

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 28, 2021**

Councilman Erbe called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 6:00 P.M. with a moment of silent prayer. He then proceeded with the Pledge of Allegiance to the Flag. Councilman Erbe announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Judge (arrived at 6:37pm), Mr. Frost, Mr. Sagui, Ms. Whalley
ABSENT: Mayor Naughton

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator/Deputy Clerk
Joseph Colao, Esq., Borough Attorney
Peter Avakian, Borough Engineer
Dina M. Zahorsky, Borough Clerk
Joseph Walker, Architect
Jennifer Beahm, Planner

Workshop Discussions:

Mr. Drasheff explained that the Downtown Planning Committee, including members, Councilman Erbe, Councilman Sagui, and himself, were placed in charged with creating design guidelines for the Third Avenue business district. They would like to preserve the character of Third Avenue. Mr. Walker thanked the Council for having him and presented the following:

ARCHITECTURAL DESIGN GUIDELINES



For Building Facades in the
3rd Avenue Business District of the Borough of
SPRING LAKE
09-28-2021 - MUNICIPAL WORKSHOP
PRESENTATION SLIDES for
DOWNTOWN ANALYSIS & ARCHITECTURAL DESIGN GUIDELINES

J. L. WALKER - ARCHITECTS



ARCHITECTURAL DESIGN GUIDELINES
For Building Facades in the
3rd Avenue Business District of the Borough of
SPRING LAKE

TABLE OF CONTENTS - PRELIMINARY OUTLINE

ARCHITECTURAL DESIGN GUIDELINES & DOWNTOWN ANALYSIS (Analysis & Vision) 2020 - 2021

- INTRODUCTION
- MISSION OF SPRING LAKE
- BUILDING CONDITIONS
- MASSING & SETBACKS
- BUILDING CONTEXT
- ARCHITECTURAL BUILDING STYLES
- EXTERIOR BUILDING MATERIALS
- GROUND FLOOR STOREFRONTS
- ELABORATIONS & EXCLUSIONS
- APPENDIX 1 - ARCHITECTURAL PROJECTIONS
Building Facade Sections & Details
- APPENDIX 2 - STREETSCAPE SECTIONS
Existing Conditions & Setback Recommendations
- APPENDIX 3 - ANALYSIS OF EXISTING CONDITIONS
Detailed observations and suggestions related to individual properties (UNDER SEPARATE COVER - 08-18-2020)

J. L. WALKER - ARCHITECTS



MUNICIPAL WORKSHOP & PRESENTATION SUMMARY (WORKSHOP TABLE OF CONTENTS) 09-28-2021

- MISSION OF SPRING LAKE
- 1. NEW STANDARDS - ARCHITECTURAL GUIDELINES & ARCHITECTURAL PROJECTIONS
Building Facade Sections & Building Facade Sections
Facade Analysis & Streetscape Section
- MASSING & SETBACKS
- EXTERIOR BUILDING MATERIALS & Prohibited Features
- GROUND FLOOR STOREFRONTS
System, Configuration & Formage, Positive & Negative Examples
- 2. URBAN DESIGN STANDARDS AND SUGGESTED TALKING POINTS FOR IMPROVEMENT IN DOWNTOWN DISTRICT
- URBAN DESIGN POSITIVE & NEGATIVE EXAMPLES
- GROUND FLOOR BUILDING USES
- EXISTING EXTERIOR SPACES & RESTAURANTS
- UPPER FLOOR BUILDING USES
- EXPANSE EXTERIOR PUBLIC SPACES
- CLIPS CUTS & PARKING



BOROUGH OF SPRING LAKE MAYOR AND BOROUGH COUNCIL REGULAR MEETING SEPTEMBER 28, 2021

ARCHITECTURAL DESIGN GUIDELINES
For Buildings Located Within the
2nd Avenue Business District of the Borough of
Spring Lake

