

The **February 8, 2016** meeting of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey was called to order by Mayor Thomas O'Brien at 7:30 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., Administrator
Gary McLean, Esq., Borough Attorney

EXECUTIVE SESSION: Resolution No. R2016-47 Authorizing an Executive Session
Contract Negotiations: Public Works Director

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2016-37 was approved by the following vote:

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

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

ROLL CALL

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., Administrator
Gary McLean, Esq., Borough Attorney

OPEN PUBLIC MEETINGS ACT STATEMENT OF COMPLIANCE

The Mayor reported the meeting was being conducted pursuant to the requirements of the N.J. Open Public Meetings Act with notice included in the annual notice of meetings sent to the Coast Star and Asbury Park Press; posted on the bulletin board in the Municipal Building and on the Borough website.

APPROVE AGENDA

Mayor O'Brien asked for a motion to approve the agenda with the addition of adding Mr. Herner as a council member in the Roll Call section and to add Resolution R2016-51 Appointing a Public Works Director. Borough Clerk, Janine Gillis read the resolution R2016-51 into the record.

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

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

APPROVE MINUTES – January 11, 2016 Executive Session

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

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

Borough Council Minutes February 8, 2016

PRESENTATIONS – Monmouth County Tax Commission President, James Stuart Re: Tax Assessment Program

Mr. Stuart announced that Mr. Moore was in attendance and would also speak. He thanked Mayor and Council for the invitation, this would be an opportunity to address a lot of misconceptions about the new program.

Mr. Stuart reviewed some of the points of the old assessment procedures. The assessments were done every 10 years and were very costly to the Borough. It also meant that when a property was assessed it stayed at that assessment until the next re-val. With market changes both up and down, this was detrimental to both the taxpayer and the municipality. Under this system the appeal deadline was April, by then most municipalities had completed their budget process. A municipality would have to somehow fund any successful appeals as there would be a reduction in the tax income to the municipality and would have to fund the taxes to the school, county or fire district. He stated that with the new system the appeal calendar has changed, it's now January, this gives municipalities time to account for any successful appeals in their budget. He added that the new system ensures that everyone pays their fair share based on fair market value.

Mr. Clifford Moore, Commissioner on the Tax Board added that the program is a Pilot Program and that they are still fine - tuning the process. He confirmed that some municipalities have already opted out; in his opinion the program does work. With towns having meetings with members from the Tax Board in attendance they learn from the meetings as to what the governing bodies and taxpayers are having issues with; some of which are already being addressed with changes. He offered that in Somerset County they are running with the 2 different programs and have found that municipalities that opted out are now coming back into the program. There is a study of the 2 programs indicating the savings under the new program.

Mr. Stuart added that on the county website it now indicates the sale price and the assessment; which is an indicator of how well the program is doing. He added that with the new program, the assessor can make adjustments provided it's prior to the tax book being approved. Mr. Moore added that the program is designed so that everyone pays their fair share, it doesn't mean that if your assessment goes up you automatically have an increase. He added that under the new program, the number of appeals has declined; which was a goal with the program. Mr. Stuart stated that they were hoping to have both programs as well; therefore they could present data on both, enabling them to show that the new program is the better way to go.

Councilman Herner offered that he was on council through previous re-evaluations and that it was a burden. He offered that if assessments under the new system were fair, this would stabilize things.

Councilman Campion thanked both gentlemen for coming to the meeting. He stated that there have been several concerns raised by residents that successfully won an appeal but that the following year the assessment went back to what it was or higher, and, in some instances, weren't inspected. He added that this does not allow a homeowner to budget themselves. Mr. Moore stated that this was an issue on the radar of the Tax Board and that it is something to be addressed.

Mayor O'Brien asked Mr. Stuart to explain the appeal process and if it's necessary to have an attorney. He replied the all information on the appeal process is on the county website and that an attorney is helpful but not necessary. He added that if the property is under a corporation, an attorney is required. Mr. Stuart added that a resident must be prepared when coming before the board. Mayor O'Brien asked if there is

Borough Council Minutes February 8, 2016

data indicating the success of appeals when the resident is represented by an attorney vs going through the appeal themselves, Mr. Stuart replied that he does have some but that it's only anecdotal, Mayor O'Brien also inquired as to the Somerset analysis; Mr. Moore stated that he would forward both. The Mayor asked about the availability of vendors to do the inspections; he stated at the time the borough received only one bid. Mr. Stuart replied that the Tax Board doesn't get involved with that process; Mr. Moore added that he would look for additional vendors and reply to Mr. Delaney.

Councilwoman King stated that the Borough was reluctant to go into the program. When it was presented it seemed that the Borough was subject to a fine if they did not participate. Mr. Moore replied that they were not on the board at the time but he thought the previous board was of a very strong mind set. He added that both he and Mr. Stuart are open to all suggestions to improve the program and make it work better. It was also her understanding that some officials; freeholders and assemblymen are looking into the program due to recent issues. Mr. Moore stated that he would forward data about the program and the successes so far. He added that there has been press which has put it in a bad light and because of some of the misconceptions some towns are opting out. Mrs. King noted that a few residents had contacted her about the increase and what could be done; Mr. Stuart replied that they should have appealed but at this time it was too late and unfortunately he couldn't help.

