

The **May 23, 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 Thomas Vorbach  
Mayor Thomas O'Brien

Absent: None

Councilman James Shuler

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. R2016-97**

- Acquisition of Real Property: Church Street – Lake Drive
- Contract Negotiation: Employment Separation - Assessment Demonstration Program
- Personnel: Salaries

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2016-97 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Shuler

**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  
Councilwoman Sara King  
Councilman Thomas Vorbach  
Mayor Thomas O'Brien

Absent:

Councilman James Shuler

Also Attending:

Janine Gillis, Borough Clerk  
Joseph J. Delaney, Jr., Administrator  
Gary McLean, Esq., Borough Attorney  
Joseph May, Director-Public Works

**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.

On a motion by Mr. Merriken seconded by Mrs. King, the agenda was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Shuler

**APPROVE MINUTES -** April 25, 2016 Executive Session  
May 9, 2016 Executive & Regular Session

On a motion by Mrs. King, seconded by Mr. Merriken the minutes of April 25, 2016 Executive Session and May 9, 2016 Executive & Regular Session were approved, by the following vote:

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

Nays: None Abstain: Mr. Vorbach Absent: Mr. Shuler

**PRESENTATIONS** - None

**SCHEDULED PUBLIC HEARINGS** - None

**PUBLIC COMMENT (Agenda items only)** - None Presented

On a motion by Mr. Merriken, seconded by Mrs. King, the public comment period was closed, by the following vote:

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

Nays: None Abstain: None Absent: Mr. Shuler

**DISCUSSION ITEMS**

- Amendment to Borough Code Chapter XVII - Flood Damage Prevention

Mr. Delaney explained that this change was prompted by a resident on Shore Road, he added that the resident's letter was on the agenda at the previous meeting. Mr. Delaney explained that this ordinance changes the definition of "Substantial Damage and Substantial Improvement" in the existing ordinance, in particular to include repetitive damages. The property owner as a result of both Irene & Sandy had flood damage but each incident did not exceed 50% of pre damage value but collectively it did. Under the flood insurance program there is a provision referred to as ICC, it provides up to \$30,000 in assistance over & above what your flood insurance would provide for. In order for the resident to take advantage the language in our ordinance needs to be revised.

Mayor O'Brien added that it seems like it's a loop hole for the insurance companies, Mr. Campion agreed and added we need to close the loop hole. Mayor O'Brien added that there are just a few property owners affected by this.

Mayor O'Brien asked to introduce the ordinance now.

- **ORDINANCE NO. 2016-04**

AN ORDINANCE AMENDING CHAPTER XVII "FLOOD DAMAGE PREVENTION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY

Borough Clerk, Janine Gillis read the ordinance into the record.

On a motion by Mr. Campion, seconded by Mr. Vorbach, Ordinance No. 2016-04 was introduced, by the following vote:

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

Nays: None Abstain: None Absent: Mr. Shuler

The public hearing was set for the next council meeting on June 13, 2016

- Monmouth County Assessment Demonstration Program –

Mayor O'Brien announced that this item would be carried to the next meeting for discussion.

- Capital Program Status Report

Mr. Delaney and Mr. May reviewed and updated Mayor and Council with the status of various capital projects.

**MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS**

Councilman Herner - Announced the hiring has started for the summer recreation and that there will probably be another round of hiring once the registration period has stopped.

Councilman Campion – No report

Councilman Vorbach – No Report

Councilwoman King – stated that previously there were discussions about police services required for the installation of the new traffic light at Warren Ave & Old Mill Rd. The issue was who was to bear the cost for the traffic control; the County has come back that they cover the cost during the installation phase; once in operation, the borough would be responsible.

