

The **November 27, 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:

Absent: None

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

Also attending:

Gary McLean, Borough Attorney

**EXECUTIVE SESSION: Resolution No. 2017-183 Authorizing an Executive Session**

\* Anticipated Litigation- Code Enforcement

\* Attorney Client Privilege-Water Ordinance & Request for Proposals

On a motion by Mr. Campion, seconded by Mr. Tompey, Resolution No. 2017-183 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

Mayor O'Brien announced that there are technical difficulties with the live stream of the meeting. It will be fixed for the next meeting.

**ROLL CALL**

Present:

Absent: None

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

Also attending:

Gary McLean, Borough Attorney

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**

Councilman Diver requested amendments to the agenda; adding Resolution Numbers R2017-183 Supporting the Drive Sober or Get Pulled Over 2017 Statewide Crackdown, R2017-184 Authorizing an Executive Session and permitting the Governing Body to Exclude the Public From a Portion of a Public Meeting and Ordinance No. 2017-11 An Ordinance of the Borough of Spring Lake Heights Amending Chapter XV Water, Section 15-1.14 Rates.

On a motion by Mr. Diver, seconded by Mr. Campion the agenda will be amended to include Resolution #'s R2017-183, R2017-184 and Ordinance #2017-11 and 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

Mayor O'Brien announced that at a prior meeting, Councilman Diver had remarked that he was reviewing the utility rates. After crunching the numbers with the administrator and finance we are able to lower the rates; therefore the push to put this through.

On a motion by Mr. Merriken, seconded by Mr. Campion the agenda as amended 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

**APPROVE MINUTES - November 13, 2017**

On a motion by Mr. Merriken, seconded by Mr. Tompey, the Regular Session minutes of November 27, 2017 were approved by the following vote:

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

**PRESENTATIONS - None**

**SCHEDULED PUBLIC HEARINGS**

- **ORDINANCE NO. 2017-08** An Ordinance of the Borough of Spring Lake Heights – Adding Section 2-33 of the Revised General Ordinances of the Borough of Spring Lake Heights in Order to Create the Position of Assistant Borough Administrator

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

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

The meeting was open to the public on Ordinance No. 2017-08; None Presented

On a motion by Mr. Campion, seconded by Mr. Tompey, 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

On a motion by Mr. Diver, seconded by Mr. Campion, Ordinance No. 2017-08 was adopted by the following vote:

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

Mayor O'Brien explained that this creates the position of Assistant Borough Administrator.

- **ORDINANCE NO. 2017-09** An Ordinance of the Borough of Spring Lake Heights Establishing a Salary for the Position of Assistant Borough Administrator for the Year 2017

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

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

The meeting was open to the public on Ordinance No. 2017-09

George Dougherty 47 Willow Lane asked about a salary for the position, Mr. Diver replied that there is a salary range of \$24,000 to \$40,000. Mayor O'Brien added that the salary would be reviewed annually each year. Mr. Dougherty asked if council will vote on a salary, Mr. Diver replied yes. Mr. Dougherty

asked the salary of the Borough Administrator? Mr. Diver replied \$115,000 but not now as there is a part time administrator with a salary of about half that. Mayor O'Brien added that the present administrator is paid an hourly rate. Mayor O'Brien added that the existing administrator salary and this position salary would still be less than the salary of the previous administrator. Mr. Diver added that benefits are not paid to the current administrator. Mr. Dougherty asked if that comes to about \$100,000. Mr. Campion added that since working with a part time administrator we have found it works very well. More things are getting done throughout the Borough and getting done more effectively, moral amongst the employees is higher and we're saving the taxpayers money. The goal would be to take a look at an interlocal and sharing an administrator; yet have someone in the office to execute the daily operation of the Borough. Mr. Dougherty asked about the length of the part time administrator, Mr. Diver replied 6 months, since July.

On a motion by Mr. Campion, seconded by Mr. Shuler, 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

On a motion by Mr. Diver, seconded by Mr. Shuler, Ordinance No. 2017-09 was adopted by the following vote:

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

#### **PUBLIC COMMENT (Agenda items only)**

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

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

The meeting was open to the public; None Presented

On a motion by Mr. Diver, 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

#### **DISCUSSION ITEMS –**

- No Knock List

Mayor O'Brien reviewed that the council has talked about a no knock registry and rules about soliciting in town.