MISSION OF SPRING LAKE



Preserve the character of the 3rd Avenue Business District

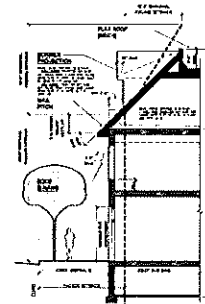
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NEW STANDARDS FOR DOWNTOWN DISTRICT

ARCHITECTURAL DESIGN GUIDELINES & ARCHITECTURAL PROJECTIONS



BUILDING FACADE SETBACK

TOOL FOR LIMITING MASSING TO SIZE AND GENERAL BUILDING ELEMENTS THAT ARE ALREADY PRESENT IN THE DOWNTOWN DISTRICT.

FACADE & EXISTING CONDITION ANALYSIS

THE PERFORMED OBSERVATIONS OF EXISTING CONDITIONS AND OUTLINED BENEFITS AND DETRAIMENT IN AN EXISTING CONDITIONS MANUAL. BENEFICIAL ELEMENTS WERE USED TO OUTLINE CRITERIA FOR IMPROVEMENTS IN THE DOWNTOWN AREA.

BUILDING STREETSCAPE SECTION

DIAGRAM FOR ANALYSIS OF STREET CONFIGURATION FOR THE IMPACT OF EXTERIOR BUILDING FACADES AS DESIGNING ELEMENTS OF EXTERIOR SPACE, INCLUDING STREETSCAPE, SIDEWALK, AND RELATED ELEMENTS.

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BUILDING FACADE ANALYSIS

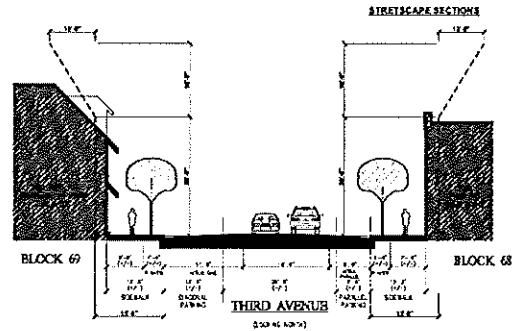


EXISTING STREETSCAPE FACADE PERSPECTIVES & DIVERSITY OF ROOFLINES

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EXISTING STREETSCAPE SECTION - OUTLINES STREET, SIDEWALK & PARKING CONDITIONS

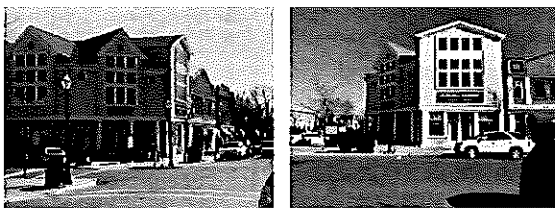
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MASSING & SETBACKS

AVOID BULKY MASSING



ARCHITECTURAL DRAMA CAN BE IMPORTANT AT SIGNIFICANT CORNER
TOO MUCH DRAMA AND/OR ELEMENTS CAN BE TOO BULKY
GREATER MASS MAY ALIGN WITH ADJACENT BUILDING MASSING WHEN SETBACK FARTHER FROM STREET

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MASSING & SETBACKS

AVOID 1-STORY BLDGS



1-STORY CAN HAVE APPEARANCE OF STRIP MALL



EXISTING 1-STORY WITH HISTORIC DECORATIVE FACADE ELEMENTS

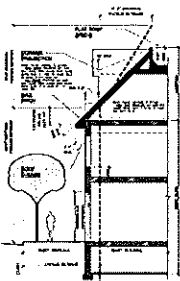
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MASSING & SETBACKS



