

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
JANUARY 17, 2023**

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. Mayor Naughton announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Erbe, Mr. Hale, Mr. Judge, Mr. Sagui (via video), Ms. Whalley, Mayor Naughton

ABSENT: Miss McDonough

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator/Deputy Clerk

Joseph Colao, Esq., Borough Attorney

Peter Avakian, Borough Engineer

Dina M. Zahorsky, Borough Clerk

Public Comments:

Mary Merkler, 210 Lorraine Avenue thanked the Council for the wonderful job they are doing for the town. She would like a beach box on Lorraine Avenue since her husband is eighty-seven years old and will not have many more years at the beach. It would be easier to just have the chairs stored there on the beach. Mr. Judge stated that it is under consideration, one concern is the possible over crowding in the pools. It is a possibility that boxes maybe added farther away from the pools to not over crowd the pools.

Proclamations, Presentations, & Special Guests:

a. Community Development Update – Chris Willms

Mayor Naughton explained that Chris Willms was hired as the Code Enforcement Officer and to help with zoning. He was recently appointed also as the Fire Inspector. She explained that the Borough purchased Spatial Data Logic (SDL) to streamline building, code enforcement, planning board, etc. and his job was to get that up and running and to modernize and digitalize those departments.

Mr. Willms explained that within the next six months he is preparing to have all of the construction applications go online. He added that by February 1, 2023, zoning applications, tree removal permits, and certificates for rentals and sales will all be online. The construction department will be purchasing a large screen television and computer for the subcode officials to do digital plan review. Mr. Willms showed the council and the public the website which will be used for all of these applications. The user will be able to log in to the portal and check the status of permits, schedule and inspection, or for open public records on a certain property. The property concern portion will be launched first on February 1, 2023. The categories are general and once the request is submitted it will email the proper person to fix the issue or concern. The sales and rental certificates will be done online with the same questions as the current paper form. The Borough will be using Municipay for all payments through the SDL portal, there will be no charge to the Borough only the applicant. The zoning permit application will also be online as well. One of his goals will be to have a computer kiosk for anyone who needs help or does not have their own home computer. The goal is to eventually not accept paper applications for anything. The realtors are very happy about not having to come in and drop off paperwork for sales and rentals. Mayor Naughton thanked everyone who helped setting this up. Mayor Naughton asked if street lights can be added to the report of concern. Mr. Willms answered yes and the email can go to the Borough and the Police Department. Mayor Naughton suggested making a pdf with instructions on how to use SDL.

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Workshop Discussions: None

Approval of Minutes:

Mr. Erbe offered a motion to approve the minutes of December 20, 2022, seconded by Ms. Whalley.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: Mr. Hale, Mr. Judge

Mr. Judge offered a motion to approve the minutes of January 3, 2023, seconded by Mr. Hale.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

Council Comments & Staff Reports:

Mayor Naughton reported that the Borough should be closing on the Wells Fargo building this week, once purchased the Council will be meeting with the professionals to move forward.

Mr. Erbe reported that the library is having an S.A.T. class start Thursday.

Mr. Erbe then reported that the sub committee has meet with Jen Beahm about some design standards downtown. Mr. Dempsey added there was a meeting and some things will be scaled back to make it more user friendly. Hopefully by February the committee will have something to present to the Council.

Mr. Dempsey suggested to have a workshop on this.

Mr. Hale reported that he attended the Monmouth County reorganization meeting. He spoke with the Commissioners and expressed our thoughts and need for additional funding for our parks and recreation and grants.

Mr. Judge reported that prices for seasonal/senior beach badges and daily badges will not increase for this season. He added that there will be an increase on the pool side. At both pavilions there are a series of items that need to be fixed, some of them short term and some long term. He explained that because of inflation and minimum wage going up, the Borough is unable to maintain the same prices as last year. The beach committee would like to establish a capital account to put funds away for long term items and projects. Each pool badge will be increased by \$20 and the locker/beach box fees will be increased to \$1 per cubic foot which will go toward the capital projects. Mayor Naughton added that she was on the Council when there were aging pavilions and no money to fix them up and that is how they fell into disrepair. The Borough spent a lot of money to put two facilities and the beach and now would like to maintain them.

