

The **May 9, 2016** meeting of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey was called to order by Mayor O'Brien at 7:00 p.m. in the Frank E. Adams Municipal Building.

Present:

Councilman Christopher Campion
Councilman Arthur Herner
Councilwoman Sara King
Councilman Robert Merriken
Councilman James Shuler
Mayor Thomas O'Brien

Absent:

Councilman Thomas Vorbach

Also Attending:

Janine Gillis, Borough Clerk
Joseph J. Delaney, Jr., Borough Administrator
Gary McLean, Esq., Borough Attorney

7:00 p.m. - EXECUTIVE SESSION: Resolution No. R2016-87

- Personnel – Public Works

On a motion by Mr. Merriken, seconded by Mr. Campion, Resolution R2016-87 was approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

7:30 p.m. Presentation

- Fire Prevention Poster Contest Awards: 1st, 2nd, 3rd Place awards for each Grades Kindergarten to 8th

Joseph Beliveau explained that each year the contest has a theme; this year's contest was *Hear The Beep, Where You Sleep*. He also stated that there are new detectors available that can be programed with your voice. He explained that sleeping children are more likely to respond to a parent's voice as opposed to a beep.

Spring Lake Heights art teacher, Mr. Forbes called out the winners with Mayor O'Brien giving out the awards.

8:00 p.m. - PUBLIC SESSION: CALL TO ORDER ▪ SILENT REFLECTION ▪ PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Councilman Christopher Campion
Councilman Arthur Herner
Councilman Robert Merriken
Councilman James Shuler
Councilwoman Sara King
Mayor Thomas O'Brien

Absent:

Councilman Thomas Vorbach

Also Attending:

Janine Gillis, Borough Clerk
Joseph J. Delaney, Jr., Administrator
Gary McLean, Esq., Borough Attorney

OPEN PUBLIC MEETINGS ACT STATEMENT OF COMPLIANCE

Mayor O'Brien announced: Pursuant to the requirements of the New Jersey's Open Public Meetings Act, notice of this meeting was included in the Annual Meeting Notice filed in the Office of the Borough Clerk; posted on the Borough website and in Municipal Building; published as a legal notice in the Coast Star newspaper; and mailed to those requesting notice and providing payment in accordance with Borough policy.

APPROVE AGENDA

Mayor O'Brien asked for a motion to approve the agenda with the addition of Resolution No. 2016-96; Authorizing execution of the Separation Agreement with John Tarzy.

On a motion by Mr. Merriken seconded by Mr. Campion, the agenda was approved as amended, by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

APPROVE MINUTES - April 11, 2016 Executive Session April 25, 2016 Regular Session

On a motion by Mr. Shuler, seconded by Mr. Merriken the minutes of April 11, 2016 Executive Session and April 25, 2016 Regular Session were approved, by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

PRESENTATIONS None

SCHEDULED PUBLIC HEARINGS

- Ordinance **2016-02** an ordinance amending section 9-2.1 entitled "fees" of Chapter IX (recreational facilities)

On a motion by Mr. Campion, seconded by Mr. Merriken the meeting was open to the public for comments on Ordinance No. 2016-02; roll call taken as follows:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

There were no public comments.

On a motion by Mr. Merriken, seconded by Mrs. King the public comment period was closed; roll call taken as follows:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

On a motion by Mr. Merriken, seconded by Mr. Campion, Ordinance No. 2016-02 was adopted by the following vote:

Ayes: Mr. Campion, Mr. Herner, Mrs. King, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

- Resolution **R2016-82**, a resolution of the Borough Council authorizing amendments to the 2016 Municipal Budget prior to adoption

On a motion by Mr. Campion, seconded by Mr. Merriken the meeting was open to the public for comments on Resolution R2016-82; roll call taken as follows:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

There were no public comments.