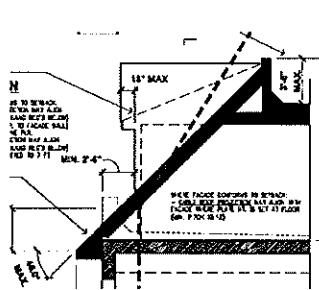
FAÇADE SETBACK LIMITS MASSING AT UPPER LEVELS & REDUCE IMPACT ON STREETSCAPE

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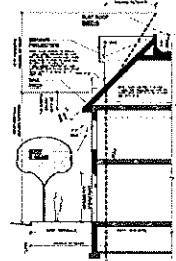
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VERTICAL & DIAGONAL FAÇADE SETBACK



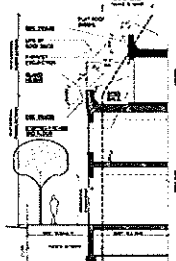
ARCHITECTURAL DESIGN GUIDELINES
For Building Facades in the
24 Avenue Residential District of the Borough of
SPRING LAKE

BUILDING FAÇADE SECTIONS



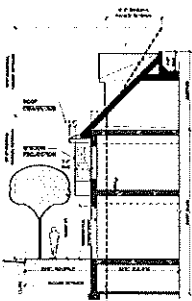
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ARCHITECTURAL PROJECTIONS



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BUILDING FAÇADE SECTIONS

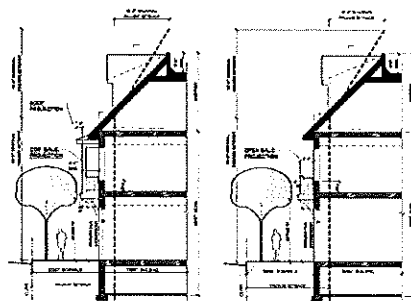


J. L. WALKER - ARCHITECTS

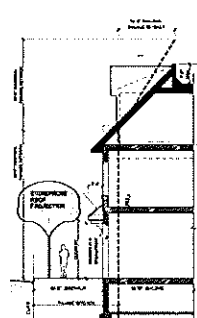


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ARCHITECTURAL PROJECTIONS



BUILDING FAÇADE SECTIONS

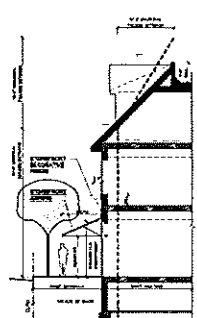


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PAGE

ARCHITECTURAL PROJECTIONS



ARCHITECTURAL DESIGN GUIDELINES
For Building Facades in the
24 Avenue Residential District of the Borough of
SPRING LAKE

EXTERIOR BUILDING MATERIALS

Building materials and finishes that conform to requirements for ARCHITECTURAL FINISHES shall be permitted unless otherwise specified.

Materials not specifically mentioned in the document may be permitted by Borough Engineer during Office hours and approval.

ROOF

- 1. Pitched Roof Lines
 - a. Min. 4:12 Pitch (per to suit code requirements & Snow Loads)
 - b. Single and double gables (pitch, size, style and color finish)
 - c. End gable overhanging eaves
- 2. Flat roof max. in the rear and side walls 1/2" pitch
 - a. Shall be finished with 2" low level flat surface and be having parapet wall that NOT be taller than 36" maximum
 - b. Shall NOT be painted or stained
 - c. Finish according to methods for repair of
 - d. Standing water, rotting, mold and odors
 - e. Flat roof mechanical shall "float" on building structure and be capable of being removed or replaced by bolts in accordance with manufacturer's instructions

GLAZING

- 1. EXPOSITIONS
 - a. Min. 2" SECOND FLOOR EXPOSITION AREA Min
- 2. WINDOW TYPE
 - a. Finish: Wood (but may allow for steel frame system)
 - b. Traditional SAs (see 3-b) to be used for SAs where required
 - c. NOT PERMITTED
 - 1. Metal frame window casings
 - 2. Aluminum frame window and storefront glazing

