

The **August 15, 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.

ROLL CALL

Present:

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

Absent:

Councilman Christopher Campion

Also Attending:

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

EXECUTIVE SESSION: Resolution No. R2016-132

* **Contract Negotiations:** AT& T Cell Tower Lease

* **Personnel:** Public Works Employees / Salary & Wages Resolution

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

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2016-132 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

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

ROLL CALL

Present:

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

Absent:

Councilman Christopher Campion

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 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 the 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 requested to remove Resolution No. 2016-139, Authorizing 2016 Salaries for Designated Officials from the agenda; he asked for a motion to approve the agenda with the revision. Mayor O'Brien announced if anyone from the public wanted a copy of the resolution to see Borough Administrator, Jay Delaney.

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

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

Nays: None Abstain: None Absent: Mr. Champion

APPROVE MINUTES - July 25, 2016 Regular Session

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

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

PRESENTATIONS – Environmental Commission – Kat Crippen

Ms. Crippen distributed a copy of the annual report for 2015 to Mayor and Council; she apologized for the lateness.

She reviewed the statutory duties of the Environmental Commission. She stated that applications before the Planning Board and Zoning Board are reviewed by the commission; a new schedule of delivery has been arranged with the board secretary and is working very well. Ms. Crippen reviewed some of the ongoing projects such as the update of the Recreation & Open Space Inventory (ROSI), municipal energy audit and the community forestry program. Ms. Crippen stated this is a program that the borough would benefit from with grants, it requires 2 individuals going through training, Mayor O'Brien agreed. Ms. Crippen displayed a diorama that depicted the Fletcher property. It was a presentation previewed by the commission. She reported that Monmouth County offered that an arboretum on the property as they stated there wasn't anything in this part of the county. Mr. Vorbach asked if the plantings were native species, Ms. Crippen stated. The commission worked to develop a design for replanting the area and worked with a group of Master Gardeners to develop a proposed butterfly garden. A consideration could be that trees are donated and planted in memory of someone. She wanted to present this again to bring it to the forefront. Mayor O'Brien stated that all of this is wonderful but budget considerations are needed.

SCHEDULED PUBLIC HEARINGS

- **Ordinance No. 2016-07**, Authorizing a Lease Agreement with the Spring Lake Heights Athletic Association for a portion of Joseph E. Robertson Park

On a motion by Mr. Merriken, seconded by Mrs. King, the public session for Ordinance No. 2016-07 was open to the public: roll call taken all ayes.

Evelyn Condello 807 Park Avenue questioned why the Little League pays only One Dollar as a lease fee; the exercise instructors at the community center pay \$50.00. She added that the Little League collects a fee for the ad banners on display. Mr. Herner replied that the instructors have a business; the service they offer to the residents is wonderful. The Little League is made up of volunteers, and all expenses are paid by the Little League. She asked council to consider increasing the \$1.00 fee.

The public session was closed on a motion by Mr. Herner; seconded by Mr. Vorbach; roll call taken:

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

On a motion by Mr. Herner, seconded by Mr. Vorbach, Ordinance No. 2016-07 was adopted by the following vote:

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

- **Monmouth County Municipal Open Space Grant Program Application for Playground & Site Improvements to the Community Center**

Borough Administrator, Jay Delaney explained the grant program; he stated that there is a \$250,000 max amount per application which requires a match by the Borough. The application is for playground and site improvements at the Community Center.

Borough Engineer, Joe May reviewed the proposed improvements which included replacing the playground equipment, providing a type of canopy for shade, replanting of trees that have been determined to need replacing by a tree expert, improving the drainage, installing a sidewalks delineating the parking area and in the back as well and re-paving of the parking lot.

Councilman Herner asked for confirmation that the sidewalk will be between the parked cars and the playground, Mr. May replied yes. Mr. Herner asked if the wood around the perimeter will be redone, Mr. May replied that any that needs replacing will be done but that he hoped to maintain some that are still OK. Mr. Herner asked about the water fountain, Mr. May replied that it is working and does not require replacement at this time.

Councilwoman King asked about putting something in place to prevent cars from accidentally accelerating into park area. Mr. May suggested a beam guide rail. Mr. Herner pointed out that possibly it would mean cars would be further into driveway, Mr. May offered that the fence could be possibly reset.

Councilwoman King also expressed concern about someone traveling on Ocean Road and losing control and coming into the park, she reminded all of this previously happening. Mrs. King asked if the number of parking spaces will change, Mr. May replied yes, one space. Mrs. King asked if consideration was given to relocating the tot lot to Centennial Park, Mr. Herner offered that it was there at one time and no one used it. Mr. May stated he had designed a playground several years ago for that park but was not approved for construction.

