and that he did not want to walk by anyone smoking and would oppose the council taking any action to make it more comfortable for people who smoke.

Frank Suozzi, 112 Brown Avenue, suggested that the smokers could walk back to their cars. Mr. Erbe stated that although he's not taking the smoker's side on the issue he does feel there is a litter issue that needs to be addressed and the need to provide some level of comfort for a person paying \$10 to visit the beach.

There being no further comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-006, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2014-006, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Borough Attorney Colao read Ordinance No. 2014-007 entitled, "AN ORDINANCE AMENDING CHAPTER 330, SECTION 22 OF THE BOROUGH CODE", by title.

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Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-007, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

The Mayor noted that the ordinance under consideration will allow the council to modify fees related to street openings by resolution so that, like with other fee schedules, there is not a need to introduce, modify and adopt multiple ordinances when the modification is simply fee related.

There being no comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-007, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2014-007, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Borough Attorney Colao read Ordinance No. 2014-008 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 376, WATER AND SEWER OF THE BOROUGH CODE", by title.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-008, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

There being no comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-008, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

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Mr. Judge offered a motion to adopt Ordinance No. 2014-008, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: Mr. Fay

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

Mr. Judge asked for clarification on R-14-092. Mr. Dempsey detailed the agreement noting the increase from \$40 to \$46 per badge this year, \$50 per badge in 2015 and then 50% of the badge cost going forward. Mr. Judge thanked Mr. Dempsey expressing appreciation for his efforts.

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

**R-14-084 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#19-2014 – UNITED METHODIST WOMEN OF ST. ANDREWS-
ON PREMISE RAFFLE**

WHEREAS, United Methodist Women of St. Andrews has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#19-2014, 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#19-2014 be and the same is hereby approved as follows:

NAME:	United Methodist Women of St. Andrews 907 Fourth Avenue, Spring Lake, NJ 07762 Identification No.: 475-3-31760
LOCATION:	Wesley Hall Mercer Avenue, Spring Lake, NJ
DATE:	June 21, 2014 9:30 AM to 2:00 PM

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-14-085 - RESOLUTION – SETTING HOURS FOR 2014 BEACH/POOL SEASON

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following are the hours for the 2014 Beach/Pool Season:

AREA	HOURS	DATES
South End Office	9 AM – 5 PM	May 24 – September 1
North End Office	9 AM – 5 PM	May 24 – September 1
Main Beaches (conditions permitting)	9 AM – 6 PM	May 24-26, May 31-June 1, June 7-8, 14-15, Sept. 6-7 (weekends only)
All Beaches (conditions permitting)	9 AM – 6 PM	June 21-September 1 (daily)

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South End Pool & Lockers	9 AM - 6 PM	May 24-26, May 31-June 1, June 7-8, 14-15 (weekends only)
South End Pool & Lockers	9 AM - 6 PM	June 21 - September 28
North End Pool & Lockers	9 AM - 6 PM	May 24 - September 7 (& Weekends-9-13-14 & 9-20-21; 27-28)
SE Pool-Lap Swim (adults only)	7:30-9 AM	July 1-September 1 (daily-conditions permitting)
NE Pool-Lap Swim (adults only)	7:30-9 AM	July 1-September 1 (daily-conditions permitting)
South End Pool Night Swim	6-8 PM	July 1 through September 1 - Daily
North End Pool Night Swim	6-8 PM	July 1 through September 1 - Daily (Activity Pool-Mon-Thurs)
North End Pool Night Swim	6-8 PM	August 1-September 1 - Daily
PLEASE NOTE:		
All personal items in the North End lockers must be removed by 6 PM Sunday September 28.		
All personal items in the South End lockers must be removed by 6 PM Sunday September 28.		

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-086 - RESOLUTION – RENEWAL OF CERTAIN PLENARY SEASONAL LIQUOR LICENSE
FOR THE YEAR 2014/2015 – THE GRAND VICTORIAN BAR, LLC T/A The Black Trumpet**

WHEREAS, the holder of certain seasonal liquor licenses set forth below has applied for renewal of their license and which application for renewal have been found to be complete in all aspects, and

WHEREAS, the applicants for renewal have been found to be qualified to be licensed according to all statutory, regulatory and municipal A.B.C. laws and regulations in conjunction with the person-to-person transfer adopted April 24, 2012, and

WHEREAS, the Governing Body is satisfied that the applicants should have the license renewed, and

WHEREAS, it is hereby documented that in order for this license to be activated, the necessary paperwork must be filed by the license holder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following seasonal retail consumption license be renewed for the seasonal period expiring November 14, 2014:

NAME	LICENSE NUMBER	ANNUAL FEE	LOCATION
The Grand Victorian Bar, LLC t/a The Black Trumpet	1348-34-007-005	\$1,342.00	Grand Victorian Hotel

BE IT FURTHER RESOLVED, that said renewal is contingent upon the following Special Conditions:

1. A permanent standing bar is hereby prohibited.
2. The Grand Victorian Hotel is restricted to having only a service bar in order to provide alcoholic beverages to guests that are dining in its restaurant, utilizing its party rooms, or receiving room service while staying in the hotel. All other sales, service, delivery or consumption of alcoholic beverages is prohibited.

