

The **February 13, 2017** 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 7:30 p.m. in the Frank E. Adams Municipal Building with a moment of silence and a salute to the flag.

ROLL CALL

Present:

Councilman Christopher Campion
Councilman Richard Diver
Councilman Robert Merriken
Councilwoman Sara King
Councilman James Shuler
Councilman Joseph Tompey
Mayor Thomas O'Brien

Absent: None

Also attending:

Joseph J. Delaney, Jr., Administrator
Gary McLean, Esq., Borough Attorney
Joseph May, Borough Engineer

EXECUTIVE SESSION: Resolution No. R2017-42

* **Personnel:** Public Works Appointment & Office Assistant Appointment

On a motion by Mr. Diver, seconded by Mrs. King Resolution R2017-42 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

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

ROLL CALL

Present:

Councilman Christopher Campion
Councilman Richard Diver
Councilman Robert Merriken
Councilwoman Sara King
Councilman James Shuler
Councilman Joseph Tompey
Mayor Thomas O'Brien

Absent: None

Also attending:

Joseph J. Delaney, Jr., Administrator
Gary McLean, Esq., Borough Attorney
Joseph May, Borough Engineer

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

APPROVE AGENDA

Mayor O'Brien would like to amend the agenda adding Resolution No. 2017-48, appointing an office assistant & 2017-49, appointing a full time DPW employee and an additional discussion item; the Environmental Commission would like to update us on a few items.

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

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

APPROVE MINUTES - January 30, 2017 Regular Session

On a motion by Mr. Merriken, seconded by Mrs. King, the minutes of January 30, 2017 were approved by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: Mr. Diver Absent: None

PRESENTATIONS - None

SCHEDULED PUBLIC HEARINGS - None

PUBLIC COMMENT (Agenda items only)

Kat Crippen 564 Atlantic Avenue - wanted to point out listed in correspondence is a letter regarding 496 Prospect Ave, in Spring Lake. The Environmental Commission has reviewed this and one of the members is following up on the proposal. We've been noticed because the Borough is within 200 feet of the property. There have been some issues on the property. She offered if there were any questions the Commission would look into them.

Rita Murphy 2014 Highway 71 - wanted to speak about the improvements to the community center, she reminded council in 2013 an ordinance was adopted requiring sustainable building. She wanted to know if the improvements to the community center will include any of the provisions in the ordinance. She stated that with Sandy, the building was a refuge; therefore the building should be a safe one.

Eileen Eilenberger 1215 Pond Road – stated that she has been involved in many events at the community center including the original plan presented to the county in 2004. The building needs to be upgraded; it's a representation of the town. The Beautification Committee has put some money into the building but it needs additional improvements. We're being given a grant for \$160,000; we should not turn down the opportunity for the improvements. Councilman Diver asked Mrs. Eilenberger her position in the town, she replied Chairman of the Planning Board.

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

Ayes: Mr. Champion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey

Nays: None Abstain: None Absent: None

DISCUSSION ITEMS

▪ Community Center Renovations

Mr. Delaney gave the background of the procedure of obtaining a CDBG grant and after multiple applications, the Borough received a grant of approximately \$160,000 for improvements to the community center and in March/April 2016 Mr. Damiano was engaged to provide architectural services. Some of the original improvements included a complete renovation to the kitchen, an addition of a small conference room in the rear, new floors, renovations to the bathrooms bringing them ADA compliant and a generator. After the first presentation, changes were requested and new plans presented, with additional revisions requested, which brings us to today's plans. Previously, concerns were raised in accepting the grant money and stipulations that go along with it. There are mandatory improvements; the ADA improvements to the building & bathrooms if the grant money is accepted. Mr. Delaney reminded all that in September there was a complaint sent to NJ Dept. of Health that required a complete inspection and tests on the building; a report from them has been received with positive results. Mr. Delaney added that the renovations should have been completed by March of this year: Mr. May has requested from the CDBG program an extension of our contract and we have received confirmation that the date has been extended for 6 months.