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GLAZING - CONTINUED

- 3. STAINED GLASS
 - a. Custom stained glass windows and doors
 - b. Custom stained glass windows and doors
 - c. Limited to decorative use and shall be located in front of building
- 4. NOT PERMITTED - ERS
 - a. Using synthetic glass systems and components in place with no development of frame systems or full structural steel reinforcement systems unless otherwise noted otherwise referenced and approved conditions

MANUFACTURING

- 1. STAINLESS
 - a. Used for window and door casings with PVC trim
 - b. Allowed window casings
 - c. White trim
- 2. VINYL Casings
 - a. Finish: White or color
 - b. NOT permitted if manufacturer provided standard vinyl finisher or frame
- 3. COLOR FINISHES
 - a. Metal and wood with PVC coating or vinyl
 - b. Flat and semi-gloss
 - c. Horizontal siding in accordance with code

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MASONRY & SIDING

- 12 Block Masonry and Natural Stone
 - a. Finish: Block masonry and stone
 - b. Min. 2" thick mortar or natural stone permitted with appropriate reinforcement
 - c. NOT permitted
 - d. Custom stone
 - e. Synthetic and/or manufactured stone
- 13. Brick Masonry
 - a. Finish: Brick masonry
 - b. Min. 2" thick mortar or natural stone permitted with appropriate reinforcement
 - c. NOT permitted
 - d. Custom brick
 - e. Synthetic and/or manufactured stone
- 14. Siding
 - a. Finish: Siding
 - b. Min. 2" thick mortar or natural stone permitted with appropriate reinforcement
 - c. NOT permitted
 - d. Custom siding
 - e. Synthetic and/or manufactured stone

OUTDOOR COMPLEMENTS

- 1) Porcelain, Quarry stone, granite, marble, travertine, limestone, slate, etc.
- 2) Tiles
 - a. NOT permitted below 2nd floor or below of exterior of exterior building facade



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BOROUGH OF SPRING LAKE MAYOR AND BOROUGH COUNCIL REGULAR MEETING SEPTEMBER 28, 2021

INTRODUCTION - URBAN DESIGN

NEGATIVE EVIDENCE FOR URBAN DESIGN STANDARDS
REPRISM: Mall Redevelopment located at a stretch of Route 201 East of Spring Lake



1500 E. POSTERIOR SUBURBAN SPRAWL



COMMERCIAL STRIP

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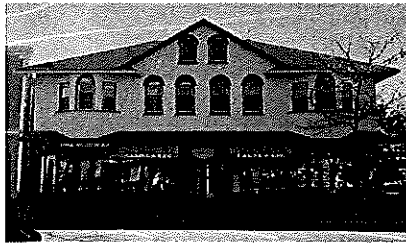


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ARCHITECTURAL DESIGN GUIDELINES
For Building 7-10-10-10
3rd Floor Addition of the Borough of
Spring Lake

BUILDING CONDITIONS - MIXED-USE

GROUND FLOOR - RETAIL



STORE FRONT GLAZING, GROUND FLOOR DETAIL AND TRANSOM
SIMPLICITY OF SPACE & AVENUE

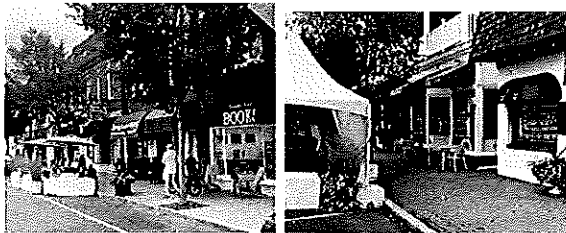
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BUILDING CONDITIONS - MIXED-USE

GROUND FLOOR - RESTAURANT & EXT. SPACE



RESTAURANT OUTDOOR SEATING
LIMITS SOCIAL SPACE

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BUILDING CONDITIONS - MIXED-USE

"ENCOURAGE" SUSTAINABILITY OF USE



3RD FLOOR - RESIDENTIAL
(Office - Residential)

