

25890

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:01 P.M. with a moment of silent prayer. She then proceeded with the Fledge of Allegiance to the Flag. Mayor Naughton announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui, Ms. Whalley, Mayor Naughton

ABSENT: Mr. Judge

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. Erbe offered a motion to approve the minutes of June 26, 2018, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: Mr. Frost

Public Comments:

Gail Ryan, 308 Passaic Avenue stated that the lights on the three hundred and four hundred block of Passaic Avenue have been out since January. Mr. Dempsey explained that JCP&L ran a new wire for a circuit however he thought it was all done; he will reach out to see when they lights will actually be turned on.

Kathy Roche, 410 St. Clair Avenue stated that there is a house on Ludlow Avenue that has been under construction for years. There is now a fork lift type of machinery in the front yard for weeks now. She asked why this is allowed. Mayor Naughton answered under the Uniform Construction Code they have an open building permit and as long as they are completing a certain amount of work the permit can stay open.

Mr. Dempsey stated that they have made a lot of progress in the past six months that they have in the last five years.

Mr. Erbe added that they have been making some progress.

Mayor Naughton said that she will look into it further and speak with Steve Roe the Code Enforcement Officer.

Lee Leddy, 2909 Fifth Avenue stated that he has a street opening bond that is pending and wants to know what is going on with it. He wrote an email to the clerk in April and went to Borough Hall twice and has not heard back. Mr. Dempsey asked if it was inspected. Mr. Leddy stated that he did not know. Mrs. Zahorsky explained that it was inspected and she thought that Mr. Leddy spoke with Matt Zahorsky, Zoning Officer since it was not properly restored. Mr. Leddy asked what the

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

proper protocol is for a street opening bond release. Mrs. Zahorsky explained that his email was sent at the end of April and it was inspected in June, she apologized for Matt Zahorsky not reaching out to him as well. Mr. Dempsey stated that he would reach out to Matt Zahorsky and figure out where it stands.

Harry Zarb, 2205 Third Avenue stated that it really concerns him that the Mayor and Council approved the last ordinance 2018-005 which has to do with weddings on the beach and boardwalk. Mayor Naughton added also special events as well as weddings. Mr. Zarb added that when the historical society met to have a group picture done that would have been considered a gathering and that now would not be allowed. He feels the ordinance is unnecessary and full of holes. He is not sure what the issue is when he has seen wedding block the boardwalk he has just asked people to move since there are walkers and joggings and they do move. He looked at some of the other beach communities and there was no other town that also banned all weddings; most of them just require a permit. Mayor Naughton stated that the council also did their homework and knows what the other town's requirements are. Mr. Zarb asked why a permit would not work for Spring Lake. Mayor Naughton answered the council agreed that it did not want events on the boardwalk or beach. Mr. Zarb would like the council to take a look at the ordinance again. He then asked what if one of the schools wants to have an event on the beach. Mayor Naughton answered that the schools always ask for permission. Mr. Zarb asked if the council would reconsider. Mayor Naughton answered that it was just passed, there was an introduction and hearing and the council unanimously voted on it.

Peter Meade, 300 Worthington Avenue asked what is going to happen when a young couple goes down there to have a wedding. Mayor Naughton answered that the ordinance is to let everyone know. Mr. Dempsey stated that the ordinance does not take effect until November 1 and Mrs. Zahorsky had letters sent out to the venues and officiates and it was also in the newspaper and on the television.

John McGlinchy, 305 South Blvd. stated that he has agreed with most of the bans the council have put into effect to protect the quality of life however this one did not. Mr. McGlinchy is urging the council to take another look at the ordinance.

Pat Daniels, 9 Jersey Lane stated that she has been harassed by wedding parties; the idea is lovely however the behavior of the parties is not always appropriate to the residents.

Anita Kruse, 414 Ludlow Avenue is in support of the ban she does not like wedding parties invading the beach while people are still bathing there. She is also in favor of the tent ordinance on the beach.