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ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-087 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
THE SPRING LAKE CATAMARAN CLUB FOR THE 2014 BEACH SEASON**

WHEREAS, the Spring Lake Catamaran Club, (formerly known as the Sea Girt Catamaran Club) has approached the Borough of Spring Lake with a request to again allow them to keep their boats on the beach in Spring Lake for 2014; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Administrator and Clerk are hereby authorized to execute an Agreement with the Spring Lake Catamaran Club in a form to be agreed upon and approved by the Borough Attorney and which incorporates the following terms and conditions:

1. The total number of catamarans shall not exceed 20 without further approval of the Borough.
2. The fee payable to the Borough's Beach utility for each boat shall be \$150 for each boat for the 2014 season. Each Catamaran must display a permit decal to be provided by the Borough upon receipt of the fee.
3. All individuals wishing to utilize boats shall be required to have valid beach badges, whether seasonal, half season, monthly or daily.
4. Each club member/catamaran owner shall be required to execute a Release, Indemnification and Hold Harmless Agreement in favor of the Borough and its officers and employees for any claims arising out of the use or placement of the boats on the Spring Lake beach.
5. Each boat owner shall carry and provide proof of liability and personal injury insurance covering the catamarans in the amount of \$100,000 per person and \$300,000 per occurrence.
6. The Borough shall have no liability for the safekeeping or security of the boats on the beach.
7. The boats shall only be kept and stored in the approved location(s) designated by the Borough.
8. The agreement shall be immediately terminable at the option of the Borough if the same is deemed to be in the interest of the public health, safety and welfare.
9. All boats will be removed from the Spring Lake beach at the end of the beach season, no later than the date determined by the Borough, which date will be communicated to the Club to provide at least two weeks' notice.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-088 - RESOLUTION – APPOINTMENT OF CLASS I & CLASS II OFFICERS
SPRING LAKE POLICE FOR THE YEAR 2014**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed EFFECTIVE May 1, 2014 at the hourly rates as listed below as recommended by the Chief of Police, Edward Kerr:

NAME	POSITION	HOURLY WAGE
NICHOLAS A. VASTO	CLASS I	\$9.53
MICHAEL A. KIMBLE	CLASS I	\$9.53
THOMAS D. GAVAGHAN	CLASS I	\$9.53

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ALYSSA N. CERAVOLO	CLASS I	\$9.53
KAYLA C. SCHWARTZ	CLASS I	\$9.53
JOSEPH O. NAPPI	CLASS I	\$9.53
MATTHEW NIEBLING	CLASS I	\$9.53
KELLY DRUM	CLASS I	\$13.52
CHRISTINE FRUEHWIRTH	CLASS I	\$13.52
IAN DAVIS	CLASS I	\$13.52
JESSICA CAFFEY	CLASS I	\$11.81
MATTHEW MERKLINGER	CLASS I	\$11.81
WILLIAM NOBLE	CLASS I	\$11.81
DANIEL TULLY	CLASS I	\$11.81
TYLER VADAS	CLASS I	\$11.81
HARRY CUTTRELL	CLASS II	\$15.24
DAVID BOWEN	CLASS II	\$15.24
WILLIAM KELLY	CLASS II	\$15.24
MARK CASAGRANDE	CLASS II	\$15.24
CHRISTOPHER HEINE	CLASS II	\$15.24
MATTHEW PHILLIPS	CLASS II	\$15.24
MARK EVANGELISTA	CLASS II	\$15.24
GERALD PRESTON	CLASS II	\$15.24
KYLE DICK	CLASS II	\$15.24
AARON ABELES	CLASS II	\$15.24

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-089 - RESOLUTION – APPOINTING ADDITIONAL BEACH PERSONNEL
FOR THE 2014 SEASON**

BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the following individuals be appointed as Beach Employees for the 2014 Season:

Dan Finn	Beach/Pool Manager	\$23,087.00
Kevin Oberto	Assistant Manager (May 24 – Sept 28)	\$15,000.00
Ann-Elise Dousset	Assistant Manager (May 24 – Sept 1)	\$12,000.00
	(after Sept 1)	\$11.25 per hr
Janet Carbin	Chief Lifeguard	\$19,000.00
Edward Reilly	Lifeguard Lieutenant	\$12,500.00
Anthony Hipsley	Lifeguard Lieutenant	\$12,500.00
Mat Giachetti	EMT Safety Instructor	\$3,672.00
Colleen Panzini	Swim Clinic Instructor	\$28.19 per hour
Colleen Panzini	Swim Team Co-Coach	\$2,770.00
Catherine Miksic	Swim Team Co-Coach	\$2,770.00
Tom Bateman	Jr. Guard	\$3,060.00

Beach Maintenance

Matthew Aprahamian	\$8.00 per hr	Michael Short	\$8.30 per hr
Kevin Beachem (Supervisor)	\$11.50 per hr	James Smith (Supervisor)	\$11.50 per hr
Donald Corson	\$8.00 per hr	Patrick Walsh	\$8.00 per hr
Shane Finn	\$8.30 per hr	Jordan Zawodniak	\$8.30 per hr
Zachary Hennings	\$8.30 per hr	Noah Hennings	\$7.25 per hr

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Domenic Gargiulo	\$8.00 per hr	Dylan Finn	\$7.25 per hr
Gregg Keniston (Supervisor)	\$11.50 per hr	Jack Miles	\$7.25 per hr
John Lane	\$8.30 per hr	Anthony Mennie	\$5,722.20 per season
Daniel Miles	\$8.00 per hr		
Thomas Rossi (Supervisor)	\$11.50		

Pool Cleaning/Night Watch

Joseph Drew	\$120.00 per night/\$15.00 per hour
William Heaney	\$120.00 per night/\$15.00 per hour
Andrew Sigrist	\$120.00 per night/\$15.00 per hour
Anthony Mennie	\$120.00 per night/\$15.00 per hour

Badge Seller

Steven Allen	\$10.25
Lindsay Broxmeyer	\$10.25
Lyndsey Casagrande	\$10.25
Helen Clayton	\$10.25
Mary Ann Crimmins	\$10.25
Robert Dawson, Sr.	\$10.25
Lia Florentine	\$10.25
Maggie Flynn	\$10.25
Lisa Giambattista	\$10.25
Samantha Grassano	\$10.25
Sandra Hawthorne-Tormey	\$10.25
Emily Hunt	\$10.25
Christine Kaczorowski	\$10.25
Emily Kaminski	\$10.25
Matthew Liddy	\$10.25
Patrick Mastroilli	\$10.25
Frances McClaughlin	\$10.25
Alyssa McGarry	\$10.25
Joyce Megill	\$10.25
Taylor Milanowycz	\$10.25
Jennifer Moir	\$10.25
Arlene Naughton	\$10.25
Annette Quetel	\$10.25
Katherine Quinn	\$10.25
Peter Roche	\$10.25
Christopher Scerbo	\$10.25
Eileen Strand	\$10.25
Shane Sturtevant	\$10.25
Arlene Valian	\$10.25
Sean VanWinkle	\$10.25
Dorothy Weierman	\$10.25

