

The **April 10, 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. R2017-70**

#### **\*Anticipated Litigation – Utility Easement**

On a motion by Mr. Campion, seconded by Mr. Shuler Resolution R2017-70 was approved by the following vote:

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

### **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

### **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.

### **APPROVE AGENDA**

Mayor O'Brien requested to amend the agenda to include under Discussion Items – Walking Dogs on Borough Property & Access to Recreational Areas

On a motion by Mr. Diver, seconded by Mr. Campion the agenda will include under Discussion Items the following: Walking Dogs on Borough Property & Access to Recreational Areas; approved by the following vote:

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

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

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

**APPROVE MINUTES-** March 27, 2017

On a motion by Mrs. King, seconded by Mr. Merriken the minutes of March 27, 2017 were approved by the following vote:

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

**PRESENTATIONS – None**

**SCHEDULED PUBLIC HEARINGS**

- **Ordinance No. 2017-01**, An Ordinance to Exceed the Municipal Appropriation Limits and to Establish a Cap Bank (2017) Pursuant to N.J.S.A. 40A:4-45.14

On a motion by Mr. Campion, seconded by Diver, the hearing was open to the public by the following vote:

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

Mayor O'Brien asked Mr. Delaney for a brief explanation of the ordinance.

Mr. Delaney reviewed that this ordinance allows the budget to increase by an amount of up to 3.5 % over last year's expenditures, the difference not used in the current year is banked and available for use over the 2 subsequent years.

The meeting was open to the public for comment on Ordinance No. 2017-01 – None Presented

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

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

On a motion by Mr. Campion, seconded by Mr. Diver, Ordinance No. 2017-01 was approved by the following vote:

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

- **Ordinance No. 2017-02**, An Ordinance Amending Chapter 22 – Municipal Land Use Regulations Section 22-606.5 -B-3 Commercial Zone (Business and Retail)

On a motion by Mr. Diver, seconded by Mr. Merriken, the hearing was open to the public by the following vote:

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

Mayor O'Brien announced that this was a minor change in wording.

The meeting was open to the public for comment on Ordinance No. 2017-02 – None Presented

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

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

On a motion by Mr. Diver, seconded by Mr. Merriken, Ordinance No. 2017-02 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 (Agenda items only)** None Presented

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

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

**DISCUSSION ITEMS**

Mayor O'Brien reviewed that presently dogs are not allowed on Borough property. The Environmental Commission has volunteered to look at this and has made recommendations. Mayor O'Brien invited Kat Crippen-Chair of the Environmental Commission to speak on the matter. Ms. Crippen stated that residents have voiced a request to change the ordinance; in her opinion the regulations haven't been enforced. She explained that the ordinance presently reads that dogs are not allowed on any Borough property but yet there are mutt mitt stations set up on Borough property; she feels this gives a mixed message. Ms. Crippen offered that the ordinance should limit where you could go with your dog leaving playing fields, tennis & basketball courts, playgrounds & picnic areas off limits. The Environmental Commission suggested that if the council adopted a new ordinance allowing the dogs, that additional mutt mitt stations should be put in place. She added that the Environmental Commission thought that this plan was better than having just one area in town where dogs would be allowed.

Mayor O'Brien pointed out that this is a part of the recreation code and there is a different section for animal control, pet waste and fees.

Mr. Champion asked about the liability; reminding everyone about the cut off of the park lighting. Attorney McLean recommended that it should be consistent with any other regulations regarding lighting similar to the Little League Lease; he also suggested checking with the Borough's insurance carrier. Mayor O'Brien asked Mr. Delaney to check with our insurance.

Mayor O'Brien asked about the fees collected with dog licenses; Mr. Delaney replied that fees are set by the State and that we are set at the highest rate allowed.

