

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 9, 2016**

Mayor Naughton called the Reorganization 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. Erbe, Mr. Drasheff, Mr. Mr. Judge (via telephone), Mr. Frost, Mr. Sagui, Mayor Naughton

ABSENT: Mrs. Venables

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

Workshop Discussion - None

Approval of Minutes

Mr. Erbe offered a motion to approve the minutes of November 10, 2015, seconded by Mr. Frost.

ROLL CALL:

AYES: Mr. Judge Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: Mr. Drasheff, Mr. Erbe

Proclamations, Presentations, & Special Guests - None

Public Comments

Mr. Frost started the public comments by explaining the council realizes that the bathroom issue is important to a lot of residents. He added that the beach committee has dedicated a lot of time, energy, and man-hours into the discussion of this issue prior to the decision of the pilot program. Mr. Frost explained that during the twelve weeks of summer, one hundred and fifty thousand daily badges are sold and approximately one third of them are at the north end pavilion. Mr. Frost stated that the committee honestly thought that a bathroom in the sand would not be offense since the bathrooms at Pier Beach have been there for the last two seasons and have had zero complaints. He noted that Dan Finn, Beach Manager and Janet Carbin, Lifeguard Captain have seen the beach usage change and grow and have asked repeatedly for bathrooms to help with safety and crowding concerns. Mr. Frost explained that the committee thought approving a pilot program would help evaluate whether or not this actually works; the council is going to take a step back and put the pilot program on hold. He added that the committee will gather all of the information to establishing a plan for using the entire beach front to hopefully lesson the crowding at the pavilions and to better utilize the facilities. A public workshop session will be scheduled for all residents who would like to be involved within the next few weeks and will not be on a council meeting night so that everyone has a chance to be heard.

Brian Froelich, 205 Washington Avenue thanked Mr. Frost and the council. Mr. Froelich stated since the meeting he has looked at the survey and manually added the numbers, in summary the survey does not contain any evidence to support the decision that was made at the last meeting. Mr. Froelich discussed his findings of the survey; there were not many comments in regards to the need

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for more bathrooms just the condition of the existing ones. He ended with this issue will not go away and cannot be ignored.

Mr. Judge explained that the survey was given in September of 2014 a great number of responses dealt with the maintenance of the bathrooms; the survey was not designed to address the need for bathrooms elsewhere.

Mr. Frost added that the survey was designed for the pool users who had comments or complaints about the cleanliness and the facilities since last year was the first year with of the north end pavilion.

Mr. Judge clarified that the survey went out to anyone who purchased a seasonal badge through the communitypass website.

Luana Alesio, 2505 Ocean Avenue stated that she had read the survey and there is an overwhelming amount of information; one of the main points was incredible satisfaction. She understands surveying both residents and non-residents however, she is concerned how much weight the non-residents going to get as the plans moved forward. She explained that there were not many complaints about overcrowding. Some of the main comments, Ms. Alesio continued were that the south end pavilion is in dire need of repair. She is happy that the council is stepping back and giving this longer term planning.

Larry Larkin, 101 Morris Avenue asked about the other locations for sewer hook ups. Mr. Frost answered that nothing is going to be decided tonight but a decision will be made before the deadline of the county paving. Mr. Dempsey added that the county is scheduled to pave sometime in May; a sewer line could be installed in a few days if approved.

Mark Brahney, 316 Washington Avenue agreed with Ms. Alesio's comments. He added that bathrooms will be used by non-residents since residents use their home bathrooms. He agrees with the idea of a meeting since there is such a pushback from residents. Mr. Frost stated that there has been push back from residents who are against the bathrooms however; there are a lot of people for this.

Anita Vander-Bulcke, 205 York Avenue believes that the distance between the north and south end pavilions is greater than the north end to Howell Avenue, practically speaking Washington Avenue would be a direct center point. Mr. Frost stated that several different areas and Howell Avenue does not have to be the set location.

Pam Talarico, 114 Washington Avenue explained that last year was a very busy summer season and she believes that more bathrooms would bring more people. She added that there is a special aura about this town, fix what is wrong first.

Jim Sabiatis, 901 Ocean Avenue asked if the new bathroom is for overcrowding how many weekends are there in the summer since the overcrowding issue is probably on the weekends. He added that for twenty five possible great beach days, the beach front will now be changed. Mr. Frost answered that there are also a couple of very busy weeks during the summer; this is a seasonal bathroom only there for three months.