Gate Checker

Therese Abel	\$8.25
Katherine Bateman	\$8.25
Megan Bauter	\$8.25
Gregory Bernhardt	\$8.25
Nicholas Bernhardt	\$8.25
Thomas Bielicki	\$8.25
Marielle Biesadecki	\$8.25
Thomas Brodsky	\$8.25
Tyler Brooks	\$8.25
Julia Coan	\$8.25
Caitlyn Coyle	\$8.25
Karin Davis	\$8.25
Robert J. Dawson Jr.	\$8.25
Howard Dombroski	\$8.25
Judith Dombroski	\$8.25
Kori Durando	\$8.25
Ryan Durando	\$8.25

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Josephine Gargiulo	\$8.25
Danielle Gillis	\$8.25
Nick Gockel	\$8.25
Lazaro Goncalves	\$8.25
Matthew Hanley	\$8.25
Mary Kate Hardimann	\$8.25
Mary Herzberg	\$8.25
Ryan Holt	\$8.25
Michalena Iannacone	\$8.25
Allison Johnson	\$8.25
Meghan Judge	\$8.25
Sean Judge	\$8.25
James Kelly	\$8.25
Megan Kennedy	\$8.25
Robert Klein	\$8.25
Gabrielle Kozlowski	\$8.25
Morgan Lavalla	\$8.25
Edward Ledden	\$8.25
Connor Lucid	\$8.25
Ella Luzzi	\$8.25
Lewis Marks	\$8.25
Matilda Marks	\$8.25
Bridget McNamara	\$8.25
Mary Mencer	\$8.25
Connor Morgan	\$8.25
John O'Hearn	\$8.25
Meghan O'Malley	\$8.25
Blaise Panzini	\$8.25
Avery Pelle	\$8.25
Noah Rivera	\$8.25
Margaret Rooney	\$8.25
Francesca Rubino	\$8.25
Catharine Sabaitis	\$8.25
John Sullivan	\$8.25
Charles Thoma	\$8.25
Rachel VanBrunt	\$8.25
Lisa VanWinkle	\$8.25
Megan Watt	\$8.25
Julia Williams	\$8.25
Robert Zoino, Jr.	\$8.25

Office Clerks

Lauren Gargiulo	\$11.25
Alma Giddings	\$11.25
Joseph Liddy	\$11.25
Joseph McGarry	\$11.25
Lisa Petrillo	\$11.25
Leigh Anne Pisegna	\$11.25
Heather VanVliet	\$11.25
Amanda Winnicki	\$11.25

Pool Gate Attendants

Nicholas Giambattista	\$11.25
Betty Karl	\$11.25
Beth Whitaker	\$11.25

Lifeguards

AHLERS, VICTORIA J.	\$14.88
BATEMAN, IAN H.	\$12.23
BENVENUTO, STEPHEN J.	\$12.23
BILOTTI, CAROLINE	\$12.23
BONGIOVANNI, FRANCESCA	\$13.10
BRIANT, HANNAH P.	\$13.10
BROOKS, MICHAEL	\$12.23
BURKARD, PAIGE A.	\$12.23

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BYRNE, ABIGAIL E.	\$12.23
BYRNE, SEAN C.	\$14.88
CANNON, SARAH E.	\$14.88
CAPPIELLO, MICHAEL J.	\$14.88
CARBIN, JENNA F.	\$14.88
CAVANAGH, SEAN M.	\$16.99
CONTE, LOUIS B.	\$12.23
CONTE, MARK A.	\$14.88
CRISCUOLO, MELISSA M.	\$14.88
CURRY MIKE	\$12.23
DITOMMASO, KRISTEN E.	\$14.88
DONNELLY, GERARD	\$14.88
DUGGAN, MARY K.	\$14.88
ENNIS, MICHAEL K.	\$13.10
FARRELL, EILEEN T.	\$14.88
FERENCZ, ALEX J.	\$14.88
FINN, SARAH	\$14.88
FLAHERTY, ANNALEE D.	\$13.10
FOLEY, COLLEEN M.	\$12.23
FOLEY, KATHRYN M.	\$13.10
FOX, BRIAN C.	\$12.23
FREDA, ANTHONY J.	\$13.10
FURY CASEY	\$10.10
GASZYNSKI, JAN-RICHARD R.	\$14.88
GILBERT, LAUREN K.	\$14.88
GRAMLUCH JACK	\$14.88
GREEN, MICHAEL R.	\$14.88
GREEN, ROBERT P.	\$14.88
GREENQUIST, NICHOLAS T.	\$14.88
GROTHUES, DANIEL	\$16.99
GROTHUES, MEGHAN C.	\$16.99
HALL, JEREMY B.	\$12.23
HARKINS, NANCY A.	\$14.88
HEALY DAVID	\$10.10
HOFFMAN, ROBERT J.	\$14.88
KACSMAR, THOMAS P.	\$14.88
KAPPY, JR R.	\$16.99
KARKLIN, CONNOR	\$12.23
KARKLIN, JACK	\$12.23
KARKLIN, RYAN D.	\$13.10
KAZABA, KATHERINE L.	\$14.88
KOESTER, MARK A.	\$14.88
KNOLL MARK	\$10.10
LAPHAM, KEVIN G.	\$14.88
LEMKE, JOSEPH J.	\$14.88
LENK, KEVIN P.	\$14.88
MALDJIAN, KATHERINE E.	\$14.88
MALDJIAN, KEVIN P.	\$12.23
MALDJIAN, MARGARET R.	\$14.88
MALDJIAN, MEGHAN P.	\$13.10
MALDJIAN, SEAN P.	\$14.88
MANCINI, MICHAEL P.	\$12.23
MCCARTHY, RACHEL M.	\$12.23
MCCLATCHEY, SHANE O.	\$14.88
MCCORMICK, JOSEPH P.	\$14.88
MCGEE, KEVIN E.	\$12.23
MEEHAN, HUGH	\$14.88
MEEHAN, HUGH Sr.	\$13.10
MENCEL, CHARLES H.	\$14.88
MIHALCIK, PETER J.	\$14.88
MONTELEONE, ROBERT T.	\$16.99
NEGREY, JOSEPH A.	\$14.88
NIEMANN, CHRISTIAN	\$13.10
NOBLE, ASHLEY L.	\$16.99
NOBLE, RACHEL	\$12.23