On a motion by Mr. Merriken, seconded by Mr. Campion the public comment period was closed; roll call taken as follows:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

On a motion by Mr. Merriken, seconded by Mr. Campion, Resolution R2016-82: was adopted by the following vote:

Ayes: Mr. Campion, Mr. Herner, Mrs. King, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

- Resolution No. **R2016-88** Adopting the 2016 Municipal Budget as Amended

On a motion by Mr. Campion, seconded by Mr. Merriken, Resolution R2016-88 was approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

PUBLIC COMMENT (Agenda items only)

Mayor O'Brien opened the meeting to the public; none presented

On a motion by Mr. Merriken, seconded by Mrs. King the public comment period was closed; roll call taken as follows:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

DISCUSSION ITEMS

- Traffic Light Installation at Old Mill Road & Warren Avenue and Agreement between County of Monmouth & Borough of Spring Lake Heights

Mr. Delaney explained that this is a project that has been in the works for several years with Chief Petriken and Councilwoman King working with the County for this installation. The County has presented the Borough with an agreement which was part of the meeting packet. Mr. Delaney pointed out 2 key factors. The Borough would be responsible for the payment of the electric bill once the light is installed and that the Borough would also provide at their expense off duty officers for traffic safety while the project is ongoing. Mr. Delaney stated that the project includes the moving of equipment by Cablevision, Verizon, JCP&L, Gas Company and then the traffic light could be installed.

Mr. Campion inquired as to item #7 in the agreement, which referenced the payment of the electric bill and if we presently have that responsibility with the other traffic Lights, Mr. Delaney replied yes. He also inquired about item #9 which referenced paving and maintaining the road. This is a county road; Mr. Delaney stated that it was referencing Old Mill Rd which would be our responsibility. Mrs. King expressed concern for item#10 which stated that traffic safety would be provided at the Borough's expense. She added that Chief Petriken was concerned as there was not a time frame provided and any long term project was not provided for in the budget. The county did not provide an estimation of time for the project. Mr. Delaney added that he hoped by the next council meeting more information would be provided by the county. Mayor O'Brien asked if the cost of the officers were available for the installation of the light on Allaire Rd; Councilwoman King stated that the Chief was looking for paperwork from that time; he was not the Chief then and has been unable to find anything. Mr. Herner offered that possibly an outside source could provide traffic safety.

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Herner- announced that Summer Camp starts June 27th and goes till August 5th, there is an additional week for a fee of \$50.00. He added that registration begins on May 16th and evening registrations on May 26th, 27th and June 8th at Borough Hall.

Councilman Campion - No Report

Councilwoman King – No Report

Councilman Shuler – No Report

Councilman Merriken No Report

REPORTS, NOTICES & CORRESPONDENCE

Mayor O'Brien started by announcing that Spring Lake Heights has gone Pink, its Breast Cancer Awareness in the month of May. There's a large sign in front of the School, pink bows throughout town and a special event at the community center on May 24th with 2 guest speakers, Dr. Denise Johnson-Miller and Dr. Douglas Miller. There will be refreshments and prizes; he extended an invitation to all to attend. He thanked Borough Clerk, Janine Gillis for her work on the event.

Janine asked anyone who would like to come to please call borough hall to register.

Councilman Campion wanted to add that the month of May is also Pediatric Brain Cancer month; our community has been affected with this in several families, please keep this in mind, "ALL CANCER SUCKS" Mayor O'Brien concurred.

- Public Notice - Borough of Spring Lake – Ordinance 2016-003 Amending & Supplementing Land Use
- Planning Board Hearing Notice – 2003/2005 Highway 71
- Resolution #2016-46 Borough of Shrewsbury Opting Back into Monmouth County Tax Board Assessment Demonstration Program
- Spring Lake Heights 2016 Water-Sewer Utility Revenue Projection
- Letter from Thomas & Christine Murphy dated April 27, 2016 Re: Flood Insurance Issue

Mayor O'Brien commented that Mr. Murphy is present. He also reminded council that there was a draft ordinance in the packet which addresses Mr. Murphy's situation. Mr. Delaney added there is a program available that would reimburse homeowners additional funds over and above their flood insurance limits when they have experienced repetitive losses. Our current ordinance does not specifically address a property that has had repetitive or cumulative flood damage over a 10 year period. Mr. Delaney stated that Mr. Murphy has had repetitive loss. In order for him to get the additional funding our ordinance needs to include language of repetitive and or cumulative damage. Attorney McLean suggested that we verify with Coded Systems that they aren't already putting an update together already for us.

