

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
MAY 27, 2014**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:02 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. The Mayor announced that the meeting is being held in accordance with the Open Public Meetings.

PRESENT: Mr. Erbe, Mr. Fay, Mr. Judge, Mr. Frost, Mr. Jordan, Mayor Naughton

ABSENT: Mrs. Venables

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

Proclamations, Presentations & Special Guests

Public Comments

Mr. Peter Piro, resident of Belmar, offered congratulations to Borough Administration, Bryan Dempsey for his success in organizing the FEMA and DEP representatives and presenting the facts of the situation in connection with the outfall pipe at Lake Como. Mr. Piro expressed confidence that Mr. Dempsey's efforts will result in a positive outcome. Mr. Piro reported that Mr. Dempsey responded to two (2) hours of questioning and was persuasive in showing them where the problems were. Mr. Piro stated that the Borough has a great administrator. Mayor Naughton thanked Mr. Piro expressing appreciation for him taking the time to share his comments with the council. Mr. Avakian noted that he was unable to attend the meeting and he too acknowledged a job well done by Mr. Dempsey.

Frank Suozzi, 112 Brown Avenue, reported that he was at Pier Beach with his family and the beach was filthy, there were no rest rooms and no concessions. Mr. Suozzi stated that he understands the Borough is not allowed to clean the beach north of York Avenue due to the piping plover yet over the last few years this restricted area appears to be growing. Regarding the restrooms, Mr. Dempsey reported that they should be finished in the next couple of days. Mr. Judge added that the beach committee pushed very hard to get them done by this past Saturday. Mr. Dempsey added that there was no power in place until Friday. Regarding food service, Mr. Dempsey stated that the food truck vendor who paid the Borough to locate at Pier Beach from Memorial Day to Labor Day may have elected not to be there this past weekend due to the Food Truck Wars event being held in Monmouth Park. Mr. Suozzi asked if the council could reach out to the contact in connection with the plover stating that he understood he may allow the Borough to rake. Mr. Dempsey stated that the Borough was given permission to rake after the dead fish washed up on the beach but usually when the Borough calls, they are not given permission to rake. Mr. Judge asked if they could hand rake. Mr. Dempsey confirmed that the Borough can hand rake. Mr. Dempsey also stated that they may be able to rake if there is a monitor present. Mayor Naughton suggested the Borough explore the possibility of hiring a monitor in order to rake the beach mechanically.

Elsie Dubac, 415 St. Clair Avenue, asked for an update on the status of the plaques for the benches. Mayor Naughton stated that our DPW staff has been extremely busy but they hope to get them in place by July 4th.

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Council Comments & Staff Reports

Mayor Naughton thanked the organizers and participants in the Memorial Day Parade and Ceremony noting that it was a beautiful ceremony and was well attended.

Regarding Wreck Pond, the sluice gates are in. Mr. Avakian added that although he had hoped to report that they were not only in but were fully operational, unfortunately, the gear lift on the two middle gates are turning in the wrong direction and therefore need to be replaced. Mr. Avakian stated that the replacement should be done by the end of this week. Mayor Naughton also added that the DEP requires monitoring of the water quality of Wreck Pond on a regular basis and after rainfall. Although there was a policy that required closing of the beach if there was 1/10th of an inch of rain, the Mayor stated, and even with all the rain that took place last week, after two testings the water quality was fine.

The Mayor continued calling the Council's attention to Resolution R-14-104 which allows the Borough to apply for discretionary aid from the NJ DOT. Mayor Naughton reported that Mr. Avakian was quick to respond in putting the application together. Mr. Jordan asked about the timing of the application process. The Mayor stated that she spoke to the Assistant Commissioner who reports that it's a rolling process and some of the grant monies have been awarded. Mayor Naughton stated that as applications come in the DOT reviews them but emphasized that it's a completely discretionary selection process. Mr. Jordan expressed fear that winter will arrive and the Borough will still be awaiting word on the application. The Mayor suggested that the Borough make application, make phone calls and press for attention on the application, and hopefully the Borough will get a better sense for the timing. Should we find that the process will be lengthy, the Mayor added, the council can regroup and consider alternatives.