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O'DONNELL, LIAM	\$14.88
PARSONS, COLIN J.	\$14.88
PELES, SHANE	\$12.23
PETRONE, CAROLINE M.	\$14.88
PETRONE, PATRICK J.	\$14.88
PIMENTEL, NICHOLAS	\$12.23
POLAND, MEGHAN L.	\$13.10
POSNER, JANE V.	\$12.23
PRINCE, TROY B.	\$12.23
REDEMONTI, BETHANY	\$12.23
REILLY, CONOR P.	\$14.88
ROZEK, ELIZABETH A.	\$14.88
RUSO, WILLIAM A.	\$14.88
SABAITIS, CHARLIE S.	\$13.10
SASALA, JOSEPH M.	\$14.88
SCHAMBACH BRAD	\$10.10
SHERMAN, DANIEL	\$14.88
SMITH, MARGARET ANNE T.	\$12.23
SPITZER, MICHAEL H.	\$13.10
ST. GERMAINE, JACQUES R.	\$12.23
STRIZKI, DIANA L.	\$16.99
TARULLO, DAVID M.	\$12.23
TESTA, RICHARD A.	\$14.88
THOMPSON, SEAN M.	\$14.88
TOMBS, TYLER W.	\$13.10
VELLA, JEFFEREY J.	\$14.88
VELLA, SEAN P.	\$14.88
VROMAN THOMAS	\$13.10
WALDRON, AMANDA L.	\$14.88
WALSH, SEAN	\$16.99
WHITE, AMY C.	\$12.23
WHITE, ROSE T.	\$12.23
WILSON, DAVID E.	\$13.10
WILSON, GABRIELLE R.	\$12.23
WLADICH, JAMES F.	\$14.88
ZUPKO, ROBERT L.	\$16.99

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-090 - RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED
FORCES BY AUTHORIZING FREE DAILY BEACH ADMISSION DURING THE 2014
BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL**

WHEREAS, members of the armed forces of the United States, including residents of the Borough of Spring Lake, are today actively engaged in combat operations in Afghanistan and Iraq, or are deployed or otherwise serving in support of those operations, and/or in support of the on-going efforts of our Armed Forces throughout the world to protect and defend our nation and its citizens; and

WHEREAS, since September 11, 2001, and increasingly since the commencement of combat operations in Afghanistan and Iraq, the men and women of the New Jersey National Guard have been called up to active duty status in increasing numbers, and their support and service have been and will continue to be essential to the overall success of military efforts both home and abroad; and

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WHEREAS, as many American families have lost loved ones in the military actions underway in Afghanistan and Iraq, and more than a hundred thousand other American families live each day in constant trepidation that the next knock on the door might make their own worst fears come true; and

WHEREAS, the residents of the Borough of Spring Lake want our troops and their families to know that they are in our hearts and on our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Spring Lake that in honor and recognition of our active military and active reserve personnel and their families, and to demonstrate the gratitude of the residents of the Borough of Spring Lake for the daily sacrifices they are making, the Mayor and Council hereby offer free beach admission during the 2014 season to each member of the active military and active reserve and their dependents upon the presentation of a valid military identification card at any beach entrance (Up to a maximum of four (4) free passes daily including military personnel); and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall remain in effect throughout the 2014 beach season.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-091 - RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO ENTER INTO THE
2014 AND 2015 BEACH AGREEMENT WITH THE GRAND VICTORIAN HOTEL FOR BEACH BADGES**

WHEREAS, since 1994 the Borough of Spring Lake, municipal corporation of the State of New Jersey, has entered into an Agreement with Victorian Realty d/b/a The GRAND VICTORIAN Hotel for the Borough to operate the Beach by providing lifeguards, gate personnel, cleaning the beach; and

WHEREAS, it is in the best interest of the Borough and the GRAND VICTORIAN Hotel to continue said Agreement for the 2014 and 2015 season; and

WHEREAS, the contract cost for 2014 will be \$4,600.00; for 2015 will be \$5,200.00 based on the costs and beach fees for the season and it is agreed, that in future years the cost will be 50% of the seasonal beach only badge fee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Spring Lake that the Borough continue the aforesaid Agreement with The GRAND VICTORIAN Hotel for 2014 will be \$4,600.00; for 2015 will be \$5,200.00 based on the costs and beach fees for the season and it is agreed, that in future years the cost will be 50% of the seasonal beach only badge fee, and the Mayor and Borough Clerk are authorized to execute said Agreement on behalf of the Borough of Spring Lake and adopt this as the Beach Agreement for the 2014 and 2015 Season.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-092 - RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO
ENTER INTO THE 2014 AND 2015 BEACH AGREEMENT WITH THE
BREAKERS HOTEL FOR BEACH BADGES**

WHEREAS, since 1994 the Borough of Spring Lake, a municipal corporation of the State of New Jersey, has entered into an Agreement with Cosmo Scardino and Linda Scardino d/b/a The Breakers Hotel for the Borough to operate the Beach by providing lifeguards, gate personnel, cleaning the beach; and