Pat Daniels, 9 Jersey Lane she has a petition that she has started to obtain signatures of residents who live on Jersey Lane and Jersey Avenue in reference to 7 Jersey Lane which is operating an unlicensed business in a residential zone. Ms. Daniels added that this is an Airbnb seasonal rental; there have been over one hundred and nineteen cars, three buses for up to twenty seven separate rentals from April 7, 2017 to today. She explained that she feels like she lives in a parking lot and there have been multiple obnoxious wedding companies who have stayed there. The renters have

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

harassed her and her son and she has had to call the police on multiple occasions. She has seen them drunk hanging out on the deck and they have woken up her son. She added that she suspects that their driveway is not conforming because it is so close to her house. She stated that there needs to be some sort of enforcement; code enforcement states that it is not their job because they have issued the proper certificates of occupancy. The owner of this property has advertised that the house can sleep fourteen including if you put down air mattresses and pull out couches. She believes this is a hazard and would like to see some sort of action before there is an accident. Mayor Naughton stated that this complaint came at a good time; Councilman Drasheff brought up this topic at the last meeting and added that your block is not the only one. The home rental ordinance is old and antiquated and the Borough Attorney is taking a look at it as well. Mayor Naughton then added that she will take a look into this particular issue tomorrow.

Councilman Drasheff added that the ad-hoc committee on the rental ordinance is having its first meeting this Thursday and plan to present a restructured ordinance to the council for review. He added that one idea if legal would be to have a minimum stay per rental so that there is not a rapid turnover. Ms. Daniels agreed that is a good idea however another issue is that four or five families at a time can stay which are more people than the block can handle at one time. She also suggested putting a limit on the number of times someone can rent. She does not want to harm the residents who rent in the proper manor.

Mr. Erbe stated that they will be discussing this with the legal counsel since he is not sure that the Borough will be able to limit a person on how many times they can rent out their home.

Ms. Whalley stated that there will not be an ordinance in place right away so in the mean time Ms. Daniels should call the code enforcement, police, or council person.

Mr. Drasheff agreed since the ordinance will be in effect for next season not this season.

Mayor Naughton stated that it concerns her that they are advertising air mattresses and sleeping on the couch; the certificate of occupancy has a certain number of bedrooms with a certain of number of people sleeping in them. Ms. Daniels stated that originally the homeowner was advertising for sixteen people but then changed it to fourteen. She added that if the code enforcement officer is not in he told her to call the police however the police do not want to police this type of activity.

Council Comments & Staff Reports:

Mr. Frost stated that he was not at the meeting of June 26, 2018 and he has had discussions about the ordinance and early on it was discussed to permit the weddings and events. He was more concerned with events at the gazebos and the boardwalk. He would still be in favor of permitting in the off season for weddings and events. He was embarrassed over the weekend because he told a number of residents that he thought that the ordinance was permitting in the off season.

Mr. Frost then stated that there has been discussion on the yellow curb painting for parking areas and now it is past the Fourth of July and it still has not been done. He stated that the Police Chief gave inventory of the areas that need to be painted and for some reason the Borough has not been able to get to it. He added that Mr. Dempsey said that the community service people would take care of it but Mr. Frost is not in favor of that and is curious as to how the council feels. Mr. Frost proposed to go out for a request for proposal to have a company come in and perform the work. The curbs looks terrible, the police cannot do their jobs, and people are parking in front of driveways.

Mr. Drasheff agreed and asked if the Borough could obtain a few estimates. Mr. Dempsey answered that he will see if Traffic Lines will be able to take care of it.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

Mr. Erbe stated that he will leave it in Mr. Dempsey's hands but maybe ask the Department of Public Works one more time if they can do it. Mr. Dempsey explained that the Department of Public Works are busy doing other things in town; if he hires Traffic Lines they will be able to get it done in next to no time.

Mr. Drasheff asked Mr. Dempsey to notify the council with the prices. Mr. Dempsey answered yes and also stated that the County may have a stripping machine also.

Mr. Drasheff asked about the police being reluctant to issue tickets. Mr. Frost answered yes since the lines are not there or very faded.

Mr. Sagui stated that has been seeing more power assisted bicycles and he is not sure if they are allowed on the boardwalk or not. If there is not something in place already it should be discussed. Mr. Colao thought that an ordinance was done a few years back. Mayor Naughton asked Mr. Colao to take a look at the ordinance and let the council know so that it can be discussed.

Harry Zarb, 2205 Third Avenue stated that many times it is difficult to tell if the bicycle is power assisted or not.