Councilman Merriken – No Report

## **REPORTS, NOTICES & CORRESPONDENCE**

- Certification and Report of School Taxes for 2016-2017 School Year
- Municipal Court Report – April 2016
- Police Department Monthly Report – April 2016
- Revenue Report – April 2016
- Letter dated March 31, 2016 from State of NJDOT – Re: Safe Routes to School Grant Application
- Letter dated May 10, 2016 from Monmouth County Park System Re: Open Space Grant Program – 2016 Funding
- Resolution R-181-2016 – Borough of Allentown Opting Out of Assessment Demonstration Program
- NJ Natural Gas Public Hearing Notice – May 31 & June 1, 2016
- Notice from NJ Transit Request for Federal Funds
- Public Hearing Notice SLH Board of Adjustment – 810 Highway 71 LLC
- Public Notice South Monmouth Regional Sewerage Authority
- Letter from Brian McCarthy 718 Central – Traffic Condition on Central Avenue

Councilman Herner offered to explain; the situation on Central Avenue stems from the store on Highway 71. Central Ave is a small street and when the truck comes to deliver it takes up the whole street; emergency vehicles would not be able to come down the street. With this situation, a tractor trailer made a delivery to the site, after unloading traveled down Central and ripped electrical wires from 2/3 homes. Mr. Herner added that the business has grown and the location doesn't really work for them anymore. Mayor O'Brien asked if there could be a weight limit to the street and if having one would deter a truck of the size. Borough Engineer, Joe May stated that would be his recommendation. Mayor O'Brien asked Mr. Delaney to start that process.

## **ORDINANCE INTRODUCTIONS**

- Ordinance No. 2016-03, Capital Ordinance appropriating \$77,000 from Water-Sewer Utility Capital Improvement Fund for purchase of utility vehicle

On a motion by Mr. Merriken, seconded by Mr. Campion, Ordinance 2016-03 was introduced, by the following vote:

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

Nays: None Abstain: None Absent: Mr. Shuler

The public hearing was set for the next council meeting on June 13, 2016

## **RESOLUTIONS**

- **R2016-98**, Supporting Click It or Ticket Mobilization May 23 – June 5, 2016

On a motion by Mrs. King, seconded by Mr. Vorbach, Resolution R2016-98 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Shuler

- **R2016-99**, Requesting Director-DLGS to approve amendment to 2016 Municipal Budget- Click It or Ticket Grant

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2016-99 was approved by the following

vote:

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

- **R2016-100**, Authorizing refund of duplicate tax payment – Block 42.04 Lot 30

On a motion by Mr. Vorbach, seconded by Mr. Merriken, Resolution R2016-100 was approved by the following vote:

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

- **R2016-101**, Approving Outdoor Music for Spring Lake Golf Club (various dates)

Mr. Champion asked that we remind the golf course if they will be doing fireworks again this year to be prompt with their request.

On a motion by Mr. Vorbach, seconded by Mr. Champion, Resolution R2016-101 was approved by the following vote:

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

- **R2016-102**, Establishing Recreation Program Fees

On a motion by Mr. Vorbach, seconded by Mrs. King, Resolution R2016-102 was approved by the following vote:

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

- **R2016-103**, Appointing Summer Recreation Program employees

On a motion by Mr. Merriken, seconded by Mr. Vorbach, Resolution R2016-103 was approved by the following vote:

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

- **R2016-104**, Approving payment of claims on the May 20, 2016 Bill List

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2016-104 was approved by the following vote:

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

### **PUBLIC COMMENT (Any item)**

John Tangeman 564 Atlantic Ave expressed disappointment that the Tax Assessment discussion would be carried with a limited time frame for the council to opt out if they choose. Mr. Tangeman asked what the deadline was for opting out, Mr. Delaney replied May 30<sup>th</sup>. Mr. Tangeman stated that council would only have tonight to opt out and yet the discussion has been tabled.