WHEREAS, it is in the best interest of the Borough and the Breakers Hotel to continue said Agreement for the 2014 and 2015 season; and

WHEREAS, the contract cost for 2014 will be \$9,200.00; for 2015 will be \$10,400.00 based on the costs and beach fees for the season and it is agreed, that in future years the cost will be 50% of the seasonal beach badge only fee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of Spring Lake that the Borough continue the aforesaid Agreement with The Breakers Hotel for 2014 will be \$9,200.00; for 2015 will be \$10,400.00 based on the costs and beach fees for the season and it is agreed, that in future years the cost will be 50% of the seasonal beach badge only fee, and the Mayor and Borough Clerk are authorized to execute said Agreement on behalf of the Borough of Spring Lake and adopt this as the Beach Agreement for the 2014 and 2015 Season.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-093 - RESOLUTION – EXTENDING PROPOSAL #2011-0001
SAM HAMMER SURF SCHOOL THROUGH SEPTEMBER 7, 2014**

WHEREAS, on June 2, 2011 bids were received for the Surf Camp located at the North/Surfers Beach in the Borough of Spring Lake for the 2011 Summer Season and awarded to Sam Hammer Surf Camp, 2315 Bennett Ave, Pt Pleasant, NJ 08742, NJ for a one (1) year contract of by Resolution R-11-137 and

WHEREAS, said contract provides for the extension of the contract for an additional three (3) seasons with the discretion of the mayor & council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that contract #2011-0001 be hereby extended through September, 2014 with Sam Hammer Surf Camp be and is hereby awarded the final year extension of the Surf Camp, with the same terms and the same rent amount of \$5,800.00 for the 2014 season.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-094 - RESOLUTION – APPOINTING EMPLOYEE FOR REGIONAL CONSTRUCTION OFFICE –
ELECTRICAL SUBCODE OFFICIAL AND ELECTRICAL INSPECTOR**

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BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that Jean Verrier is hereby appointed to the position of Electrical Subcode Official and Electrical Inspector for the Regional Construction Office for Spring Lake, Spring Lake Heights, Sea Girt, and Brielle, and

BE IT FURTHER RESOLVED that Jean Verrier be and hereby is appointed to Electrical Subcode Official and Electrical Inspector at an annual salary of \$26,297.00 effective May 1, 2014.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-14-095 – RESOLUTION – SETTING FEES FOR SWIM TEAM/LESSONS

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following fees be and hereby are set for the year 2014:

SWIM TEAM:

- Residents \$105.00
- Non-Residents \$205.00

PRIVATE LESSONS:

- Single Individual Lessons \$45.00
- Individual Lesson Package (5) \$200.00

GROUP SWIM LESSONS:

- Single Group Lessons \$35.00
- Group Lesson Package (5) \$155.00

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-096 - RESOLUTION – OPPOSING S-1654 REQUIRING SHORE COMMUNITIES THAT ACCEPT
FEDERAL BEACH AID TO PROVIDE FREE BEACH ACCESS AND COMFORT FACILITIES**

WHEREAS, shore communities have had the ability to sell beach badges since the 1970's; and

WHEREAS, revenues from beach badges sales have been dedicated to the public health, safety and welfare of beach goers such as cleaning and maintain beaches and public restrooms as well as lifeguards; and

WHEREAS, beach badges programs provide jobs for students and senior citizens as well as factory jobs to manufacture the badges; and

WHEREAS, beach badge fees are user fees created to offset the cost to the taxpayers and are enforced during beach-going hours only, all other times beaches are 100% free; and

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WHEREAS, many municipalities welcomed and accepted legislation to allow for free or reduced beach badges for active members of the Armed Forces and Senior Citizens; and

WHEREAS, Federal beach re-nourishment is primarily a means of protection through dune stabilization to local homes and businesses from storm surges; and

WHEREAS, the proposed legislation does not consider the tax impact to shore communities if beach badge revenues are lost.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Spring Lake strongly oppose any legislation that would remove a beach badge user fee and put the burden of beach public health, safety and welfare onto the taxpayers of the municipalities.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Honorable Governor Chris Christie, Senators Sweeney and Doherty, Assemblyman Brian E. Rumpf, Assemblywoman DiAnne C. Gove, Senator Christopher Connors, Senate Secretary, Clerk of the General Assembly and all Monmouth County Municipalities.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Mr. Erbe asked for an update on the sale of the properties. Mr. Dempsey summarized noting that there were no bids presented at the public auction held last Thursday. As a result, Mr. Dempsey stated, the Borough is going back out to bid but without a bid minimum. If and when bids come in, the council will have the option to accept or reject the bids, continued Mr. Dempsey.

**R-14-097 - RESOLUTION OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR
PUBLIC USE AND KNOWN AS BLOCK 13, LOT 3.01 ON THE SPRING LAKE TAX MAP AND
ALSO KNOWN AND DESIGNATED AS 310 SECOND STREET, SPRING LAKE, NEW JERSEY
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, the Borough of Spring Lake is a municipal corporation in the County of Monmouth, State of New Jersey, and has been formed in compliance with the applicable statutes; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Spring Lake currently holds title to real property known as Block 13, Lot 3.01 and also known and designated as 310 Second Street, Spring Lake, New Jersey; and

WHEREAS, the governing body of the Borough of Spring Lake has determined that said property is not needed for public use, and that it is in the best interest of the Borough to sell the property.

WHEREAS, the governing body has further determined that the proceeds from the sale of the property will be dedicated to infrastructure or other expenditures for Wreck Pond flood control.

