

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
SEPTEMBER 12, 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. Erbe, Mr. Judge, Miss McDonough, Mr. Sagui, Mayor Naughton

ABSENT: Ms. Whalley

ALSO PRESENT: Katherine Beilin, Borough Attorney Associate
W. Bryan Dempsey, Borough Administrator & Deputy Borough Clerk
Dina M. Zahorsky, Borough Clerk

Public Comments: None

Proclamations, Presentations, & Special Guests: None

Workshop Discussions: None

Approval of Minutes:

Mr. Hale offered a motion to approve the minutes of August 22, 2023, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: Mr. Judge

Council Comments & Staff Reports:

Mayor Naughton reported that the restaurant sub-committee for the bank building received some very good information from some of the consultants and restaurateurs. There is a recommendation on for approval tonight for Robert Fishman, he ran the Avon Pavilion for many years. He will be helping with a bid or RFP for the restaurant.

Mayor Naughton reported that last week she went to the NJ Conference of Mayors and the Commissioner of the Department of Environmental Protection (DEP) was in attendance. He talked about new DEP regulations in light of climate change and what they see as a five-foot increase in the flood zones around the shore areas. They have already published the regulations they would like to adopt of inland flooding which is communities with rivers and streams. She explained that our beaches are already tightly regulated and do have quite a few structures on our beach front including the boardwalk and both pools/pavilions. One of the recommendations with residential buildings was an additional five feet of building for any redevelopment or development in a community. Mr. Judge asked if the New Jersey League of Municipalities is aware of this. Mr. Dempsey answered that they were there but they did not have any comments.

Mr. Erbe reported that Library has many programs going on and they are all full. He added that there is an event coming the "The Music of Tony Bennett" at the Community House on October 25 at 6:30 pm.

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Mr. Hale thanked the entire beach staff for a great season.

Mr. Hale thanked the Department of Public Works (DPW) for taking down the Marucci Park building. Mr. Hale reported that he has been monitoring the pickleball courts in the morning. He stops by there every morning between seven and eight. On occasion there are people playing early and it happens to be more basketball. He has asked all of the people to stop playing and they have. He added that there are currently no signs up. Mr. Dempsey explained that they have been ordered.

Mr. Hale then reported that there was a structure fire last week at 312 Ludlow Avenue and the Fire Department did a great job getting the fire extinguished. The Fire Department merger went well and there was a great response and everyone worked well together. He explained that another municipality purchased lithium battery Cushman's which were located in the Public Works Building, the Cushman's caught on fire and burnt down the building. Any lithium battery vehicles should in a separate shed. Mayor Naughton complimented the Fire Department on their response.

Mr. Judge reported that the beach revenue for the season was market correction post COVID. There were two years that there was a run on the seasonal badges, therefore the daily badges were down. It was expected for the seasonal badges to go down and the dailies to bump back up but not as much as expected due to the poor weather in June and early July. It will probably be reported that the finances are flat and may have to dip into the surplus only slightly.

Miss McDonough reported that Chris Willms, Code Enforcement came to speak to all of the businesses about how they can keep their areas safe. He gave really good educational information so that the downtown remains safe.

Miss McDonough reported that she sees a lot of mark ups on corners around town for the handicapped access.

Mr. Sagui reported that a water and sewer meeting needs to be scheduled.

Mr. Sagui then reported that people have been complaining about the recycling schedule after major holidays. The way things have worked out sometimes there is three weeks after a holiday for recycling pick up. Miss McDonough added that many rentals had issues as well.

Borough Engineer's Report:

Mr. Avakian reported that the Third Avenue project is progressing, drainage improvements have been completed. They will be starting the curb and sidewalk tomorrow.

Mr. Avakian reported that Pitney Avenue plans will be going to Department of Transportation (DOT) next week for final approval. The plans can go out to bid in October.

Mr. Avakian then reported that survey work is being done for the Open Space Grant pickleball courts, the plans and specs will be done mid-October. Mr. Judge explained that it is very important in the specs that trees are preserved and replanted. Mr. Avakian agreed.