Mayor O'Brien offered that this would be carried onto the next meeting.

ORDINANCE INTRODUCTIONS None

RESOLUTIONS

- **R2016-89**, Requesting DLGS to approve amendment to the 2016 Municipal Budget - additional grant funding

On a motion by Mr. Campion, seconded by Mr. Herner, Resolution R2016-89 was approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler

Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-90**, Accepting donation of a 2003 Ford Explorer from Independent Fire Co. No. 1

On a motion by Mr. Campion, seconded by Mr. Merriken, Resolution R2016-90 was approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler

Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-91**, Approving use of the community center – Commons Condominium Association

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2016-91 was approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler

Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-92**, Approving request for outdoor music permit – 907 Keith Ave

On a motion by Mr. Shuler, seconded by Mr. Merriken, Resolution R2016-92 was approved by the following vote:

Ayes: Mr. Champion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-93**, Authorizing a payment plan for a designated Water-Sewer account

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2016-93 was approved by the following vote:

Ayes: Mr. Champion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-94**, Approving cancellation of property taxes – total veteran disability

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2016-94 was approved by the following vote:

Ayes: Mr. Champion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-95**, Approving payment of claims on the May 5, 2016 bill list Bill List

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2016-95 was approved by the following vote:

Ayes: Mr. Champion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

- **R2016-96**, Approving Authorizing execution of the Separation Agreement with John Tarzy.

On a motion by Mr. Shuler, seconded by Mr. Merriken, Resolution R2016-96 was approved by the following vote:

Ayes: Mr. Champion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Councilman Vorbach

Mayor O'Brien opened the meeting to the public.

John Tangeman 564 Atlantic Avenue wanted to discuss the Assessment Demonstration Program, previous council had grave reservations about the program. We then had a couple of gentlemen come and make a presentation and council seemed to not have as many reservations. One of the people was a Mr. Stewart was forced to resign as he was not a resident of Monmouth County. Mr. Tangeman suggested that anyone that may have been swayed by his presentation should reconsider as he is not reliable. He also pointed out that the company that did the inspections is still under investigation. Mr. Herner asked if the statements Mr. Stewart made to the council are untrue, Mr. Tangeman replied he did not know. Mr. Champion suggested that at the next meeting Mayor and Council make a decision about in or out but most definitely if we remain, we go out to bid for a new company to finish the inspections for the final 2 years of the program. Mayor pointed the program made changes which addressed the concerns we had. Councilman Champion asked council if there was an objection, for a resolution at the next meeting that we get out of the contract and that the Administrator puts out a bid, so that we can move forward with the inspections with a different vendor. Mayor O'Brien agreed. Mr. Herner asked if the borough had exposure, Mayor O'Brien asked Attorney McLean if he would review the contract to make sure we can exit the contract.

Kat Crippen 564 Atlantic Avenue stated that Mr. Stewart wasn't sure where the term Tax Reform came from, Ms. Crippen stated that it was Matt Clark had referenced it as Tax Reform. The other comment was how the program was devised from a program in Somerset County, he was partially

right, it wasn't exactly like Monmouth, in Somerset County you could use either the existing program or the new.

Nancy Maclearie 809 Central Avenue thanked Borough Clerk, Janine Gillis for working on the Pink Campaign.