NOW, THEREFORE, BE IT AGREED that the property shall be offered in accordance with N.J.S.A. 40A:12-13(a) and the following terms and conditions, as may be amended, shall prevail and shall be hereinafter published in a public notice pursuant to the Statute:

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1. There shall be a public sale at auction via sealed bid on a date, time and location to be announced by the Borough, where the properties shall be offered to the highest bidder pursuant to N.J.S.A. 40A:12-13(a). The fee simple market value of the property, as reported in a February 24, 2014 Appraisal Report prepared by Gagliano & Company, is Five Hundred Thousand Dollars (\$500,000.00). There shall be no minimum bid price.
2. Sealed bids must be hand delivered to the Borough Clerk at Spring Lake Borough Hall, 423 Warren Avenue, Spring Lake, New Jersey. Sealed bids will be accepted up until 9:30 a.m. on the day of the auction and will be stamped to confirm timely receipt. Sealed bids will be opened by the Borough Clerk before the public and all those who submit a bid must be in attendance. If a person submits a bid, but does not attend the auction, their bid will be disqualified.
3. Upon completion of the bidding, the highest bid may be accepted, and all bids, including the highest bid, may be rejected by the Borough Council.
4. The successful bidder shall be required to deposit ten (10) percent of the minimum bid amount for the particular property at the time of the auction. This deposit shall be made by a certified check, money order or cash. All monies received will be credited to the total sale price.
5. Except as provided in paragraph 11 of this Resolution, the deposit made by the purchaser is non-refundable. The purchaser is not entitled to a refund of this deposit in any case except where the Borough is unable to convey marketable title. The risk of loss is on the purchaser.
6. The successful bidder shall be required to pay, at the time of closing of title, the proportionate cost of legal advertising of the sale of the property which is the subject of this auction and other reasonable closing costs incurred by the Borough.
7. The successful bidder shall close within sixty (60) days of the Borough Council's acceptance of the bid. NO POSTPONEMENT OF CLOSING IS PERMITTED UNLESS the Borough's title is unmarketable in which event the Borough shall be allowed a reasonable time to perfect title and to close.
8. All conveyances shall be by deed of bargain and sale from the Borough of Spring Lake to the successful bidder, to be dated on the date of closing.
9. The sale and conveyance hereunder shall be subject to all covenants, conditions, easements and restrictions of record and shall be subject to all present and existing municipal rules, regulations and ordinances, including zoning ordinances and amendment thereto of the Borough of Spring Lake. The sale of said parcel shall in no way bind the Borough to make any improvements including access to the property or utility installations to the property.
10. This sale is also subject to the further condition that if the State of New Jersey or any upland owner has any rights or claims to the land being sold herein by reason of a riparian interest or otherwise, any charges which are levied or are to be so levied by the State of New Jersey or upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
11. All successful bidders are required to conduct all required title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment to the purchaser of the amount of his or her deposit and any other portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Borough in writing no later than ten (10) days after the date of confirmation of the sale; failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
12. All prospective purchasers are put on notice that no employee, agent or officer of the Borough of Spring Lake has the authority to waive, modify or amend any of the conditions of sale.
13. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough of Spring Lake, as a material breach of the conditions of sale whereupon the Borough of Spring Lake may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Borough as its liquidation damages and it may therefore resell said property and/or such other and further legal or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Borough of Spring Lake by reason of any such default.
14. Any descriptions of the properties published by the Borough are intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Spring Lake as to the condition of the property, said premises are being sold in their present "AS IS" condition.
15. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Spring Lake.

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16. Successful bidder(s) agrees to following conditions:

- a. To pay prorated real estate taxes for the balance of the current year, as of the date of closing.
- b. To abide by all appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
- c. That the failure to close title as agreed shall forfeit to Borough of Spring Lake any and all money deposited with Borough.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-098 - RESOLUTION – SETTING FEES FOR THE YEAR 2014 FOR WATER/SEWER
PURSUANT TO ORDINANCE NO. 2007-006 AS ADOPTED BY THE MAYOR
AND BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following fees be and hereby are set for the year 2014:

WATER/SEWER

Pursuant to §376.61: Annual Usage Charge	\$445.20 annually
(Initial 7,000 Gallons or Less per quarter)	(\$111.30 per quarter)

Pursuant to §376.62: Usage in Excess of the Minimum	
Shall be charged at	\$15.90 per 1,000 gallons
(Use in excess of 7,000 Gallons per quarter)	

ROLL CALL:

AYES: Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: Mr. Fay

ABSENT: NONE

ABSTAIN: NONE

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

R-14-099 - RESOLUTION – APPROVAL OF BILLS – MAY 13, 2014

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending May 13, 2014, 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.

CURRENT FUND (1)	SUMMARY
WATER/SEWER OPERATING (9)	679,062.07
DOG TRUST (13)	231,130.94
	922.60

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MT LAUREL TRUST (16)	1,837.50
RECREATION (25)	298.41
BEACH OPERATING (81)	23,870.42
BEACH CAPITAL (84)	20,982.44
POOL OPERATING (91)	10,266.78
POOL CAPITAL (94)	1,038.28
TOTAL	\$969,409.44

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

**R-14-100 - RESOLUTION OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR
PUBLIC USE AND KNOWN AS BLOCK 13, LOT 2.02 ON THE SPRING LAKE TAX MAP AND
ALSO KNOWN AND DESIGNATED AS 320 SECOND STREET, SPRING LAKE, NEW JERSEY
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, the Borough of Spring Lake is a municipal corporation in the County of Monmouth, State of New Jersey, and has been formed in compliance with the applicable statutes; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Spring Lake currently holds title to real property known as Block 13, Lot 2.02 and also known and designated as 320 Second Street, Spring Lake, New Jersey; and

WHEREAS, the governing body of the Borough of Spring Lake has determined that said property is not needed for public use, and that it is in the best interest of the Borough to sell the property.

WHEREAS, the governing body has further determined that the proceeds from the sale of the property will be dedicated to infrastructure or other expenditures for Wreck Pond flood control.

