

The **May 22, 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 7:00 p.m. in the Frank E. Adams Municipal Building with a moment of silence and a salute to the flag.

ROLL CALL

Present:

Councilwoman Sara King
Councilman Robert Merriken
Councilman James Shuler
Councilman Joseph Tompey
Mayor Thomas O'Brien

Absent: Councilman Christopher Campion
Councilman Richard Diver

Also attending:

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

7:00 p.m. - EXECUTIVE SESSION: Resolution No. R2017-88

Contract: Real Property Data Collection and Verification Services (Assessment Inspections)

Attorney-Client Privilege: Canvassing and Soliciting

Personnel: Salary Ordinance

On a motion by Mr. Shuler, seconded by Mr. Tompey, Resolution R2017-88 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion, Mr. Diver

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

ROLL CALL

Present:

Councilwoman Sara King
Councilman Robert Merriken
Councilman James Shuler
Councilman Joseph Tompey
Mayor Thomas O'Brien

Absent: Councilman Christopher Campion
Councilman Richard Diver

Also attending:

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.

APPROVE AGENDA

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

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

Nays: None Abstain: None Absent: Mr. Campion, Mr. Diver

APPROVE MINUTES - May 8, 2017

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

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

Nays: None Abstain: None Absent: Mr. Campion, Mr. Diver

PRESENTATIONS – Proclamation - Emergency Services Week

Mayor O'Brien read the Proclamation and presented it to the members of the First Aid Squad that were present. The Proclamation is attached to the back of these minutes.

SCHEDULED PUBLIC HEARINGS - None

PUBLIC COMMENT (Agenda items only)

George Corbeels 6 Nadine Drive reviewing the bill list, sees a JCP & L bill; he suggested that Mayor & Council consider changing to LED lighting in the building as a way to save money. Mayor O'Brien offered that the municipality has made some improvements to the buildings with timers and sensors.

Kate Hedden 810 Prospect Avenue stated that she had looked at the monthly police report listed on the agenda and noticed that there was only 1 reported solicitation. She works from home and has experienced 2 religious and 3 utility come to her door. She now knows to call police and feels a No Knock list would be welcome.

Rachel Castellon 2212 Parkview Terrace reported that she has had solar and cable companies solicit. She asked if the town provides ID that they are required to show. Mayor O'Brien stated that we presently do not provide an ID; he added that we are working to develop the ordinance. Mayor O'Brien asked Mr. Delaney to explain the present process. Mr. Delaney offered that presently there has been a review of a vast number of other municipality ordinances. He explained that presently any solicitation requires approval from the Police Department and any persons soliciting must carry the permit.

Bill Moloney 909 Ocean Road asked if a solicitor is given a permit will they be provided with a No Knock list, Mayor O'Brien replied that the ordinance is not finalized. Mr. Maloney asked if there is a fee; Mayor O'Brien repeated that it is still a work in progress.

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

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

Nays: None

Abstain: None

Absent: Mr. Campion, Mr. Diver

DISCUSSION ITEMS – Canvassing & Soliciting

Mr. Delaney stated that over the past couple of meetings, we've had discussions on this matter. A committee has been working on the ordinance. He reviewed the permit procedure for canvassing as it exists now, which does not have a distinction between commercial & non-commercial canvassing. He added that currently the Borough does not have a No Knock List. Mr. Delaney explained that there are 2 types of permits that would distinguish between Commercial & Non-Commercial. Non-Commercial groups would include political, religious and charitable organizations; there are many legal aspects that apply here. The commercial application process is fairly involved and would include a background check on the individuals that would do the soliciting. He added that there have been many suggestions including some mentioned tonight that are under consideration; they include the No Knock, a registration fee, and days and specific time frames. A draft of the ordinance has been distributed to the Attorney and the Council for review. It has also been discussed whether or not a resident could post their own No Solicitation sign and how that would apply to all forms of canvassing. Mr. Merriken asked about specific times, Mr. Delaney stated that it is under consideration; there is case law that would apply to the time allowance.

Mayor O'Brien added that when it comes to the Non-Commercial solicitors there are First Amendment rights of free speech issues to consider.

