

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 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, Miss McDonough, Mr. Sagui, Ms. Whalley, Mayor Naughton

ABSENT: Mr. Judge

ALSO PRESENT: Joseph Colao, Borough Attorney  
Sam Avakian, Borough Engineer  
W. Bryan Dempsey, Borough Administrator & Deputy Borough Clerk  
Dina M. Zahorsky, Borough Clerk

\*\*\*\*\*

**Public Comments:**

John Clark, 424 Monmouth Avenue suggested increasing the utilization of the pools by heating them using solar energy. He does not swim in the pool when it is cold and his daughter is on the swim team and the month of June can be cold. Everyone could benefit from having the water warmer. He suggested polling the people who utilize the pool. Mayor Naughton thanked Mr. Clark.

Stacey Auch, 22<sup>nd</sup> Avenue, Lake Como explained she is concerned with the proposed Marucci Park path since her property abuts to the path. Her concerns are security, environment, and privacy. Her main security concern is if there is a wooded footpath there will be more people passing through or possibly going onto her property. She asked if it will be patrolled by police or will there be cameras. Her concern about the environment is the wetlands habitat with many different species of animals and birds. She is concerned about the impact of the path. She is also concerned if trees are removed, since there is a high-water table, that it will make flooding worse for her. She is concerned about her privacy; the trees serve as a natural barrier from light and noise. Mr. Dempsey explained that the Borough is probably a year away from that part of the plan. If the Borough decides to do that part of the project, the Borough has to have an open public hearing and the plans will be presented at that time. Ms. Whalley explained that there is a Parks and Recreation Committee and one of the things they have talked about is the safety and security with cameras and police access. Ms. Whalley explained that she is also on the Shade Tree Committee and there have been many trees' planted. She added that there are three different kinds of invasive species that will be taken out and replaced with native plants.

Barbara Frank, 761 22nd Avenue, Lake Como is also concerned about the path. She asked when these plans are done will the Borough let the residents affected by this in Lake Como know. Mr. Dempsey said yes, the Borough can show them the plans. Ms. Whalley added that the plans are usually posted on our website.

Ryan McCue, 2114 Edgewood Place said that his father has been in contact with the Construction Department about ongoing work at 2112 Edgewood Place. Mayor Naughton explained that at Council meeting here isn't typically discussion about any one particular property. Mr. Dempsey explained that he left Mr. McCue's father a message on Thursday. Mayor Naughton added that if Mr. McCue could give Mr. Dempsey his contact information, he will reach out.

\*\*\*\*\*

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

**Proclamations, Presentations, & Special Guests:** None  
\*\*\*\*\*

**Workshop Discussions:** None  
\*\*\*\*\*

**Approval of Minutes:**

Mr. Erbe offered a motion to approve the minutes of September 12, 2023 as amended, seconded by Mr. Hale.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: Ms. Whalley

\*\*\*\*\*

**Council Comments & Staff Reports:**

Mayor Naughton thanked and complimented the Public Works Department on how quickly they were about getting everything off of the beach before the storm came. They were able to move the beach boxes to the street so that people could get their items out of the beach boxes.

Mayor Naughton reported from the small cell 5G subcommittee that there has been a development that has arisen since the Borough adopted our wireless facilities ordinance. The updated ordinance is designed to strengthen any application guidelines and protect the Borough in case of multiple utilities building or requesting to build new infrastructure within the community. The ordinance stemmed from the Council's desire to have some control of any placement of new poles, equipment, and any other issues associated that would impact the Borough. She added that Verizon submitted plans to Monmouth County to place seven large metal poles and antennas on the east side of Ocean Avenue. Mayor Naughton explained that there are existing poles with network technology on virtually every street in town. One of the few remaining roads that has somehow escaped network equipment is Ocean Avenue. The seven poles could be just the beginning and more poles could be added at a later date. The recommendation of the subcommittee is to secure a talented consultant who could help the Borough understand this process. Miss McDonough added that the Borough should be ahead of this not behind it, especially seeing what has happened to other towns along the ocean. Mr. Sagui agrees completely, it is the one pristine part of town with a noncommercial boardwalk. Mr. Erbe is glad that the council is trying to prevent this or at least slow it up. Mr. Colao added that the issue for the Borough uniquely is that the beachfront is not commercial.

Mr. Erbe stated he agrees with Mr. Clark to look into heating the pools. The south end pool is refreshing and he feels that they may be averse to heated pools, but it is sometimes fifty-five degrees in June so there may be some commonsense there.

Ms. Whalley reported that the Italian Festival was postponed to this Saturday from 12:00 pm to 5:00 pm.

Ms. Whalley reported that this Saturday is the annual Preservation Alliance awards night at the Community House at either 7:00 pm or 7:30 pm.

Ms. Whalley reported that St. Andrews Methodist Church has instituted a thrift shop, they are open for taking donations and selling things Tuesday, Thursday, and Saturdays 10:00 am to 4:00 pm.

\*\*\*\*\*

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

**Borough Engineer's Report:**

Mr. Avakian reported on Third Avenue that the drainage is complete and the concrete should be completed by the end of this week. The paving should commence by the end of October and finish up the project by the end of the year.

Mr. Avakian reported on the Marucci Park Recreation Building, currently mobilization is being done then the site work then continues and the building was demolished.