The Mayor also reminded the Council that the public hearing on the budget will take place in two (2) weeks and encouraged Council members to review the budget and address any comments and/or questions to either CFO Kirk, a member of the Finance Committee, or Mr. Dempsey.

Mr. Erbe expressed appreciation to the Spring Lake 5 Committee on a well run event, the Department of Public Works noting that the town looked great and the merchants, BID and Chamber of Commerce for a successful sidewalk sale.

Mr. Judge reported a successful launch of the 2014 beach season expressing appreciation to Mr. Frank Phillips and the DPW staff, Mr. Dan Finn and his staff, Mr. Dempsey, Ms. Kirk, Ms. Gillespie and others noting that it was a team effort. Mr. Judge reported that locker sales are robust as well as daily beach badge sales.

Mr. Frost requested an update from Mr. Jordan or Mr. Avakian regarding the Rutger's Engineering proposal. Mr. Avakian stated that there is a need to determine what element of the proposal we want to address. Mayor Naughton asked for details regarding the process. Mr. Dempsey suggested it be considered at the next meeting. Mayor Naughton suggested the proposal be re-sent to the council members who can review it and offer any questions they have in anticipation of it potentially being on the next agenda.

Mr. Jordan shared that he spoke to Mr. Avakian regarding the eastern portion of Vroom Avenue noting that it is dangerous. Mr. Avakian stated that they looked at the road and there is a section measuring approximately 400 feet by 12 feet that needs to be addressed. Mr. Avakian reported that they have a proposal from the contractor to overlay one and one-half inches of asphalt, which will only last about two years. Or, mill and pave which will give the road a 12 foot wide wearing surface in the middle of the road that will last roughly eight to ten years, stated Mr. Avakian. The cost is approximately \$7,500

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for the overlay and \$15,000 to mill and pave. Mr. Judge inquired about the infrastructure under the road. Mr. Avakian stated that prior to any recommendation, they would determine if there were any water and/or sewer considerations in the section to be repaired. The Mayor asked if, given the condition of the rest of Vroom Avenue, it would likely be at the top of the list for major repairs and if the repair is made would that potentially remove Vroom Avenue off the list of roads needing work as part of the larger roads project. Mr. Avakian stated that he felt this repair would stabilize the road for a considerable period of time. Mr. Avakian added that these types of defects in the roads are created by utility trench openings. So, Mr. Avakian stated, residents contribute to the deterioration of the road and then contact the Borough to voice concern about the deterioration. The Mayor suggested Mr. Avakian work with Mr. Phillips to see what's underneath the section of road in question and more accurately advise the Borough of the potential cost at the next meeting. Mr. Jordan agreed this was a good approach.

Mr. Frost offered that the time that was just spent discussing and evaluating this small section of Vroom Avenue further reinforces the need for the proposal from Rutgers who, in 69 days, will give the Borough a complete review of all 26 miles of road in Spring Lake. It was agreed that both the Vroom Avenue issue and the larger consideration of the Rutgers proposal will be addressed at the next council meeting.

Mr. Jordan continued his remarks stating that 878 lockers have been sold and all the beach boxes have been sold. Lastly, a shredding event is taking place at the Borough yard on May 31st.

Mr. Avakian stated that they continue to work on the bypass pipe at Wreck Pond stating that funding for the project appears to be exceeding the project costs. On the dredging, Mr. Avakian reported that the DEP has authorized dredging on the west side of First Avenue.

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

Mr. Dempsey reported that the Warren Avenue project is progressing nicely. Also, Mr. Dempsey reported that the dog park fencing is up and once the large pile of dirt is removed, the area can be expanded back to the size it was last year.

