

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 27, 2018**

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

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley,

ABSENT: Mayor Naughton

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

Proclamations, Presentations & Special Guests: NONE

Workshop Discussions: NONE

Approval of Minutes:

Mr. Drasheff offered a motion to approve the minutes of February 13, 2018, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe, Mr. Judge

Public Comments: NONE

Council Comments & Staff Reports:

Mr. Judge asked Mr. Avakian and Mr. Dempsey if the borough is prepared for the upcoming coastal storm this week. Mr. Dempsey indicated that the gates at Wreck Pond are open and ready to go. Mr. Avakian added that they have been watching the Stephens Institute Code Red Water Elevation System and they are predicting higher water elevations on Friday night into Saturday; he will continue to watch the warnings and adjust the gates as needed in preparation for the storm.

Mr. Drasheff reported that within the coming weeks the water and sewer committee will be looking at updating the water and sewer ordinance; they will not be looking at fees but more housekeeping items. Mr. Drasheff gave the example of the Borough having to replace water meters because they freeze since some homeowners do not have their water shut off while they are not home in the winter or they leave their heat on too low. He explained that the changes will be brought to the council in April.

Mr. Drasheff asked about resolution R-18-041 and asked which health insurance options the Borough will be offering to employees. Mr. Dempsey clarified that they were under the impression that the Borough provided every available health insurance plan that the state offered, when only they were allowed to offer one plan. This resolution will allow employees to choose which insurance option they want.

Mr. Frost reported that the Borough received a letter from DOT (Department of Transportation) awarding the grant for Fifth Avenue. He asked Mr. Avakian where it falls on road paving list, as he

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did not see it. Mr. Avakian indicated that it is on the Trust Fund Projects list which is separate than the road paving list. Mr. Dempsey indicated that the grant includes the gutter drains, new curbing, and sidewalk near the Borough yard. Mr. Dempsey added that this project will address the intersection at Warren and Fifth Avenues.

Mr. Sagui asked Mr. Avakian if there was a way to control the water that backs up onto the sidewalk around the handicapped ramp areas. Mr. Avakian explained that the Federal Highway Authority through DOT controls the regulations for handicapped assessable sidewalks. He explained that it is difficult with drainage but an inlet on either side of the curb would probably help.

Mr. Sagui reported that the communications with the residents on Pitney Avenue have not been great with the sewer work being done. Mr. Avakian explained that they have expressed their frustration with the company regarding noticing residents along with Mr. Dempsey. They revised the notice to indicate that residents can use their water but they should avoid using their dishwashers and washing machines.

Ms. Whalley reported that she and Mr. Dempsey went to the JCP&L distribution control center today. They toured the control room and back-up systems and shared that if power is out, you should call and report the outage so that JCP&L is able to isolate the problem faster.

Mr. Whalley continued her report with an update on Devine Park with the removal of trees and mulching; new trees are expected to be planted by May 15th.

Ms. Whalley also reported that the BID (Business Improvement District) has refurbished the trash cans down town and will also be putting in more recycling containers.

Ms. Whalley lastly reported that this weekend will be the last weekend of Bye Bye Birdie at the Community House.

Borough Engineer's Report:

Mr. Avakian reported on the two projects they are close to scheduling including the removal of vegetative growth and restoration of the shore line around Spring Lake along with the tennis court rehabilitation, which both fall under the Monmouth County Open Space Grant.

Mr. Avakian then reported that there are two sections in the road program which include a spring and fall paving for 2018; the spring paving will include roads that can be completed before Memorial Day.

Ms. Whalley asked if there is a plan for the berm at Wreck Pond along Second Avenue. Mr. Avakian indicated that DEP (Department of Environmental Protection) asked for modifications to the design and to secure a permit.

Borough Attorney's Report:

Mr. Colao has two items to discuss in closed session.

Borough Administrator's Report:

Mr. Dempsey reported that he met with Asphalt Paving Systems to discuss and receive pricing to micro-surface Pitney and Prospect Avenues, Pitney to Monroe Avenue, and Monroe Avenue to the Lake Como boarder. He also asked about pricing for Morris Avenue, including only the travel lane. Mr. Drasheff added that if they do micro-surface Morris, they need to micro-surface the entire road and not just the travel lane. Mr. Avakian added that Morris Avenue is included in their plans.