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Ms. Whalley reported that the sculptures will be picked up on Wednesday by the Ground for Sculpture. Ms. Whalley reported that there has been good progress the past two weeks with looking at the recreation program and information. The Environmental Commission has met with the Mayor, Department of Public Works and Mazza to get the information up to date. There will be a public education program that will let people know almost everything can be recycled.

Mr. Erbe asked if there is any financial study of this going on at the same time. For example, would it be more expensive to recycle or throw out pizza boxes. Mayor Naughton answered that the Borough used to recycle with Monmouth County who no longer takes recycling, pizza boxes were not accepted. If there was a load of clean cardboard with a pizza box in it, the entire load would be rejected as garbage. The Borough would then have to pay for that load to be trashed instead of getting paid to recycle that load. The Borough gets paid for cardboard and bottles and cans.

Borough Engineer's Report:

Mr. Avakian reported that there is a resolution on tonight for a Department of Community Affairs to supplement the Monmouth County Open Space Grant for the Marucci Park Improvements; the grant is capped at \$100,000. Mr. Dempsey added that Robbin Kirk, CFO suggested applying for this grant. Mr. Judge asked if this grant is matching. Mr. Avakian answered no.

Mr. Avakian reported that there are three resolutions on for contracts. The first is Pitney Avenue Water Main, Professional Service Contract, which is the second phase.

Mr. Avakian reported that there are two change orders on for approval. The first one, 2019 Road Improvement project which is now complete, the change order is a reduction. The second one, Pitney Avenue Water Main Phase I, is an increase due to an additional gate valve and pvc pipe for one additional service connection that was found in the field.

Mr. Avakian finally reported that the road assessment draft was submitted to Mr. Dempsey. Mr. Avakian is awaiting a street and roads committee meeting for review and distribution.

Borough Attorney's Report: None

Borough Administrator's Report:

Mr. Dempsey reported that there is a resolution on tonight for an award of contract for Pitney Avenue paving section; Fernandes was the low bidder on the contract.

Mr. Dempsey then reported that there were some adjustments made to the front yard setbacks to try and get rid of the bulkiness of the homes. The first-floor setback is twenty-five feet and the second-floor setback is thirty feet. Now that he is a Planning Board member, he attended the meeting and there was an application for a corner lot property. The property is considered to have two front yards, he feels the ordinance should be tweaked again for corner lot properties.

Business Items Under Consideration:

a. St. Catharine School – Eighth Grade Beach Day – June 7, 2023 - Mr. Judge offered a motion to approve the request, seconded by Mr. Hale. All in favor. None opposed.

b. Event Application – Belmar Five Mile Run – September 2, 2023 - Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

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c. Event Application – Prevent Child Abuse NJ – Big Pinwheel Garden Event – April 21, 2023- Mr. Erbe offered a motion to approve the request, seconded by Mr. Judge. All in favor. None opposed.

Ordinances for Introduction: None

Ordinances for Adoption: None

Consent Agenda:

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

**R-23-015 - A RESOLUTION SETTING THE 2023 HOURLY WAGES FOR VARIOUS
PART-TIME EMPLOYEES**

<u>Public Works Part-time</u>		<u>Library</u>	
Andrew Beer	\$16.00	MaryJane Burke	\$18.78
RJ Dawson	\$16.00	Dylan Thomas	\$14.00
Lewis Marks	\$16.00	Sally Kozlowski	\$14.00
Chris Newman	\$15.00	Jean Mechanic	\$14.00
Richard Pearce	\$16.00	Kathleen Scotto	\$14.00
Meridith Ploskonka	\$14.00	Leslie Skarbek	\$17.73
Melinda Ploskonka	\$14.00		
Roberta Walker	\$15.00		

Recycling

Stephen Benvenuto	\$14.00
James Easley	\$16.00
Kerry Irwin	\$14.00
Tom McKelvey	\$15.00
Hugh Meehan	\$16.00
Ray Rafferty	\$16.00

This Resolution and the wages and salaries set forth herein shall be retroactive to January 1, 2023.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

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

R-23-016 - RESOLUTION

Whereas, the **Borough of Spring Lake** desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately **\$100,000** to carry out a project to **Marucci Memorial Park Improvements – Improvement to upgrade and expand existing basketball, tennis and pickleball facilities.**

Be it therefore RESOLVED,

- 1) That the **Borough of Spring Lake** does hereby authorize the application for such a grant; and,

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2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorized the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the **Borough of Spring Lake** and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

