

**25405**

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
JUNE 28, 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. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables, Mayor Naughton

ABSENT: Mr. Erbe

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

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**Proclamations, Presentations, & Special Guests** - None

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**Workshop Discussion** - NONE

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**Approval of Minutes**

Mr. Judge offered a motion to approve the minutes of April 12, 2016, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: Mrs. Venables

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**Public Comments** - None

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**Council Comments & Staff Reports**

Mayor Naughton reported that on Saturday she attended an Eagle Scout Ceremony for Thomas Bielicki; his project consisted of re-doing the dugout and perimeter fence in the baseball field at Marucci Park. She added that the project did cost more than expected however he managed to raise the funds.

Mr. Drasheff reported that the bridge restoration project has started and the Mercer Bridge should be completed in about six weeks depending on the weather. He then congratulated Chief Kerr on becoming a father again.

Mr. Judge reported that he had asked Mr. Dempsey to obtain a quote for line painting down Ocean Avenue to enhance safety along the parking spots and to keep traffic within the lane of travel. Mr. Dempsey reported that the quote came in at \$5,900 from the company Traffic Lines who did all of the striping on Ocean Avenue for the county. He explained that the Borough would have to obtain county approval to put the line there since it is a county road.

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Mayor Naughton agreed this is a good idea and makes sense.

Mr. Drasheff asked if the Borough had the ability to do it in house or does it have to be contracted out. Mr. Dempsey answered that it would have to be contracted out.

Mr. Frost also believes that the lines would help.

Mr. Judge made a motion to obtain county approval for the parking line on Ocean Avenue, seconded by Mrs. Venables.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Mr. Frost reported that Mr. Avakian's office put together a comprehensive road plan. He added that several roads have been paved by the county. He explained that this fall, with the Department of Transportation Trust Fund, Third Avenue will be paved. Mr. Frost added that there will be microsurfacing done on East Lake, Essex, Sussex, Mercer and Warren Avenues. Mr. Avakian added that a proposal will be submitted for the microsurfacing through the state bid list of a confirmed contract within the next week. Mr. Avakian then explained that there are a variety of other roads that require infrastructure improvements before they can be paved.

Mr. Dempsey stated that there is a possibility to apply for a Safe Streets to Schools Grant for Fourth or Fifth Avenues; the Borough may apply for this grant since Spring Lake is a walking district.

Mr. Frost then reported that the sidewalks around the 9-11 Memorial will also be done this year.

Mr. Sagui stated that lately residents have been having a difficult time getting cell phone service on the weekends since there are so many more people here on the weekends. He added that it would be worth pursuing what options Verizon or other utility companies will put up cell towers that can increase band width.

Mr. Dempsey has also heard the same issues from the police department.

Mrs. Venables reported that there have been thirty four trees that will be removed by the county. Mr. Dempsey added that the county has already started removing the trees; they will also remove some trees in Devine Park, Pazienza Park, and a few other locations.

Mrs. Venables then reported that the Shade Tree Committee is doing another round of planting.

Mrs. Venables finally reported that hopefully some amendments to the shade tree ordinance will be on the agenda in the next few meetings for discussion.

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**Borough Attorney's Report** - None

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**Borough Administrator's Report**

Mr. Dempsey reported that the paddle tennis courts are up and the project is seventy five percent done.

Mr. Dempsey then reported that summer recreation has begun and there is a new camp counselor who is very enthusiastic and will do a great job.

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**Business Items Under Consideration** - None

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**Ordinance for Introduction** - None

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**Ordinance for Adoption** - None

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**Consent Agenda**

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

**R-16-116 - RESOLUTION – RENEWAL OF CERTAIN CLUB LIQUOR LICENSES  
FOR THE YEAR 2016/2017**

WHEREAS, the holders of a certain club liquor licenses set forth below have applied for renewal of their respective licenses and which applications 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, and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following club licenses be renewed for the year commencing July 1, 2016 and expiring June 30, 2017:

NAME	LICENSE NUMBER	ANNUAL FEE	LOCATION
Spring Lake Bath & Tennis	1348-31-009-001	\$188.00	SL Bath & Tennis
Essex & Sussex Condominium Assoc.	1348-31-010-001	\$188.00	E&S Condo. Assoc.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-117 - RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL CONSUMPTION LIQUOR  
LICENSES FOR THE YEAR 2016/2017**

WHEREAS, the holder of certain plenary retail consumption liquor licenses set forth below have applied for renewal of their respective licenses and which applications 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, and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following plenary retail consumption licenses be renewed for the year commencing July 1, 2016 and expiring June 30, 2017:

NAME	LICENSE NUMBER	ANNUAL FEE	LOCATION
COSLIN, Inc.	1348-33-006-004	\$1,342.00	The Breakers

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-118 - RESOLUTION – RENEWAL OF CERTAIN PLENARY RETAIL DISTRIBUTION LIQUOR  
LICENSES FOR THE YEAR 2016/2017**

WHEREAS, the holder of certain plenary retail distribution liquor licenses set forth below have applied for renewal of their respective licenses and which applications 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, and

WHEREAS, the Governing Body is satisfied that the applicants should have the licenses renewed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following plenary retail distribution licenses be renewed for the year commencing July 1, 2016 and expiring June 30, 2017:

NAME	LICENSE NUMBER	ANNUAL FEE	LOCATION
WWB Inc.	1348-44-002-006	\$746.00	The Spring Lake Bottle Shop

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-119 - RESOLUTION – RELEASING STREET OPENING BOND  
401 ATLANTIC AVENUE – BLOCK 27, LOT 1**