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Mr. Judge questioned if it is above bid threshold. Mr. Dempsey indicated that they are under state contract.

Ms. Whalley added that there are some sinkholes around the Lake which should be addressed before the fishing contest. Mr. Dempsey added that these holes are further away from the lake and will look into addressing them before the fishing contest whether it is to cone off the areas or fill with gravel and dirt.

Business Items Under Consideration:

Event Application- Jersey Shore Relay- April 21st, 2018 - Mr. Erbe offered a motion to approve the request, seconded by Mr. Drasheff. All in favor. None opposed.

Event Application- Lake Como 5- April 28, 2018 - Mr. Erbe offered a motion to approve the request, seconded by Mr. Drasheff. All in favor. None opposed.

Ordinances for Introduction: NONE

Ordinances for Adoption:

Mr. Drasheff offered a motion to open the public hearing for Ordinance No. 2018-001, seconded by Mr. Erbe. All in favor. None opposed.

PUBLIC HEARING NOW OPEN

Mr. Dempsey explained that this ordinance is for the designation of the Belmar Fire Prevention Bureau as the agency for Spring Lake through shared services.

Mr. Judge indicated that Spring Lake's fire prevention officers retired this past year and this plan to join with Belmar provides a cost-effective solution.

Mr. Drasheff asked about how fees will be handled. Mr. Dempsey added that fees will still be collected the same way and that Fire Prevention education will still be in the schools.

Ms. Whalley asked if the fire official is all set with business cards and letter head. Mr. Dempsey reported that the fire official is all set up with a Spring Lake email address, business cards, and letterhead.

Rich Clayton, 1307 Third Avenue stated that his business was inspected several weeks ago and felt that he was thorough. Mr. Clayton is not in favor of out sourcing but feels that this is a good fit.

Mr. Erbe offered a motion to close the public hearing for Ordinance No. 2018-001, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW CLOSED

Mr. Erbe offered a motion to adopt Ordinance No. 2018-001, seconded by Mr. Drasheff.

**ORDINANCE NO. 2018-001- AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 180, FIRE PREVENTION, SECTION 17, "AGENCY DESIGNATION" OF THE
BOROUGH CODE**

WHEREAS, Chapter 180, Fire Prevention, of the Borough Code governs control of fire control measures and regulation in the Borough of Spring Lake; and

WHEREAS, Chapter 180, Section 17 is amended and supplemented with deletions reflected in ~~strikethrough~~ and additions reflected in underline;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

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Section 1.

§180-17. Agency designation.

The local enforcement agency shall be the Bureau of Fire Prevention of the Borough of Spring Lake, which is hereby created in the Spring Lake Fire Department and within the Borough of Spring Lake. The local enforcement agency shall be the Belmar Bureau of Fire Prevention.

Section 2.

This ordinance shall take effect on upon passage and publication in accordance with applicable law.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda:

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

**R-18-040-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#5-2018 – GOODWILL FIRE COMPANY #2 -
OFF PREMISE 50/50 RAFFLE**

WHEREAS, Goodwill Fire Company #2 has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#5-2018, 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#5-2018 be and the same is hereby approved as follows:

NAME: Goodwill Fire Company #2
311 Washington Ave, Spring Lake, NJ 07762
Identification No.: 475-9-42006

LOCATION: Goodwill Fire Company #2
311 Washington Ave, Spring Lake, NJ 07762

DATE: September 3, 2018 at 7:00 pm

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

R-18-041-RESOLUTION- APPROVING HEALTH BENEFIT OPTIONS

A RESOLUTION for Local Government Employers to limit the medical plans offered under the State Health Benefits Program. Employers must offer at least one plan from each category.