Ms. Whalley reported that the Garden Tour had over five hundred people and was a huge success. She added that the Art Walk was this past weekend and people had said it was the busiest day they have ever seen in town.

Mr. Whalley then reported that she just found out today that on August 15 the Business Improvement District and the Chamber of Commerce will be running a fundraiser at the Community House during the rehearsal for 42nd Street.

Ms. Whalley reported that there will be a band at the North End Pavilion called "Friend Zone" they perform a wide variety of classic rock, nineties rock and current hits. Mr. Dempsey added that the director of the summer camps is in the band.

Borough Engineer's Report:

Mr. Avakian reported that the Atlantic Avenue water main project is completing Fourth to Fifth Avenue main and service connections; they are progressing well which is good since it is one of the roads to be paved.

Mr. Avakian then reported on Lorraine and Tuttle Avenue is near completion.

Mr. Avakian reported that the platform project is under construction the first platform is substantially complete the one across from St. Catharine's. The base of the platform is white concrete which is fine however it may look nicer in other parts of the park being a light grey. The borders will be a little larger Belgium block it is held in place with the depressed concrete curb. There were two platforms that were not included in the contract because of cost but because of the condition of them they may be swapped out. Mr. Dempsey discussed some of the areas to be swapped based on need and the other platforms can be a part of the next grant; money wise it will not change.

Mr. Dempsey stated that platform one is ninety five percent done the one thing that needs to be done is the bumper that goes on the front so that the boats do not crash into concrete.

Mr. Avakian reported that the Wreck Pond Berm preconstruction meeting took place today and the project will be progressing. Once the contractor provides the project timeline he will let everyone know.

Mayor Naughton asked what an approximate timeline would be. Mr. Avakain answered that in approximately two weeks the project will start.

Borough Attorney's Report:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

Mr. Colao reported that there is an ordinance prohibiting motorized bicycles. Mr. Dempsey stated that a motorized bicycle would be more like a moped. He added that some regular bicycles go faster than the power assisted ones.

Peter Meade, 300 Worthington Avenue clarified that the power assist bicycles just makes it easier to peddle in certain conditions.

Andrew Herschman, 210 Atlantic Avenue stated that the pedego bicycles (peddle assisted ones) are rented out and you can peddle or go very fast. He added that he has seen people go around the lake very fast and he has seen some near misses with cars. He also asked if it is possible to look into possibly putting a handicapped ramp at the new platform. The only ramp that is remotely close in on First Avenue. The ramp could go from the street to the sidewalk and down to the dock.

Borough Administrator's Report:

Mr. Dempsey reported that he has a request from the Business Improvement District in regard to having a block party; similar to what was done after the Spring Lake 5. He explained that the location will be on Morris Avenue between Second Avenue and Third Avenue with a beer garden. The idea is to bring in all of the Spring Lake organizations also the Police and Fire Departments with water safety things. The event would be on August 11 from 3 pm to 7 pm. He explained that the Business Improvement District would need to know if they are allowed to have as soon as possible so that they can apply for the one day social permit for the beer garden. He stated that the last beer garden went well.

Mr. Drasheff asked if there will be food as well as the beer garden. Mr. Clayton, 1207 Third Avenue answered that there will be food service; activities and water safety seminar also the First Aid, Fire Department and Police Department will be there with vehicles. He added that this could be a really great event having all of the town organizations in one location to reintroduce themselves.

Mayor Naughton asked if the fire trucks and police cars will be outside of the designated area. Mr. Clayton answered that it will all be within the block. Mr. Clayton added that the organizations themselves could be spread out and not within the block.

Mayor Naughton asked if all of the businesses are in support of the block party. Mr. Clayton answered that the Business Improvement Districts Board has to vote on it before it comes before the council; many of the store owners are on the Board.

Dawn McDonough, Spring Lake Business Improvement District stated that the businesses will all be open during the event and be offering items for children as well.

Mr. Erbe stated that it sounds like a fantastic idea but there are a lot of moving parts to it. Mr. Erbe asked if the BID could come back with an update. Ms. McDonough answered yes.

