

The **September 12, 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 Christopher Campion  
Councilman Arthur Herner  
Councilman Robert Merriken  
Councilwoman Sara King  
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. R2016-143**

\* **Personnel:** Public Works Employees

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

On a motion by Mr. Shuler, seconded by Mr. Merriken, Resolution R2016-143 was approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Herner, 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  
Councilman Robert Merriken  
Councilwoman Sara King  
Councilman James Shuler  
Councilman Thomas Vorbach  
Mayor Thomas O'Brien

Absent:

None

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**

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

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

Nays: None Abstain: None Absent: None

**APPROVE MINUTES - July 11, 2016 Executive Session**

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

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

**July 25, 2016 Executive Session**

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

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

**August 15, 2016 Regular Session**

On a motion by Mr. Merriken, seconded by Mrs. King, the minutes of August 15, 2016 Regular Session were approved, by the following vote:

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

**PRESENTATIONS – Paul Damiano, Community Center Improvements**

Mr. Delaney reviewed the funding for the improvements.

Mr. Damiano reviewed new plans which were changed based on comments at the last public meeting. The changes include reducing the size of the addition, adding just one new space. A revised kitchen layout with some cabinets coming out but adding more counter space. The kitchen would get appliances and a fire suppression system due to the cooking. The plumbing needs to be brought to code which includes a janitor sink and a drinking fountain. The stage area would remain the same; storage of the tables and chairs would now be in the new addition. The bathrooms would be barrier free bringing them up to code, new wood floors throughout the building and installing a second emergency exit. The stairs to the basement would have a wood grain finish to match the new floors and a new door at the top of the stairs; it'll look similar to a dutch door. The light fixtures will be upgraded, the ceiling will be changed and painted. Mr. Vorbach asked about the generator; Mr. Damiano replied that's still in the plan. Mr. Damiano described the new accessibility ramp; we will be using the existing door at the ramp..

Councilwoman King asked if the plumbing, bathroom accessibility upgrades Mr. Damiano describes are required if the Borough did not renovate the building. Mr. Damiano responded that accessibility upgrades are required with any improvement. Accessibility improvements are required to equal 20% of your total cost of improvements. He explained that the building code would ask where the 20% was spent; in this case it would be the handicap ramp and the bathrooms. Councilman Herner asked if it is presently compliant, Mr. Damiano replied no, it's not to current code but that it's presently grandfathered. Councilwoman King pointed out that the bathrooms were recently renovated. Councilwoman King also expressed concern with the parking availability. Councilman Campion asked the capacity now and what it would be with the addition. Mr. Damiano replied that it would be going from 110 to 192; Mr. Damiano stated that the numbers are per building code. Mr. Herner added that without tables and chairs it presently is 200. Councilman Campion asked Mr. Damiano the budget for the project; Mr. Damiano replied that it was between \$350- 400,000. Mr. Herner added that although changes have been made, the kitchen improvements are expensive upgrades.

Councilman Campion explained he doesn't like the term grandfathered; he feels that if accessibility improvements are needed, they should be done. He asked an attendee in the room about the accessibility improvements, she replied it's not good. Councilman Campion stated that it's high on his priority list; Councilman Vorbach agreed.

Mr. Damiano offered that he believes the bathrooms will not be sufficient for the expansion to the building.

Mayor O'Brien announced that council members will ask the questions and then he will open the floor to the public on this matter.

Councilman Campion reminded all that during Sandy this facility was used as a charging station, the generator is needed, the kitchen upgrades would be a great asset, the floor needs replacing and making the facility accessible, all are important. The budget as it stands now is \$350-400,000, this could go higher.

Mayor O'Brien pointed out that the building is used extensively, we have money available.

Councilman Campion asked Mr. Damiano what bids would go out first, Mr. Damiano thought the shell.

Councilman Herner asked what the tax implications are to the residents. Borough Administrator Jay Delaney responded that the grant has been approved for \$156,000 and the Borough portion is about \$200,000 which would be taken from the Open Space budget, therefore there is no tax impact. Mr. Delaney added that each year the Borough realizes approximately \$115-120,000 in revenue from the Open Space Tax. Mr. Herner asked Mr. Delaney if we didn't accept the HUD money and funded the project ourselves, what our cost would be, Mr. Delaney replied that the average residential property tax would go up about \$62.00, one time. Councilman Campion asked Mr. Delaney if we have to do any renovations, Mr. Delaney replied no. Councilman Campion stated that the Open Space Tax is tax money. Mayor O'Brien pointed out that the Open Space Tax was approved by referendum. There was discussion as to what improvements are needed.

