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**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
APRIL 8, 2014**

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

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

ABSENT: NONE

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. Judge offered a motion to approve the minutes of March 25, 2014, 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 Comments - None

Council Comments & Staff Reports

Mayor Naughton asked the Council to consider amending the Borough's ordinance in connection with smoking on the beach. The Mayor stated that the current ordinance bans smoking on the beach and the North and South Pavilion areas only and asked the Council to consider expanding the ban to include the entire length of the boardwalk noting that she would be very supportive of such a ban. The Mayor stated that several beach towns have adopted similar ordinances. Mrs. Venables voiced support for such an amendment. Mr. Judge voiced his support his well. Mr. Erbe asked what the potential alternative would be for people. Mayor Naughton stated that it's not unlike the trend of banning smoking in public places and within 25 feet of public building entrances. Mayor Naughton also noted that there are no receptacles on the boardwalk for cigarette butts and therefore the butts are being tossed on the sand and on the westerly dunes. Mr. Erbe stated that although he too supports the idea of no smoking on the beach and boardwalk, he's empathetic to smokers and would like to see some type of viable alternative. Mr. Dempsey spoke to the issue of enforcement noting that such an ordinance may force the smoking to the entrance areas of the pavilions and the boardwalks. Mrs. Venables suggested designating an area for smokers that sits between the curb and the pavilion and voiced that the priority accommodation should be for those who do not want to breathe second hand smoke. Mr. Dempsey asked for clarification that the ban would be on the boardwalk as well as the walkways and if someone wants to smoke they must smoke on Ocean Avenue. The Mayor confirmed suggesting that the ordinance be introduced and the issue be further discussed.

Mr. Judge reported that, in response to Ms. Dubac's request, he met with Trish Hansen, the President of the H.W. Mountz Board of Education, and Ms. Hansen expressed an interest by the Board in considering a set of restrictions in connection with the basketball court usage. Mr. Judge stated that Ms. Hansen will be meeting with their policy committee.

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Mr. Avakian referenced Mr. Dempsey's comments in connection with the sluice gate noting that there will be two (2) meetings with Fish and Wildlife in the coming weeks regarding the bypass pipe.

Mr. Avakian continued that he looks forward to working on the road program with the council and is confident they can develop a viable long-term program. Mayor Naughton inquired about the DOT grant. Mr. Avakian expressed disappointment stating that the office is no longer local but based in Trenton and as a result they're finding it more difficult to get information. Mr. Avakian further reported that no grants have been announced.

Mr. Avakian reported on the New Jersey Infrastructure Trust item on the Consent Agenda noting that as a result of the recent in depth studies done at Wreck Pond, they will be moving forward with some immediate repairs as well as a list of other recommendations that will be quite costly. Fortunately, the DEP awarded \$525,000 to the Borough to implement these repairs, stated Mr. Avakian. A completed plan has been submitted which will be reviewed by the DEP prior to going out to bid and sometime post-summer the work will begin.

Mr. Colao reported that he has one matter for Closed Session.

Mr. Dempsey reported that the gates for the sluice gate project will arrive approximately April 28, 2014 and the work will begin roughly the first week of May and will last anywhere from five (5) to seven (7) days.

In connection with the Warren Avenue COAH project, Mr. Dempsey reported that the foundation is in and utilities are being installed. Framing should take place soon stated Mr. Dempsey and thus far there have been no concerns voiced by residents. Mayor Naughton asked Mr. Dempsey to speak to the application process. Mr. Dempsey stated that the Affordable Housing Alliance is the administrative agent for Spring Lake and all applications will be submitted to them for review for compliance. Once reviewed, accepted applications will go into a lottery for selection, Mr. Dempsey stated, and the selection should take place in the next couple of months. The Borough has no involvement in the selection process, stated Mr. Dempsey.

Regarding the cherry tree project that Mrs. Venables spoke of, several bids came in and Burke Environmental was the lowest bidder, reported Mr. Dempsey. The trees should be planted the third week of April. As for the Third Avenue tree project, seven (7) trees have been planted and the Borough has allowed them to extend their working hours in an effort to expedite the project. Mr. Dempsey reported that the contractor has been very considerate and has been working well with local merchants and visitors.