WHEREAS a street opening application and appropriate fees was received by the Borough of Spring Lake from Raymond Celano for property located at 401 Atlantic Avenue, Block 27, Lot 1 and

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

WHEREAS, the Zoning Officer 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 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. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

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**R-16-120 - RESOLUTION – APPOINTING BEACH PERSONNEL FOR THE 2016 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 2016 Season:

**Office Staff**

Broxmeyer, Lindsay	\$11.25
Kaminski, Emily	\$11.25

**Night Watch/Pool Cleaner**

Dancer, Scott	\$30.00
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ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-121 - 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

					Amount not to exceed
PS#09-2016	Engineering Services – Design & Construction Inspection/Administration Third Avenue – Phase II Road Improvements	Peter Avakian	Leon S. Avakian, Inc.	788 Wayside Road Neptune, NJ 07753	\$72,500.00

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 or until a successor is appointed; 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 for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Spring Lake in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

ROLL CALL:

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AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-122 - 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#10-2016	Traffic Engineering Traffic Calming Evaluation	Frank Miskovich	Miskovich Consulting Engineers, LLC	16 Carson Avenue Metuchen, NJ 08840	Amount not to exceed \$9,500.00
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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 or until a successor is appointed; 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 for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Spring Lake in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, sufficient funds are available for the services and will be certified on each voucher submitted for payment in accordance with their fee schedule, a copy of which is attached to their contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a contract between the above named persons/firms and the Borough to provide professional services to the Borough of Spring Lake; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, the Business Entity Disclosure Certification and the Contract shall be placed on file with the Clerk of the Borough; and

BE IT FURTHER RESOLVED, that a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in accordance with law; and

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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**Resolutions**

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

**R-16-123 - RESOLUTION AUTHORIZING FINAL PAYMENT AND CHANGE ORDER NO. 1 -  
DECREASING CONTRACT #03-2015 FOR IMPROVEMENTS TO SECOND AVENUE PHASE II BY  
\$8,114.35 AND RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE BOND  
POSTED BY EARLE ASPHALT COMPANY**

**25411**

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WHEREAS, a contract #03-2015 for Improvements to Second Avenue Phase II was awarded on October 8, 2015 to Earle Asphalt Company in the amount of \$217,013.13, and

WHEREAS, Final Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #1 which decreases the contract in the amount of \$8,114.35 for a total contract in the amount of \$208,898.78; and

WHEREAS, the Engineer has recommended that the Performance Bond be released as a Maintenance Bond has been posted in accordance with said contract.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 1 decreasing Contract #03-2015 for Improvements to Second Avenue Phase II in the amount of \$8,114.35 for a total contract in the amount of \$208,898.78 is hereby authorized for the above contract awarded to Earle Asphalt Company and that the Performance Bond being held by the Borough be and the same is hereby released and that final payment in accordance with the contract documents be made.

I, Robbin Kirk, Chief Financial Office of the Borough of Spring Lake hereby certify that funds are available from: 2014 Budget Appropriations DOT Grant not to exceed \$208,898.78

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-124 - RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 - INCREASING CONTRACT  
#05-2015 OCEAN AVENUE INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, contract #05-2015 for Ocean Avenue Infrastructure Improvements was awarded on November 20, 2015 to MSP Construction Corporation in the amount of \$1,896,589.00, and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #1 which increases the contract in the amount of \$42,670.32 for a total contract in the amount of \$1,939,259.32; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 1 increasing Contract #05-2015 for Ocean Avenue Infrastructure Improvements in the amount of \$42,670.32 for a total contract in the amount of \$1,939,259.32 is hereby authorized for the above contract awarded to MSP Construction Corporation.

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from: Bond Ordinance No. 2015-005 not to exceed \$1,939,259.32

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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

**R-16-125 - RESOLUTION – APPROVAL OF BILLS – JUNE 28, 2016**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending June 28, 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**

<b>CURRENT FUND (1)</b>	<b>618,229.55</b>
<b>GRANT FUND (2)</b>	<b>132,912.19</b>
<b>GENERAL CAPITAL (4)</b>	<b>48,937.13</b>
<b>WATER/SEWER CAPITAL (8)</b>	<b>145,331.33</b>

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WATER/SEWER OPERATING (9)	5,278.42
OTHER TRUSTS (12)	668.47
SPRING LAKE TRUST (15)	8,025.00
RECREATION (25)	1,163.25
BEACH OPERATING (81)	13,258.98
POOL OPERATING (91)	3,154.34
<b>TOTAL</b>	<b>\$976,985.66</b>

**ROLL CALL:**

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

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**Public Comments**

Lyle Marlow, 110 Pennsylvania stated that the downtown looks really great with all of the trees and flowers. Mayor Naughton thanked him and agreed.

Harry Zarb, 2205 Third Avenue asked if the council could remind leaders of the recreation programs that use Marcucci Park to have the players pick up after themselves. Mr. Frost answered that Mr. Dempsey will speak to the program leaders. Mr. Frost then stated that there are not enough garbage and recycling cans in Marcucci Park; there will be more installed.

Elsie Dubac, 415 St. Clair Avenue asked about Fifth Avenue and the damage that gas company did and if it will be repaired. Mr. Dempsey answered that the gas company will be starting with in the next two weeks.

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**Executive Session - NONE**

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**Adjournment**

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

**ROLL CALL:**

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Mrs. Venables

NAYS: NONE

ABSENT: Mr. Erbe

ABSTAIN: NONE

Time of Adjournment: 7: 40 PM

Respectfully submitted,

  
DINA M. ZAHORSKY  
Borough Clerk

Approved at a meeting held on: August 9, 2016