

The **June 12, 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:

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

Absent:

Councilman Joseph Tompey

Also attending:

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

7:00 p.m. - EXECUTIVE SESSION: Resolution No. 2017-98

- * Contract Real Property Data Collection & Verification Services (Assessment Inspections)
- * Utility Easement
- * Salary & Wage Ordinance

Borough Clerk, Janine Gillis read the resolution into the record, with the following additions:

REVISED TO ADD AT MEETING - Contract Negotiation - PBA and Litigation - Triffen

On a motion by Mr. Campion, seconded by Mrs. King, Resolution R2017-98 as revised was approved by the following vote:

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

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

ROLL CALL

Present:

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

Absent: Councilman Joseph Tompey

Also attending:

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

APPROVE AGENDA Mayor O'Brien requested the following amendments:

- 1) **Revisions to Executive Session Resolution No. R2017-98**
- 2) **Resolution No. R2017-99**, Awarding a Contract for Real Property Data Collection and Verification Services to Realty Data Systems, LLC
- 3) **Ordinance No. 2017-06**, An Ordinance of the Borough of Spring Lake Heights Establishing Salaries and Wages For The Year 2017

On a motion by Mr. Diver, seconded by Mr. Merriken the amendments to the agenda were approved by the following vote:

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

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

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

APPROVE MINUTES - May 22, 2017 Executive & Regular Session

On a motion by Mr. Shuler, seconded by Mr. Merriken, the Executive & Regular Session minutes of May 22, 2017 were approved by the following vote:

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

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

PRESENTATIONS - None**SCHEDULED PUBLIC HEARINGS - None****PUBLIC COMMENT (Agenda items only)**

Sharon Batteau 1719 Beverly Avenue asked if a resident would need to register to be on the No Knock List, Mr. McLean replied yes. She asked if the information will be passed onto residents when ready, Mayor O'Brien explained that it will be on our website, it's been in the Coast Star, we'll discuss here, possibly on our calendar next year. She stated that she had an issue with someone knocking on her door at 7:30. Mr. Campion explained to call the police. There was discussion as to our current policy and what the proposed is. Mr. McLean explained that there is a difference between commercial and non-commercial solicitations.

Larry Devine 1225 Wall Road stated that there's a denial letter about paving on Wall Road. Mr. Delaney explained that the Borough had applied for a grant to pave half the road; the letter you refer to is a denial for that grant. He reminded all that NJ Natural Gas is paving half and the Borough is paving the other half. Mr. Delaney explained that we applied for the grant but expected to be denied. Mr. Devine asked the time line; Mr. Delaney explained that bids are out for the project. We do have the funds and hope to coordinate with NJ Natural Gas although we don't have a firm commitment from NJNG on a start date. Mr. Devine reported that there is a water access point at the top of Wall Road near Old Mill that has been opened and closed numerous times that now needs attention. Mr. Devine expressed his concern for speeding and large delivery trucks on Wall Road. Mayor O'Brien asked about a weight limit on that road, Mr. Delaney stated there is no weigh limit, he added that a traffic study was done and is awaiting the results. Mayor O'Brien thought there was a sign on Allaire Avenue that stated the Borough had a weight limit on all its roads. Mr. Delaney thought it was on Old Mill Road. Mr. Campion asked if the borough has the authority to restrict that on Wall Road, Mr. Delaney stated yes but he would need to verify what that limit is. Mr. Devine expressed that in his opinion with striping on the road, he feels that the vehicles think they are able to go faster.

Rich Carragher 916 Prospect Avenue thanked Mayor and Council for approving the resolution for the block party on his street and invited Mayor and Council to attend. Borough Clerk added that Public Works would work with Mr. Carragher about the barricades at the end of the block.

John Tangeman 564 Atlantic Avenue asked about the resolution approving a contract with Realty Data. He stated that the executive session minutes from the last meeting state you discussed it, that bids were received from 2 companies, Realty Data was the low bidder and that Mrs. King suggested to award to the other company in order to compare, and to carry until all members are present. Mayor O'Brien stated that it was to allow all members to voice their opinion; Mr. Tompey was at the last meeting and did express his opinion. Mr. Tangeman added that on the same minutes the salary and wage was carried because 2 members weren't present; why are you moving forward; Mr. Diver replied those that weren't there are here tonight and discussed it. Mr. Tangeman thought Mrs. King's suggestion was good. Attorney McLean explained that they were the lowest responsible bidder and there's no prior negative history with the town to allow the council to divert to another bidder. Mr. Tangeman stated that there were problems. Mr. Tangeman asked why it was in executive session; Mr. McLean replied for legal advice on awarding the contract. Mr. Tangeman stated that the minutes from the last executive session state that a decision wasn't made because council members weren't present, today a member is missing and you're doing it anyway. Mr. Diver replied that the council member not here tonight was a part of the discussion at the last meeting.