2ND FLOOR - OFFICE
(Office - Residential)

1ST FLOOR - RETAIL / RESTAURANT

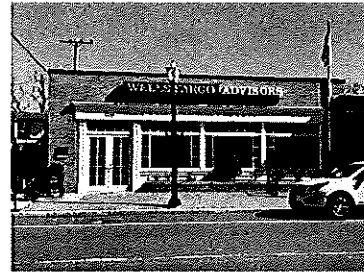
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BUILDING CONDITIONS - MIXED-USE

GROUND FLOOR - OFFICE / REAL ESTATE



3' AVE EXCLUSION OF GROUND FLOOR OFFICE
AMBIGUITY OF ABANDONMENT OF USE

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BUILDING CONDITIONS - MIXED-USE

GROUND FLOOR - RESTAURANT & EXT. SPACE



RESTAURANT - OUTDOOR SEATING
CORNER PROPERTY - ACTIVATES EXTERIOR PUBLIC SPACE

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BOROUGH OF SPRING LAKE MAYOR AND BOROUGH COUNCIL REGULAR MEETING SEPTEMBER 28, 2021

BUILDING CONDITIONS – MIXED-USE

UPPER FLOOR - OFFICE



OFFICE BUILDING
POSES CHALLENGES WITH PARKING, ACCESS, AMENITIES, MASSING & YEAR ROUND OCCUPANCY

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BUILDING CONDITIONS – MIXED-USE

UPPER FLOOR - RESIDENTIAL



RESIDENTIAL DEVELOPMENT
POSES CHALLENGES WITH PARKING, ACCESS, AMENITIES, MASSING & YEAR ROUND OCCUPANCY

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BUILDING CONDITIONS – MIXED-USE

CORNER PROPERTIES – EXT. PUBLIC SPACE
"Enhance Exterior Public Spaces for Pedestrian Environment"



PUBLIC OUTDOOR SEATING & PUBLIC GARDEN SPACE

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BUILDING CONDITIONS – MIXED-USE

CORNER PROPERTIES – EXT. PUBLIC SPACE



RESTAURANT SEATING, MARKET, 1-STORY MULTI-USE PAVILION - PUBLIC or PRIVATE

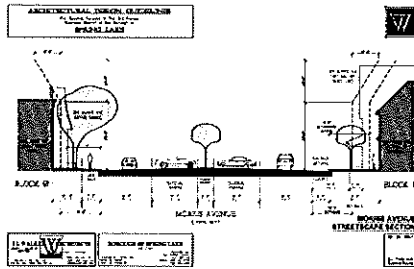
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BUILDING CONDITIONS – PARKING

ON-STREET PARKING



STREETSCAPE SECTIONS - TREE-LINED PARKING - MORRIS AVENUE

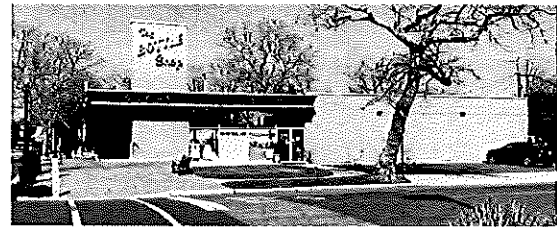
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BUILDING CONDITIONS – PARKING

OFF-STREET PARKING



30TH AVE & WASHINGTON AVE

CURRENT CONDITION POSSES CHALLENGES WITH OUTDOOR PUBLIC SPACE, PEDESTRIAN TRAFFIC, FAÇADE DETAILS & MASSING
OFF-STREET PARKING MAY BE RELOCATED TO ON-STREET PARKING

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BUILDING CONDITIONS - PARKING

OFF-STREET PARKING



THIRD AVE & PASSAIC AVE
CURRENT CONDITION POSES CHALLENGES WITH OUTDOOR PUBLIC SPACE, PEDESTRIAN TRAFFIC, FAÇADE DETAILS & MISSING OFF-STREET PARKING MAY BE RELOCATED TO ON-STREET PARKING