Mayor O'Brien allowed 5 minutes for public comments.

Rachel Castellon 2212 Parkview Terrace asked about the First Amendment; if someone is on your property isn't that trespassing? Attorney McLean answered that legal determinations wouldn't be made at this time and that all aspects are under consideration in preparing this ordinance. It seems that the time is a big issue and in reviewing the non-commercial soliciting, that 9PM seems to be the time most given.

Kate Hedden 810 Prospect Avenue asked if the Borough has reached out to other towns to see which are extreme or limited. Mr. McLean replied that other municipality ordinances have been reviewed and the Borough is taking the time to do this ordinance correctly. Mr. Merriken added that he has read other ordinances and fees vary.

Vincent Petruzzello 723 Pitney Drive stated he understands protecting everyone's rights. He asked if someone could they put their own No Knock sign up? Mr. McLean replied that Council is looking at that in order to establish this properly. Mr. McLean stated that the ordinance will address that. Mr. Petruzzello stated that he has seen signs that a resident could purchase.

Mr. Delaney explained that individuals can do something on their own; such as suggested by Mr. Petruzzello. Mr. Delaney added that the ordinance will incorporate options that property owners can review and do on their own.

Officer Zachary Ramp was in the audience and suggested that residents do research on 2C:18-3; NJ Statute on trespassing for options to protect themselves. Mr. Merriken added that the ordinance will have language that a resident could ask the person even with a permit to leave. Mrs. King added that this is in the proposed ordinance not in the current one.

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Tompey – reported that the town wide garage sale had 50 participants. He added that the Memorial Day Services will start at the Municipal Building at 9:15 am and then move over to the Fire House for 9:45 am.

Councilman Merriken – No Report

Councilwoman King – requested that residents call the police if anything is suspicious.

Councilman Shuler – reported that the lights at Bicentennial Park-Ocean Rd have been repaired and in operation.

REPORTS, NOTICES & CORRESPONDENCE

- Monthly Revenue – April 2017
- Monthly Police Report – April 2017
- Municipal Court Report – April 2017
- Copy of Resolution #45-17 Adopted by South Monmouth Regional Sewerage Authority, Authorizing Issuance of Subordinated Sewer Revenue Bonds
- Public Notice, Spring Lake Heights Board of Adjustment Hearing May 25, 2017 Block 20 Lot 9

ORDINANCE INTRODUCTIONS None

RESOLUTIONS

- **R2017-89**, Authorizing the adjustment of designated Water-Sewer Account

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2017-89 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion, Mr. Diver

- **R2017-90**, Approving the placement of a donation box in the Municipal Office

On a motion by Mr. Merriken, seconded by Mr. Tompey, Resolution R2017-90 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Campion, Mr. Diver

- **R2017-91**, Approving use of the Community Center (Wyckham Manor-Hill & Dale School-Tiny Treasures Nursery School)

On a motion by Mr. Tompey, seconded by Mr. Merriken, Resolution R2017-91 was approved by the following

vote:

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

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

- **R2017-92**, Approving Fireworks display – Spring Lake Golf Club (American Cancer Society)

On a motion by Mrs. King, seconded by Mr. Tompey, Resolution R2017-92 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

- **R2017-93**, Approving issuance of an Alcoholic Beverage Control Social Affair Permit- (Foodbank of Monmouth & Ocean Counties DBA Fulfill

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2017-93 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

- **R2017-94**, Appointing Summer Recreation Program employees

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-94 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

- **R2017-95**, Approving proposed modifications to existing telecommunications at 525 Old Mill Road leased to NY SMSA Limited Partnership DBA Verizon Wireless

On a motion by Mr. Merriken, seconded by Mr. Tompey, Resolution R2017-95 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

- **R2017-96**, Authorizing the Borough Engineer to request NJDOT Municipal Aid grant agreement term extensions

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-96 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

- **R2017-97**, Approving payment of the itemized claims as set forth on the May 19, 2017 Bill List

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-97 was approved by the following vote:

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

Nays: None Abstain: Mr. Tompey Absent: Mr. Champion, Mr. Diver

PUBLIC COMMENT (Any item)

Officer Zachary Ramp wanted to support Councilwoman King’s comments on contacting the police when it comes to anyone soliciting. They will address whether or not they have a permit.