Mr. Champion made a motion to discuss the matter now; seconded by Mr. Merriken; Rollcall

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

Mr. Champion expressed that he had reservations at first but felt that the recent changes made to the program have addressed his previous concerns. Mr. Herner agreed that the program works; he felt that there are

advantages. Mr. Champion agreed the new dates work best in preparing the municipal budget. Mr. Vorbach asked what the alternative is; Mr. Champion stated the old system. Mayor O'Brien also agreed the program has advantages, he added that the changes could be a challenge to the Tax Assessor. Mrs. King stated that she initially was not in favor but that with improvements it seems the fairest process, in particular planning for the municipal budget.

Rita Murphy 2014 Highway 71, inquired as to the status of making the borough property at Fletcher ADA compliant. This was a subject addressed at Environmental meetings but seeing other work being done to the property it seems that this still has not been addressed. Mr. Herner replied it's still a work in progress; it will be compliant but we're just not at that point yet.

Kenan Reynolds Eighth Ave, wanted to address council about issues that have been previously raised at council meetings concerning the lights at Allaire Road Park. He noted that there have been problems including the fact that too many individuals have keys to the lights but wanted to let council know he has corrected this situation. He expressed the understanding of the neighbors' concerns but also feels like the park is where the children in town should be in the evenings. He explained that there are occasions where games will run late which would mean that the lights are on beyond 9 pm, and then they are allotted time to exit the park with the lights on. He asked that if there is an occasion where the lights are on after the designated time that he be notified so that he can speak with the party that was using the field. He also offered the suggestion that since the grove has been cleared that possibly it could be included as usable space for activities. Mr. Reynolds invited residents to come to the field watch a game. He also announced that there will be a movie night at the park on June 17 in the field, all are invited.

Kathy Hahn 810 Central Avenue Thanked Borough Clerk, Janine Gillis for the work on the "Paint The Town Pink" event. She pointed out that coming into town on Highway 71 the speed limit is set for 35 but yet as you approach the school it's 40, she feels this is a safety concern. Mayor O'Brien offered that when he's dropping off and picking up, the police presence seems to slow everyone down. She asked Mrs. King to speak to the Police Chief about having that changed.

Mrs. Hahn expressed her dislike of the dumpster on Shore Road that has been at the property for quite a long time, in her opinion it looks like the project has been abandoned. Mr. May stated that it was his understanding that there is some litigation between the builder and the homeowner.

Mrs. Hahn also asked if there were plans to pave Central Ave, there are quite a number of potholes. Mr. Herner agreed that the street needs to be paved; he asked if possibly there was grant money available. Mr. May offered that possibly the one block could be done; he would look at the cost of that. Mr. Champion asked about the hole in the school parking lot?

John Tangeman 564 Atlantic Avenue stated that the borough gave money to the school which was to improve the fields at the school, does the borough use the property? Mayor O'Brien stated yes.

Kat Crippen 564 Atlantic Avenue reported that as Environmental Chair she met with Mr. Herner at Allaire Road Park and the Fletcher property. They exchanged ideas and came up with compromises: she hoped that progress would continue.

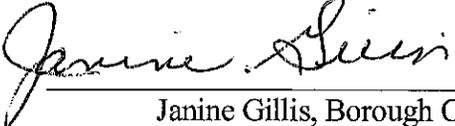
Kenan Reynolds Eighth Ave asked that if lights are on at the park at 11:00 pm that residents should call the police. He was aware of 1 problem that was addressed but there was no formal complaint. Mr. Champion asked Mr. May to look into a timer for the lights.

Mr. Herner pointed out that parking on Prospect east of Route 71 is regulated as a no parking zone, which was something put into place many years ago and he felt was no longer necessary. He asked Mr. Delaney to write a revision to the ordinance for next meeting.

The voice of the public was closed on a motion from Mr. Vorbach and seconded by Mr. Campion without objection.

**ADJOURNMENT**

There being no further business, on a motion by Mrs. King, seconded by Mr. Merriken, the meeting was adjourned without objection at 9:33 p.m.

  
\_\_\_\_\_  
Janine Gillis, Borough Clerk

Approved: June 13, 2016