

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
NOVEMBER 13, 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. Council President Judge announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Ms. Whalley, Mr. Sagui, Mayor Naughton
ABSENT: None

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

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of October 24, 2023 as amended, seconded by Mr. Hale.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Proclamations, Presentations, & Special Guests:

a. Proclamation – Dylan Thomas Eagle Scout Recognition

Mayor Naughton read the following proclamation into record.

**PROCLAMATION
DYLAN THOMAS
EAGLE SCOUT RECOGNITION**

WHEREAS, the Mayor and Council recognize and congratulate Dylan Thomas of Boy Scout Troop 31 for achieving the rank of Eagle Scout, the highest rank possible in the Boy Scouts’ organization; and,

WHEREAS, Dylan is a student at Christian Brothers Academy and a graduate of St. Catharine’s School; and

WHEREAS, Dylan can be found playing viola at 10 am Mass at St. Margarets’ Church and has done so for the past ten years; and

WHEREAS, During Dylans’ work as a page for the Spring Lake Library, he realized that without any bicycle parking or racks, bikes were left on the building’s lawn. Dylan decided to tackle this project for his Eagle Scout requirements and the plan to create a patio and bike rack was born.

WHEREAS, Dylan worked with his troop leader, Mr. John Sisti, and Pat Barry form the Spring Lake Community House, which houses the library, to determine a location and design for the patio that would match the building’s façade. He also received assistance on construction from Andy Clark and help with material and tools from other generous donors; and,

WHEREAS, Dylan led a team fifteen fellow scouts and their dads over the course of two weekends to complete a beautiful 9x13 blue stone patio with a Belgian block border, that will house a brand-new bike rack. They also completed work to a damaged sidewalk adjacent to the site; and,

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Whereas, this project is a wonderful addition to the Spring Lake Community House and one that visitors to both the Community House and the Library will use for many years to come; and

NOW, THEREFORE, BE IT PROCLAIMED the Mayor and Council congratulate Dylan Thomas on this remarkable project and achievement and, be it further proclaimed that November 13, 2023 is Dylan Thomas Day in Spring Lake.

Workshop Discussions: None

Council Comments & Staff Reports:

Mayor Naughton congratulated Mr. Sagui and Mr. Judge on their victory and she is happy that they are both happy to serve another term.

Mayor Naughton recognized the Veteran’s Day Ceremony, it was well attended, the Woman’s Club had a luncheon and recognition of all the local veterans. She thanked the American Legion they lead the ceremony every time.

Mr. Erbe said he is proud of the Veteran’s Day Ceremony, they did a beautiful job with the speech and the fire house, it was such a nice event.

Mr. Judge thanked Mayor Naughton for running again, you are a tremendous leader. He then thanked Mr. Sagui for running with him in the election. It is a pleasure to serve with this Council. He thanked the residents for voting for him, it is a privilege to serve this town.

Miss McDonough also said congratulations.

Mr. Sagui thanked Mr. Judge for running and Mayor Naughton, who is a great leader.

Ms. Whalley thanked all that ran, it has been a pleasure to work with everyone.

Ms. Whalley said there was a preview of Road Trip Masters on Saturday night at the Community House. Road Trip Masters is a television show started by two teachers from Ohio. Each summer they visit a town and then create an episode.

Ms. Whalley reported that the Historical Society is having a program at the Duggan Building at 7:00 pm on the history of the Spring Lake Fire Department.

Ms. Whalley reported that the Business Improvement District will be hosting “Ladies Night Out” on December 7 from 5 to 8 pm.

Ms. Whalley lastly reported that the Menorah Lighting will also be on December 7 at 7pm.

Mayor Naughton congratulated Mr. Hale on being re-elected the Chief of the Fire Department, she appreciates him serving on the Council and as the Chief.

Borough Engineer’s Report:

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Mr. Avakian reported on Third Avenue, everything is completed minus the trees which will be taken care of in the spring.

Mr. Avakian then reported on Pitney Avenue watermain, it has been pushed back because of emergency projects with in the town.

Mr. Avakian reported on Pitney Avenue Phase II, the Borough has been approved by the Department of Transportation and will be going out to bid November 29.

Mr. Avakian then reported on the Marucci Park Recreation Building project, contractor is there and site work is ongoing and will hopefully be done mid-April.