Mr. Delaney pointed out the information distributed about the walking of the dogs was a recommendation put forth by the Environmental Commission back in the fall. He added that the ordinance includes other points that could be updated as well; listing of other park facilities, parking at the parks, lighting and whether or not the parks are closed at the same time the lights are supposed to be off. Mayor O'Brien suggested that if the ordinance is going to be amended, that all points on it should be addressed even if the change doesn't include the change to walking of dogs, he added that council has had discussions about increasing the rental fee of the Community Center which is a part of this ordinance.

Mr. Champion pointed out the light situation with the resolution that was adopted last year amended the times the lights could be in service; he would like to re-visit that. He also addressed that parking is prohibited unless authorized by a resolution and yet during snow, we allow residents to park in the parking lots. Attorney McLean suggested speaking to the Police Chief for his input; Mayor O'Brien offered that the Police could have authorization to make that call during a snow event. Officer Ramp offered that it could be put into the ordinance.

Mr. Diver pointed out that the Community Center is not a park but has a parking lot and he feels the fee should be increased.

Officer Ramp stated that the Community Center is listed as a non-parking location and from an enforcement standpoint, the parks are considered closed after dusk with no connection to the lighting; Mayor O'Brien added this should be clarified

Mr. Shuler offered that we're in the process of changing the lighting at Ocean Road Park. He explained that the new lights will have an automatic shut off but you will be able to turn them on at 1 hour increments

but that after 9 pm you will not be permitted to turn them on. Mr. May stated that the units are on order; awaiting delivery.

Mayor O'Brien asked council members to get their ideas to Mr. Delaney so that he can put them together for discussion at our next meeting.

### **MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS**

Councilman Diver – announced the public hearing on the budget will be the next council meeting

Councilman Campion – announced a follow up on the Borough's Energy Audit, the State had follow up questions which Mr. May is responding to.

Councilman Shuler – The new utility truck has arrived; this was purchased in November of last year.

Councilwoman King – No Report

Councilman Merriken – No Report Mr. May announced that hydrant flushing starts the week of the 17th and ends on the 27<sup>th</sup>.

Councilman Tompey – No Report

Mayor O'Brien asked about bids for the community center project. Mr. Delaney announced that they are out with a return date of May 4<sup>th</sup>. Mr. Delaney added that the cell tower lease has a bid return date of April 26th and that the Assessment Demonstration RFP bid is due April 27<sup>th</sup>.

Mayor O'Brien announced that Paint The Town Pink is next month. Last year Janine spearheaded the campaign and will be doing it again. This year the school will be selling pink light bulbs for \$5.00 in an attempt to Paint The Town Pink, the proceeds will be donated to THE PINK FUND. There will also be an event again this year May 9<sup>th</sup>.

Janine Gillis added that it will be at Fairway Mews and that there will be a panel of doctors speaking, more details to follow. She also announced that the light bulbs will be sold in the school store; anyone with children will receive the information in the Friday packet, for those that don't have children, at the next 2 council meetings pink light bulbs will be available for sale in the municipal office.

Mr. Campion asked about the Assessment Bid and if as the bid opening date approached, could we reach out to the vendors on the list about their submission.

### **REPORTS, NOTICES & CORRESPONDENCE**

- Monthly Police Report – March 2017
- Municipal Court Report – March 2017
- Borough of Spring Lake Public Hearing April 25, 2017 Ord. No. 2017-002-Amending Chapter 225 Section 25 "Signs and Awnings
- Letter from Bd. of Chosen Freeholders-Monmouth County dated March 24, 2017 Re; Resolution Authorizing One Time Payment to Aid Joint Municipal Group's Opposition to JCP&L Reliability Project
- Letter from Spring Lake Heights Board of Adjustment – as per N.J.S.A. 40:55D-70.1 Report of the Board's Review of 2017 decisions.

### **ORDINANCE INTRODUCTIONS**

- **Ordinance No. 2017-03**, Bond Ordinance of the Borough of Spring Lake Heights, in the County of Monmouth, New Jersey, Providing for Various Capital Improvements and Other Related Expenses for the Borough and Appropriating \$670,000 therefor, and Providing for the Issuance of \$636,000 in Bonds or Notes of the Borough of Spring Lake Heights to Finance The Same

Mayor O'Brien reviewed this Wall Road Paving and the purchase of Public Works equipment.

