

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 28, 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. Hale, Mr. Judge, Miss McDonough, Mr. Sagui, Ms. Whalley, Mayor Naughton

ABSENT: Mr. Erbe

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:

Donna McGinty, 7 Ocean Avenue thanked Mr. Dempsey and Ms. Whalley for various things that she has approached them with and they managed to fix them. She wanted to thank whomever is in charge of plowing the sand at the south end. They did not plow and destroy the shell display. She then asked if there are any updates on the burglaries. Mayor Naughton there has not been another attempt for home break ins. Mayor Naughton checks with the police often and there have been some attempts at car thefts. Ms. McGinty asked if the police have found the person who was breaking into homes. Mayor Naughton explained that she can't discuss an open investigation.

Ram Atluri, 324 South Blvd stated that Michael Burke, Chairman of the Environmental Commission wanted the following resolution read into the record:

RESOLUTION NO. 01-2023

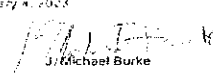
RESOLUTION OF THE ENVIRONMENTAL COMMISSION OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Environmental Commission of the Borough of Spring Lake hereby finds that unlimited use of leaf blowers powered by internal combustion engines impairs the economic and social welfare, health, peace and quality of life of persons residing in Spring Lake. In order to minimize the adverse effects of such equipment, the Environmental Commission hereby adopts this resolution:

NOW THEREFORE, BE IT RESOLVED, by the Environmental Commission of the Borough of Spring Lake on this 4th day of January 2023 that leaf blowers powered by internal combustion engines shall not be operated in the Borough of Spring Lake.

CERTIFICATION

I, J. Michael Burke, Chairman of the Environmental Commission of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, do hereby CERTIFY that the foregoing is a true copy of a resolution adopted by the Environmental Commission at this regular meeting held on January 4, 2023.


J. Michael Burke

VOTING	YES	NO	ABSTAIN	ABSENT
J. Michael Burke	X			
Maggie McKenna	X			X
Patrick Honner	X			X
Neuman Gray				
Stephanie Bricken	X			
Ram Atluri	X			

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Mr. Judge thanked Mr. Atluri, Mr. Burke, and the Environmental Commission Members. He added that the public should be aware that this resolution is non-binding; there has been no prohibition adopted by the Council with regard to leaf blowers.

Proclamations, Presentations, & Special Guests: None

Workshop Discussions: None

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of February 14, 2023, seconded by Miss McDonough.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Erbe

ABSTAIN: None

Council Comments & Staff Reports:

Mayor Naughton reported that she received a beautiful book of local photography that was donated to the Borough from Michael Scotto. If the public would like to look at it, it will be stored here at Borough Hall.

Mr. Hale reported that the Governor released his 2023 Budget today; within forty-eight hours the School Board will have their school aide numbers and there is a special meeting on March 15 to release the budget.

Ms. Whalley reported that the Shade Tree Committee would like to thank Mr. Dempsey and Mr. McCormick, Superintendent of Public Works for the work being done on the lakeside around Spring Lake; removing a lot of invasive species. They met with Steve Souza and Don Brahn, Jr. and has come up with a replanting plan.

Borough Engineer's Report:

Mr. Avakian reported that there is a resolution on tonight for a professional service contract for Phase II Pitney Avenue improvements. Phase I was awarded to Fernandes, they are ready to go but it is a little early for them to start; if the weather stays mild, they will start in March.

Borough Attorney's Report: None

Borough Administrator's Report:

Mr. Dempsey reported on Ordinance No. 2023-001; this ordinance tweaks the Land Use Development Ordinance as it pertains to corner lots where the setback is twenty-five feet and the second floor has to be thirty feet. On a corner lot there are two front yards and it did not make any sense to have both sides of the home setback. There is also a change with the setback from a detached garage to make it five feet.

