

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
DECEMBER 5, 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

Public Comments: None

Proclamations, Presentations, & Special Guests: None

Workshop Discussions: None

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of November 13, 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

Council Comments & Staff Reports:

Mayor Naughton thanked everyone involved with the Christmas Tree Lighting, it was a huge success. Mayor Naughton added that Hannukah Lighting is Thursday, December 7, 2023 at 7:00 pm. Mayor Naughton stated that the Woman’s Club will be hosting Wreaths Across American next Saturday, December 16, 2023 at 12:00 pm.

Mr. Erbe stated that the Christmas Tree Lighting was beautiful.

Mr. Hale reported that he attending the League of Municipalities. He added that one of the workshops he attended had some possibilities for grants. He talked to Robbin Kirk, CFO about this. One example is Seaside and Seaside Park went for a grant together for a streetsweeper. The grant would allow for neighboring towns to purchase items together for items that are only used a few times a week, they would award up to seventy-five percent.

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Miss McDonough thanked Mrs. Zahorsky for organizing the League of Municipalities, it was a great event.

Ms. Whalley reported that this Thursday, December 7, 2023 the Business Improvement District (BID) will be hosting the Ladies Night Out from 5:00 pm to 8:00 pm downtown.

Ms. Whalley reported that tonight on the agenda is the approval for the 2024 BID Budget, Dawn McDonough, Executive Director, Rich Clayton, Chairman, and Anita Kruse, Executive Committee are here tonight to answer any questions.

Borough Engineer's Report:

Mr. Avakian reported on the Marucci Park Recreation building, they are still plugging away and there have been no issues with the project.

Borough Attorney's Report: None

Borough Administrator's Report:

Mr. Dempsey reported on Pitney Avenue Phase III, bids were received and Fernandes was the lowest bidder and should be awarded at a future meeting. This is a paving job that will be done in the spring. Mr. Avakian reported that there are two alternates Red Oak Drive and Fourth Avenue from Pitney Avenue to Valendora Court and will be awarded if the funds are available. Mr. Sagui asked if residents will be able to tie in if they wanted a linear price for sidewalks. Mr. Dempsey answered yes just in that area. Mayor Naughton asked how do the residents find out about that. Mr. Dempsey answered that a flyer goes out to the residents.

Mr. Dempsey reported about the gas company paving, he has a meeting with the gas company on Thursday with Mr. Avakian and Mrs. Kirk to go over their repaving. Some of the areas that were ripped up on First Avenue, they are doing half width paving which would be from the center line to the curb. He is going to try and come up with a different approach, maybe they would give the Borough credit then the Borough would pay it so that the whole road is paved. The streets are ripped up pretty good. The half width paving would be mill and pave but the idea is to mill and pave the whole road so that it looks better. Miss McDonough asked if someone could take a look on First Avenue on the corner of Warren Avenue, south west and south east there is a large depression in the road and when trucks go over it, they make a loud noise and it is scragging the cars. Mr. Avakian will take a look at it.

Ms. Whalley asked if Mr. Dempsey or Mr. Avakian could talk to Fernandes about the handicapped sidewalk entrances around the park. Mr. Dempsey explained that he has a price from Fernandes and is working with Mrs. Kirk to find the money to fix them.

Ms. Whalley thanked Mr. Dempsey for having JCP&L fix the lights but there are still four out on the eastern side of Third Avenue. Mr. Dempsey said that there are more out on the entire boardwalk. Ms. Whalley said that she heard that other mayors have refused to pay the bill for the number of lights that are out. She understands that there are personnel shortages but maybe not paying is something to look into.

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Business Items Under Consideration:

a. Public Hearing- Spring Lake BID 2024 Budget:

Mr. Judge offered a motion to open the public hearing for the Spring Lake BID 2024 Budget, 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 OPEN

Mayor Naughton said that the downtown looks beautiful. Between the BID, the Chamber of Commerce and businesses everything looks terrific and she is very proud of it. Mr. Clayton appreciates Mayor Naughton's comments. Ms. Whalley also thanked Mr. Dempsey and the Department of Public Works for their help as well. Mr. Dempsey stated the BID works great with the Public Works department. Mr. Clayton added that the BID has never had this many businesses wanting to expand within the community. The summer crowds were great this year.

Mr. Judge offered a motion to close the public hearing for the Spring Lake BID 2024 Budget, seconded by Mr. Erbe.

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

R-23-180 - Spring Lake Business Improvement District 2024 Budget:

Mr. Judge offered a motion to approve the following resolution, seconded by Mr. Hale.