On a motion by Mr. Campion, seconded by Mr. Diver, Ordinance No. 2017-03 was introduced; roll call taken as follows:

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

Nays: None Abstain: None Absent: None

Borough Clerk, Janine Gillis announced that there would be a public hearing on Ordinance No. 2017-03 at the next scheduled council meeting, April 24, 2017.

- **Ordinance No. 2017-04**, An Ordinance Authorizing Various Water-Sewer Utility Capital Improvements & Appropriating \$250,000.00 from Existing Utility Capital Fund Balances & Reserves

Mr. May offered that it's to replace sewer lines at Brighton Lane.

On a motion by Mr. Campion, seconded by Mr. Merriken, Ordinance No. 2017-04 was introduced; roll call taken as follows:

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

Nays: None      Abstain: None      Absent: None

Borough Clerk, Janine Gillis announced that there would be a public hearing on Ordinance No. 2017-04 at the next scheduled council meeting, April 24, 2017.

## RESOLUTIONS

- **R2017-71**, Authorizing Emergency Temporary Appropriation Pending the Adoption of the Municipal Budget for the Year 2017

Mr. Delaney explained that once this resolution is adopted this will commit council to include these items in the 2017 budget.

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-71 was approved; roll call taken as follows:

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

Nays: None      Abstain: Mr. Tompey      Absent: None

- **R2017-72**, Authorizing a Contract for Professional Services with Davison, Eastman, Munoz, Lederman & Paone, P.A. for Bond Counsel Legal Services.

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-72 was approved; roll call taken as follows:

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

Nays: None      Abstain: None      Absent: None

- **R2017-73**, Authorizing the Release of Designated Escrow Deposits

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-73 was approved; roll call taken as follows:

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

Nays: None      Abstain: None      Absent: None

- **R2017-74**, Appointing Kevin Thompson as Recycling Coordinator for a Term Expiring 12/31/2017

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2017-74 was approved; roll call taken as follows:

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

Nays: None      Abstain: None      Absent: None

- **R2017-75**, Authorizing Submission of the 2016 Recycling Tonnage Grant Application

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-75 was approved; roll call taken as follows:

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

Nays: None      Abstain: None      Absent: None

- **R2017-76**, Approving Payment of the Itemized Claims as Set Forth on April 6, 2017 Bill List

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-76 was approved; roll call taken as follows:

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

**PUBLIC COMMENT (Any item)**

John Tangeman 564 Atlantic Ave commented that council received a letter from the Zoning Board of Adjustment in their meeting packet; it was a request for council to review accessory buildings and the lack of a definition for garage. He added that the board felt a garage should be able to be used as garage and not be an additional accessory building. Mayor O'Brien agreed and that it would be discussed further.

Kat Crippen 564 Atlantic Avenue wanted to report a potential environmental issue at the Public Works garage. The one side of the garage is being used to store vehicles which have the potential to leak. It looks terrible and leaves potential for varmints and overgrown weeds.

Bileen Eilenberger 1213 Pond Road announced that the Planning Board has established a committee to review existing ordinances and will be presenting recommendations to Mayor and Council in the near future. She added that garage /accessory building was something that they were reviewing.

Sharon Batteau 1719 Beverly Avenue asked that Mayor and Council review the noise ordinance; she feels that it needs to be adjusted. In her opinion the 8 PM cutoff for landscaping machinery is too late; 6 PM is reasonable. There was discussion by council members; a resident that works need the opportunity to maintain their lawn and that 8 PM isn't that late.

Officer Ramp suggested that a resident could write their own ordinance violation at any time.

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

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

**ADJOURNMENT**

There being no further business, on a motion by Mr. Merriken, seconded by Mrs. King, the meeting was adjourned without objection at 8:56 p.m.

  
 Janine Gillis, Borough Clerk

Approved: April 24, 2017