BE IT RESOLVED:

The Borough of Spring Lake, 097300 WILL NOT OFFER THE FOLLOWING PLAN(S) (CHECK THE PLANS YOUR LOCATION WILL NOT BE OFFERING- YOU MUST OFFER AT LEAST ONE PLAN FROM EACH CATEGORY).

| CATEGORY 1 | | CATEGORY 2 | |
|---|---------------------------------------|---|---|
| <input type="checkbox"/> AETNA FREEDOM 10 | <input type="checkbox"/> NJ DIRECT 10 | <input type="checkbox"/> AETNA FREEDOM 1525 | <input type="checkbox"/> NJ DIRECT 1525 |
| <input type="checkbox"/> AETNA FREEDOM 15 | <input type="checkbox"/> NJ DIRECT 15 | <input type="checkbox"/> AETNA FREEDOM 2030 | <input type="checkbox"/> NJ DIRECT 2030 |
| <input type="checkbox"/> AETNA HMO | <input type="checkbox"/> HORIZON HMO | | |

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| CATEGORY 3 | | CATEGORY 4 | |
|--|--|---|---|
| <input type="checkbox"/> AETNA LIBERTY PLAN | <input type="checkbox"/> OMNIA HEALTH PLAN | <input type="checkbox"/> AETNA FREEDOM 2035 | <input type="checkbox"/> NJ DIRECT 2035 |
| CATEGORY 5 | | | |
| <input type="checkbox"/> AETNA VALUE HD 4000 | | <input type="checkbox"/> NJ DIRECT HD4000 | |
| <input type="checkbox"/> AETNA VALUE HD 1500 | | <input type="checkbox"/> NJ DIRECT HD1500 | |

Upon receipt of this resolution, the Health Benefits Bureau will schedule a Special Open Enrollment for active employees currently enrolled in any plan that will no longer be offered. These employees must submit a *Health Benefits Application* to change medical plans during the Special Open Enrollment or will otherwise be **terminated from coverage. Resolutions may be filed once in a calendar year.**

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Resolutions:

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

R-18-042-RESOLUTION – APPROVAL OF BILLS – FEBRUARY 27, 2018

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 27, 2018, and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

| <u>SUMMARY</u> | |
|---------------------------|--------------|
| CURRENT FUND (1) | 575,924.24 |
| WATER/SEWER OPERATING (9) | 7,853.54 |
| TRUST OTHER FUND (12) | 669.64 |
| DOG TRUST (13) | 910.00 |
| SPRING LAKE TRUST (15) | 2,180.00 |
| COAH TRUST (16) | 520.00 |
| RECREATION (25) | 88.05 |
| BEACH OPERATING (81) | 4,004.85 |
| POOL OPERATING (91) | 1,046.64 |
| TOTAL | \$593,196.96 |

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: Mr. Erbe

Public Comments:

Tom Polk, 100 Howell Avenue asked Mr. Drasheff for clarification on the issue of frozen water meters. Mr. Drasheff explained that the current ordinance does not give the borough the authority to charge the resident to replace the water meter after a water emergency.

Mr. Polk continued to ask if it is possible to put an illuminated speed limit sign on Third Avenue at the entrance to Spring Lake. Mr. Dempsey explained that there was an illuminated sign, which was recently hit in an accident, and it will be replaced.

Mr. Polk continued that he is under the impression that whenever utilities tear up the street they are responsible for putting down the first patch of pavement and do not return for a second layer. He

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doesn't see why the Borough doesn't require the utility company to pay to repair the road. Mr. Dempsey responded many roads in town have half width paving, which has been done by the utility company; recently on Third Avenue the Borough went ahead and paved the road. The Borough will infrared the trenches one year after letting them settle; this is for water and sewer repairs.

Mr. Erbe added that the Borough has a very vibrant road program. They do microsurface roadways that are in need of repair, they also have the county occasionally come in pave if needed. He continued that when the utilities come in they do a great job but typically they only pave half of the road.

Mr. Polk continued that there are a few pot holes in town. Mr. Sagui explained that many of the potholes are due to the snowplows in the winter; the borough has to wait until warmer weather for asphalt companies to open back up. After they open public works will go around down and fill in pot holes.

Executive Session:

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

R-18-043-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: Borough of Spring Lake Litigation, Harz vs. Borough of Spring Lake and Davis vs. Borough of Spring Lake.

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. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:45 PM

MEETING IS RECONVENED AT: 8:09 PM

Adjournment:

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

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 8:09 PM

Respectfully submitted,


DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting: March 13, 2018