

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
MARCH 14, 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. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Ms. Whalley, Mayor Naughton

ABSENT: Mr. Sagui

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator/Deputy Clerk (via video conference)

Joseph Colao, Esq., Borough Attorney

Peter Avakian, Borough Engineer

Dina M. Zahorsky, Borough Clerk

Public Comments:

John Downing, 309 First Avenue wanted to keep the issue of leaf blowers on the front burner. He is hoping for a resolution; they destroy the sounds of the town. Mr. Judge explained that the Environmental Commission came out with a resolution recommending that the town pass an ordinance banning leaf blowers in entirety. He does not think that the Council will do so. Mayor Naughton added that there is no talk about banning them completely, partly because the Borough uses them to clean the town. The Borough has changed the way that things are done; the grass is left higher, all of the leaves are not blown out of the parks, however the town needs the large leaf blowers in the spring and fall. The Borough does not use the four-stroke anymore, we use a combination of battery powered electric and two-stroke. Once the technology gets better for the battery powered leaf blowers, the town may switch to them only. She would be interested in a discussion with fellow Council members on possibly modifying the hours that large commercial leaf blowers are used. Ms. Whalley supported the Environmental Commissions resolution to ban them completely. She personally has spoken to her landscaper, ELD, and they did not use a blower last summer and will not again this summer.

Proclamations, Presentations, & Special Guests: None

Workshop Discussions: None

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of February 28, 2023, seconded by Miss McDonough.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: Mr. Erbe

Council Comments & Staff Reports:

Mayor Naughton reported that she sent a note to Mr. Erbe and Miss McDonough, members of the restaurant sub-committee for the bank building, suggesting a meeting to understand what their role would be and how to support the Council in this effort.

Mayor Naughton explained that there is an ordinance on for adoption tonight. It is a minor modification that was proposed by the Land Use sub-committee.

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Mr. Erbe reported on the design standards for downtown, there were some planning concerns but he feels that they are ready to present at a future meeting.

Mr. Hale reported on the Fire Department status on the contract of sale, Mr. Colao is close to having the verbiage all ironed out.

Mr. Hale reported that there was the first bank construction meeting, all the professionals are onboard now and moving forward.

Mr. Judge added that they met with Joe Griffin, Engineer, Eric Wagner, Architect, and Chris Neuffer, Environmental Consultant. Mr. Neuffer is putting together proposals to get bids on known environmental issues, Mr. Wagner is putting together the design for demolition and insulation of a new roof, and Mr. Griffin will be overseeing all of the work and putting together and initial schedule.

Mr. Judge then reported that the bridge on into Sea Girt, it may be a county road, it is cracked and may need some preventative maintenance. Mr. Avakian explained that the County was notified and he will reach out to them to see if it is on schedule.

Miss McDonough reported that the Borough received a beautiful plaque from the Lake Como/Belmar St. Patrick's Day 50th Parade. She was able to attend the mass the day before which had the entire history of the parade.

Ms. Whalley explained that there was an unfortunate incident that happened as a part of the road work on Pitney Avenue in the last ten days or so. As a part of the roadwork plan, the Borough evaluates the curbs, water pipes and storm water drainage. Recently, within the past few years the Borough has added looking at the right-of-way trees; which ones need to be protected, removed or trimmed. The Borough brings in our paid tree consultant, Bill Brasch, who takes a look at the trees. Part of the process is to speak with the residents before the trees are removed. Unfortunately, several trees were removed on Pitney Avenue. One resident, Jim Lonsdale reached out to Ms. Whalley, Mr. Dempsey, Mr. Don Brahn Jr., and a few other Borough employees. Ms. Whalley publicly apologized for these trees were removed with out the homeowners being notified. One thing that has been discussed on the Roads Committee is that there needs to be better communication with the residents about upcoming projects. If the residents do not want the trees removed, Bill Brasch will explain what his concerns are and evaluate the tree and put it on a watch list. In this situation, that process did not happen. Mr. Avakian added that if the contractor has a roadway restoration plan along with a tree removal plan the contractor would be able to contact the homeowner. He did not have the tree removal plan in this situation. He is not sure who told the contractor to remove the trees after Bill Brasch evaluated them. Ms. Whalley explained that herself, Mr. Dempsey, and Mr. Avakian will get to the bottom of this.

Borough Engineer's Report:

Mr. Avakian reported that the Pitney Avenue project drainage improvements from Third to Fourth Avenues is underway. If the weather permits, within the next week or so concrete work will proceed.

Borough Attorney's Report:

Mr. Colao has one item for closed session.