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BUILDING CONDITIONS - PARKING

OFF-STREET PARKING



WASHINGTON AVE
CURRENT CONDITION POSES CHALLENGES WITH EXPOSURE OF UTILITY, REFUGE & RECYCLING, REAR FAÇADE MISSING OFF-STREET PARKING MAY BE REPLACED WITH BUILDING VOLUME

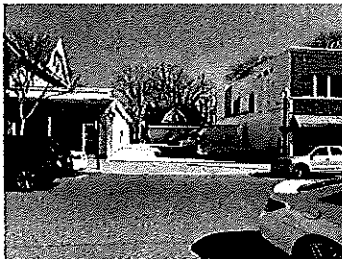
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BUILDING CONDITIONS - PARKING

CURB CUTS - THIRD AVE



CURRENT USE OF PARKING POSES CHALLENGES WITH USE AND CURB CUT IS A HAZARD TO PEDESTRIAN ACTIVITY OFF-STREET PARKING MAY BE REPLACED WITH BUILDING VOLUME

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BUILDING CONDITIONS - PARKING

PARKING LOT



USE OF VERIZON LOT IS A MAJOR TARGET, SINCE IT IS SOMEWHAT BUFFERED IN EXISTING CONTEXT AND NOT USED VERY OFTEN ANY OTHER LOCATION CREATES POOR DOWNTOWN CONDITIONS AND POSES CONFLICT WITH SPRING LAKE CHARACTER REINFORCES OPTIONS FOR ON-STREET FLEXIBILITY WITH NIGHT LIMITATIONS, PERMITS TENANT REQUIREMENTS, & DEVELOPMENT LIMITATIONS

J. L. WALKER - ARCHITECTS



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Joe Rizzo, 416 Tuttle Avenue believes it is a good study that includes many successful items by identifying the importance of corner properties, seating areas, and garden areas.

Rich Clayton, 1207 Third Avenue thanked Mr. Walker on behalf of the Business Improvement District (BID). He thanked everyone involved with looking into this. He acknowledged the issue with abandoned spaces being a problem today. He doesn't understand the ordinance that is in place that will not allow offices to move onto Third Avenue after two years of abandonment. Mr. Clayton appreciates this step. Mr. Drasheff agreed with Mr. Clayton on the term of abandonment of use in the ordinance, he believes they need to have a clear definition of the term in the ordinance.

Walter MacGowan, 1404 Third Avenue owns the Bottle Shop property, and explained that the town made him put the dumpster in the current location it is in. He continued that his buildings have enough parking for its tenants and they have plans for building improvements in the future. He also identified the vacant lot on Third Avenue as a toxic waste site with chemicals leaking into the soil. He would like to see the town address this issue. Mr. Drasheff will look into this property and see what kind of Department of Environmental Protection restrictions are on the lot. Mr. MacGowan added that many of the grass areas along Third Avenue are used by dogs.

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Kelsey Pegler, 1701 Third Avenue asked if this report is in response to the land use recommendations which were part of the master plan re-evaluation report. Mr. Walker indicated it is. Mr. Pegler expressed concern for mixed use second and third floors, but thinks it is a good plan, which would make for a more vibrant downtown. Mr. Clayton thinks the future of Third Avenue will be dependent on mixed use. Mr. Pegler is an advocate of mixed-use buildings. Mr. Clayton suggested capping the number of office spaces downtown.

Marilyn Rosenthal, Design Domaine Gallery, 306 Morris Avenue asked if a timeline has been assigned to the outdoor dining downtown. Mr. Drasheff indicated that is more of a question for the BID or Chamber of Commerce. Ms. Whalley explained that outdoor dining was approved until October 1, but they will be asking to extend outdoor dining until October 31. Ms. Whalley explained they are discussing the use of parking spaces for dining, and that her situation is different since her driveway and parking lot is being used by the neighboring restaurant for outdoor dining. Mr. Judge suggested taking the issue up with the landlord first. Mr. Drasheff thanked everyone for their comments and insight.