Councilman Campion stated that residents had spoken to him about a registry of a No Knock List. A resident would be able to register at the Borough office to be placed on a list that would be provided to solicitors that they would not go and solicit to. The previous attempts at this became cumbersome and he was looking for a simple code that could be adopted to just establish a list. We have a sample of No Knock ordinances from neighboring towns. Mr. Campion asked attorney McLean if he had put something together. Mr. McLean explained the samples are similar but would want council to indicate the council's particular preferences. He pointed out that Wall Township does have exceptions for the first aid, fire dept. Mr. Campion asked what exceptions are deemed permissible by State law. Mr. McLean pointed out that placing a No Trespassing sign out on your lawn, prevents anyone to come onto your property. Mayor O'Brien thought that the town could provide such a sign and wouldn't need the law. Mr. Campion thought still having a list would be helpful.

Mr. McLean stated that there should be a definition of what a solicitor or canvasses is. Mayor O'Brien thought the application done by the residents could indicate what type of solicitor they would allow to come to their home.

The meeting was open to the public.

George Corbeels 6 Nadine Drive expressed that if there was a sign up sheet which could include a list that a resident would allow a person to approach a home. Mr. McLean stated it's easier to indicate commercial vs. non-commercial. He asked if the police would have the list; Mayor O'Brien replied yes.

Frank Cavalieri 16 Rosewood Ct asked if there would be time restrictions; Mayor O'Brien replied yes. Officer Ramp was in the room; he presented the rules for canvassing. Mr. Diver read the permitted time is 9:00 am to 5:00 pm, the canvasser must have ID and carry the permit issued them. Officer Ramp explained that the Chief processes the application and it's then posted on the Police Facebook page that a permit has been issued. Mayor O'Brien stated if any resident has a concern about someone in their neighborhood; they should call the police.

On a motion by Mr. Merriken seconded by Mr. Campion, 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

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

Councilman Tompey – Announced that Recreation Basketball is starting next week and the Basketball Clinic starts this week. He also wanted to thank the Spring Lake Manor and the Elementary School for hosting the exercise classes while the community center has been under renovations

Councilman Merriken – reported that Public Works is fixing the manhole covers along Wall Road since the paving, we're in the process of filling the well and the picnic tables for the park won't be delivered until next year.

Councilwoman King – No Report

Mayor O'Brien – Reminded everyone about the tree lighting which this year is back at the Municipal Office on Thursday, December 7<sup>th</sup> at 7pm. He announced that refreshments will be afterwards at the fire house.

Councilman Shuler – No Report

Councilman Campion – No Report

Councilman Diver – No Report

## **REPORTS, NOTICES & CORRESPONDENCE**

- Spring Lake Heights Board of Adjustment November 30, 2017 Re: 1212 Crosby Road

## **ORDINANCE INTRODUCTIONS**

- **ORDINANCE NO. 2017-10** An Ordinance of the Borough of Spring Lake Heights – Amending Chapter IX Recreational Facilities, Section 9-1 Parks and Community Center of the Revised General Ordinances of the Borough of Spring Lake Heights

Mayor O'Brien stated that this changes the rate structure at the Community Center. Borough Clerk, Janine Gillis added that tonight there is an additional change to 9-1.4 Alcoholic Beverages. This would allow for alcoholic beverages at the Community Center. Approval by Mayor and Council would be required for alcoholic beverages to be consumed at the parks.

On a motion by Mr. Campion, seconded by Mr. Tompey, Ordinance No. 2017-10 was introduced by the following vote:

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

Nays: Mrs. King Abstain: None Absent: None

There will be a public hearing on this ordinance at the next meeting on December 11, 2017.

- **ORDINANCE NO. 2017-11** An Ordinance of the Borough of Spring Lake Heights, Amending Chapter XV Water, Section 15.1-4 Rates of the Revised General Ordinances of the Borough of Spring Lake Heights

Councilman Diver stated that a review of the utility budget and the income generated on the water/sewer side has shown that we've generated a very healthy surplus on an annual basis; the utility budget is very sound. With this we will be able to paint the water tower as scheduled without having to borrow money. The water utility has become self-sufficient; he added that in previous years this surplus was used to balance the budget, in recent years we stopped doing this. The change includes the base usage which is 9000 gallons will be increased to 11,000 gallons. The next rate level of 11,000 to 25,000 gallons will go from \$5.60 per thousand gallons to \$4.50 and the last tier which is usage over 25, 000 gallons will go from \$7.50 to \$6.50 per thousand gallons. He added that these changes will be felt by most users in town; families with children but every user will have a benefit. Mr. Diver stated that Spring Lake Heights has the lowest rates in Monmouth County and most likely one of the lowest in New Jersey. Mr. Diver thanked Mr. Merriken and Mr. Barrett for their help in putting this together.

Mr. Champion added that this was something he wanted to do but didn't have all the required data necessary. This requires a review of at least 3 years of revenue and planning of what projects that would be necessary. This includes the painting of the water tower which is a million dollar project, the miles of pipe in the ground that are very old, they need maintenance which costs a lot of money to keep them functioning. He's very proud that this planning was put in place and that we are in the good position that we are in today and planning for our future.