Borough Administrator's Report:

Mr. Dempsey reported that on resolution R-23-051, the Borough is going to use Neptune Township for any conflict building inspections. They will receive the permit fee which will be the offset.

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Business Items Under Consideration: None

Ordinances for Introduction: None

Ordinances for Adoption:

Mr. Judge offered a motion to open the public hearing for Ordinance No. 2023-001, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

PUBLIC HEARING NOW OPEN

Mayor Naughton explained that there is a Land Use ad-hoc subcommittee who made recommendation to some of the zoning ordinances regarding the bulk of buildings. One of those changes was taking the second floor and making the setback thirty feet where the first floor is twenty-five feet. One of the cases heard of the Planning Board was a corner property where the setback for the bulk of the building would be applied to both sides. This is not what the subcommittee intended to do.

Peter Meade, 300 Worthington Avenue asked if this changes the air-conditioning units and such being placed on top of the garage. Mayor Naughton answered that is not addressed in this change.

Mr. Judge offered a motion to close the public hearing for Ordinance No. 2023-001, seconded by Mr. Erbe.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

PUBLIC HEARING NOW CLOSED

Mr. Judge offered a motion to adopt Ordinance No. 2023-001, seconded by Mr. Erbe.

ORDINANCE NO. 2023-001 - AN ORDINANCE AMENDING SECTION 225-12 OF CHAPTER 225: "LAND DEVELOPMENT" OF THE BOROUGH'S REVISED GENERAL ORDINANCES

WHEREAS, Chapter 225, Land Development, of the Spring Lake Borough Code governs zoning and land use issues and zoning.

WHEREAS, the Mayor & Council of the Borough of Spring Lake (the "Borough") having formed an Ad Hoc Land Use Committee ("Committee") consisting of members of the Governing Body, Planning Board and certain professionals.

WHEREAS, the Committee has made certain recommendations to amend Chapter 25 and the Mayor and Council, have determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to amend and revise Section 225-12,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Spring Lake, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 225-12 of Chapter 225 entitled "Land Development" of the Revised General Ordinances of the Borough of Spring Lake is hereby amended as follows (stricken text deleted; underlined text added):

§225-12. R-1, R-2, and R-3 Residential.

B. Accessory uses permitted

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- (1) Private garages in accordance with § 225-16 of this chapter.
- (2) Attached garages in accordance with § 225-17 of this chapter.
- (3) Tool and storage sheds provided they are located a minimum of 5 feet from any detached garage.
- (4) Greenhouses provided they are located a minimum of 5 feet from any detached garage.
- (5) Gazebos provided they are located a minimum of 5 feet from any detached garage.
- (6) Pool Cabanas, provided that the portion of the pool cabana that shall contain heating, hot water plumbing or sanitary facilities does not exceed 60 sq. ft and that no portion of the pool cabana be closer than 5 ft. to the garage.
- (7) Decks, provided that the deck is attached to the principal building and is not located in any front yard.
- (8) Fences in accordance with § 225-18 of this chapter.
- (9) Private residential swimming pools in accordance with § 225-29 of this chapter.
- (10) Signs in accordance with § 225-25 of this chapter.
- (11) Off-street parking in accordance with § 225-21 of this chapter.

D. Area and yard requirements

Maximum Impervious Coverage (% of lot area or square feet)	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
Principal Building coverage (1)	25%	25%	25%	15%
Front Porch Coverage (4)	2.5%	2.5%	2.5%	
Swimming pools	7%	7%	7%	—
Driveways	1,650 square feet	1,650 square feet	1,650 square feet	—
Walkways	350 square feet	200 square feet	275 square feet	—
Detached private garages	600 square feet	500 square feet	550 square feet	600 square feet
Total cumulative accessory building coverage (excluding detached private garages (3))	100 square feet	100 square feet	100 square feet	
Maximum total impervious surface coverage	40%	50%	45%	35%

Notes:

- (1) The net habitable square footage of the second floor of the principal structure shall be no greater than 80% of the 1st floor footprint up to 25% coverage and no closer to the primary front property line than 30 feet (on corner lots, the second-floor front yard setback shall be minimum of 25 feet from the secondary front yard); the half story at the third level shall be no greater than 50% of the second story net habitable square footage.
- (2) (Reserved)
- (3) Accessory structures include tool and storage sheds, greenhouses, gazebos and pool cabanas.
- (4) Front porch coverage calculations can not include any cover enclosed areas for the purpose of calculating the 2.5% The 2.5% does not count toward building and impervious coverage

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and only is permitted on lots with 50 feet or less of width. No basement area is permitted under the additional 2.5% of coverage for a front porch.

