

The **June 26, 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
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

Mayor O'Brien read Resolution No. 2017-116 into the record

7:30 p.m. - EXECUTIVE SESSION: Resolution No. R2017-116

* Personnel – Police Contract * Contract: Utility Easement

On a motion by Mr. Merriken, seconded by Mr. Shuler, Resolution R2017-116 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

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

Mrs. King made a motion to amend the agenda to add Resolution No. R2017-126, Authorizing the Execution of an Employment Agreement with Police Chief David Petriken, Mrs. King requested that the resolution is acted upon immediately; seconded by Mr. Merriken, roll call as follows:

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

Mayor O'Brien announced that this contract will carry to the retirement date of the Chief. Councilman Diver added that it expires at the Chief's mandatory retirement date which is the first of the month following his birth month; in this case October 1, 2020.

On a motion by Mr. Campion, seconded by Mr. Diver, Resolution R2017-126 was 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. Merriken, seconded by Mrs. King, 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 - June 12, 2017 Regular Session

On a motion by Mr. Merriken, seconded by Mrs. King, the Regular Session minutes of June 12, 2017 were approved by the following vote:

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

PRESENTATIONS -

- Frank McGarry – Employees Support the Guard and Reserve – Presentation of Award to the Borough of Spring Lake Heights

Mayor O’Brien announced that this presentation will be carried to the next meeting, July 10, 2017.

- Kyle Bauter – Eagle Scout Community Service Project

Kyle distributed a copy of his project. He presented to council an Eagle Scout Project he would like to do at Allaire Road Park. Presently, there is a path from Crosby Road to the park which is overgrown. He would like to clear the path, border it with pressure treated landscape lumber and fill the path with pea gravel or whatever the town would like to use. He feels that it would make for safer travel from Crosby Road. He added that he spoke with Public Works Director, Joe May who stated that he would assist with a tractor to help remove roots that are in the path. The project requires a signature from the Mayor approving the project.

Mr. Campion congratulated Kyle on his accomplishment and supports the project; he made a motion to execute the agreement with the project under the supervision of Mr. May.

On a motion by Mr. Campion, seconded by Mr. Merriken, the agreement is hereby authorized by the following vote:

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

Mayor O’Brien reviewed that there is a curb cut out on Crosby which leads to the dirt path. The Crosby paving project allowed for putting a footing as an entrance, Kyle than volunteered to take on the clean up of the path.

Chief Petriken made a presentation to Sgt. O’Neill for a lifesaving event that occurred on Father’s Day. He announced that Sgt. O’Neill is responsible for EMT training of the police officers; ¾ of the staff are EMT trained; he added that Michael Matunas is the most recent graduate. Chief Petriken presented Sgt. O’Neill with a pin and a Certificate of Appreciation. Chief Petriken also presented to Michael Matunas and Ed Gunnell the Award for Outstanding Community Service.

SCHEDULED PUBLIC HEARINGS – 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. Merriken and seconded by Mrs. King, the public comment period was opened by the following vote:

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

The meeting was open to the public for comment – none presented.

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

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

On a motion by Mr. Diver, seconded by Mrs. King, Ordinance No. 2017-06 was adopted by the following vote:

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

PUBLIC COMMENT (Agenda items only)

John Tangeman 564 Atlantic Ave inquired about the No Knock Ordinance listed on the agenda. He read the definition of canvassing on the proposed ordinance. He inquired about going to your neighbors to possibly discuss an event within town; such as a Planning Board meeting. Attorney McLean responded that you would need to follow the requirements of the ordinance unless your neighbor invited you. Mr. Tangeman asked about council campaigning; Mr. McLean responded that they would have to follow the ordinance; Mr. Tangeman thought that this was a little too restrictive.

Councilman Champion asked Mr. McLean about kids calling upon their neighbors to shovel snow. Attorney McLean replied that there would be unusual circumstances such as this and he felt neighbors would be ok with this situation.

Mr. Delaney explained that preparing this ordinance has been challenging; he added a phrase from Attorney McLean is that it must be content neutral and applied uniformly.

Rita Murphy 2014 Highway 71 Asked if a resident posted a “No Trespassing” sign on their property would it hold the same rules as someone listed on the No Knock List? Attorney McLean replied that if you have a No Trespassing sign posted on your property or you’re on the No Knock List, people have to observe that and if they don’t, you need to call the police. Officer Ramp was in the audience; he concurred. Ms. Murphy asked what if someone is injured on your property will canvassing. Attorney McLean replied that this couldn’t be addressed at this time. Officer Ramp stated that he would supply a copy of the statute.

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. Shuler
Nays: None Abstain: None Absent: Mr. Tompey

DISCUSSION ITEMS – None

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Diver – No Report

Councilman Champion – No Report

Councilman Shuler – Announced that due to the storm over the weekend, Public Works was out today picking up brush and will be out again tomorrow. He added that No Overnight Parking signs have been placed at the Community Center and Ocean Road Bicentennial Park and Robertson Park.

Councilwoman King – No Report

Councilman Merriken – Announced that Public Works has done fire hydrant and valve replacement on Wall Road and that the Borough drinking water is good, it meets all the safety standards.

Councilman Champion added the old siren at the Community Center is gone; the new fire siren has been installed at the firehouse. There has been some testing of the equipment and the decibel level is less than the previous siren. There will be some additional testing in the future.

Mayor 'Brien announced that the summer recreation camp started today and registration has reached an enrollment of 225 campers.