Mr. Diver stated that the rate changes apply only to residential accounts not commercial.

Mr. Merriken thanked Mr. Diver and Mr. Champion for their hard work in doing their research.

Mayor O'Brien explained that this will still bring in enough revenue for any future expenses.

On a motion by Mr. Diver, seconded by Mr. Champion, Ordinance No. 2017-11 was introduced by the following vote:

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

There will be a public hearing on this ordinance at the next meeting on December 11, 2017.

## RESOLUTIONS

- **R2017-180**, Confirming the Appointment of an Assistant Borough Administrator; Mayor O'Brien announced his nomination is Janine Gillis. Mr. Champion confirmed that this salary is \$30,000, he reviewed that this salary and that of the Part Time Administrator at about 60,000 is still a savings of about \$25,000 plus a savings of not paying for any benefits for the administrator.

On a motion by Mr. Shuler, seconded by Mr. Diver, Resolution R2017-180 was approved by the following vote:

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

Mrs. King commented that she thought that the position was going to be advertised. She added that her no vote has nothing to do with the person that has been nominated. She feels that an administrator should be available during the day, not paying 2 part time people, even though this is a savings. She feels an administrator could be brought in at a lesser salary either part time or fulltime or it could be a shared service. She doesn't feel it's the way to go, adding that she feels this is too much responsibility on a person that holds multiple positions. Mr. Diver announced that Janine would be relinquishing the 2 board secretary positions. Mrs. King stated that she wished she knew that prior to voting.

Mayor O'Brien congratulated Janine. He stated that since July the Borough has been running exceptionally

smoothly. He stated that he has been the Mayor for 2 years and councilmember for 3 years prior; it hasn't been run better than it is now. This person has been doing the work and took on the additional duties and should be compensated for the work.

Mr. Champion added that if it was anyone else other than Janine he would have voted no. To get someone else integrated with the administrator, other departments would have taken a long time which could have sacrificed services to our residents. Having someone in the office already proven to the job, it just makes sense.

Mayor O'Brien stated that this is a one year appointment; giving us the time to still look into a long term administrator. Potentially a shared service, this would have to be worked out.

Mr. Diver added that there is a savings of about \$25,000 in salary and when adding the cost of benefits the savings comes to about \$50,000; this is a real savings.

Mr. Merriken asked if someone was in place to fill the positions that Janine is giving up. Mr. Champion stated it would happen after the New Year. Mr. Diver explained that the 2 boards appoint their own secretary.

Mr. Diver stated that since July Janine has done an outstanding job coming into very harsh circumstances; we owe her great debt of gratitude.

- **R2017-181**, Authorizing Execution of Affidavit of Owner's Consent for Sprint Spectrum Realty Company L.P. Successor in Interest to Sprint Spectrum, L.P. for upgrade at 525 Old Mill Road

On a motion by Mr. Champion, seconded by Mr. Merriken, Resolution R2017-181 was approved by the following vote:

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

Mr. Champion pointed out that they are replacing the equipment there and not increasing the size or amount of space.

- **R2017-182**, Approving payment of the itemized claims as set forth on November 24, 2017 Bill List

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution R2017-182 was approved by the following vote:

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

- **R2017-184**, Supporting the Drive Sober or Get Pulled Over 2017 Statewide Crackdown

On a motion by Mr. Shuler, seconded by Mr. Diver, Resolution R2017-180 was approved by the following vote:

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

#### **PUBLIC COMMENT (Any item)**

Kat Crippen 564 Atlantic Ave expressed that she is glad to see the process has been followed for the position; she asked when the Public Works department would be included in the code book. She commented that in 2008 there was a project to update our code book. There was an emergency appropriation to make this happen. When is this going to be done? She clarified that she is referring to a complete review of the book not for updating current ordinances.

Mayor O'Brien expressed that he recently had a conversation with Mr. McLean about this subject and wanted to verify where it stood and getting the funding to complete it. Mr. McLean stated he could update to council as to the status.

George Corbeels 6 Nadine Drive expressed concern over the change to the upper tier; he thought homeowners would over use water and not conserve.

Mr. Diver explained that the upper tier is the smallest group; the middle tier is where most residents fall.

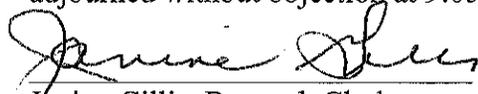
On a motion by Mr. Merriken, seconded by Mr. Tompey, the public comment period was closed; roll call taken as follows:

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 Mr. Shuler, seconded by Mr. Tompey, the meeting was adjourned without objection at 9:05 p.m.

  
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Janine Gillis, Borough Clerk

Approved: December 11, 2017