- (5) A balcony is permitted on the second floor over the front porch however, no roof is permitted. No balcony shall be permitted higher than the highest habitable floor. No uncovered balcony on the ½ story hall be greater than 150 square feet. An uncovered balcony 150 square feet or less shall not be calculated into the 50% habitable floor area.
- (6) A detached private garage shall be required for all new construction of a principal residential structure in the R-1 and R-3 Districts in accordance with the provisions of § 225-16.
- (7) No garage shall be higher than 1 ½ stories and 15' in height such that the half-story above shall be non-habitable and provide no more than six feet standing room from the top of the floor framing to the roof framing / collar tie at the underside of the roof. Flat roofs shall not be permitted. Basements are allowable in garages for utilities and storage only.
- (8) For properties located in the AE Flood Zone as shown on the most current FEMA — Flood Insurance Rate Map (FIRM), the Maximum "Building Height" shall be as defined in § 225-7, Definitions.
- (9) For corner lots, in accordance with the definition provided within § 225-7, in the R-2 Zone District, the minimum lot area shall be 9,750 square feet. The minimum lot frontage shall be 65 feet and the minimum lot width shall be 65 feet. A corner lot with contiguous lot(s) under single ownership that conformed to the zoning requirements prior to the adoption of Ordinance No. 2013-001, March 26, 2013, shall be considered to be an undivided parcel pursuant to § 225-20A(1), except any lots held under single ownership pursuant to an approved subdivision by a Borough land use board, or otherwise held in single ownership, where the distinct identity of the lots has not been destroyed. Furthermore, no portion of the said lot(s) shall be conveyed or divided except through the filing of an approved subdivision in accordance with the requirements adopted on March 26, 2013.
- (10) The permitted impervious total for any detached garage in any residential zone may be increased up to a total of five percent of the lot area of the lot subject to a maximum permitted area of 750 square feet.
- (11) The permitted impervious total for any accessory building in any residential zone may be increased up to 1% of the lot area of the lot subject to a maximum permitted area of 150 sq. ft.

This Ordinance shall take effect upon its passage and publication as required by law.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

Mayor Naughton has a question about R-23-044, last season there were several catamarans left on the beach late fall into early winter. She suggested putting an end date on this. Ms. Whalley explained that the boats around the lakes have to be removed by October 31 of each year. She suggested that would be a good date for ease of administration. Mr. Dempsey suggested October 1 since that is when the Department of Public Works are cleaning up from the season. Mayor Naughton suggested October 31 would be a good date incase there is nice weather in October.

Consent Agenda:

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

**R-23-044 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE SPRING LAKE CATAMARAN CLUB FOR THE 2023 BEACH SEASON**

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WHEREAS, the Spring Lake Catamaran Club, (formerly known as the Sea Girt Catamaran Club) has approached the Borough of Spring Lake with a request to again allow them to keep their boats on the beach in Spring Lake for 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Administrator and Clerk are hereby authorized to execute an Agreement with the Spring Lake Catamaran Club in a form to be agreed upon and approved by the Borough Attorney and which incorporates the following terms and conditions:

1. The total number of catamarans shall not exceed 20 without further approval of the Borough.
2. The fee payable to the Borough's Beach utility for each boat shall be \$150 for each boat for the season. Each Catamaran must display a permit decal to be provided by the Borough upon receipt of the fee.
3. All individuals wishing to utilize boats shall be required to have valid beach badges, whether seasonal, half season, monthly or daily.
4. Each club member/catamaran owner shall be required to execute a Release, Indemnification and Hold Harmless Agreement in favor of the Borough and its officers and employees for any claims arising out of the use or placement of the boats on the Spring Lake beach.
5. Each boat owner shall carry and provide proof of liability and personal injury insurance covering the catamarans in the amount of \$100,000 per person and \$300,000 per occurrence.
6. The Borough shall have no liability for the safekeeping or security of the boats on the beach.
7. The boats shall only be kept and stored in the approved location(s) designated by the Borough.
8. The agreement shall be immediately terminable at the option of the Borough if the same is deemed to be in the interest of the public health, safety and welfare.
9. All boats will be removed from the Spring Lake beach at the end of the beach season, no later than the date determined by the Borough, which date will be communicated to the Club to provide at least two weeks' notice.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

R-23-045 - RESOLUTION –APPROVING VOLUNTEER FIRST AID MEMBER

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Spring Lake that the following is hereby approved as the necessary background investigations have been completed and found to be favorable.