NOW, THEREFORE, BE IT AGREED that the property shall be offered in accordance with N.J.S.A. 40A:12-13(a) and the following terms and conditions, as may be amended, shall prevail and shall be hereinafter published in a public notice pursuant to the Statute:

1. There shall be a public sale at auction via sealed bid on a date, time and location to be announced by the Borough, where the properties shall be offered to the highest bidder pursuant to N.J.S.A. 40A:12-13(a). The fee simple market value of the property, as reported in a February 24, 2014 Appraisal Report prepared by Gagliano & Company, is Five Hundred Twenty Thousand Dollars (\$520,000.00). There shall be no minimum bid price.
2. Sealed bids must be hand delivered to the Borough Clerk at Spring Lake Borough Hall, 423 Warren Avenue, Spring Lake, New Jersey. Sealed bids will be accepted up until 9:30 a.m. on the day of the auction and will be stamped to confirm timely receipt. Sealed bids will be opened by the Borough Clerk before the public and all those who submit a bid must be in attendance. If a person submits a bid, but does not attend the auction, their bid will be disqualified.
3. Upon completion of the bidding, the highest bid may be accepted, and all bids, including the highest bid, may be rejected by the Borough Council.

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4. The successful bidder shall be required to deposit ten (10) percent of the minimum bid amount for the particular property at the time of the auction. This deposit shall be made by a certified check, money order or cash. All monies received will be credited to the total sale price.
5. Except as provided in paragraph 11 of this Resolution, the deposit made by the purchaser is non-refundable. The purchaser is not entitled to a refund of this deposit in any case except where the Borough is unable to convey marketable title. The risk of loss is on the purchaser.
6. The successful bidder shall be required to pay, at the time of closing of title, the proportionate cost of legal advertising of the sale of the property which is the subject of this auction and other reasonable closing costs incurred by the Borough.
7. The successful bidder shall close within sixty (60) days of the Borough Council's acceptance of the bid. NO POSTPONEMENT OF CLOSING IS PERMITTED UNLESS the Borough's title is unmarketable in which event the Borough shall be allowed a reasonable time to perfect title and to close.
8. All conveyances shall be by deed of bargain and sale from the Borough of Spring Lake to the successful bidder, to be dated on the date of closing.
9. The sale and conveyance hereunder shall be subject to all covenants, conditions, easements and restrictions of record and shall be subject to all present and existing municipal rules, regulations and ordinances, including zoning ordinances and amendment thereto of the Borough of Spring Lake. The sale of said parcel shall in no way bind the Borough to make any improvements including access to the property or utility installations to the property.
10. This sale is also subject to the further condition that if the State of New Jersey or any upland owner has any rights or claims to the land being sold herein by reason of a riparian interest or otherwise, any charges which are levied or are to be so levied by the State of New Jersey or upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
11. All successful bidders are required to conduct all required title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment to the purchaser of the amount of his or her deposit and any other portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Borough in writing no later than ten (10) days after the date of confirmation of the sale; failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
12. All prospective purchasers are put on notice that no employee, agent or officer of the Borough of Spring Lake has the authority to waive, modify or amend any of the conditions of sale.
13. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough of Spring Lake, as a material breach of the conditions of sale whereupon the Borough of Spring Lake may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Borough as its liquidation damages and it may therefore resell said property and/or such other and further legal or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Borough of Spring Lake by reason of any such default.
14. Any descriptions of the properties published by the Borough are intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Spring Lake as to the condition of the property, said premises are being sold in their present "AS IS" condition.
15. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Spring Lake.
16. Successful bidder(s) agrees to following conditions:
 - a. To pay prorated real estate taxes for the balance of the current year, as of the date of closing.
 - b. To abide by all appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
 - c. That the failure to close title as agreed shall forfeit to Borough of Spring Lake any and all money deposited with Borough.

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ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Helen Motzenbecker, 4 Glenwood Avenue, asked if the lots being sold by the Borough have utilities connected to them. Mr. Dempsey stated that they did. Mrs. Motzenbecker asked if they have certificates of elevation. Mayor Naughton noted that a certificate of elevation is only issued when there is a structure on a lot and these lots are empty. Mrs. Motzenbecker asked if they are in a flood zone. Mr. Avakian stated that lot 3 has a flood elevation 10 associated with. One or two of the lots touches the back of the flood hazard area in the rear of the property. Mr. Avakian stated that each property has a building envelope that falls outside the flood hazard area.

Frank Suozzi, 112 Brown Avenue, asked if it made sense to consider a different marketing and advertising campaign and if the council would consider rezoning the properties for townhomes. The Mayor offered her belief that the best use would be single family homes noting that existing neighbors have expressed a preference for single family homes. Mr. Jordan offered that he believes it's best to pass these resolutions, go back out without a minimum bid, do a better job marketing and see what the Borough gets.

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

**R-14-101 - RESOLUTION OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR
PUBLIC USE AND KNOWN AS BLOCK 13, LOT 2.01 ON THE SPRING LAKE TAX MAP AND
ALSO KNOWN AND DESIGNATED AS 330 SECOND STREET, SPRING LAKE, NEW JERSEY
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, the Borough of Spring Lake is a municipal corporation in the County of Monmouth, State of New Jersey, and has been formed in compliance with the applicable statutes; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Spring Lake currently holds title to real property known as Block 13, Lot 2.01 and also known and designated as 330 Second Street, Spring Lake, New Jersey; and

WHEREAS, the governing body of the Borough of Spring Lake has determined that said property is not needed for public use, and that it is in the best interest of the Borough to sell the property.

WHEREAS, the governing body has further determined that the proceeds from the sale of the property will be dedicated to infrastructure or other expenditures for Wreck Pond flood control.