Approval of Minutes: None

Public Comments: None

Council Comments & Staff Reports:

Mr. Judge reported that beach revenues from 2019 were \$2,814,000 for the season, while this past year they were \$3,460,000. The pool revenues from 2019 were \$1,277,000 and in 2021 came to \$1,329,000. He continued that they are going to have to look closely at expenses because of the State mandated minimum wage increase. This mandate requires minimum wage to reach \$15.00/hour by 2024.

Mr. Judge acknowledged the passing of Liz Finnerty and recognized her decades of service as a true Spring Lake citizen.

Mr. Drasheff added that Liz Finnerty was the backbone of the Historical Society for many years. Mr. Drasheff congratulated the BID and Chamber of Commerce for a great Italian Festival this past weekend.

Mr. Drasheff asked Mr. Avakian if they have looked into replacing the water main from Fourth Avenue to the railroad on Morris Avenue. Mr. Dempsey indicated they are going to replace the line.

Mr. Frost thanked the Downtown Committee on their work on tonight’s presentation.

Mr. Sagui asked if the dunes can be addressed along the beachfront. Mr. Dempsey indicated he has a meeting with Fish and Wildlife regarding the dunes. Mr. Sagui asked if they can schedule a water/sewer meeting.

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Ms. Whalley reported that the tree of heaven is a spotted lantern fly host, and asked Mr. Dempsey to ask Fish and Wildlife about removing the tree.
Ms. Whalley continued that the BID is looking for a new part-time maintenance manager to help with general maintenance, flowers, and trash upkeep.
Ms. Whalley congratulated the Preservation Alliance on their awards ceremony and their recognition of Frank Havens who maintains the Duggan Building and Police Station.
Ms. Whalley stated that the Witches and Warlocks Paddle on Spring Lake will be on October 9th and raise money for Interfaith Neighbors in Asbury Park.
Ms. Whalley continued that the Community House is hosting the Garden State Symphony and will be doing several shows.
Ms. Whalley continued that they will have part two of their Trees of Divine Park walk this Saturday, meeting at the bridge. She continued that DPW has cleaned up a lot of Divine Park and addressed items left on the punch list from the grant.
Lastly, Ms. Whalley reported that the State Forestry Department has awarded Spring Lake with a grant for shade trees to be planted around Wreck Pond.

Borough Engineer's Report:

Mr. Avakian reported that on tonight's agenda is a proposal for Morris Avenue water main improvements from Fourth Avenue to the railroad and the 2022 road improvement program that was recently discussed.
Mr. Avakian then reported that currently they are waiting on confirmation from the mechanical contractor to remobilize for water system improvements on Tuttle, York, and Washington Avenues. After the water mechanical work is completed, they will schedule paving.
Mr. Judge asked for an update on the Lake Como project, Mr. Avakian said that the utility mark out company has been in touch and they want to mobilize to begin work.

Borough Attorney's Report:

Mr. Colao has two items for closed session.

Borough Administrator's Report:

Mr. Dempsey reported that a memo was sent around regarding downtown outdoor dining. He knows the BID would like to extend it to October 31.

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

R-21-147-RESOLUTION – ALLOWING FOR IN STREET DINING DOWNTOWN

BE IT RESOLVED BY, the Mayor and Borough Council that In Street Dining Downtown will be allowed from April 1 to October 1, 2021 is now extended to October 31, 2021.

ROLL CALL:

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

NAYS: Mr. Frost

ABSENT: None

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Mr. Frost explained his reasoning for voting against the extension, stating he believes there should be design standards if they decide to allow this again next year.