Beverly Brown

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-23-046 - RESOLUTION – RELEASING STREET OPENING BOND
332 SOUTH BLVD, BLOCK 151, LOT 2.01**

WHEREAS, a street opening application and appropriate fees was received by the Borough of Spring Lake from AJ Perri for the property located at 332 South Blvd, Block 151, Lot 2.01, and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

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ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-23-047 RESOLUTION – APPOINTMENT OF CLASS I SPECIAL OFFICERS
SPRING LAKE POLICE FOR THE YEAR 2023**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, that the following are hereby appointed as listed below as recommended by the Chief of Police, Edward

Kerr:

- Nicholas D. Goglia
- Sierra N. Ramirez
- Robert J. Cucciniello
- Rashon W. Cooper
- Michael J. Venetos, Jr.
- Cory G. Azumbuja
- Parker S. Amato
- Maria J. Ortega-Lopez
- Jack T. Homer
- Katie R. Gordon
- Emily E. Gonzalez
- Ethan J. Seelandt

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

R-23-048- RESOLUTION – REFUNDING UNUSED ESCROW FEES

WHEREAS, escrow fees were submitted to the Borough Planning Board for the block and lot set forth below, and

WHEREAS, said applications has been completed and any unused monies returned to the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that the following monies be returned:

Michael Rosenfelder	Block 16	Lot 12	216 Ocean Road	\$574.00
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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. Erbe.

R-23-049 - RESOLUTION – AWARD OF RFP #2023-01

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SURF/STAND UP PADDLE BOARD CAMP –
AT NORTH END/SURFERS BEACH**

WHEREAS, on March 1, 2023 bids were received for the Surf/Stand Up Paddle Board Camp located at the North End/ Surfers Beach in the Borough of Spring Lake for the 2023 Summer Season, and

WHEREAS, one (1) packet were picked up and one (1) bid was received, and

WHEREAS, Hammer Surf Camp, 112 S Bayview Avenue, Seaside Park, NJ 08752 submitted the Highest Bid for the Surf/Stand Up Paddle Board Camp at North End/Surfers Beach in the amount of \$7,500.00 for one (1) year with an option of three (3) additional years with mutual consent.

NOW, THEREFORE, BE IT RESOLVED that Hammer Surf Camp be and is hereby awarded the bid for the Surf/Stand Up Paddle Board Camp the amount \$7,500.00 for year 2019. This contract maybe extended for up to three seasons. And that the Mayor and Borough Clerk be and are hereby authorized to execute the necessary paperwork.

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

R-23-050 - RESOLUTION – APPROVAL OF BILLS – MARCH 14, 2023

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending March 14, 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)	72,680.00
GENERAL CAPITAL FUND (4)	6,572.16
WATER/SEWER FUND OPERATING (9)	3,675.00
DOG TRUST (13)	1,022.20
ESCROW TRUST (15)	1,824.00
RECREATION TRUST (25)	570.07
BEACH OPERATING (81)	12,347.79
POOL OPERATING (91)	781.25
TOTAL	\$99,472.47

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Sagui

ABSTAIN: None

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

**R-23-051 - RESOLUTION – AUTHORIZING NEPTUNE TOWNSHIP TO PERFORM
CONFLICT BUILDING INSPECTIONS**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Neptune Township be and hereby is authorized to perform conflict building inspections. Spring Lake will compensate Neptune, based on the permit fees collected according to Spring Lake's Fee Schedule.

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ROLL CALL:
AYES: Mr. Erbe, Mr. Judge, Miss McDonough, Ms. Whalley
NAYS: None
ABSENT: Mr. Sagui
ABSTAIN: Mr. Hale

Public Comments: None

Executive Session:

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

R-23-052 - 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: Borough of Spring Lake vs. Bruno – Action May Be Taken.

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, Ms. Whalley
NAYS: None
ABSENT: Mr. Sagui
ABSTAIN: None

TIME OF ADJOURNMENT TO EXECUTIVE SESSION: 7:33 pm
MEETING IS RECONVENED AT: 7:39 pm

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

R-23-053 - RESOLUTION – APPROVE SETTLEMENT AGREEMENT WITH NICHOLAS BRUNO

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake to approve the settlement agreement with Nicholas Bruno.

ROLL CALL:
AYES: Mr. Erbe, Mr. Hale, Mr. Judge, Miss McDonough, Ms. Whalley
NAYS: None
ABSENT: Mr. Sagui
ABSTAIN: 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, Ms. Whalley
NAYS: None
ABSENT: Mr. Sagui,
ABSTAIN: None
Time of Adjournment: 7:40 pm

Respectfully submitted,

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DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting held on: April 11, 2023