REPORTS, NOTICES & CORRESPONDENCE

- Planning Board Appointment – Stephen Clark – Mayor O’Brien stated that a member had to resign and Mr. Clark was an alternate that has been moved to a regular member.
- Monthly Court Revenue – May 2017
- Monthly Police Report – May 2017
- Wall Township Planning Board Hearing – Block 152 Lot 17
- Proposed Ordinance by Monmouth County Regional Health Commission #1 – Licensing of Electronic Smoking Device Establishments

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 in order to Establish a “No Knock” Registry and Providing for the Regulation of Canvassing, Solicitation and Peddling

On a motion by Mr. Campion, seconded by Mrs. King, Ordinance No. 2017-05 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, July 10, 2017.

RESOLUTIONS

- **R2017-117**, Authorizing 2017 Salaries for Designated Borough Officials and Employees within the Previously Established Salary Ranges.

On a motion by Mr. Diver, seconded by Mrs. King, Resolution R2017-117 was approved by the following vote:

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

- **R2017-118**, Awarding the Contract for the 2017 Wall Road Resurfacing Project to Meco, Inc.

On a motion by Mr. Campion, seconded by Mr. Merriken, Resolution R2017-118 was approved by the following vote:

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

- **R2017-119**, Awarding the Lease Bid for Space on the Borough’s Water Storage Tank to New Cingular Wireless PCS, LLC (AT&T)

On a motion by Mr. Merriken, seconded by Mr. Diver, Resolution R2017-119 was approved by the following vote:

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

- **R2017-120**, Authorizing the Release of the Designated Performance and /or Maintenance Guarantee

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-120 was approved by the following vote:

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

- **R2017-121**, Authorizing the Purchase of 2- 2017 Ford F450 Vehicles with Dump Bodies & Snow Plows

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-121 was approved by the following

vote:

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

Nays: None Abstain: None Absent: Mr. Tompey

- **R2017-122**, Appointing a Summer Recreation Program Employee

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-122 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Tompey

- **R2017-123**, Approving Use of the Community Center – Wyckham Manor Association

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution R2017-123 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Tompey

- **R2017-124**, Approving use of the Ocean Road Park Tennis Courts – Jersey Shore Tennis League

On a motion by Mr. Merriken, seconded by Mrs. King, Resolution R2017-124 was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Tompey

- **R2017-125**, Approving Payment of the Itemized Claims as Set Forth on June 23, 2017 Bills List

On a motion by Mr. Diver, seconded by Mrs. King, Resolution R2017-125 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)

Kat Crippen 564 Atlantic Ave Asked if the Public Works Yard is going to be expanded. She heard from neighbors who stated that the property was surveyed and that the surveyor stated that it was going to be storage for construction debris. Mr. Delaney replied that the survey was done in conjunction with the ongoing site remediation from a spill at the location. Mr. Delaney added that the bond ordinance included funding for some building improvements, nothing is going to be expanded. Ms. Crippen thanked whomever was responsible for parking the DPW trucks to the back of the property.

George Corbeels 6 Nadine Drive thanked Public Works for the prompt pickup of the brush today from the weekend storm. He stated that he had been misquoted by the Coast Star about the Evergreen Inn. Mayor O'Brien asked if he wanted to clarify now, Mr. Corbeels stated no. He stated that a manhole cover on Wall Road, close to Rt. 71 needs repair, the cover is tilted. He asked who is responsible for the maintenance of Polly Pod in Spring Lake Heights. Mayor O'Brien invited Kat Crippen from the Environmental Commission to explain. She stated that it is in Spring Lake Heights and that in order to gain access we need permission from the owner of the shopping center. Mr. Diver added that the shopping center parking lot floods. Mr. Corbeels feels that in the winter SMRSA dumps treated water into it. Attorney McLean responded that he didn't believe that SMRSA dumped into it. Mr. McLean offered that Mr. Corbeels could call them directly. Mr. Corbeels feels that the Borough should address this. Mr. Delaney stated that post Sandy the area was cleaned from Highway 71 to the railroad. He added that he would look into the area that is Borough owned. Mr. Corbeels asked about a sidewalk across the culvert on Highway 71 into Wall Township; it's a well-worn path but really should be a sidewalk. Mayor O'Brien offered that it could be a combination of needing the State, Wall Township and Spring Lake Heights involvement. Mr. Corbeels stated that since the Borough is getting 2 new trucks, would the old ones be put out of service and not continue to put money into them. He inquired

how someone finds out about items previously brought up at meetings. Mr. Corbeels stated that he's brought up things and haven't heard anything. Mayor O'Brien explained some are budgeting decisions; he invited Mr. Corbeels to come to meetings during the budget process. Mayor O'Brien stated that quarterly the Borough Administrator does a quarterly report on ongoing projects. Mr. Diver added that some projects do extend over several months. Mayor O'Brien stated that the Borough doesn't own the street lights; Mr. Corbeels agreed that they are behind the times.

John Tangeman 564 Atlantic Ave reviewed that the canvassing ordinance states to apply at least 3 days prior to your requested canvas date and that the Chief of Police has 3 days to review. He feels this time frame should be reviewed so that you can apply and get your permit back in time for your date. He thought it could create an issue to review the application; maybe that should be changed.

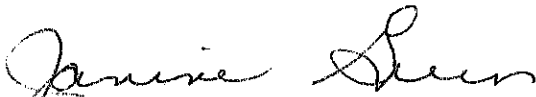
Rachel Castellon Parkview Terrace stated that she was at Allaire Road Park and that the water faucet was running in the men's room and that there was no shut off. She added that the pipe travels to another room which there was no access to. John Tangeman announced that he had seen that as well, he added that he was there today and the faucet was removed. M. Shuler would speak to Public Works.


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. Shuler
Nays: None Abstain: None Absent: Mr. Tompey

ADJOURNMENT

There being no further business, on a motion by Mr. Merriken, seconded by Mrs. King, the meeting was adjourned without objection at 8:55 p.m.


Janine Gillis, Borough Clerk

Approved:  July 10, 2017