Mrs. King also stated that she was going through a finance of her home and that the insurance company was looking for assessment information; Mr. Moore replied that he was not aware of that but would do some research.

Councilman Shuler also added that a change should be made when a homeowner appeals and gets a reduction that something should be in place to protect them from going back up in the following year.

Councilman Campion offered a suggestion that when assessment cards are mailed it should include instructions on how to appeal, also e-mailing assessments rather than postal mail. Mr. Delaney pointed out that many residents are summer residents and have their mail forwarded; unfortunately the post cards are not.

Mr. Stuart stated that they are awaiting word from the State as to what items could be changed in the program. He suggested that the Borough await the new guidelines before making a decision about opting out.

Mayor O'Brien stated that the council would review all options before making a decision.

Mr. Moore stated that he would address all concerns and respond to Mr. Delaney.

PUBLIC COMMENT (Agenda items only)

Susan Lalji 559 Atlantic Avenue explained that she had gone through the appeal process and found it to be pretty straightforward. She added that the filing period is during the holidays which can be difficult. She also felt that it is very difficult for the resident to gather the same information that the assessor has access to with regard to comps and descriptions. She asked what the role of the inspector was; Mr. Stewart replied that they are to gather and verify information which is then given to the assessor.

Paul Murphy 816 Greenwood Drive stated that he found locating comparable sales to present at the appeal hearing was difficult, Mr. Stewart suggested going online to websites such as Zillow. Mr. Murphy stated

Borough Council Minutes February 8, 2016

that the exchange of comps proved to be difficult for him; Mr. Stewart replied that he could be contacted if he needed further assistance.

Kat Crippen 564 Atlantic Avenue stated that the frontage of a property is missing from the property cards online. Mr. Stewart replied that he would look into that. She also stated that when the inspector was in her neighborhood inappropriate comments were made about the homes needing to be demolished. She also asked Mr. Stewart about assessors working in more than one municipality. He replied that there are assessors that work in more than one town and that with the new system their work load is increased.

Kathleen Heath/Thomas Walters 600 Essex Avenue stated that she was at the last council meeting about the fire siren. She had an informal meeting with some of her neighbors and they all share the same concerns. She thanked Mr. Campion for attending and answering their questions. At that meeting it was suggested that a committee be formed to evaluate the process and address their concerns. Councilman Campion reviewed that the siren was approved by council. He thought it was a good idea for a committee made up of Council, Fire, OEM and residents to review and put together a concise presentation, he asked for council's approval to move forward; council members agreed.

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

SCHEDULED PUBLIC HEARINGS - None Scheduled

DISCUSSION ITEMS - None

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

- Mayor O'Brien announced that he is appointing Nat Novak and Nancy Hayduk as members to the Planning Board and that the members of the Environmental Commission chose Kat Crippen as their Chairperson.
- Councilman Herner – no report
- Councilman Campion – no report
- Councilwoman King – no report
- Councilman Shuler – thanked the Public Works Crew for the snow removal.
- Councilman Merriken – no report

REPORTS, NOTICES & CORRESPONDENCE

- Letter from Bd. of Chosen Freeholders-Monmouth County encouraging municipalities to adopt ordinances restricting sale of dogs & cats; comments from Zoning Officer, Joe May
- Monthly Police Department Report – December 2015
- Police Annual Activity Summary for the year 2015
- Public Notice from JSP&L meeting February 22, 2016, re: increase in charges
- Public Hearing February 23, 2016 Spring Lake Re; Land Use Ordinance 2016-002
- Letter received from Joan Haynes 305 11th Ave – Commending Public Works for snow removal
- Thank you to DPW for snow removal – Robert Peters 551 Central Avenue
- Donation from Circle of Friends for usage of Community Center
- Public Hearing from Township of Middletown – sale of surplus property

ORDINANCE INTRODUCTIONS - None

RESOLUTIONS

Borough Council Minutes February 8, 2016

▪ **R2016-48**, Authorizing adjustment of designated water-sewer account

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution No. 2016-48 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Vorbach

▪ **R2016-49**, Authorizing use of the Community Center

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution No. 2016-49 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Vorbach

▪ **R2016-50**, Approving payment of itemized claims on the February 3, 2016 Bill List

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution No. 2016-50 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Vorbach

▪ **R2016-51**, Appointing a DPW Director

On a motion by Mr. Shuler, seconded by Mrs. King, Resolution No. 2016-51 was approved by the following vote:

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

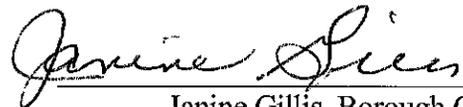
Nays: None Abstain: None Absent: Mr. Vorbach

PUBLIC COMMENT (Any item) None Presented

The voice of the public was closed on a motion by Mr. Champion and seconded by Mr. Merriken without objection

ADJOURNMENT

There being no further business, on a motion by Mr. Merriken, seconded by Mr. Champion, the meeting was adjourned without objection at 10:15p.m.



Janine Gillis, Borough Clerk

Approved: February 22, 2016