She expressed that she has a number of things that are bothering her in particular the state of the borough's parks. She stated that she has been a lifelong resident and a member of the environmental committee. She feels that things are happening that are not good for the town; in order to maintain a sense of community, a sense of heritage we need to get together as a community and fix it. She stated the environmental committee was given a presentation for the tree preservation at Allaire Road Park, which was removing dead and diseased trees instead it now looks like a gutting of the park, the wildlife habitat is no longer there. She also talked of an eagle scout project at Freedom Park which included a flower bed, it's been removed, she asked on who's authority, who was consulted. Ms. Maclearie also talked of the new signs at the parks; she stated Ocean Road Park isn't called that it's Bicentennial Park, there was a sign now it's gone. She asked if the Beautification Committee was consulted. Mrs. Maclearie stated that before any work of this type is done, the citizens should be a part of the decision making, sitting on committees along with borough officials and come to decisions that are best for the town. It feels like we're dismantling the history of our town. All projects within town should involve residents along with council for presentation at a public meeting.

Councilman Campion stated that he was present for the presentation; he stated that he's frustrated. Mr. Herner spoke about a report with updates to ongoing projects; it's for this reason so we know what's going on. He stated that we pay people to do a job and I take them at their word that it's getting done.

Councilwoman King stated that she spoke about the planting of the trees about 2 years ago with borough employees and forced a purchase order to be done before the end of the year to start replanting trees. A resident that lives by Allaire Road Park has for 3 years now lived with the lights from the Little League field. Mrs. King stated that she walked the property and the DPW Director happened to be there, she was glad to see plantings but the trees are not fast growers, and how would they get watered, there was supposed to be a well installed. Mr. Herner offered that even with a well, you still have to get water to the trees. Mrs. King stated that this subject has been discussed for over 2 years, she agrees that the process has been frustrating; offering those that are dealing with this issue might not have the heartfelt sentiment for the town. Mayor O'Brien stated that there is so much input received that it needs to be put together and make a common plan. Councilman Campion stated that it was already done, shown to council and all agreed, what happened to that plan.

Councilman Herner stated that since he has come on only a few months ago he immediately planted trees, installed tables and benches and got prices for the parking lot.

Councilman Shuler stated that the Borough had a tree expert to determine which trees should come down.

Council member discussed about Allaire Road Park and the lights which presently interfere with the neighbors. Councilwoman King stated that the lights could be on as late as 11:00pm. Council discussed who uses the field and that in fact the park closes at 9:00 pm.

Mayor O'Brien stated that we need to work together to get the project back on track.

Mrs. Maclearie also voice that the recycling center should require a permit or ID check and post a sign prohibiting non-residents from dropping off at our center. On her visits she has seen from other municipalities. It was discussed some options to put controls in place.

Mrs. Maclearie also felt that changes to the community center should include residents. We as a community center should be involved in the whole process. Mr. Herner said once architect comes with a plan there will be a public hearing. Mr. Herner reported that the improvement includes an addition for a new meeting room, an update to the kitchen, any ADA requirements, update the electrical and a generator.

Mrs. Maclearie felt that the borough should have a E News Letter, this would update residents as to what's going on in town, she volunteered to put it together.

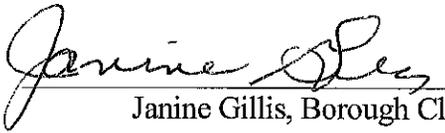
Kat Crippen 564 Atlantic Avenue reported that she was speaking for Gaylen Nolan Allaire Road, she wanted to mention that she believes the address on the sign at Allaire Road Park is incorrect.

On a motion by Mr. Merriken, seconded by Mrs. King the public comment period was closed; roll call taken as follows:

Ayes: Mr. Champion, Mrs. King, Mr. Herner, Mr. Merriken, Mr. Shuler
Nays: None Abstain: None Absent: Mr. Vorbach

ADJOURNMENT

There being no further business, on a motion by Mrs. King, seconded by Mr. Merriken, the meeting was adjourned without objection at 9:12 p.m.



Janine Gillis, Borough Clerk

Approved: May 23, 2016