Mr. Avakian reported on Pitney Avenue Water Main and the water main will hopefully begin mid-October. Once that commences Pitney Avenue Phase II will start however, the Borough is still waiting for approval for that. Mayor Naughton thanked Chief Hale and all of the members. Mr. Hale explained that the members have embraced the merge. He added that response has been great and response times better than ever. Members are always there training and responding.

\*\*\*\*\*

**Borough Attorney's Report:** None

\*\*\*\*\*

**Borough Administrator's Report:**

Mr. Dempsey reported that the Wells Fargo Building roof is progressing and should be done in a few weeks.

Mr. Dempsey reported that the Third Avenue project has started.

Mr. Dempsey reported that the Fire Department merger is working, a lot of members have been showing up to calls. The responsive times, from what he can see, are better than they ever had.

\*\*\*\*\*

**Business Items Under Consideration:** None

\*\*\*\*\*

**Ordinances for Introduction:** None

\*\*\*\*\*

**Ordinances for Adoption:** None

\*\*\*\*\*

**Consent Agenda:**

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

**R-23-151 -RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION  
RA#09-2023- 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#09-2023, 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#09-2023 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:** 1 Jersey Avenue, Spring Lake, NJ 07762
- DATE:** November 17, 2023 from 6:00-10:00 pm

ROLL CALL:

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

NAYS: None

35855

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

ABSENT: Mr. Judge  
ABSTAIN: None

\*\*\*\*\*

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

**R-23-152 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION**

**RA#10-2023- ST. CATHARINE’S SCHOOL PTA– OFF 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#10-2023, 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#10-2023 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: 1 Jersey Avenue, Spring Lake, NJ 07762**

**DATE: November 17, 2023 from 6:00-10:00 pm**

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: None

\*\*\*\*\*

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

**R-23-153 - RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION**

**RA#11-2023- ST. CATHARINE’S SCHOOL PTA– OFF 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#11-2023, 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#11-2023 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: 1 Jersey Avenue, Spring Lake, NJ 07762**

**DATE: November 17, 2023 from 6:00-10:00 pm**

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: None

\*\*\*\*\*

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

**R-23-154 AMENDING RESOLUTION R-23-146**

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

**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 first term of office for a 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 Amending 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, Miss McDonough, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: None

\*\*\*\*\*

**Resolutions:**

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

**R-23-155 - RESOLUTION – 2022 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 2022 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

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

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. Erbe, Mr. Hale, Miss McDonough, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: None

\*\*\*\*\*

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

**R-23-156 - 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

<b>MARUCCI PARK IMPROVEMENTS PHASE I</b>					AMOUNT NOT EXCEED
PS#21-2023	General Engineering	Peter Avakian	Leon S Avakian	788 Wayside Road Neptune, NJ 07753	\$65,500.00

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

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

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 Monmouth County Open Space Grant & Match, Acct # G-02-41-701-330 with an available balance of \$250,000.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Judge

ABSTAIN: None

\*\*\*\*\*

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

**R-23-157 - RESOLUTION – APPROVAL OF BILLS – SEPTEMBER 26, 2023**

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending September 26, 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**

<b>CURRENT FUND (1)</b>	<b>694,797.63</b>
<b>VOID (1)</b>	<b>-2,129.76</b>
<b>GRANT FUND (2)</b>	<b>2,402.50</b>
<b>GENERAL CAPITAL FUND (4)</b>	<b>29,743.75</b>
<b>VOID (4)</b>	<b>-12,000.00</b>
<b>WATER/SEWER CAPITAL (8)</b>	<b>77.50</b>
<b>WATER/SEWER FUND OPERATING (9)</b>	<b>36,510.11</b>
<b>VOID (9)</b>	<b>-255.51</b>
<b>DOG TRUST (13)</b>	<b>1,000.00</b>
<b>UNEMPLOYMENT TRUST (14)</b>	<b>4,791.81</b>
<b>ESCROW TRUST (15)</b>	<b>5,698.20</b>
<b>RECREATION TRUST (25)</b>	<b>65,580.33</b>
<b>VOID (25)</b>	<b>-46.21</b>
<b>JR GUARDS TRUST (26)</b>	<b>4,417.00</b>
<b>BEACH OPERATING (81)</b>	<b>32,048.00</b>
<b>VOID (81)</b>	<b>-182.94</b>
<b>POOL OPERATING (91)</b>	<b>9,167.09</b>
<b>TOTAL</b>	<b>\$871,619.50</b>

ROLL CALL:

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

NAYS: None

35859

**BOROUGH OF SPRING LAKE  
MAYOR AND BOROUGH COUNCIL  
REGULAR MEETING  
SEPTEMBER 26, 2023**

ABSENT: Ms. Whalley  
ABSTAIN: None

\*\*\*\*\*

**Public Comments:** None

\*\*\*\*\*

**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, Miss McDonough, Mr. Sagui

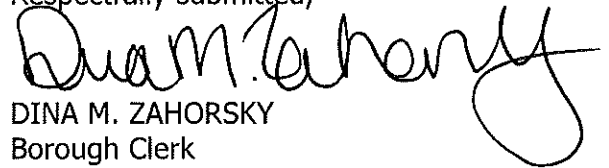
NAYS: None

ABSENT: Ms. Whalley

ABSTAIN: None

Time of Adjournment: 8:05 pm

Respectfully submitted,



DINA M. ZAHORSKY  
Borough Clerk

Approved at a meeting held on: October 10, 2023