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Business Items Under Consideration:

a. HW Mountz PTA – Kitchen Tour – October 21, 2023 - Mr. Judge offered a motion to approve the request, seconded by Miss McDonough. All in favor. None opposed.

b. Manasquan River Group of Artists – Art in the Park – June 10, 2023 - Mr. Judge offered a motion to approve the request, seconded by Mr. Hale. All in favor. None opposed.

c. 2023 Spring Lake Chamber of Commerce Events Schedule - Mr. Judge offered a motion to approve the request, seconded by Mr. Hale. All in favor. None opposed.

d. Event Application – JSRC Lake Como 5K – April 29, 2023 (carried from February 14, 2023) –

Mrs. Zahorsky explained that the race will now be going around Lake Como and turning around. They will have volunteers set up throughout the course to make sure that the runners stay on the path and that the roads will not need to be closed. There are only 200-300 people which should not be an issue. Mr. Hale explained that the only street that should be closed would be Main Street and North Blvd. He added that all of the residents on South Blvd will be able to get out. Mr. Judge stated that it was suggested at the last meeting to have the race director come to a Council meeting to discuss the race. Mayor Naughton stated that they clearly marked thirteen volunteers stationed around the lake. She suggested to have the race directors meet with Mr. Dempsey or Mrs. Zahorsky and someone from the Police Department. Mr. Hale had a discussion with Rick Valentine, Race Director who is a part of the Spring Lake 5 as well. He let him know that the roads should not be closed and that they needed volunteers to keep the runners on the path. Ms. Whalley asked what was decided on notifying residents about a race. Mrs. Zahorsky explained that there was a race held that a Borough newsletter was sent out to all residents, the last race was not supposed to close the roads so a notice did not go out. Ms. Whalley suggested having the race directors notice the residents about an upcoming race. Miss McDonough's concern is that if the race directors do not then the Borough is still at fault. Mr. Dempsey explained that the Borough can easily send out an email notice to the residents that would be affected. Mayor Naughton reviewed what was agreed to; send out a notice the Thursday before a race, all applicants have to meet with a representative of the Borough and Police Department, modify application form, no road closings all races on the path, if volunteers are needed to keep runners on the path the race must require them, runners must be told in advance by their race director that there is no running permitted in the road, and failure to comply then race will not be considered in the future. Mr. Hale added that other towns charge a large fee to host events in their towns.

Mr. Judge offered a motion to approve the request, seconded by Miss McDonough. All in favor. None opposed

Ordinances for Introduction:

Borough Attorney Colao read Ordinance No. 2023-001, entitled "AN ORDINANCE AMENDING SECTION 225-12 OF CHAPTER 225: "LAND DEVELOPMENT" OF THE BOROUGH'S REVISED GENERAL ORDINANCES"

Mr. Judge offered a motion to introduce Ordinance No. 2023-001, seconded by Mr. Hale. Public Hearing will be set for March 14, 2023.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Erbe

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ABSTAIN: None

Ordinances for Adoption: None

Consent Agenda:

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

**R-23-041 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#02-2023- ST. CATHARINE'S SCHOOL PTA- ON PREMISE DRAW**

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#02-2023, 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#02-2023 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: 301 Second Avenue, Spring Lake, NJ 07762
DATE: May 5, 2023 from 9:00-11:00 am

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Erbe

ABSTAIN: None

Resolutions:

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

R-23-042 - 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

Improvements to Pitney Avenue Road – Phase II					AMOUNT NOT EXCEED
PS#18-2023	Engineering Services	Peter Avakian	Leon S. Avakian	788 Wayside Road Neptune, NJ 07753	\$65,000.00

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

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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 Reserve for Road Improvements Acct # C-04-55-226-001 with an available balance of \$114,633.46.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Erbe

ABSTAIN: None

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

R-23-043 - RESOLUTION – APPROVAL OF BILLS – FEBRUARY 28, 2023

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 28, 2023 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

CURRENT FUND (1)	623,899.83
GENERAL CAPITAL FUND (4)	16,285.00
W/S UTILITY CAPITAL FUND (8)	7,277.50
WATER/SEWER FUND OPERATING (9)	11,234.38
ESCROW TRUST (15)	6,857.00
COAH (16)	70.00
RECREATION TRUST (25)	94.49
BEACH OPERATING (81)	10,353.00
POOL OPERATING (91)	12,452.54
TOTAL	\$694,968.96

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Erbe

ABSTAIN: None

Public Comments: None

Executive Session: None

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Adjournment:

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

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Erbe

ABSTAIN: None

Time of Adjournment: 7:30 pm

Respectfully submitted,


DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: March 14, 2023