Resolutions:

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

R-23-017 - RESOLUTION – SETTING FEES FOR THE 2023 BEACHES AND POOLS PURSUANT TO CHAPTER 114 OF THE CODE OF THE BOROUGH OF SPRING LAKE AS ADOPTED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following fees be and hereby are set for the year of 2023:

BEACHES AND POOLS:

Pursuant to §114-19: Charges for use of beaches and pools shall be as follows:

A. Beach Only Badges:

- | | |
|---|--------|
| (1) Seasonal beach badge age 12+ | 110.00 |
| (2) Senior citizen badge age 65+ | 80.00 |
| (3) Late season beach badge (badges purchased on or after August 1) | 70.00 |
| (4) Daily Badge Fee | 12.00 |

B. Lockers: (All lockers include five (5) adult pool/beach badges)

- | | |
|--|----------|
| (1) North End full locker | 1,713.00 |
| (2) North End half locker | 1,532.00 |
| (3) South End Shower Locker | 3,150.00 |
| (Only one (1) name per Spring Lake property may be registered for the lottery.
Lottery applicant must be made by the owner of the property) | |
| (4) South End Changing Locker | 1,987.50 |
| (5) South End half locker | 1,532.00 |

C. Beach Boxes: (All boxes include five (5) adult pool/beach badges) 1,532.00

D. Additional Badges purchased concurrently with a locker/beach box:

- | | |
|---|--------|
| (1) Additional pool/beach badge age 12+ | 265.00 |
| (2) Additional pool/beach badge ages 6-11 | 155.00 |

Note: Purchase of additional badges counts towards the eight (8) maximum per locker/beach box.

E. Single Pool/Beach Badges without a locker/beach box:

- | | |
|--|--------|
| (1) <i>Spring Lake Residents Only</i> – Maximum of three (3) per residence | 265.00 |
|--|--------|

F. Resident Senior Citizen: (Pool Only) 100.00

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G. Single Guest Pool/Beach Badge: (Daily)	
Pool/Beach Badge seasonal holder only	
(1) Age 12+	20.00
(2) Ages 6-11	10.00
(3) Age 5 and under	N/C
H. Non-Resident Facilities Fee & Second Locker Fee:	200.00
I. Pursuant to §114-22 Broken or Lost Badges:	
Seasonal badges which are lost shall be replaced for the following charges for each badge lost:	
A. Pool/beach badge (before August 1)	265.00
B. Pool/beach badge (on or after August 1)	165.00
C. Seniors & Children Pool Only, seasonal (before August 1)	80.00
D. Seniors & Children Pool Only, seasonal (on or after August 1)	45.00
E. Beach only badge (before August 1)	110.00
F. Beach only badge (on or after August 1)	70.00
J. Paddle Board Lockers:	
(1) Yearly rental to run from May 15 th to May 14 th	500.00
K. Gift Boxes	3.00

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

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

**R-23-018 - RESOLUTION - AUTHORIZING CONTRACT PURCHASE FOR A
JOHN DEERE 5090E CAB TRACTOR FT4 WITH LOADER 540M**

WHEREAS, the Mayor and Council of the Borough of Spring Lake wish to purchase a John Deere 5090E Cab Tractor FT4 with Loader 540M from Deere & Company, Cary, NC an authorized vendor under the Sourcewell Ag Tractors 110719-JDC(PG 1P CG 70); 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 Superintendent of Public Works Borough 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 John Deere 5090E Cab Tractor FT4 with Loader 540M is not to exceed \$80,128.60 and will be purchased through a five (5) year lease/purchase program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the purchase of the John Deere

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available, for the award of the above contract, from the 2023 Beach Capital Outlay Budget Acct # 3-81-20-850-227 for the first-year lease payment with an available balance of \$50,000.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

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

R-23-019 - 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#11-2023	Improvements to Pitney Avenue Water Phase II	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 the following account Bond Ord 2018-07 Various Improvement to Water/Sewer Acct #W-08-18-007-219 with an available balance of \$1,058,991.05.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

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

R-23-020 - RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 - DECREASING CONTRACT #7-2019 – 2019 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, contract #7-2019 for 2019 Roadway Improvement Program was awarded on September 24, 2019 to Fernandes Construction, Inc. in the amount of \$538,334.18; and