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Jackie Brahney, 316 Washington Avenue agrees with the comments made. She then asked if there was going to be a storm event with flooding how this structure would be moved. She stated that Spring Lake beaches have more bathrooms than any beach in Monmouth County. Mr. Frost answered that the structure is designed to be moved so that if a storm does come it can be moved, and then the sewer can be capped.

Steve Alesio, 2505 Ocean Avenue believes that everyone's point of view is not going to change and he is not sure what the outcome will be after the next meeting. He then asked how non-residents should be thought about more strategically over time. Mr. Frost answered that he would like to see the process play out so that some residents will come forth who are in favor of more amenities. He then stated that what may come out of this process is that it does not end up at Howell Avenue. He explained that the council is concerned with the residents and how the non-residents are affecting the beach and pools.

Mr. Judge stated that thousands of people use the beaches and he does not think the need to use the bathroom discriminates between residents and non-residents; it is something that should be provided to beach goers.

Jim Curry, 212 Remsen Avenue asked what would have to happen at the meeting that the toilets would get put in. Mr. Judge answered that there is no set criteria; the council just wants to give the public the opportunity to be heard then a decision will be made.

Anne Estabrook, 1401 Ocean Avenue asked what percentage of residents versus non-residents spoke to the council that they are in favor of this. Mr. Frost stated that he has spoken to many people and the people who were in favor of this were residents.

Michael Mattia, 313 Jersey Avenue stated that if there were no out of town residents the beach and pools would not be able to function, they pay a big portion of the maintenance. He added that as a store owner he wants to see more people come to town.

Helen Motzenbecker, 4 Glenwood Avenue asked if the public meeting will have the power to change anything. Mr. Erbe answered that he thinks it will. Mr. Sagui added that the council is just trying to do what is right for the town whether it be installing bathrooms or not.

Gina Kennedy, 112 Passaic Avenue asked about the cost of the structure. Mr. Dempsey answered that the cost estimate for the structure would be approximately forty thousand. She feels that is a lot of money for a pilot program that may not be put up after one year; shouldn't that money be spent in a better way. She then suggested spending money on a company that can produce a survey and collect proper data. Mr. Frost agrees with the idea.

Dana Denton, 110 Union Avenue agrees with the survey idea. She added that if the problem is overcrowding, she suggested raising the fees.

Lynn Gockel, 312 Tuttle Avenue she understand the importance of non-residents however how does the council feel about the non-residents and revenue coming in. Mr. Frost answered that the beach and pool is a business that draws a lot of people and pays debt off with the revenue such as the new

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north end pavilion. He added that the pavilions are what make Spring Lake different than any other beach. Ms. Gockel suggested more bathrooms at the south pavilion.

Mary Harz, 10 Pitney Avenue asked if there was a breakdown of the revenue and how much comes in from residents vs. non-residents. Mr. Frost explained he does not currently have that breakdown however; he will be able to have that at the pre-season meeting. Mr. Dempsey explained that in regards to beach only there would be no way to see if they are a resident or not, only with the pool/beach combo badge.

Barbara Sabiatis, 901 Ocean Avenue agrees to use the proper process and involve all residents to every extent possible to make those decisions. She urged the council to preserve the pristine beaches. She stated that fees can be raised in other ways such as charging for parking or raising the non-resident fees.

Tony Eckert, 512 Morris Avenue asked what the issue really is overcrowding or bathrooms. Mr. Frost answered that the primary concern is the overcrowding. Mr. Eckert agrees with the idea of the public meeting however, if the residents speak up will it really change the council's mind. Mayor Naughton answered that she thinks they already have to an extent, since the last meeting the idea is not being tabled until the public meeting.

Muriel Sportelli, 318 Ludlow Avenue thinks the workshops will be a great idea and thanked the council for listening. She thinks that a professional survey company is a good idea and the survey should go directly to tax payers.

Mr. Drasheff stated that in two weeks this has become a Borough wide issue not just the folks around the Howell Avenue area. He added that he firmly believes that the public has spoken and if he did have a second tonight he would make a motion to reconsider this and eliminate the bathrooms. He is sorry the beach committee may disagree with him but the public has been very vocal about this.

Gina Kennedy, 112 Passaic Avenue asked how the committee came up with the idea that it was the bathrooms that would alleviate the overcrowding. Mr. Frost answered that it is something that may help alleviate the problem.