Mr. Judge inquired as to whether there have been bids submitted in connection with the three (3) lots being sold by the Borough. Mr. Colao stated that there are certain advertising requirements that need to be done prior to accepting bids and that he expects bids to be entertained in early May. Mr. Jordan inquired about the status of changing the street name. Mr. Colao stated that the issue of the street name is still pending.

Mr. Dempsey continued reporting that the concession bids for Pier Beach and the North and South End Pavilions have been received and awarded reporting that Josephine Ferraro was awarded the South End; Scott Cullen, Fork in the Road, was awarded Pier Beach; and Nick Bruno of Whispers was awarded the North End. Mr. Dempsey reported that the highest bid amounts were greater than last year.

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Ordinance for Adoption

Borough Attorney Colao read Ordinance No. 2014-001 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING PART II, "GENERAL LEGISLATION," TO CREATE CHAPTER 345 "TOWERS AND WRECKERS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE, NEW JERSEY", by title.

Borough Clerk Gillespie reported that although the public hearing has already taken place, due to a publication error there is a need to formally hear the ordinance again prior to adoption.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-001 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 reiterated that there was no substantive change to the ordinance and it is simply being heard due to the publication error and invited comments or questions from the public.

There being no comments from the public, Mr. Judge offered a motion to close the Public Hearing on Ordinance No. 2014-001, 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 resolution to adopt Ordinance No. 2014-001, 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. 2014-002 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 107 ANIMALS, SECTION 107-8 OF THE BOROUGH CODE", by title.

Mr. Judge offered a motion to open the public hearing of Ordinance No. 2014-002, 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

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PUBLIC HEARING NOW CLOSED

Mr. Judge offered a resolution to adopt Ordinance No. 2014-003, seconded by Mrs. Venables.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Consent Agenda

Mayor Naughton called attention to R-14-066 in connection for setting the dates for the 2014 beach season noting that this item will be carried to the next Mayor and Council meeting. Borough Clerk Gillespie stated that in connection with R-14-068 it will be revised to reflect Mr. Koelsch's legal first name of Henry. Mr. Jordan asked for details regarding R-14-068. Mr. Dempsey responded stating Mr. Koelsch is a mechanic in the Department of Public Works who carries a specific mechanic license and began employment as Class 4. In compliance with the Collective Bargaining Agreement he is now being promoted to Class 6, which is the highest Class possible, stated Mr. Dempsey. Mr. Erbe requested additional details in connection with R-14-067 specific to an employee listed with two (2) different rates of pay. Borough Clerk Gillespie explained that the individual (Mr. Thomas Lonsdale) works at one rate during the day and at night when he rakes the beach he received \$120 for per night.

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

R-14-059 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION – RA#16-2014 – FRIENDS OF MOMOUTH MUSEUM – ON PREMISE 50/50

WHEREAS, Friends of Monmouth Museum has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#16-2014, 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#16-2014 be and the same is hereby approved as follows:

NAME:	Friends of Monmouth Museum PO Box 359, Lincoft, NJ 07738 Identification No.: 303-5-19140
LOCATION:	Spring Lake Bath & Tennis Club 1 Jersey Avenue, Spring Lake, NJ
DATE:	June 11, 2014 11:30 AM to 3:00 PM

ROLL CALL:

AYES: Mr. 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-14-062 - RESOLUTION – RELEASING STREET OPENING BOND
403 MONMOUTH AVENUE – BLOCK 36, LOT 2.01**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from MLZ Corporation, LLC for property located at 403 Monmouth Avenue, Block 36, Lot 2.01 and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

ROLL CALL:

AYES: Mr. 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-14-063 - RESOLUTION – REFUNDING UNUSED ESCROW FEES

WHEREAS, escrow fees were submitted to the Borough Planning Board for the block and lot set forth below, and

WHEREAS, said applications has been completed and any unused monies returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned:

Spring Lake Partnership, II	Block 20	Lot 10	308 Second Avenue	\$982.75
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ROLL CALL:

AYES: Mr. 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-14-064 - RESOLUTION – AUTHORIZING THE BOROUGH OF SPRING LAKE TO ENTER INTO A
COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

NOW, THEREFORE BE IT FURTHER RESOLVED as follows:

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Beach Rake

Thomas Lonsdale \$120 per day

Beach Restrooms

Denise Ploskonka	Pre/Post Season Days (All) \$ 75.00 per shift	Restroom Attendant
	In Season Days (N. End) \$110.00 per shift	Supervisor
	In Season Nights (All) \$160.00 per shift	
Meredith Ploskonka	\$12.50 per hour	Restroom Attendant
Melinda Ploskonka	\$12.50 per hour	Restroom Attendant

ROLL CALL:

AYES: Mr. 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-14-068 - RESOLUTION – PROMOTING HENRY KOELSCH
TO CLASS 6 – DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Henry Koelsch be and hereby is promoted to Class 6 in accordance with the Collective Bargaining Agreement with the Spring Lake Employees Association effective January 1, 2014.

ROLL CALL:

AYES: Mr. 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-14-069 - RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT WITH THE BOROUGH OF SPRING LAKE FOR THE
PROVISION OF PROFESSIONAL SERVICES**

WHEREAS, there exists a need for professional services to be provided to the Borough of Spring Lake, County of Monmouth, New Jersey (the "Borough") and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

PS#07-2014	New Jersey Environmental Infrastructure Trust FY 2015 Project #233	Peter Avakian	Leon S. Avakian, Inc.	788 Wayside Road Neptune, NJ 07753
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WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available

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WHEREAS, bids were received on April 3, 2014 for the South End Concession located at the South End Beach Pavilion for the years 2014, 2015, 2016 with Frances Florentine, Purchasing Agent, W. Bryan Dempsey, Borough Administrator and Jane L. Gillespie, Borough Clerk present, and

WHEREAS, two (2) bids were received, and

WHEREAS, Josephine Ferraro, 2401 Bayshore Blvd #303, Tampa, Florida 33629 submitted the highest bid in the amount of \$252,800.00 for three (3) years.

NOW, THEREFORE, BE IT RESOLVED that Josephine Ferraro be and hereby is awarded the bid for the South End Beach Concession the amount of \$252,800.00 for the years 2014, 2015 and 2016 and that the Mayor and Borough Clerk be and are hereby authorized to execute the necessary paperwork.

ROLL CALL:

AYES: Mr. 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-14-072 - RESOLUTION – AWARD OF BID – PIER BEACH MOBILE FOOD CONCESSION

WHEREAS, bids were received on April 3, 2014 for the Mobile Food Concession located at Pier Beach for the year 2014, with Frances Florentine, Purchasing Agent, W. Bryan Dempsey, Borough Administrator and Jane L. Gillespie, Borough Clerk present, and

WHEREAS, two (2) bids were received, and

WHEREAS, Scott Cullen, Fork in the Road, 516 Buhler Ave, Pine Beach, NJ 08741 submitted the highest bid in the amount of \$ 11,001.00 for one (1) year.

NOW, THEREFORE, BE IT RESOLVED that Scott Cullen, Fork in the Road be and hereby is awarded the bid for the Mobile Food Concession at Pier Beach in the amount of \$11,001.00 for the year 2014 and that the Mayor and Borough Clerk be and are hereby authorized to execute the necessary paperwork.

ROLL CALL:

AYES: Mr. 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-14-073 - RESOLUTION - AUTHORIZING A PURCHASE THROUGH A
COOPERATIVE PURCHASING CONTRACT**

WHEREAS, the Borough Council of the Borough of Spring Lake wishes to purchase a Tractor with loader attachment from an authorized vendor under the Middlesex Regional Education Services Commission Co-op # 65MCESCCPS; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, the Tractor and loader attachment is under Bid #MRESC 12/13-24 for the 2014 year; and

WHEREAS, the Director of Public Works recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

WHEREAS, the cost for the purchase of the Tractor and loader attachment is \$62,484.36; and

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in place advertising the sale. Mr. Dempsey further stated that the lots have been cleared and will be staked out to delineate each lot.

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

R-14-075 - 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 Behrman Park DEP Diversion.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:50 P.M.

MEETING IS RECONVENED: 7:55 P.M.

Adjournment

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

ROLL CALL:

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

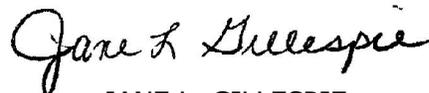
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 7:55 PM

Respectfully submitted,



JANE L. GILLESPIE
Borough Clerk

Approved at a meeting held on: April 22, 2014