Mr. Champion asked Mr. Delaney when the most recent revisions were presented. Mr. Delaney replied that they have not been presented; it was scheduled in December but was carried until the new council was in place. He stated that at a previous meeting from September, Mr. Damiano presented plans and it was discussed that the bathrooms, new floor and a generator were the core package with the kitchen and new conference room reasonable but that we should get bids and see where the costs come in.

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

Mr. Champion asked where the bids are, Mr. Delaney replied that they are not complete, that no specific date was specified.

There was discussion as to what bids should have been obtained and when presented.

Mr. Diver offered that the building in fact needs to be improved; the kitchen, bathrooms, floors and a generator. It needs all new plumbing and electrical. Although the bathrooms were renovated they aren't completely ADA compliant. He added that we've been shown 3 plans; now estimates are needed for all the plans. He added that the Community Center is needed for emergency situations; in Sandy it didn't function as well as it should have. He added that possibly OEM should have a work space in that building. The building is not a landmark or historic building. The building needs a generator, 5 years after Sandy and we still do not have a generator. He agrees with some of Rita Murphy's comments; we need security, it should be LEEDs certified, and not accepting this grant money is foolish. He added that we've worked on this for 3 years, and to turn it away is unthinkable, this project must be done.

Mr. Diver made a motion to get estimates on the 3 different plans, seconded by Mr. Champion, roll call taken as follows:

Ayes: Mr. Champion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

Mayor O'Brien stated that if this was a priority perhaps it should have been discussed in December. Mr. Merriken asked who would obtain the bids; Mr. Delaney replied that the architect would prepare bid specs. Mr. Delaney would consult with Mr. Damiano to get them quickly; Mrs. King stated Mr. Diver requested 2 weeks.

- Assessment Demonstration Program

Mr. Delaney stated at a previous meeting he had informed the council that the Borough had a 3 year contract with the option to renew for the additional 2 years or to terminate the contract and go out to bid for the final 2 years.

Mr. Champion made a motion to terminate and go out to bid, seconded by Mrs. King, roll call taken as follows:

Ayes: Mr. Champion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

At the time of the contract the borough went out to bid and given one choice. Mr. Champion asked that the representative that spoke at a council meeting that informed us there are other companies out there is contacted to be assured that they get the bid package.

- Paint The Town Pink

Borough Clerk, Janine Gillis announced that the month of May is "Paint The Town Pink" Meridian Health has now joined Hackensack which makes the event larger. This year we again have the option to put up a banner on the poles along Rt. 71 which Meridian will arrange for the permits needed from JCP&L or NJNG as well as supply the required insurance. Mr. Champion pointed out that there are 2 poles from when the Fire Company would display a banner for their clam bake that could be used. Janine asked the preference of council; if the banner should go on the poles or ask the school if we could put it on the fence like last year; the consensus was the poles.

- Request of Monmouth County Park System to present at a meeting seeking input to the 2017 County Open Space Plan

The letter requests to speak at the Environmental Committee or a council meeting; Mayor O'Brien offered that he thought having it at a council meeting would be good. Mrs. King offered that she thought it was more appropriate for it to be at the environmental meeting, that was the consensus. Ms. Crippen stated that council is more than welcome to attend. Mayor O'Brien asked Mr. Delaney to help coordinate.

- Environmental Commission Updates

Lisa Ball-O'Brien explained that the Environmental Commission doing some great things. JCP&L will be moving the osprey nest on Warren Ave, once moved that pole will be made unavailable to them for future nesting. JCP&L will do it along with DEP, they are doing here and in Monmouth Beach.

Both she and Sandy Denison are working on developing a farmers market. The Allaire Community Farm in Wall will be host farm. There is a lot of interest from other vendors. We're looking to start in June on Fridays and Saturdays on a weekly basis. The location is still under discussion but they were thinking that the grove here would be great due to the availability of electricity. Mayor O'Brien pointed out that parking and restrooms are readily available here.