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WHEREAS, Engineer’s includes Change Order #1 which increased the contract in the amount of \$34,517.02 for a total contract in the amount of \$572,851.20; and

WHEREAS, Engineer’s Certificate includes Change Order #2 which increased the contract in the amount of \$16,067.43 for a total contract in the amount of \$588,918.63; and

WHEREAS, Engineer’s Certificate (annexed hereto and made a part hereof) includes Change Order #3 which increased the contract in the amount of \$28,124.60 for a total contract in the amount of \$617,043.23; and

WHEREAS, Engineer’s Certificate (annexed hereto and made a part hereof) includes Change Order #4 which decreased the contract in the amount of \$16,051.87 for a total contract in the amount of \$600,991.36; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 4 decreasing Contract #7-2019 for the 2019 Road Improvement Program in the amount of \$16,051.87 for a total contract in the amount of \$600,991.36 is hereby authorized for the above contract awarded to Fernandes Construction, Inc.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

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

**R-23-021 - RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 - INCREASING
CONTRACT #03-2022 – PITNEY AVENUE WATER MAIN IMPROVEMENTS – PHASE I**

WHEREAS, contract #03-2022 for Pitney Avenue Water Main Improvements – Phase I was awarded on June 28, 2022 to MSP Construction Corp. in the amount of \$378,714.00; and

WHEREAS, Engineer’s Certificate (annexed hereto and made a part hereof) includes Change Order #1 which increased the contract in the amount of \$6,860.00 for a total contract in the amount of \$385,574.00; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 1 increasing Contract #03-2022 for the Pitney Avenue Water Main Improvements in the amount of \$6,860.00 for a total contract in the amount of \$385,574.00 is hereby authorized for the above contract awarded to MSP Construction Corp.; and

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from the following account Bond Ord 2018-07 Various Improvement to Water/Sewer Acct #W-08-18-007-238 with an available balance of \$1,058,991.05.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

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

R-23-022 - RESOLUTION – APPROVAL OF BILLS – JANUARY 17, 2023

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending January 17, 2023 and

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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

CURRENT FUND (1)	885,924.81
GRANT FUND (2)	6,615.00
GENERAL CAPITAL FUND (4)	71,781.07
W/S UTILITY CAPITAL FUND (8)	354,740.40
WATER/SEWER FUND OPERATING (9)	256,879.98
DOG TRUST FUND (13)	1,001.20
COAH TRUST (16)	1,000.00
RECREATION TRUST (25)	1,125.69
BEACH OPERATING (81)	75,261.81
POOL OPERATING (91)	29,322.98
TOTAL	\$1,683,652.94

ROLL CALL:

AYES: Mr. Hale, Mr. Judge, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: Mr. Erbe

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

**R-23-023 - RESOLUTION – AWARD OF CONTRACT #01-2023
ROAD IMPROVEMENTS TO PITNEY AVENUE – PHASE I**

WHEREAS, on January 12, 2023 bids were received for Road Improvements to Pitney Ave Phase I, and

WHEREAS, ten (10) packages were picked up and seven (7) bids were received, and

WHEREAS, Fernandes Construction, Inc., Monroe, NJ submitted the lowest responsible bid for Road Improvements to Pitney Avenue – Phase I at a total bid of \$441,315.90 and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #01-2023 is hereby awarded to Fernandes Construction, Inc., Monroe, NJ for the Road Improvements to Pitney Avenue – Phase I at a cost not to exceed \$441,315.90.

CERTIFICATION AS TO AVAILABILITY OF FUNDS

I, Robbin Kirk, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available from the following accounts 2022 NJDOT Grant Acct #G-02-41-701-334 with an available balance of \$232,600 and Reserve for Road Improvements C-04-55-226-001 with an available balance of \$208,715.90.

ROLL CALL:

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

NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

Public Comments: None

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Executive Session: None

Adjournment:

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

ROLL CALL:

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

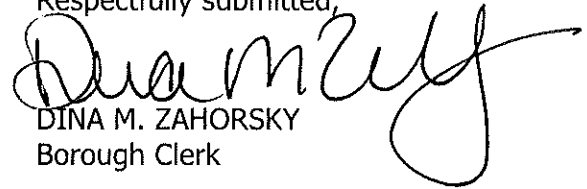
NAYS: None

ABSENT: Miss McDonough

ABSTAIN: None

Time of Adjournment: 8:06 pm

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: February 14, 2023