Mr. Judge reported that there is graffiti on the east side of the wall. Mr. Dempsey stated that the DPW is aware of it noting that it happened last Thursday night and is being cleaned up. Mr. Dempsey stated that other towns experienced the same type of vandalism.

In connection with the outfall pipe at Lake Como, Mr. Dempsey reported that they're waiting for a project worksheet from FEMA to do the additional piping and they also plan on doing two (2) additional pipes underneath the road that will serve as emergency bypass piping.

Business Items Under Consideration

Request to hold H.W. Mountz Eighth Grade Picnic at Marucci Park – June 19, 2014 – Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

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Event Application – Friendly Sons of the Shillelagh – 5K Run – October 4, 2014. Mr. Judge stated that there seems to be an increasing number of requests for runs of this type along South Boulevard and asked if there was a sense for how the residents feel about the increasing number of runs. Mr. Judge asked if there were any complaints. None were voiced. If that's the case, Mr. Judge suggested that the application be approved but that the council should maintain an awareness of how many events such as this the Borough will consider. Mr. Judge offered a motion to approve the application, seconded by Mr. Erbe. All in favor. None opposed.

Ordinances for Introduction

Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2014-10 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. Judge offered a motion to open the public hearing of Ordinance No. 2014-10, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

PUBLIC HEARING NOW OPEN

Mayor Naughton offered a brief summary of the Ordinance noting that it involves a reduction in the speed limit to fifteen (15) miles per hour, from the current twenty-five (25) miles per hour, on Third Avenue between Madison and Passaic Avenues and on Morris Avenue between Third and Fourth Avenues. Mr. Judge pointed out a small typo.

Mr. Fay asked if new signs will be posted.

Mr. Jordan noted that there are speed limit signs in place and one sign at Madison Avenue that states "Reduce Speed Ahead" but no sign noting a reduction in the speed limit. Mr. Jordan added that he agrees it may make sense to place new signs.

Mayor Naughton stated that she feels confident Chief Kerr knows what the speed limit posting requirements are and will ensure that the Borough is in compliance. Mr. Jordan also suggested that New Jersey Transit be contact to make sure that the buses are informed of the new limit.

There being no further comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-10, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

PUBLIC HEARING NOW CLOSED

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Mr. Jordan offered a motion to adopt Ordinance No. 2014-10, seconded by Mr. Judge.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

Consent Agenda

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

R-14-103 - RESOLUTION – APPOINTMENT OF 2014 SUMMER RECREATION EMPLOYEES

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following are hereby appointed with their rate of pay as summer recreation employees for the Borough of Spring Lake for the 2014 Season as recommended by the Recreation Department:

Art Director	Kyle Forbes	\$1,600 Salary	
Sports Director	Sherri Decorso	\$1,750 Salary	
Pee Wee Director	Petra Rose	\$1,800 Salary	
Mini Rec Director	Amy Yerks	\$1,350 Salary	
Tennis Director	Don Yerks	\$1,400 Salary	
<u>Summer Recreation Counselors:</u>			
Renee Rodger	\$16.50	Kerri DeCorso	\$8.25
Theresa Petrik	\$16.50	Austin Talty	\$8.25
Caryn Wojcik	\$16.50	Katie Burns	\$8.25
John McGovern	\$16.50	Caroline Burns	\$8.25
Margaret Ping	\$16.50	Kirstin Heine	\$8.25
Emily Schonberg	\$15.50	Caitlin Denin	\$10.00
Kevin Preston	\$15.00	Nancy Buckley	\$12.00
Noah Rivera	\$8.25	Grace Cassidy	\$8.25
David Attilio	\$11.50	Alexa Niro	\$15.00
Samantha Bellefeuille	\$11.00	Keri Cronin	\$8.25
Hannah Sisti	\$10.00		
Nicole Heilos	\$8.75		
Jessica McDonough	\$8.25		
Charles McDonald	\$8.25		
Keegan Pinder	\$8.25		
Shane Flanagan	\$8.25		
<u>Pee Wee Recreation Counselors:</u>			
Erin McDonald	\$8.25	<u>Tennis</u>	
Hannah Gammond	\$8.25	Margaret Ann Smith	\$8.75
Cole Stevens	\$8.25	Brie Kozlowski	\$8.25
Kyle Tichacek	\$8.25	Justin Burrus	\$8.25
<u>Aerobics</u>			
Jill Garfunkel	\$29.00		
Linda Foy	\$33.00		
Sue Gilham	\$33.00		