A Green Team has been formed. We're looking for volunteers, the environmental club from the grammar school, and some Girl Scout troops in town to work on special projects throughout town.

The Commission is looking to gain status with Sustainable New Jersey, the town earns points and they will be working on getting certified which opens grant abilities.

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Tompey – Met with Recreation Director Shawn Heeter. The basketball program is just about finished, the Townwide Yard Sale has been set for May 20th, the annual Father's Day British Car Show is on June 18th and started planning summer camp. Mayor O'Brien offered that sign up for the yard sale is at borough hall.

Councilman Merriken - Met with Jay and Joe and reviewed the water-sewer utility revenue projections and all seems OK.

Councilman King – With the recent snow storm still some issues with cars on the street, Joe May had to get assistance from the Police Dept. to have the cars removed. She asked that neighbors remind each other to remove the cars.

Councilman Shuler- DPW did a great job on the streets and the bulk pickup on last Thursday was moved to this week, it was announced with the reverse 911. Residents should sign up for the reverse 911 messages so they could get all messages from the borough. Mr. Campion announced it's on the first page of our website.

Councilman Campion - Asked about the energy audit application. Mr. May replied that it was submitted and that he was waiting on the state reply.

Councilman Diver – Announced that he will be meeting this week to start the budget process; he added that the town is in good shape a nice surplus from last year's budget, he thanked Mr. Campion.

Mayor O'Brien also offered that Public Works did a good job on the streets.

REPORTS, NOTICES & CORRESPONDENCE

- Water-Sewer Utility Revenue Projection - 2017
- Police Department Report – January 2017
- Letter from Anthony Garofalo dated January 20, 2017 RE: NJ DEP permit for property at 496 Prospect Avenue, Spring Lake, NJ
- Letter from Assemblyman David Rible, requesting to speak at a Council Meeting

Mayor O'Brien asked council if they would like to invite him, it was decided for the first meeting in March.

- Letter from Cablevision certifying franchise fees and payment of franchise fees for 2016
- Bradley Beach Resolution #2017-34; Supporting the filing of a compliant that the Criminal Justice Reform Act constitutes an unfunded state mandate
- Manasquan Resolution #58-2017; Supporting the filing of a compliant that the Criminal Justice Reform Act constitutes an unfunded state mandate
- Letter from Monmouth County –Mosquito Control Division Re: Requesting a Resolution authorizing the Division to conduct aerial surveillance.

Mayor O'Brien pointed out that we usually do this yearly.

- Thank you letter from Dennis Owens 1207 Wall Road

ORDINANCE INTRODUCTIONS - None

RESOLUTIONS

- **R2017-43**, Authorizing the transfer of 2016 municipal budget appropriations reserves.

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-43 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

- **R2017-44**, Approving use of the Community Center – Girl Scout Troop #502 & Wyckham Manor Association

On a motion by Mrs. King, seconded by Mr. Campion, Resolution R2017-44 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

- **R2017-45**, Approving the use of Ocean Road Bicentennial Park Softball Field

On a motion by Mr. Shuler, seconded by Mr. Tompey, Resolution R2017-45 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

- **R2017-46**, Authorizing the submission of grant application with NJ DOT for roadway improvements to Wall Road & Parkview Terrace

On a motion by Mr. Diver, seconded by Mrs. King, Resolution R2017-46 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

- **R2017-47**, Authorizing the payment of the itemized claims as set forth on the February 10, 2017 Bill List.

On a motion by Mr. Diver, seconded by Mr. Campion Resolution R2017-47 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler
Nays: None Abstain: Mr. Tompey Absent: None

- **R2017-48**, Confirming the appointment of Kathleen Marmora as a part-time office assistant.