Mr. Frost stated that he is apprehensive August 11 typically could be very busy. He thinks it will be very crowded downtown. Ms. McDonough stated that there are other events in the fall like the Irish Festival and the Kitchen Tour. Also, a lot of residents are just summer residents and do not get to participate in these other events because they go back to their other homes.

Mr. Erbe stated that it may be crowded but is worth a shot. He would like to see it happen every year.

Mr. Drasheff stated that Mr. Frost has a legit concern however the Spring Lake 5 event went really well and showed that the Business Improvement District could handle the crowd. He then asked about a rain date. Ms. McDonough answered that it would be Sunday, August 12; if it is a rain out weekend then the event will not occur.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

Mr. Sagui stated that he likes the idea and if it does not work out well they just would be allowed to have one in the future.

Mr. Erbe made a motion to approve the beer garden and community event on August 11 from 3 pm to 7 pm, seconded by Mr. Drasheff.

ROLL CALL:

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

NAYS: Mr. Frost

ABSENT: Mr. Judge

ABSTAIN: None

Business Items Under Consideration:

Ceremony Woman's Club 100th Anniversary – Beach in Front of Essex & Sussex – September 18, 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: None

Consent Agenda: None

Resolutions:

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

R-18-123 RESOLUTION – 2017 AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52: 27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

and,

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

WHEREAS, all members of the Governing Body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52: 27BB-52 to wit:

R.S. 52: 27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Spring Lake, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: None

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

R-18-124 - RESOLUTION – APPROVAL OF BILLS – JULY 10, 2018

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending July 10, 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)	131,378.12
WATER/SEWER OPERATING (9)	4,802.84
DOG TRUST (13)	3.60
SPRING LAKE TRUST (15)	8,968.50
RECREATION (25)	3,860.39
JR GUARDS (26)	3,078.06
BEACH OPERATING (81)	39,532.39
POOL OPERATING (91)	11,351.10
GRANT FUND (2)	40,961.25
MARRIAGE TRUST (19)	275.00
WATER/SEWER CAPITAL (8)	388,443.96
TOTAL	\$632,655.21

ROLL CALL:

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

NAYS: None

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

ABSENT: Mr. Judge
ABSTAIN: None

Public Comments:

Stephen Breen, 108 Tuttle Avenue stated that a minimum requirement to rent a home out of two weeks is a little aggressive; one week would be a little better. Mr. Drasheff stated that he just threw the two week number out there; this will have to be discussed amongst the committee.

Mr. Breen then stated that on Tuttle and Ludlow Avenues people tend to park very close to the stop signs; when cars are parked this close people cannot even see the stop signs. The painting of the curbs will help this situation and help the police enforce the law. He added that someone even parked in front of his driveway the other day and he had to call the police to have it removed.

Mr. Breen then stated that by the pavilion on the Ocean Avenue side there are white lines that hug the pavilion and someone chose to park right in the oval area on the Tuttle Avenue side of the pavilion. There are no signs stating that people cannot park there.

Mr. Breen finally asked if there is any possibility to get license plate readers for the Police Department and how would that go about. He believes it would be a good thing for the town since last year we had four stolen cars. Mayor Naughton answered that it is under discussion.

Hussam Charter, 4 Jersey Lane stated that he apologized for being late. He feels it is very important for the council to take a look at short term rentals. He stated that the issues of the AirBnB are a fairly new phenomenon. He stated that it encourages transient guests similar to a hotel or motel. There should be a fine balance; he is not against people renting their homes however it is a residential area. He feels that the length should be even stricter at a minimum of one month; even a week is hard to enforce and may not alleviate the issue. Mayor Naughton explained that there is an ad hoc committee to discuss these issues; their first meeting is this Thursday.

Ms. Dubac, 415 St. Clair Avenue asked about the signage study that Chief Kerr was going to prepare. Mayor Naughton said that Chief Kerr did an inventory not a study and she is not sure where that stands. Mr. Dempsey explained he has the inventory. Ms. Dubac added that the signs are really bad and not correct.

Executive Session: None

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, Ms. Whalley

NAYS: NONE

ABSENT: Mr. Judge

ABSTAIN: NONE

Time of Adjournment: 8:17 PM

Respectfully submitted,


DINA M. ZAHORSKY

25898

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JULY 10, 2018**

Borough Clerk

Approved at a meeting: August 10, 2018