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

**R-14-105 - RESOLUTION – AUTHORIZING FILING AND EXECUTION OF
DISCRETION AID APPLICATION WITH NJ DEPARTMENT OF
TRANSPORTATION FOR LUDLOW AVENUE**

WHEREAS, the Borough of Spring Lake is desirous of submitting an application under the New Jersey Department of Transportation Local Aid Infrastructure Fund (Discretionary Aid) for the following purpose:

- Improvements to Ludlow Avenue from Third Avenue to N.J. Transit Railway.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Spring Lake, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit a grant application to the New Jersey Department of Transportation on behalf of the Borough of Spring Lake; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Spring Lake and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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

R-14-104 – RESOLUTION – APPROVAL OF BILLS – MAY 27, 2014

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending May 27, 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.

<u>SUMMARY</u>	
CURRENT FUND (1)	3,126,020.07
CAPITAL (4)	103,825.00
WATER/SEWER OPERATING (9)	8,630.90
DOG TRUST (13)	910.00
MT LAUREL TRUST (16)	94,174.84
RECREATION (25)	176.58
BEACH OPERATING (81)	24,894.32
BEACH CAPITAL (84)	2,134.29
POOL OPERATING (91)	11,480.66
POOL CAPITAL (94)	106,658.30
TOTAL	\$3,478,904.96

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

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Public Comments

Elsie Dubac, 415 St. Clair Avenue, commented that the new "Welcome" sign looks beautiful and asked what happened to the Katharine Close Spelling Bee Champ portion of the sign. Mr. Dempsey thought maybe it was at the Borough yard and he would look into it.

Lyle Marlowe, 110 Pennsylvania Avenue asked for the date and time of the shredding event. Mr. Jordan responded. Secondly, Mr. Marlowe asked about the status of the changes proposed by the planning board. Mayor Naughton reported that she believed the generator pad and the garage were approved and the reduction of the primary lot coverage in the R-2 zone issue is still pending. Mr. Colao stated that he was not sure. It was agreed that Borough Clerk Gillespie would review the minutes and agreed to report back to Mr. Marlowe.

Frank Suozzi, 112 Brown Avenue, stated that the Korean War seems to be getting lost in our American history and suggested that at the next Memorial Day event there be a greater acknowledgement of those that served. The Mayor agreed and stated that it would be very nice to have veterans from the Korean War march with them.

Lyle Marlowe, 110 Pennsylvania Avenue, stated that he too thought the Memorial Day service was wonderful but suggested that perhaps they find a way to offer relief from the sun and heat especially for the veterans and other participants in the ceremony. The Mayor agreed that it was a good idea and suggested they look into the possibility of a tent for next year.

Municipal Clerk Gillespie, in connection with Mr. Marlowe's earlier question, reported that the last ordinance dealing with air conditioners and other HVAC items was 2013-12 and therefore it appears the R-2 and garage items have not yet been approved.

Executive Session

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

R-14-106 - 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: Spring Lake Coastal Jurisdictional Determination.

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:40 P.M.

MEETING IS RECONVENED: 7:48 P.M.

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Adjournment

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

ROLL CALL:

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

NAYS: NONE

ABSENT: Mrs. Venables

ABSTAIN: NONE

Time of Adjournment: 7:48 PM

Respectfully submitted,

JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: July 15, 2014