**RESOLUTION – APPROVAL OF ADOPTION OF SPRING LAKE BUSINESS
IMPROVEMENT DISTRICT 2024 BUDGET**

WHEREAS, the Mayor and Council of the Borough of Spring Lake authorized and created the Spring Lake Business Improvement District (hereafter the "SLBID") in Chapter 317 of the Borough Code adopted August 14, 2007; and

WHEREAS, Chapter 317, Section 10 requires the introduction, approval, public hearing and adoption of an annual budget for the SLBID; and

WHEREAS, pursuant Chapter 317, the Spring Lake Business Development Corporation, Inc., (hereafter the "SLBDC") a duly organized 501(c)(3) corporation, has been designated in Chapter 317, as the District Management Corporation; and

WHEREAS, pursuant to Chapter 317, Section 10, the SLBDC is charged with the responsibility of submitting a detailed annual budget for approval by the Borough Council together with a report explaining how the budget contributes to the goals and objectives of the SLBID;

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WHEREAS, the SLBDC has submitted a detailed annual budget and report as required and the Mayor and Borough Council adopted Resolution R-23-171 entitled "Approval of Introduction of Spring Lake Business Improvement District 2023 Budget; and

WHEREAS, a copy of said Resolution as approved by the Mayor and Borough Council on October 24, 2023 was published in the October 26, 2023 issue of the Coast Star newspaper and on October 24, 2023 copies of said Resolution were posted on the Bulletin Board at Borough Hall, and copies were made available to each person requesting the same, during that week and during the public hearing, as required by Chapter 317, Section 10, and

WHEREAS, the Mayor and Borough Council find that the budget submitted by the SLBDC and the accompanying report are appropriate and that the Budget should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the attached 2024 Spring Lake Business Improvement District is hereby adopted.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

b. Clean Ocean Action – Annual Beach Sweeps – April 13, 2024 and October 19, 2024:

Mayor Naughton announced the dates for 2024.

c. Block Party – July 6, 2024 (rain date July 7, 2024) – Tuttle Avenue: Mr. Judge offered a motion to approve the request, seconded by Mr. Hale. 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. Hale.

**R-23-181 - RESOLUTION – SETTING THE FEES FOR THE 2024 BEACHES PURSUANT TO THE
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 2024:

BEACHES AND POOLS:

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

A. Beach Only Badges:

- (1) Seasonal beach badge age 12+ \$110.00
- (2) Senior citizen badge age 65+ \$80.00

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-23-182 - RESOLUTION – APPOINTMENT OF CLASS II SPECIAL OFFICERS
SPRING LAKE POLICE FOR THE YEAR 2024**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed EFFECTIVE December 5, 2023 at the hourly rates as listed below as recommended by the Chief of Police, Edward Kerr:

- Nicholas Page
- Maeva Cosgrove
- Michael Crawford
- Shane Killeen

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-23-183 - RESOLUTION – AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT
WITH FREEHOLD TOWNSHIP FOR INFORMATION TECHNOLOGY SERVICES**

WHEREAS, Spring Lake Borough and Freehold Township are interested in Freehold Township continuing to provide Informational Technology Services to Spring Lake Borough; and

WHEREAS, this cooperative Agreement between municipalities would be beneficial to the taxpayers in both municipalities; and

WHEREAS, an Agreement entitled "Shared Service Agreement between Freehold Township and Spring Lake Borough for Information Technology Services" has been proposed and found acceptable; and

NOW, THERE, BE IT RESOLVED by the Borough of Spring Lake that the Administrator and Borough Clerk are hereby authorized to execute the aforementioned Agreement; and

BE IT FURTHER RESOLVED that a copy of the Agreement shall be maintained in the Borough Clerk's Office upon passage of this Resolution and available for public inspection; and

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Freehold Township Clerk.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Resolutions:

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

**R-23-184 - RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 - INCREASING
CONTRACT #05-2023 – IMPROVEMENTS TO THIRD AVENUE**

WHEREAS, contract #05-2023 for Improvements to Third Avenue was awarded on August 10, 2023 to Fernandes Construction, Inc. in the amount of \$437,309.81; and

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WHEREAS, Engineer’s Certificate (annexed hereto and made a part hereof) includes Change Order #1 which increased the contract in the amount of \$1,480.82 for a total contract in the amount of \$438,790.63; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 1 increasing Contract #05-2023 for the Improvements to Third Avenue in the amount of \$1,480.82 for a total contract in the amount of \$438,790.63 is hereby authorized for the above contract awarded to Fernandes Construction, Inc.; 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 \$11,477.34.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

R-23-185 - RESOLUTION – APPROVAL OF BILLS – DECEMBER 5, 2023

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending December 5, 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)	169,362.85
GRANT FUND (2)	9,890.00
GENERAL CAPITAL (4)	572,908.61
WATER/SEWER FUND OPERATING (9)	26,870.83
DOG TRUST (13)	1,000.00
ESCROW (15)	1,658.50
RECREATION TRUST (25)	39,956.14
BEACH OPERATING (81)	27,108.68
POOL OPERATING (91)	5,990.27
TOTAL	\$854,745.88

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: Mr. Erbe

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Mr. Dempsey asked when the beach badges will be going on sale. Mrs. Zahorsky stated the seasonal and senior seasonal beach only badges will go on sale Thursday, December 7, 2023 at 9:00 am.

Public Comments: None

Executive Session: None

Adjournment:

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Time of Adjournment: 7:18 pm

Respectfully submitted,


DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: December 19, 2023