Mr. Avakian reported that the one objection he has seen on behalf of the League of Municipalities and engineers associated with them is that the DEP is very loose with the governess that they use for the increase of buildings in the flood zones. The engineers are asking for justification of their criteria. Mayor Naughton added that it was being discussed that properties in a flood zone would be required to obtain a different type of deed. The DEP believes that there will be a five-foot rise in sea level by

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2050 but there also is arguments about only a two-foot rise. It is important to get the science correct and that the Borough has an opportunity to understand what will be proposed. Mr. Avakian stated that they will keep an eye on it. Mr. Sagui agrees that the information needs to be verified since there is a large difference between two feet and five feet.

Borough Attorney's Report:

Mr. Colao reported that there is one matter for executive session.

Borough Administrator's Report:

Mr. Dempsey reported that the Governor announced that there is one hundred million dollars for boardwalk restoration; applications will be due on October 31. The standards have not been put out yet. He added that he will be looking at some projects for that money including redoing all of the staircases to the beach. Also looking at some dune walkovers and making them handicapped accessible. He added that at the north end of town, possibly adding sidewalk or extending the boardwalk.

Mr. Erbe suggested looking at the hidden jetties; is there a modern way of fencing them off or warning people.

Mr. Dempsey reported that the pre-construction meeting for the recreation building is going to be next Tuesday. The contractor seems very eager to get started on the project and the time frames do not seem to be an issue.

Mr. Dempsey reported that the roof at the Wells Fargo building is progressing and should be finished with in the next few weeks. Mr. Judge asked for a building committee meeting to be scheduled.

Mr. Dempsey stated that there is a resolution on tonight to amend the easement for 307 Monroe Avenue. On Monroe Avenue there was a paper street that was called Park Place and there is an easement; the new owners went before the Planning Board and their plans were approved. The current easement states that nothing outside of the footprint of the home could be expanded. The Planning Board had one condition in the resolution of approval to amend the easement. Mayor Naughton asked what was being amended. Mr. Colao explained that it is a minor expansion of the foot print.

Mr. Dempsey then reported that there is a resolution on tonight to appoint the new tax assessor Marc Freda. The current tax assessor Brian Enright and is starting to winddown in his career.

Mr. Dempsey reported that this Sunday at 4 pm, the South End Pool will be hosting their first annual tube races.

Mr. Dempsey lastly reported that he received a letter from Josephine Ferraro who is the concessionaire at the South End Pavilion, she is having health issues and looking to see if her lease is transferable to one of her employees. The individual is currently employed with Ms. Ferraro and is the son of the concessionaires at the North End Pavilion.

Mayor Naughton reported that over the next few days there is going to be very large surf, there are signs up all over the beach to not swim. There are no lifeguards on duty.

Mr. Dempsey reported that there have been a couple of road races recently and on the system that has been put in place where the residents are notified there have been no issues. The residents are receiving the notification and the people conducting the races have been using the place. If the race is in the street the people conducting the races are making sure the race is set up as planned.

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Business Items Under Consideration:

- a. Request – Manasquan High School – Surf Team – Newark Avenue** – Mr. Judge offered a motion to approve the request, seconded by Miss McDonough. All in favor. None opposed.
- b. Event Request – Friendly Sons of the Shillelagh 5K – October 7, 2023** – Mr. Judge offered a motion to approve the request, seconded by Mr. Erbe. 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 Miss McDonough.

R-23-143 - RESOLUTION – AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, taxes on the following properties have been overpaid:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>REFUNDING</u>
82/6	407 Washington Avenue	\$2,327.38	Corelogic
135/12	8 Seawood Way	\$3,702.73	Corelogic
54/8	115 Mercer Avenue	\$6,754.50	Corelogic
85/19	308 Washington Avenue	\$2,876.54	Corelogic

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake refund all properties in the total amount of \$15,661.15 is hereby approved for the aforementioned properties.

I, Robbin Kirk, Tax Collector of the Borough of Spring Lake hereby certify the total amount of overpayments to be \$15,661.15.