William Moloney 909 Ocean Road asked if consideration been given about Girl Scouts and Boy Scouts going door to door.. Mr. Merriken answered that they are addressed in the proposed ordinance.

Jill LaForge 908 Central Avenue expressed concern with the increase in traffic during the summer. She explained that vehicles are now cutting through 9th & 10th Avenues to get to Highway 71. The stop sign on Central & 8th are not adhered to. Mayor O’Brien stated that suggestions are always welcomed. He added that Ocean Road recently had crosswalks marked out, hopefully that will help. He added that

when Wall Road is paved, the Borough is going to mark them out there as well. Mayor O'Brien suggested that possibly everyone's GPS may be sending them through there to avoid the traffic. Mr. Merriken stressed to encourage the children to wear helmets.

Michele Spang 815 Central Avenue also expressed concern about the traffic in the neighborhood. She stated that drivers are not adhering to the stop signs along Eighth Avenue. She thinks that something additional should be done and suggested a 4 way stop be considered.

Julie LaForge 908 Central Avenue stated that drivers don't stop at the intersection; they act like it's more of a yield. She suggested that a stop sign be placed in the middle of the road. Mayor O'Brien thought it might work and relatively inexpensive to try.

William Maloney 909 Ocean Road stated that Ocean Road has 2 parks and a speed limit of 25 MPH. He added that a bread truck speeds down the road every day 6:00 /6:30 am. Mayor O'Brien stated to inform the police. He added that since he lives on Ocean Road and that there is parking on one side only, this adds to the congestion.

Kate Hedden 810 Prospect Avenue She stated that she lives up the street from the 2 banks on the corner. There are 2 rentals next to the banks with numerous cars, she doesn't know if they are all residents of the apartments. With all of these cars it causes congestion. Mr. Merriken stated that she should call the Code Official if she believes a property is over rented.

Officer Ramp stated that when he's been off duty he has seen some incidents; when there is a marked police vehicle violations don't occur. The department relies on the residents to report violations.

George Corbeels 6 Nadine Drive expressed thanks that Public Works filled the areas on Wall Road that needed immediate attention. He is relieved that Wall Road will be paved by the Gas Company but doesn't see the need for the Borough to spend money to pave the other half. Mayor O'Brien responded that if it was done at a later date, it could potentially damage the half that was first. He offered that the council thought it would be more economical to do it at the same time. Mr. Corbeels also wanted to comment on the Planning Board meeting of the Evergreen Inn; Mayor O'Brien pointed out that it is a Board of Adjustment review not Planning Board. Mr. Corbeels stated that he believed it was reduced to 4 apartments with 8 parking spaces. He doesn't understand the traffic issue, in his opinion there would be more traffic as a B & B as opposed to permanent residents. Mr. Merriken pointed out that the intersection is busy.

Julie LaForge 908 Central Avenue asked how busy the B & B was, she feels people would travel via the train to the B & B. She expressed that the traffic in that area is heavy. She thought it could be a park.

William Moloney 909 Ocean Road stated that it has been reduced to 4 apartments but with more bedrooms. He feels the parking concerns remain.

Mayor O'Brien explained that the council cannot influence the decisions of the Board of Adjustment. He suggested that concerns should be expressed to the Board at the meeting.

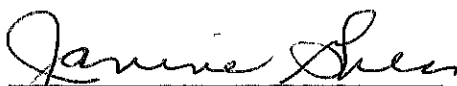
On a motion by Mrs. King, seconded by Mr. Merriken, the public comment period was closed; roll call taken as follows:

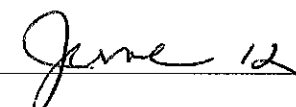
Ayes: Mrs. King, Mr. Merriken, Mr. Shuler, Mr. Tompey

Nays: None Abstain: None Absent: Mr. Champion, Mr. Diver

ADJOURNMENT

There being no further business, on a motion by Mr. Merriken, seconded by Mr. Tompey, the meeting was adjourned without objection at 8:59 p.m.


Janine Gillis, Borough Clerk

Approved: , 2017