Councilwoman King stated that residents aren't in favor of residents from other communities using the facility.

Councilman Herner pointed out that the building is an integral part of the community; it's a 100 year old building. It's time to make these improvements; the floor needs to be replaced, we should have it barrier free so the bathrooms need the updates, definitely a generator

Mayor O'Brien explained that through the existing classes residents of other communities are already using it. We can have it set that residents would have first choice or possibly charge more for a non resident. The grant money is there; we should use it.

Mr. Delaney stated that questions have come up about accepting the grant and read an e-mail from Sharon Rafter, Director of Monmouth County Division of Planning which stated "that if awarded CDBG funds the public facility must demonstrate they are open for use by the general public during all normal hours of operation." Mr. Delaney feels the private use of the facility is not during normal hours. Mr. Delaney stated that in his opinion the current operating procedures do not violate the HUD requirement.

Councilman Campion stated that it seems everyone agrees that the bathroom upgrades, new floors, a generator is a must, the kitchen area and the conference room are reasonable. He would like to go to bid on these items and see where the costs come in. He expressed his concern with the occupancy and the parking; he asked if restrictions could be set with a maximum occupancy.

Councilwoman King stated that parking is already an issue there. Mayor O'Brien offered that there could be a restriction to occupancy.

Councilwoman King wanted to clarify the statement about being grandfathered; she stated that any updates required to make the building compliant should be done.

Councilman Merriken asked if it's necessary to increase the size of the building; Mr. Herner offered it's not increasing it that much. There was discussion as to whether or not the kitchen needs to be upgraded.

Councilwoman King asked why do we need a new room, why couldn't there just be a sliding door to divide the room..

Councilman Herner explained that it would allow for 2 meetings to be scheduled and that having the smaller meeting room the tables and chairs would always be in place and groups would not have to set them every time.

The meeting was open to the public.

Florence Maclearie 911 Jersey Avenue stated that she moved to Spring Lake Heights from Spring Lake, her husband was the Mayor here; he always cared for Spring Lake Heights. She doesn't see the need for an additional meeting room; she offered that this room could be used for a meeting. She agrees a generator is important, the floors do need replacing; she added that if the kitchen and bathrooms need updating then OK. She explained that originally the building was given to the town for use of the children. Councilman Merriken asked if she would be happy with the building remaining the same size, she replied yes.

Nate Novak 907 Keith Avenue applauded Mayor and Council on the discussion; he raised the question if the Open Space money could be used for something with a higher priority. Mr. Delaney offered that it would be up to Mayor and Council which projects move forward and decide what a priority is. Mr. Delaney added that questions have previously been raised about the use of the Borough's Open Space Trust Fund and should be utilized for acquisition of property and maintenance of existing property, upgrades to existing recreation facilities and conservation. Mr. Novak felt the project should move forward. Councilman Merriken asked if the facility should be made larger, Mr. Novak felt to increase the building would be OK but keep the occupancy down would be beneficial.

Councilman Campion pointed out that one of the things that damages the floor is the constant moving of the tables and chairs.

Kathy Hahn Central Avenue asked if the Borough uses our own money do we need to do the upgrade. Councilman Vorbach pointed out that 20% of money you spend would have to go to upgrading accessibility. In the kitchen if we get a stove do we still need the hood; Councilman Campion stated that any cooking with grease vapors, yes. She offered that the bathrooms were done, the sink was the right height; Councilman Herner stated it's the turning radius. There was discussion what the rear of the building will look like. Mayor O'Brien felt that the new room is a good idea, but it would be good to know what the good idea cost.

Councilman Campion asked Mr. Delaney with the Borough portion coming out of the fund, what does that do to the balance; Mr. Delaney replied that it depletes the current fund balance. Mr. Campion expressed concern about projects that are started at the parks. Councilman Herner stated that nothing more will be done at this time and when restarted next year the fund will be replenished.

Elizabeth Stader 566 Central Avenue expressed that the ADA upgrades are a must; it's the right thing to do. She stated that when she is in the facility she cannot gain access to the kitchen, trying to turn in the bathroom is very difficult with a table that's in the bathroom. Councilman Merriken stated he would have the table removed. She offered her extra wheelchair to anyone that may want to try and navigate through the kitchen and bathrooms.

Eric Bennett 903 Ocean Road feels that the building does need some updates including a roof, alarms, electrical and bathroom. He stated the facility gets a lot of use but feels that there isn't enough parking. Councilman Merriken asked Mr. Bennett if there is heavy usage of the playground: Mr. Bennett replied yes. Councilman Merriken asked about the possibility of moving the playground up to the Ocean Road Park and making that area parking, he replied no. Mr. Bennett expressed the noise coming out of the community center can be pretty loud. Councilman Vorbach stated that we could set a limit to the occupancy.