Mr. Avakian then reported on the Lake Como dredging, the bathymetric survey was done.

Mr. Avakian reported that Pitney Avenue Phase III, the Borough was awarded \$235,719 for the project.

Borough Attorney's Report: None

Borough Administrator's Report: None

Public Comments: None

Business Items Under Consideration:

a. HW Mountz School PTA – Spring Lake Kitchen Tour – October 19, 2024: Mr. Judge offered a motion to approve the request, seconded by Mr. Hale. All in favor. None opposed.

b. Nomination of Fire Chief – Edwin Hale: Mr. Hale offered a motion to approve the request, seconded by Miss McDonough. All in favor. None opposed. Mr. Hale abstain.

c. Event Application – Huntington's Disease Society of America 5K – May 4, 2024: Mr. Judge offered a motion to approve the request, seconded by Mr. Hale. All in favor. None opposed.

d. Event Application – Community Options, Inc. – February 10, 2024:

Mrs. Zahorsky explained that there was an issue with this race last year, it was their first time hosting an event in town. She did make them aware at that time that they may not be able to have events in town again since they did not follow the rules. Mayor Naughton asked how the rest of the Council felt, should they have another chance. Mr. Hale said that it is in February which is a very quiet time of the year. Ms. Zahorsky said she will send out a notification to all of the residents around Lake Como.

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

Ordinances for Introduction: None

Ordinances for Adoption:

Mr. Judge offered a motion to open the public hearing for Ordinance No. 2023-010, seconded by Mr. Hale.

ROLL CALL:

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

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ABSENT: None
ABSTAIN: None

PUBLIC HEARING NOW OPEN

Mayor Naughton explained that this ordinance is required of the Borough by the State of New Jersey and we are accommodating that by adopting this ordinance.

Mr. Judge offered a motion to close the public hearing for Ordinance No. 2023-010, seconded by Mr. Hale.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2023-010, seconded by Mr. Hale.

AN ORDINANCE CREATING CHAPTER 322 "PRIVATELY-OWNED SALT STORAGE" OF THE REVISED GENERAL ORDINANCES

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Spring Lake Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

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1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

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Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Spring Lake Borough during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to a fine of up to \$1,000. Each and every day that such violation continues shall be considered a separate violation.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Ordinance No. 2023-011 – AN ORDINANCE AMENDING CHAPTER 58, "OFFICERS AND EMPLOYEES" SECTION 18 "ASSISTANT BOROUGH FOREMAN" OF THE BOROUGH CODE has been tabled to December 5, 2023

Consent Agenda:

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

R-23-177 - RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT FOR 2024 WITH ASSOCIATED HUMANE SOCIETY

BE IT RESOLVED, by Mayor and Borough Council of the Borough of Spring Lake that the Mayor and Borough Clerk be and hereby are authorized to execute an Agreement with the Associated Humane Society for animal control services for the year 2024.

ROLL CALL:

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

NAYS: None

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ABSENT: None
ABSTAIN: None

Mr. Judge offered the following resolution and moved its adoption, seconded by Mr. Hale.
R-23-178 - 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>
51/13	310 Sussex Ave	\$3841.45	Valley Realty
49/7	513 Mercer Ave	\$2,239.39	Corelogic
101/7	513 St Claire Ave	\$1,911.17	Well Fargo

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 \$7,992.01 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 \$7,922.01.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

Resolutions:

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

R-23-179 - RESOLUTION – APPROVAL OF BILLS – NOVEMBER 13, 2023

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending November 13, 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.

<u>SUMMARY</u>	
CURRENT FUND (1)	695,286.69
GRANT FUND (2)	4,258.75
GENERAL CAPITAL (4)	422,848.48
WATER/SEWER CAPITAL (8)	387.50
WATER/SEWER FUND OPERATING (9)	25,007.03
ESCROW (15)	2,976.00
UNEMPLOYMENT TRUST (14)	6,099.01
RECREATION TRUST (25)	4,207.61
BEACH OPERATING (81)	27,376.83
POOL OPERATING (91)	30,565.32
TOTAL	\$1,219,013.22

ROLL CALL:

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

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NAYS: None
ABSENT: None
ABSTAIN: None

Public Comments: None

Executive Session: None

Adjournment:

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

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

Time of Adjournment: 7:26 pm

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: December 5, 2023