Kat Crippen 564 Atlantic Avenue expressed that Mayor and Council have never discussed this in public, you should have discussed the matter of Realty Data in public; she added that the public has the right to know about spending money. She asked who had the price. Mayor O'Brien stated that we have discussed this in public. Mr. Diver reviewed the 2 bid amounts. Mr. Diver expressed we've not had any negative issues with this vendor. Ms. Crippen stated that she's heard negative comments; the inspectors were inappropriate; Mr. Diver asked if that was documented. She said that yes, with the assessor and then he raises the value. Ms. Crippen stated that everyone's assessment went up; Mayor O'Brien stated that the company does not set the assessment; their job is to collect the data. Ms. Crippen stated that it was a discussion item last meeting and now it's a done deal, where was the vote taken. Mayor O'Brien stated that there has not been a vote; it's tonight. She expressed that council made the decision by already adding the resolution to the agenda Mr. Campion also reviewed the bid results; we are bound by the lowest bidder. Ms. Crippen felt that it should have been a discussion item first.

On a motion by 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

Nays: None Abstain: None Absent: Mr. Tompey

DISCUSSION ITEMS None

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Merriken – No Report

Councilwoman King – Announced that some improvements are scheduled over the summer with DPW including street signs, painting of lines at stop signs and signs on Old Mill Road and Wall Road. She asked if anyone had anything to report to bring it to her attention.

Councilman Shuler – Announced that the new lift has been installed at public works and the most recent bulk trash pickup was 25 tons for the south end and 18 tons for the north end. He reminded residents that all trash, brush etc. should be out by 7:00 am not the week before. He announced that the timer for the lights at Bicentennial Park has been installed.

Councilman Campion – No Report

Councilman Diver – Announced that the Salary & Wage Ordinance will be introduced tonight.

REPORTS, NOTICES & CORRESPONDENCE

- Monthly Revenue Report May 2017
- Thank You letter from Mr. & Mrs. Costa – Special Young Adults Bowling League
- Copy of Resolution 127-2017 Borough of Manasquan Supporting A4666/SS3080 & A4666/S3801 Reduce Local Affordable Housing Burdens & Provide Defined Rules & Regulations
- Borough of Spring Lake Ordinance 2017-005 Amending Chapter 225 Land Development, Section 20 A (5), Public Hearing on June 27, 2017
- Borough of Spring Lake Ordinance 2017-006 Amending Chapter 225 Land Development, Section 12D, Public Hearing on June 27, 2017
- Borough of Spring Lake Ordinance 2017-007 Amending Chapter 225 Land Development, Section 9, Public Hearing on June 27, 2017
- Township of Wall Ordinance 5-2017- Amending Chapter 140 attachment 3:1 & 3:2 Public Hearing on June 28, 2017
- Notice of Spring Lake Heights Board of Adjustment Hearing – 816 Pitney Drive
- Notice of Spring Lake Heights Board of Adjustment Hearing – 807 Pitney Drive
- Copy of Township of Manalapan Resolution 2017-168 In Support of Legislation Regulating Crematory Approval by a Municipality
- Letter from NJ DOT Re: Grant for Wall Road Paving-Not Awarded

- Letter from NJ DOT Re: Grant for Parkview Terrace Paving-Not Awarded

ORDINANCE INTRODUCTIONS

- **Ordinance No. 2017-05** An Ordinance Amending Chapter 4 (General Licensing) of the Revised General Ordinances of the Borough of Spring Lake Heights Establishing a “No Knock” Registry and Providing for the Regulation of Canvassing, Solicitation and Peddling

Mr. Delaney stated that this matter has been previously discussed and we thought we were ready for introduction. He explained that additional updates have been received and require review. He requested that this ordinance be carried until the next meeting.

Mr. Delaney did qualify that the permitted time for canvassing in the drafted ordinance allows for commercial solicitation is Monday through Saturday, 10:00 am – 6:00 pm and non-commercial is 7 days a week from 10:00 am until 9:00 pm.

- **Ordinance No. 2017-06**
An Ordinance of the Borough of Spring Lake Heights Establishing Salaries and Wages For The Year 2017

Mayor O’Brien explained that the ordinance provides a salary range for the various positions. Mr. Diver read through the ordinance and explained that the increase was 2% but that not all positions were getting the increase. He added that some of the increases are based on existing contracts.

On a motion by Mr. Diver, seconded by Mr. Campion, Ordinance No. 2017-06 was approved for introduction by the following vote:

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

Borough Clerk, Janine Gillis announced that the public hearing will be scheduled for the next council meeting, June 26, 2017.

RESOLUTIONS

- **R2017-99**, Awarding a contract for Real Property Data Collection and Verification Services to Realty Data Systems LLC.

Borough Clerk, Janine Gillis read the resolution in full.