Business Items Under Consideration:

a. Manasquan Surf Team Use of Newark Avenue- Practices & Competition: Mr. Erbe offered a motion to approve the request, seconded by Mr. Frost. All in favor. None opposed.

b. Event Application- Jersey Shore Running Club Relay- April 2, 2022: Mr. Erbe offered a motion to approve the request, seconded by Mr. Drasheff. All in favor. None opposed.

Ordinances for Introduction:

Borough Attorney Colao read Ordinance No. 2021-007, entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 292 RENTAL PROPERTY, ARTICLE III, OCCUPANCY AND ACTIVITY REGULATIONS, SECTION 14, PROHIBITED OCCUPANCY AND ACTIVITIES"

Mr. Drasheff offered a motion to introduce Ordinance No. 2021-007, seconded by Mr. Erbe
Public Hearing will be set for October 12, 2021

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ordinances for Adoption: None

Consent Agenda:

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

R-21-140-RESOLUTION – 2020 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 2020 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

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SEPTEMBER 28, 2021**

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

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. 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-21-141-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#13-2021- ST. CATHARINE'S SCHOOL PTA- ON PREMISE 50/50**

WHEREAS, St. Catharine's School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#13-2021, 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#13-2021 be and the same is hereby approved as follows:

**NAME: St. Catharine's School PTA
301 Second Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-7331**
LOCATION: 300 Ludlow Avenue, Spring Lake, NJ 07762
DATE: October 29, 2021, from 4:00-6:00 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.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 28, 2021**

R-21-142-RESOLUTION – ESTABLISHING HALLOWEEN CURFEW

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that a curfew will be in effect for all persons under the age of eighteen (18) between the hours of 9:00 P.M. and 6:00 A.M. on October 29, 30 & 31 and November 1 and concluding 6:00 A.M. on November 2, 2021.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the two elementary schools in town and the secondary schools in neighboring communities where resident children may be enrolled.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Resolutions:

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

**R-21-143-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#13-2021	Morris Avenue Water Main Improvements Phase II – Fourth Avenue to Railroad Tracks	Peter Avakian	Leon S. Avakian, Inc.	788 Wayside Road Neptune, NJ 07753	\$52,000.00

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

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from Bond Ord 2018-007 Various Water/Sewer Impr. Acct # w-08-18-007-219, with an available balance of \$1,868,333.48.

ROLL CALL:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 28, 2021**

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-21-144-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#14-2021	2022 Roadway Improvement Program	Peter Avakian	Leon S. Avakian, Inc.	788 Wayside Road Neptune, NJ 07753	\$74,000.00

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

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from Reserve for Road Improvements Acct # C-04-55-226-001 with an available balance of \$832,110.89

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley
 NAYS: None
 ABSENT: Mr. Sagui
 ABSTAIN: None

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

R-21-145-RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 28, 2021

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 28, 2021**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 28, 2021, 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)	703,107.11
GRANT FUND (2)	1,016.99
WATER/SEWER FUND OPERATING (9)	244,895.44
DOG TRUST FUND (13)	916.60
ESCROW TRUST (15)	788.00
RECREATION TRUST (25)	508.00
BEACH OPERATING (81)	18,525.73
POOL OPERATING (91)	27,305.40
TOTAL	\$997,063.27

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Erbe

Public Comments:

John McGlinchy, 305 South Blvd asked if they have come up with a time for basketball and pickle ball to start at Marucci Park. Mr. Judge would like Mr. Colao to look if they can do this through an ordinance or resolution and suggested a starting time no earlier than 8:00 am since it is in line with the noise ordinance.

Executive Session:

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

R-21-146-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: Beach Attractive Nuisance – Potential Litigation & Potential Public Property Improvement Litigation.

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

ABSENT: None

ABSTAIN: None

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:38 pm

MEETING IS REONVENDED AT: 8:20 pm

Adjournment:

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

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 28, 2021**

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 8:20 pm

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