Mayor O'Brien stated that there is a grant in place to upgrade the playground; Councilman Merriken was asking a hypothetical question about moving the park.

Kat Crippen 564 Atlantic Avenue if the groups are going to be restricted why is it necessary for another room; anyone using the bigger room will still have to drag tables and chairs. Mayor O'Brien offered that small groups could use the new room. She stated that she has never heard anyone asking for these types of improvements. Councilman Herner offered that as the Superintendent of Public Works he had received those comments. She asked what the normal hours of operation are; Mr. Delaney reviewed the

times the facility is used. She offered to Councilman Campion she could give him plenty of projects that could be done with these funds. She stated that when she was on council it was discovered that there was asbestos in the basement which should be addressed immediately. There was a discussion about HUD's definition of normal business hours; Attorney McLean stated that he would research the answer.

Eileen Eilenberger Pond Road stated that she meets on Wednesdays and has to wait for the exercise class to leave in order to set up tables and chairs; having the second room would be beneficial. The exercise people wouldn't have to hurry out and the meeting room would always be set. She feels that the improvements are worthwhile; we should take the opportunity to make these revisions. Looking at the costs is a good idea and deciding what renovations should be done.

Councilman Campion pointed out the expansion of the new room isn't really a huge room.

Rita Murphy 2014 Highway 71 asked if the new room is sound proof; Councilman Herner replied no but certainly could be. She thought that if 2 things are going on at the same time it would be beneficial.

Kat Crippen 564 Atlantic Avenue suggested that the trash be moved to the playground side of the building and to reconsider the placement of the generator. Councilman Campion pointed out the generator is in place adjacent to where the gas meter is.

Mayor O'Brien announced that nothing will be decided tonight. Mr. Delaney stated that he'll finalize bid specifications and provide some alternates for further discussion as to decide what the priorities are.

### **SCHEDULED PUBLIC HEARINGS**

- **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.

Borough Administrator Jay Delaney reviewed where the crosswalks would be placed and the area where there would be no parking. A traffic study was done and these were the recommendations.

The meeting was open to the public on a motion by Mr. Merriken and seconded by Mrs. King, roll call taken as follows:

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

Joseph Walker 1205 Ocean Road asked what are the benefit of the crosswalks, Councilman Herner stated for safety of crossing the street, it's similar to what was recently done at the corner of the community center.

Borough Engineer reviewed what signs would be put in place. Mr. Walker asked about the electronic signs that were in place at one time; Councilman Campion stated that they are moved from time to time to different locations. He asked who decides where they are placed; Councilwoman King replied the Chief of Police decides where they are placed. Mr. May added that people get accustomed to seeing signs; if they are alternated it has a better effect.

Doreen Klimkiewicz 1220 Ocean Road stated that she is happy with the signs and crosswalks. She stated that vehicles coming off Route 35 are traveling fast; she asked if something like rumble strips could be put in place. She is very concerned. She appreciates everything that everyone does, Spring Lake Heights is a great town.

Kara Matunas 812 Central Avenue stated that the crosswalks at the Community Center Park look great; she was concerned about the safety having the mid-block crosswalks. Councilman Campion asked Patrolman Ramp if portable rumble strips could be used, he replied yes. He reminded all that at the last meeting he spoke about a campaign the department was starting for speed enforcement; he reported that a total of 140 summonses were issued; 22 speeding tickets along with 15 speed related issues; most of which were our residents.

Ed Hudson 1218 Ocean Road stated that trying to pull out of his driveway is terrible, he suggested

additional speed limit signs on Ocean Road. Mr. May, Director –Public Works replied that signs were on order and would be placed on Ocean Road and Wall Road.

On a motion by Mr. Shuler, 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, Mr. Vorbach  
Nays: None Abstain: None Absent: None

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

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

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

On a motion by Mr. Shuler, 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, Mr. Vorbach  
Nays: None Abstain: None Absent: None

**DISCUSSION ITEMS** - None

**MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS**

Councilman Merriken- Public Works received the new truck

Councilman Shuler – no report

Councilwoman King – reported that progress is being made with the installation of the traffic light on Old Mill Road & Warren Avenue; we're hopeful for completion in October. This work along with the work being done by the Gas Company has caused some traffic issues. She explained that the gas company had to do repair work with a leak and took advantage of performing other updates since the street was open.

Councilman Vorbach – thanked Jay Delaney, Joe May and Janine Gillis for their work.