On a motion by Mr. Shuler, seconded by Mr. Merriken, Resolution R2017-99 was approved by the following vote:

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

- **R2017-100**, Authorizing the purchase of a Sanitation Vehicle Chassis & Body Utilizing NJPA Cooperative Purchasing Program

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2017-100 was approved by the following vote:

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

- **R2017-101**, Certifying the Governing Body has Reviewed the Annual Report of Audit for the Year 2016

On a motion by Mr. Campion, seconded by Mr. Diver, Resolution R2017-101 was approved by the following vote:

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

- **R2017-102**, Requesting the Director of NJ Division of Local Government Services to Approve Amendments to the Borough's 2017 Municipal Budget

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-102 was approved by the following vote:

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

- **R2017-103**, Authorizing a Renewal of the Agreement between the Borough of Spring Lake Heights & Wall Township to Share a Joint Municipal Court

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-103 was approved by the following vote:

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

- **R2017-104**, Authoring the Adjustment of a Designated Water-Sewer Account

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-104 was approved by the following vote:

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

- **R2017-105**, Approving the Renewal of the Designated Alcoholic Beverage Control Licenses

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-105 was approved by the following vote:

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

- **R2017-106**, Approving the Waiver of Food Handling Permit Fees for Designated Businesses

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-106 was approved by the following vote:

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

- **R2017-107**, Confirming the Permanent Appointment of Piotr Jenczelewski as Public Works Laborer

On a motion by Mr. Champion, seconded by Mr. Merriken, Resolution R2017-107 was approved by the following vote:

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

- **R2017-108**, Appointing Public Works Temporary/Seasonal Employees

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-108 was approved by the following vote:

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

- **R2017-109**, Appointing Summer Recreation Program Employees

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-109 was approved by the following vote:

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

- **R2017-110**, Approving the Temporary Closure of the 900 Block of Prospect Avenue

On a motion by Mr. Diver, seconded by Mrs. King, Resolution R2017-110 was approved by the following vote:

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

- **R2017-111**, Approving the Use of the Community Center – Spring Lake Heights Elementary School

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-1111 was approved by the following vote:

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

- **R2017-112**, Approving Outdoor Movie Night at Joseph E. Robertson Park by Tri-Shore Little League

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-112 was approved by the following vote:

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

- **R2017-113**, Approving a Fireworks Display at the Spring Lake Golf Club

On a motion by Mr. Merriken, seconded by Mr. Champion, Resolution R2017-113 was approved by the following vote:

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

- **R2017-114**, Authorizing the Execution of an Agreement with the County of Monmouth for Acceptance of designated Equipment

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2017-114 was approved by the following vote:

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

- **R2017-115**, Approving Payment of the Itemized Claims as Set Forth on June 9, 2017 Bill List

Mayor O'Brien pointed out that 2 versions have been given out; going forward we would need to decide which way to go. At one of our meetings it was requested that the bill list print out include the budget account line that was used. Mr. Diver stated it's too voluminous, he suggested that a copy be provided to the audience to review. Borough Clerk, Janine Gillis described the 2 versions. The printout that has been used previously for the meeting packets consists of about 6 pages; the new report is about 22 pages. For the last 2 meetings council has gotten both, as you can see it's cumbersome. Council members discussed and decided to move forward to receive in their packet the short version and to provide a copy of the full detail with budget accounts used to the public on the table to review.

On a motion by Mr. Diver, seconded by Mrs. King, Resolution R2017-115 was approved by the following vote:

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

PUBLIC COMMENT (Any item)

Councilman Champion announced that tonight council approved the review of the audit; he stated that he was proud to say that for 2 years in a row the comment section designates none.

John Tangeman 564 Atlantic Ave stated that he had requested that the bill list show the fund charged; he thought a column could just be added to the shorter report. Mr. Diver explained that it's likely a program issue that different reports indicate different things. Mrs. Gillis stated that the report would always be on the back table.

Kat Crippen 564 Atlantic Ave announced on behalf of the Environmental Commission, she invited council, Gary, Jay and Janine to an event at the Fletcher property; it's a ground breaking event for the butterfly garden. It's June 24th from 6:00 pm to 8:00 pm, light refreshments will be served.

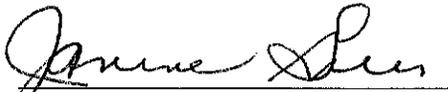
On a motion by Mrs. King, seconded by Mr. Merriken, the public comment period was closed; roll call taken as follows:

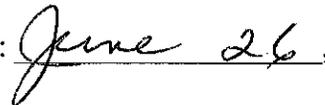
Ayes: Mr. Champion, Mr. Diver, Mrs. King, Mr. Merriken, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Tompey

ADJOURNMENT

There being no further business, on a motion by Mr. Champion, seconded by Mrs. King, the meeting was adjourned without objection at 9:03 p.m.


Janine Gillis, Borough Clerk

Approved: , 2017