Anita Vander-Bulcke, 205 York Avenue asked what the chances were for this being an approved use by the State. Mr. Avakian answered that it is a permitted activity so the likelihood that it will be allowed is very high.

Elsie Dubac, 415 St. Clair Avenue asked if these bathrooms will have to be handicapped accessible. Mayor Naughton answered yes.

Rob Bielicki, 2110 Fourth Avenue stated that the council should come up with other ideas than a bathroom.

Mr. Drasheff made a motion to reverse the vote of the previous council meeting authorizing the pilot program for bathrooms on the public beach, Mr. Sagui seconded the motion.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Sagui

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NAYS: Mr. Frost

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mayor Naughton thanked everyone for attending the meeting.

Five minute recess.

Council Comments & Staff Reports

Mr. Erbe reported that he received a letter from Mrs. Pappas that Shakespeare in the Park will not be held this summer.

Mr. Frost reported that at the DPW meeting it was discussed to apply for a DEP permit to do a full dredging of Spring Lake.

Mr. Sagui reported that there is too much water going into the sanitary system; there a few areas in town where the old sanitary sewer which are in the water table. He added that there is a way to hydraulically grout these areas so that the water can't run down between the old sewer pipe and the liner and fill up.

Borough Engineer's Report

Mr. Avakian reported on the Wreck Pond outfall, there is currently one hundred and sixty feet of box culvert installed.

Borough Attorney's Report

Mr. Colao reported that he has one item for closed session.

Borough Administrator's Report

Mr. Dempsey reported that work will be done on a holiday on Monday at Wreck Pond and Ocean Avenue since there is a time constraint.

He then reported that there is a resolution on for the purchase of a wheel loader, the current on is twenty years old.

Business Items Under Consideration

Event Application – Jersey Shore Relay April 16, 2016 – Mr. Erbe offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

Event Application – National MS Society - May 21, 2016 - Mr. Erbe offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

Event Application – SCAD Research – April 30, 2016 – Event Application Carried.

Shark River Shark Anglers – Trout Fishing Contest – April 9, 2016 – Mr. Erbe offered a motion to approve the request, seconded by Mr. Sagui. All in favor. None opposed.

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Ordinance for Introduction - None

Ordinance for Adoption - None

Consent Agenda

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-027 RESOLUTION – APPOINTMENT OF PUBLIC WORKS PART-TIME
EMPLOYEE JOHN BROWN**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that John Brown be and hereby is appointed as a part-time Department of Public Works employee at a rate of \$12.50 per hour effective January 12, 2016.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-028 RESOLUTION –APPROVING VOLUNTEER APPLICATION
FOR FIREMAN – EDWIN HALE**

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

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-029 RESOLUTION – APPOINTMENT OF PART-TIME INSPECTORS
CONSTRUCTION DEPARTMENT**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake the following Inspectors be and are hereby added on an as needed basis:

Jean Verrier	\$25.00 per hour
Richard Furey	\$25.00 per hour
Ed Mack	\$25.00 per hour
Derek Medina	\$25.00 per hour

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

R-16-030 RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT

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WITH THE AFFORDABLE HOUSING ALLIANCE

BE IT RESOLVED, by Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Affordable Housing Alliance for the administration of affordable housing units for the years 2016 and 2017.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-031 RESOLUTION – APPOINTING CLINTON NEWMAN
FULL-TIME – DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Clinton Newman be and hereby is appointed full-time for the Department of Public Works effective February 8, 2016 as Laborer – Probationary in accordance with the Collective Bargaining Agreement with the Spring Lake Employees Association.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Resolutions

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-032 RESOLUTION – SETTING FEES FOR THE 2016 BEACHES AND POOLS PURSUANT TO
CHAPTER 114 OF THE CODE OF THE BOROUGH OF SPRING LAKE 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 of 2016:

BEACHES AND POOLS:

Pursuant to §114-19: Charges for use of beaches and pools shall be as follows:

A. Beach Only Badges:

(1) Seasonal beach badge	105.00
(2) Senior citizen badge	75.00
(3) Late season beach badge (badges purchased on or after August 1, 2016)	65.00
(4) Daily beach badge	10.00

B. Lockers: (All lockers include five (5) adult pool/beach badges)

(1) North End full locker	1,400.00
(2) North End half locker	1,150.00
(3) South End Deluxe Shower Locker	1,400.00
(4) South End Shower Locker	1,260.00
(5) South End full locker	1,150.00

C. Beach Boxes: (All boxes include five (5) adult pool/beach badges) 1,260.00

D. Additional Badges purchased concurrently with a locker/beach box:

(1) Additional pool/beach badge age 13+	230.00
(2) Additional pool/beach badge ages 6-12	135.00

E. Single Pool/Beach Badges:

(1) <i>Spring Lake Residents Only</i> – Maximum of three (3) per residence	230.00
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Note: Purchase of single badges counts towards the eight (8) maximum per property.