Mayor O'Brien pointed out with the pending improvements to the area with crosswalks this should help with the speed that motorists are traveling at.

The public hearing was open to the public.

Andrea Paterson, 110 Ninth Avenue, asked that the tot-lot remain on Ocean Road. She agreed that some type of protection is needed in front of the parking spaces but suggested that whatever is used that it shouldn't be easy for children to climb. She thanked Mayor and Council for the proposed improvements.

Susan Alling, 1204 Pond Road, asked if the center will be closed during improvements and when. Mayor O'Brien replied yes it would be closed but a start date has not yet been determined. She asked if an alternate location is planned for the exercise classes; Mr. Herner replied that the recreation director is researching that now.

Evelyn Condello, 807 Park Avenue, offered that she will maintain the library as long as possible but some books would have to be returned to the County Library. They hoped to store some of the books in the closets will renovations are being down. Mayor O'Brien asked what hours the library is available; Mrs. Condello replied Monday, Wednesday and Friday. Mayor O'Brien thought that possibly the library could be moved to an alternate location in a neighboring municipality, Mrs. Condello offered that the library is most active when other activities are going on in the center.

The public hearing was closed on a motion by Mrs. King; seconded by Mr. Herner; roll call taken:

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

Nays: None Abstain: None Absent: Mr. Campion

Mr. Delaney added that a resolution will be on the council agenda on September 12th authorizing the submission of the grant as submission is due September 14th.

PUBLIC COMMENT (Agenda items only) None Presented

The public session was closed on a motion by Mr. Merriken; seconded by Mrs. King; roll call taken:

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

Nays: None Abstain: None Absent: Mr. Champion

DISCUSSION ITEMS - None

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Herner – announced that summer camp has ended and he has a meeting tomorrow with the coordinators to review the season, and soccer registration has started.

Councilman Vorbach – thanked all for their work on the grants.

Councilwoman King – reminded all that at a previous meeting a resident asked about the process of changing the speed limit on a section of Hwy 71. She announced that attempts are underway to schedule a meeting with the State, this is a long process but she will keep everyone updated, ultimately it is a State decision. Mayor O'Brien pointed out that a portion of Rt 71 is 40 MPH and we would like to see that reduced.

Councilman Shuler – announced that again Public Works has picked up about 23 tons of bulky trash.

Councilman Merriken – reported that fire hydrants are still being replaced. Mr. May announced that next week Windsor Terrace and Wall Road will be shut down for the changes.

REPORTS, NOTICES & CORRESPONDENCE

- Municipal Court Report – July 2016
- Spring Lake Heights Monthly Police Report – July 2016
- Monthly Revenue Report – July 2016
- Township of Middletown Resolution No. 16-185, Expressing concern regarding the need for & impact of JCP&L's proposed Monmouth Reliability Project
- Monmouth County Board of Chosen Freeholders Public Hearing- August 15, 2016 NJ Transit Senior & Disabled Citizens Assistance Program.
- JCP& L Public Hearing – August 22, 2016, transfer of certain assets.
- Township of Wall Public Hearing on August 24, 2016, Ordinance No. 12-2016, Amending Chapter 140; Development Regulations Pertaining to Shopping Centers
- Monmouth County Board of Chosen Freeholders Resolution No. 2016-0698. Authorizing Charitable Event on County Road by Independent Fire Company No. 1. Mayor O'Brien stated that this will be Labor Day week-end.
- Public Notice-Spring Lake Heights Planning Board meeting on August 17, 2016 Re: Lake Drive Block 73 Lot 4.02
- Letter from Dynamic Traffic dated August 11, 2016 regarding study on Ocean Road Pedestrian Crossings – Mayor O'Brien pointed out this was the information he shared with the previous discussion of improvements to the park at the community center.

ORDINANCE INTRODUCTIONS

- **Ordinance No. 2016-08**, Ordinance amending Section 7-3.3 entitled "Parking Prohibited At All Times" & Section 7-11B entitled "Mid-Block Crosswalks of Chapter VII Traffic.

Mr. Delaney stated that report details the evaluation of the traffic and it recommends no parking at a certain section of Ocean Road.

On a motion by Mr. Merriken seconded by Mr. Vorbach, Ordinance No. 2016-08 was introduced by the following vote:

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

Nays: None Abstain: None Absent: Mr. Champion

Borough Clerk, Janine Gillis announced that the public hearing will be set for the next meeting on September 12, 2016.