NOW, THEREFORE, BE IT AGREED that the property shall be offered in accordance with N.J.S.A. 40A:12-13(a) and the following terms and conditions, as may be amended, shall prevail and shall be hereinafter published in a public notice pursuant to the Statute:

1. There shall be a public sale at auction via sealed bid on a date, time and location to be announced by the Borough, where the properties shall be offered to the highest bidder pursuant to N.J.S.A. 40A:12-13(a). The fee simple market value of the property, as

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reported in a February 24, 2014 Appraisal Report prepared by Gagliano & Company, is Five Hundred Fifty Thousand Dollars (\$550,000.00). There shall be no minimum bid price.

2. Sealed bids must be hand delivered to the Borough Clerk at Spring Lake Borough Hall, 423 Warren Avenue, Spring Lake, New Jersey. Sealed bids will be accepted up until 9:30 a.m. on the day of the auction and will be stamped to confirm timely receipt. Sealed bids will be opened by the Borough Clerk before the public and all those who submit a bid must be in attendance. If a person submits a bid, but does not attend the auction, their bid will be disqualified.
3. Upon completion of the bidding, the highest bid may be accepted, and all bids, including the highest bid, may be rejected by the Borough Council.
4. The successful bidder shall be required to deposit ten (10) percent of the minimum bid amount for the particular property at the time of the auction. This deposit shall be made by a certified check, money order or cash. All monies received will be credited to the total sale price.
5. Except as provided in paragraph 11 of this Resolution, the deposit made by the purchaser is non-refundable. The purchaser is not entitled to a refund of this deposit in any case except where the Borough is unable to convey marketable title. The risk of loss is on the purchaser.
6. The successful bidder shall be required to pay, at the time of closing of title, the proportionate cost of legal advertising of the sale of the property which is the subject of this auction and other reasonable closing costs incurred by the Borough.
7. The successful bidder shall close within sixty (60) days of the Borough Council's acceptance of the bid. NO POSTPONEMENT OF CLOSING IS PERMITTED UNLESS the Borough's title is unmarketable in which event the Borough shall be allowed a reasonable time to perfect title and to close.
8. All conveyances shall be by deed of bargain and sale from the Borough of Spring Lake to the successful bidder, to be dated on the date of closing.
9. The sale and conveyance hereunder shall be subject to all covenants, conditions, easements and restrictions of record and shall be subject to all present and existing municipal rules, regulations and ordinances, including zoning ordinances and amendment thereto of the Borough of Spring Lake. The sale of said parcel shall in no way bind the Borough to make any improvements including access to the property or utility installations to the property.
10. This sale is also subject to the further condition that if the State of New Jersey or any upland owner has any rights or claims to the land being sold herein by reason of a riparian interest or otherwise, any charges which are levied or are to be so levied by the State of New Jersey or upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
11. All successful bidders are required to conduct all required title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment to the purchaser of the amount of his or her deposit and any other portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Borough in writing no later than ten (10) days after the date of confirmation of the sale; failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
12. All prospective purchasers are put on notice that no employee, agent or officer of the Borough of Spring Lake has the authority to waive, modify or amend any of the conditions of sale.
13. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough of Spring Lake, as a material breach of the conditions of sale whereupon the Borough of Spring Lake may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Borough as its liquidation damages and it may therefore resell said property and/or such other and further legal or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Borough of Spring Lake by reason of any such default.
14. Any descriptions of the properties published by the Borough are intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Spring Lake as to the condition of the property, said premises are being sold in their present "AS IS" condition.
15. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Spring Lake.
16. Successful bidder(s) agrees to following conditions:

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- a. To pay prorated real estate taxes for the balance of the current year, as of the date of closing.
- b. To abide by all appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
- c. That the failure to close title as agreed shall forfeit to Borough of Spring Lake any and all money deposited with Borough.

ROLL CALL:

AYES: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Comments

Frank Suozzi, 112 Brown Avenue, on behalf of all the residents in the Wreck Pond flood zone expressed thanks to the Mayor, the council, Mr. Avakian and Mr. Dempsey for the arrival of the sluice gates and expressed hope that the this step will be followed by the second pipe, installation of the berm, and continuous high dunes in an effort to completely fix the flood problem in the area. Mr. Suozzi asked for clarification of the status of the second pipe. Mayor Naughton responded noting that there is a \$2 million grant from US Fish and Wildlife, there is hope to get \$1 million in Open Space funding from the county, and the Borough hopes to sell the three (3) properties discussed earlier so the Borough can contribute to the overall funding without bonding money. Mr. Suozzi asked about cost estimates in connection with Mr. Avakian's current redesign. Mr. Avakian stated that the latest estimates reduce the overall cost by \$500,000 and brings the Borough very close to an overall estimated cost of \$4 million. Mr. Judge clarified that this refined estimate is not based upon a redesign so much as it is a revised estimate based upon obtaining more accurate data. Mr. Avakian confirmed. In connection with permitting, the Mayor added that since US Fish and Wildlife are spearheading the project they can go for a federal consistency permit and they are quite confident they can get the permits they need to get the project going.

Harry Zarb, 2205 Third Avenue, asked if the ownership question in connection with the pipe at Lake Como has been resolved. Mr. Dempsey stated that the Attorney General believes that it's Spring Lake's pipe. The Mayor added that if FEMA determines that the repair is an emergency repair then the Borough would be eligible for the 90% reimbursement of costs associated with the repair. Further, the Mayor stated, there is an agreement between Lake Como, Belmar and Spring Lake that the three towns would share the remaining 10% cost. Mr. Zarb stated that at times it's difficult to hear the comments at the meetings.

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Mr. Judge offered a motion to approve the following Resolution and moved its adoption, seconded by Mrs. Venables.

R-14-102 - 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: Sale Strategy – Borough Owned Lots on Second Street.

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. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Note: Mr. Fay left prior the Executive Session

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 8:10 P.M.

MEETING IS RECONVENED: 8:22 P.M.

Adjournment

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

AYES: Mr. Erbe, Mr. Frost, Mr. Judge, Mr. Jordan, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Fay

ABSTAIN: NONE

Time of Adjournment: 8:22 PM

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: June 24, 2014