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

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

R-23-144 - RESOLUTION – SETTING HOURLY WAGES FOR CROSSING GUARDS

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the hourly wages for the following are hereby set as follows:

- Marjorie Brahn \$15.75
- Maureen Font \$15.75
- Angelia Scordato \$15.75
- Margaret Shinn \$15.50

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

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

R-23-145 – APPOINTMENT OF A POLICE DISPATCHER

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BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following is hereby appointed as a Police Dispatcher at the following hourly rate.

Maeve Cosgrove \$16.00

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

Resolutions:

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

R-23-146 - RESOLUTION – APPOINTMENT OF MARC FREDA AS TAX ASSESSOR

WHEREAS, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and

WHEREAS, the current tenured Tax Assessor has resigned their position effective September 15, 2023; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal assessor shall hold his office for a term of four years from the first day of July next following his appointment and vacancies other than due to expiration of term shall be filled by appointment for the unexpired term; and

WHEREAS, IT IS THE DESIRE OF THE Governing Body of THE BOROUGH OF SPRING LAKE to appoint MARC FREDA for the unexpired four-year term beginning September 16, 2023 and ending June 30, 2024, and for a four-year appointment pursuant to N.J.S.A. 40A:9-146; beginning July 1, 2024 and ending on June 30, 2028;

WHEREAS, the assessor will hold public office hours Wednesday's from 5:00-7:00pm;

NOW THEREFORE BE IT FURTHER RESOLVED, Resolution R-23-146 was duly adopted by the Municipal council at a public meeting held on September 12, 2023 to appoint a part time Tax Assessor with a salary of \$33,000; and

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution shall be forwarded to the following:

1. Director, Division of Taxation
2. Administrator, Board of Taxation
3. Administrator of the Municipality
4. Tax Assessor

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

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

**R-23-147 - RESOLUTION – AUTHORIZING EXECUTION OF AN AMEDEDMENT TO THE
EASEMENT AGREEMENT FOR 307 MONROE AVENUE**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Amendment to the Easement Agreement for the property at 307 Monroe Avenue, Spring Lake, NJ 07762 in the form annexed hereto and made a part hereof as if set forth at length herein.

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ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

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

R-23-148 - 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

Restaurant Consulting Services			AMOUNT NOT TO EXCEED
1123 Third Avenue			
PS#20-2023	Robert Fishman	788 Wayside Road Neptune, NJ 07753	\$10,000.00

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 2022-002 Acct #C-04-22-002-218/219.

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

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

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R-23-149 - RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 12, 2023

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 12, 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)	111,459.30
GENERAL CAPITAL FUND (4)	112,980.63
WATER/SEWER FUND OPERATING (9)	223,692.29
DOG TRUST (13)	10.80
RECREATION TRUST (25)	5,881.76
BEACH OPERATING (81)	21,395.36
POOL OPERATING (91)	17,026.98
TOTAL	\$492,447.12

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

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

**RESOLUTION – GRANT AGREEMENT BETWEEN
BOROUGH OF SPRING LAKE
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANT IDENTIFIER: Lakes-2022-Borough-00085
GOVERNING BODY RESOLUTION**

The governing body of **Borough of Spring Lake** desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately **\$850,000.00** to fund the following project:

Lake Dredging/Hydro-RakingÆ - Dredging Improvements Lake Como

Therefore, the governing body resolves that William Dempsey or the successor of the office of is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the state for a grant in an amount not less than \$850,000 and not more than \$850,000 and (c) to execute:

Xany amendments thereto.

any amendments thereto which do not increase the Grantee's obligations.

no amendments thereto.

*The **Mayor and Council** authorizes and hereby agrees to match 13.22 % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified up to Exactly \$129,500, 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

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The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

Public Comments: None

Executive Session:

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

R-23-150 - 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: Right of Way Permits – Potential 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. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:37 pm

MEETING IS RECONVENED AT: 8:05 pm

Adjournment:

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

ROLL CALL:

AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Mr. Sagui

NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

Time of Adjournment: 8:05 pm

Respectfully submitted,


DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: September 26, 2023