RESOLUTIONS

- **R2016-133**, Supporting the Drive Sober or Get Pulled Over 2016 Statewide Crackdown

On a motion by Mr. Vorbach seconded by Mrs. King, Resolution No. 2016-133 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-134**, Requesting the Director-DLGS to approve an amendment to the 2016 Municipal Budget

On a motion by Mr. Merriken seconded by Mrs. King, Resolution No. 2016-134 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-135**, Authorizing the refund of overpaid taxes, Block 42.03 Lot 103

On a motion by Mr. Shuler seconded by Mrs. King, Resolution No. 2016-135 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-136**, Authorizing a tax lien redemption Block 51 Lot 1.02

On a motion by Mr. Shuler seconded by Mrs. King, Resolution No. 2016-136 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-137**, Rejecting bids for the closure of Borough Well #4

On a motion by Mr. Merriken seconded by Mrs. King, Resolution No. 2016-137 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-138**, Awarding a contract for the purchase of a Roll-Off Truck to Hunter Jersey Peterbilt in the amount of \$167,900.00

On a motion by Mr. Merriken seconded by Mr. Shuler, Resolution No. 2016-138 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-139**, – Removed from agenda

- **R2016-140**, Authorizing a Shared Service Agreement for Maintenance Services with the Spring Lake Heights Board of Education

On a motion by Mr. Vorbach seconded by Mr. Shuler, Resolution No. 2016-140 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-141**, Approving the issuance of Social Affair Permit for Algonquin Arts

On a motion by Mrs. King seconded by Mr. Merriken, Resolution No. 2016-141 was approved by the

following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

- **R2016-142.** Authorizing the payment of claims on the August 12, 2016 Bill List

On a motion by Mr. Shuler seconded by Mrs. King, Resolution No. 2016-142 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion

PUBLIC COMMENT (Any item)

Nancy Hayduk 809 Central Avenue, thanked Mayor and Council for the work on the crosswalks and for having the salary and wage resolution available. She also thanked Kathy Hahn for hosting the block party she organized on Night Against Crime, Officers Ramp and Kwiatkowski came by with some things for the kids. She expressed concern that if the Borough accepted CDBG money for the improvements to the community center that it would require the center having to be available to the general public. She researched the requirements with Sharon Raitzer, Monmouth County's Coordinator at the State Office. The question she raised was that if this funding was accepted would the facility would have to be open to the general public, the answer was yes. Councilman Herner pointed out that the exercise classes attended in the morning are open to the general public and the groups that use it are from other towns. He added that it seems that it would apply to rentals and if we decided to rent the facility to non-residents the fee could be different. She offered that the maybe the taxpayers would select not to accept the grant and pay it ourselves, what would the cost be to the taxpayers in additional taxes. She distributed the information that she received.

Evelyn Condello 807 Park Avenue stated when Trendsetters was formed they reviewed the Wall Township Trendsetters fees and found that they charged different rates for non-residents. Spring Lake Heights Trendsetters elected not to do that. She also asked that the traffic be reviewed in the area between Highway 71 & Eighth Avenue.

Kathy Hahn 810 Central Avenue offered that the grant money requires doing improvements to the center that she feels aren't necessary, she pointed out that the bathrooms were recently done. She agrees with Nancy, she feels the borough should not accept the grant money for the community center; instead the borough should just fund it. Mr. Herner stated that if any improvements are done, the improvements to the bathrooms would still be required as they are not ADA compliant.

Kat Crippen 564 Atlantic Avenue reminded all that there was discussion at a previous meeting about the sign on Ocean Road naming the park, Centennial Park. Mr. Herner stated that we are getting estimates.

Mrs. King expressed her thanks to those residents that contributed to the block party.

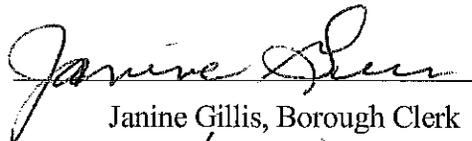
On a motion by Mr. Vorbach, seconded by Mr. Shuler the public comment period was closed; roll call taken as follows:

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

Nays: None Abstain: None Absent: Mr. Campion

ADJOURNMENT

There being no further business, on a motion by Mr. Merriken, seconded by Mr. Shuler, the meeting was adjourned without objection at 9:11 p.m.


Janine Gillis, Borough Clerk

Approved: September 12, 2016