Councilman Champion – thanked the members of the fire department for obtaining a grant to purchase breathing apparatus, it's a huge cost saving. He commented that the gas company would be repaving half of Wall Road but he would work to get them to pave the entire street.

Councilman Herner – no report

Mayor O'Brien announced the Flu Clinic is Saturday September 17<sup>th</sup> at the Community Center

**REPORTS, NOTICES & CORRESPONDENCE**

- Monthly Revenue Report – August 2016
- Copy of Resolution No. 2016-0781 from Monmouth County Board of Chosen Freeholders in support of Monmouth Park as a viable location for operation of a casino
- Copy of Resolution No. 66-16 from South Monmouth Regional Sewerage Authority, authoring the issuance of not to exceed \$7,600,000 of the authority's sewer revenue refunding Bonds & other matters
- Letter from Monmouth County Board of Freeholders Re: NJ Transportation Trust Fund
- Public Notice of Wall Township Board of Adjustment Hearing - 2488 Kipling Ave Block 72.01 Lot 39

**ORDINANCE INTRODUCTIONS** - None

**RESOLUTIONS**

- **R2016-139**, Authorizing 2016 salaries for designated Borough Officials

On a motion by Mr. Shuler, seconded by Mr. Merriken, Resolution R2016-139 was approved by the following vote:

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

- **R2016-144**, Awarding a contract for 2016 Municipal Road Improvements/Jeanette Ct to Earle Asphalt Company for \$94,413.13

Mayor O'Brien explained the project was curtailed because the DOT Trust Funding was no longer available. This authorization is funding that the Borough had in place with the original project. Mr. Herner asked if this would impact the grant in the future; Mr. Delaney replied there was no way of knowing but that it could. Everyone agreed that Jeanette Court needs this improvement.

On a motion by Mr. Champion, seconded by Mr. Shuler, Resolution R2016-144 was approved by the following vote:

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

- **R2016-145**, Requesting Director of DLGS to approve amendments to the 2016 Municipal Budget

On a motion by Mr. Merriken, seconded by Mr. Vorbach, Resolution R2016-145 was approved by the following vote:

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

- **R2016-146**, Authorizing a contract with H2M Associates, Inc. related to engineering services for planned improvements to the Shore Rd & Black Creek Wastewater Pump Stations

On a motion by Mr. Shuler, seconded by Mr. Vorbach, Resolution R2016-146 was approved by the following vote:

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

- **R2016-147**, Requesting the Director-DLGS to approve an amendment to the 2016 Municipal Budget

On a motion by Mrs. King, seconded by Mr. Shuler, Resolution R2016-147 was approved by the following vote:

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

- **R2016-148**, Requesting the Director-DLGS to approve an amendment to the 2016 Municipal Budget

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2016-148 was approved by the following vote:

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

- **R2016-149**, Authorizing submission of an application for Monmouth County Municipal Open Space Grant

On a motion by Mr. Vorbach, seconded by Mr. Shuler, Resolution R2016-149 was approved by the following vote:

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

- **R2016-150**, Approving a Person to Person transfer of ABC Retail Distribution License from JP Wines to 71 Central Liquors

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2016-150 was approved by the following vote:

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

Nays: None

Abstain: None

Absent:

None

▪ **R2016-151**, Approving use of the Community Center – Devon Court Condominium Association

On a motion by Mr. Vorbach, seconded by Mr. Shuler, Resolution R2016-151 was approved by the following vote:

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

Nays: None

Abstain: None

Absent:

None

▪ **R2016-152**, Authorizing the release of designated escrow deposits

On a motion by Mr. Vorbach, seconded by Mr. Shuler, Resolution R2016-152 was approved by the following vote:

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

Nays: None

Abstain: None

Absent:

None

▪ **R2016-153**, Approving payment of claims on the September 12, 2016 Bill List.

On a motion by Mr. Shuler, seconded by Mrs. King, Resolution R2016-153 was approved by the following vote:

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

Nays: None

Abstain: None

Absent:

None

**PUBLIC COMMENT (Any item)**

Diane Hudson 27 Magnolia Drive stated that Wall Road has 4 speed limit signs, she feels there aren't enough on Ocean Road.

Mayor O'Brien stated that Public Works will be installing additional signs.

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, Mr. Vorbach

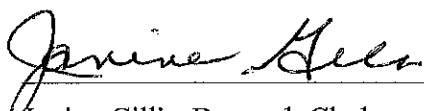
Nays: None

Abstain: None

Absent: None

**ADJOURNMENT**

There being no further business, on a motion by Mr. Merriken, seconded by Mr. Shuler, the meeting was adjourned without objection at 10:08 p.m.

  
Janine Gillis, Borough Clerk

Approved  September 26, 2016