F. Resident Senior Citizen: (Pool Only) 80.00

G. Single Guest Pool/Beach Badge: (Daily)

(1) Age 13+ 20.00

(2) Ages 6-12 10.00

(3) Age 5 and under N/C

H. Non-Resident Facilities Fee: 175.00

I. Pursuant to §114-22 Broken or Lost Badges:

Seasonal badges which are lost shall be replaced for the following charges for each badge lost:

A. Pool/beach badge (before July 1) 150.00

B. Pool/beach badge (on or before July 1) 100.00

C. Seniors & Children Pool Only, seasonal (before August 1) 70.00

D. Seniors & Children Pool Only, seasonal (on or after August 1) 35.00

E. Beach only badge (before August 1) 105.00

F. Beach only badge (on or after August 1) 65.00

NOTE: Badges assigned via purchase of locker/beach box shall have no more than two (2) replacement pool/beach badges issued per property address for the season; if additional badges are needed they will be replaced at the full cost.

Badges purchased without locker/beach box shall have no more than one (1) replacement pool/beach badge issued per property address for the season if additional badges are needed they will be replace at the full cost.

J. Paddle Board Lockers:

(1) Yearly rental to run from May 15th to May 14th 500.00

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-033 RESOLUTION – AUTHORIZING CONTRACT PURCHASE OF A
JOHN DEERE 524K WHEEL LOADER**

WHEREAS, the Mayor and Council of the Borough Spring Lake wish to purchase a John Deere 524K Wheel Loader from an authorized vendor under the Middlesex Regional Educational Services Commission, (MRESC) Cooperative Pricing System; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-11 (5); and

WHEREAS, the Borough of Spring Lake is a member of the MRESC, Member #65MCESCCPS; and

WHEREAS, the Borough Department of Public Works recommends the utilization of this contract on the grounds that they can provide the quality of a product at the most reasonable price and in a timely fashion; and

WHEREAS, the cost for the purchase of the wheel loader is not to exceed \$160,098.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that the purchase of the wheel loader be and is hereby ratified.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that adequate funds are available from: Reserve for Recycling, Reserve for Tonnage Grant, Clean Communities, and Beach & Current Fund Capital Outlay, not to exceed \$160,098.00.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

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Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

**R-16-034 RESOLUTION – AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT WITH
HELEN MOTZENBECKER/308 MORRIS AVENUE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute a Settlement Agreement with the Helen Motzenbecker owner of 308 Morris Avenue a copy of which is annexed hereto and made a part hereof as it set forth at length herein.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Mr. Erbe offered the following Resolution and moved its adoption, seconded by Mr. Frost.

R-16-034 RESOLUTION – APPROVAL OF BILLS – JANUARY 26, 2016

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 26, 2016, 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.

SUMMARY

CURRENT FUND (1)	876,420.06
GENERAL CAPITAL (4)	285,862.01
WATER/SEWER CAPITAL (8)	571,967.78
WATER/SEWER OPERATING (9)	13,911.07
OTHER TRUSTS (12)	668.47
DOG TRUST (13)	1.20
SPRING LAKE TRUST (15)	450.00
MT LAUREL TRUST (16)	4,028.81
MARRIAGE TRUST (19)	75.00
RECREATION (25)	840.64
BEACH OPERATING (81)	2,729.81
POOL OPERATING (91)	217.66
TOTAL	\$1,758,082.51

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Public Comments

Michael Mattia, 313 Jersey Avenue asked what the age for a senior citizen badge is. Mr. Dempsey answered sixty five years old.

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Executive Session

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

R-16-035 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: Lake Como Planning Board Litigation.

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

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 9:07 P.M.

MEETING IS RECONVENED AT: 9:18 P.M.

Adjournment

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

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui

NAYS: NONE

ABSENT: Mr. Judge, Mrs. Venables

ABSTAIN: NONE

Time of Adjournment: 9: 18 PM

Respectfully submitted,

DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: April 26, 2016