On a motion by Mr. Merriken, seconded by Mrs. King Resolution R2017-48 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

- **R2017-49**, Confirming the appointment of Anthony Spinosa as Public Works Laborer –Full Time

On a motion by Mr. Merriken, seconded by Mr. Tompey Resolution R2017-49 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey
Nays: None Abstain: None Absent: None

PUBLIC COMMENT (Any item)

Catherine Hahn 810 Central Ave – Expressed concerned about accepting federal money for the community center by doing so the community center would be opened to the public and then it's no longer our community center. This building is part of the town's history; it previously was a school, she feels making the changes, the center would lose its charm. If plans are prepared by an architect, who authorized and pays that; Mayor O'Brien explained that plans are needed to move forward. Ms. Hahn stated that the property next door is for sale, which could be used for parking, the town could but that. Mayor O'Brien explained that the operating hours are 9-5, and in fact the center is opened to

the public, the classes during the day are available to the general public. He suggested that if it were to allow out of town residents to rent, there could be limitations; such as availability to a resident first and a different fee.

Mr. Campion pointed out from the August meeting it was discussed that an e-mail was received that it was stated that whatever the established business hours are it must be open to the public.

Mr. Merriken suggested a mandatory cleaning fee and we should stop waiving the fee, we're losing money. Mr. Campion explained that we only approve for fees waived, we don't see the rentals where a fee is collected. Mayor O'Brien suggested for the next meeting we get numbers for fees collected vs. what was waived and expenses.

Kat Crippen 564 Atlantic Ave - wanted to offer that the gentleman referred to earlier has been removed as he wasn't a resident of Monmouth County. She stated approved assessment firms are available online; she thought Manasquan used a different company and maybe we should consult with them. She added that there has been so much debate over the use of the community center by the public and should the grant money be accepted. She offered that instead since the green acres grant cycle is coming up she suggested buying the property next door and move the playground there and use the existing playground as a parking lot.

John Tangeman 564 Atlantic Avenue -- inquired as to how many summons were issued during the snow storm. Mr. Merriken stated that he spoke to the Chief; it was about 9 but no one was towed. Officer Ramp was in attendance and he stated he wasn't in that night. Mr. Campion asked if you're able to track it. Mr. Ramp stated yes, and the usual protocol is 1st time-warning, 2nd time-summons & 3rd time the vehicle is towed.

Eileen Eilenberger 1215 Pond Road -- stated that she is favor of the moving forward with the improvements to the community center. She felt that the rental fee should be increased and agreed that possibly a cleaning fee is a good idea. Mr. Campion thought there should be an inspection after each rental. She asked about the expenses vs. the income for the building. She felt that the rental fee should be increased. Borough Clerk, Janine Gillis reviewed the rental procedure, pointing out that there is a fee held for damages but have never had the ability to inspect the building after each rental.

Lisa Ball-O'Brien 916 Woodcrest Ave -- stated that she has rented the community center and agrees the fee could easily be doubled. She has inquired at other locations and fees are much higher at these other facilities. Mayor O'Brien would still like to waive fees for civic organizations.

Rita Murphy 2014 Highway 71 -- wanted to inform council that a brick building on Highway 71 & Warren Ave is for sale.

Eric Bennett 903 Ocean Road -- He previously inquired about the lights in the parking lot of the community center, he and Mr. Delaney looked at them. He added that they're on all night long and doesn't feel that it's necessary. Mr. Delaney explained that the lights belonged to JCP&L and that he has made contact with them to shield or tilt the lights. Mayor O'Brien asked if he would follow up. Mr. Bennett expressed concern about accepting the grant money and being restricted as to what you can do.

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

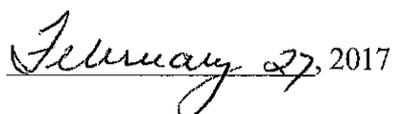
Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey

Nays: None Abstain: None Absent: None

ADJOURNMENT

There being no further business, on a motion by Mrs. King, seconded by Mr. Tompey, the meeting was adjourned without objection at 9:19 p.m.


Janine Gillis, Borough Clerk

Approved:  February 27, 2017