

The **April 16, 2018** 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 8:00 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 Joseph Tompey
Councilman James Shuler
Mayor Thomas O'Brien

Absent:

Councilman Robert Merriken

Also attending:

Dennis Collins, Borough Attorney
John Barrett, Borough Administrator

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 announced that Resolution No. R2018-79 has been revised; a copy of which was given to council tonight, Resolution No. R2018-82 & R2018-83 were not listed on the agenda but included in the council packet, and this evening we're adding Resolution No. R2018-84, awarding a contract to Leon S. Avakian.

On a motion by Mr. Campion, seconded by Mr. Diver the agenda was amended correcting & adding the above by the following vote:

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

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

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

APPROVE MINUTES - March 19, 2018

On a motion by Mr. Campion, seconded by Mr. Tompey, the Regular Session minutes of March 19, 2018 were approved by the following vote:

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

PRESENTATIONS -- None

SCHEDULED PUBLIC HEARINGS - None

PUBLIC COMMENT (Agenda items only)

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

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

The meeting was open to the public; None Presented

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

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

DISCUSSION ITEMS –

- **Paint The Town Pink**

Janine announced that the month of May is **Paint The Town Pink** month and Spring Lake Heights will be participating. On Thursday, May 17 at 6:30 pm there will be a presentation by 3 Doctors, we've had this event previously and it is very informative. If you attend and are wearing Pink you'll be eligible for a prize, this event is free. Also, on Saturday, May 19th they'll be a friendly wiffle ball game between the Spring Lake Heights Police, Fire and First Aid members against the Bradley Beach Police, Fire and First Aid members. She also reported that Pink light bulbs are for sale at the school and at the Borough office, their \$5.00 and the proceeds go to the Pink Fund. It's a way to Pink the Town.

- **Letter from Rachel Castellon – Proposed Ordinance allowing for Chicken Hens**

Rachel reported that she has had some resident speak to her about having chickens in town. She investigated some other town ordinances, mentioning Eatontown and Jackson and spoke to some code officials. She prepared an ordinance based on the information she gathered. The proposal would be chicken hens, no roosters, owners would need to take a class, obtain a license and would be limited to the number of chickens they could have based on lot size. The chickens would be kept in a coop/shelter which must be maintained and kept clean. She offered that maybe the licenses would be limited to 10 households giving anyone with chickens presently to have priority in obtaining one of the ten permits. There would be setback requirements in placement of the coop. Rachel explained that if council desired she could arrange to have someone from Rutgers or the Environmental Association of NJ come and speak at a council meeting.

Mr. Diver asked how many years they lay eggs, Rachel replied about 8 years, adding that once this time passes people keep them as pets or take them to be butchered. Mr. Diver asked if there is a process for inspection once someone had a coop. Ms. Castellon stated that there are requirements on maintenance of the coop; this is taught at the required class. Mr. Diver was concerned about the bacteria. Ms. Castellon stated that it is covered in the class.

Mayor O'Brien stated that council would have to discuss and see if as a group it should be put forward.

Councilman Diver asked about the placement of the coop, Ms. Castellon stated that there are very specific requirements, it couldn't attach to a home; it should be a free standing structure with various maintenance requirements.

Mayor O'Brien suggested that it should be presented to the Planning Board for their review of the setbacks and that all the information is consistent with the borough's accessory structure requirements. Rachel stated she could make a presentation to them as well. Mayor O'Brien pointed out that the Planning Board Chair is present, that possibly Rachel could speak with her. .

Councilman Campion stated that he was concerned about this but that some of his questions have been answered but the towns mentioned have larger lot sizes. Ms. Castellon stated that lot size would limit the number of chickens.

Attorney Collins pointed out that he was Planning Board Attorney in Eatontown during their adoption process and could provide a lot of background information on how that process went.

- **2018 Municipal Budget**

Mayor O'Brien asked John Barrett to speak to the budget.

Mr. Barrett stated that the budget has been a work in progress over the last few months. He pointed out that Councilman Diver suggested that a public information session on line would be beneficial as well as the public hearing on May 21st.

Mr. Barrett stated we've been able to keep the lower rates that were put in place last year so there is no increase there. The current fund budget there is a slight increase of about \$82.00 a year for the average household. We are fully fund for our pension and insurance obligations. On the agenda also are capital ordinances. This budget includes the down payment for the bonds. The first ordinance is for various capital improvements, including the paving of 17 roads within the borough, curbing, improvements to parks, outside improvements to the Community Center and police radios & vehicles.

Mayor O'Brien pointed that it has always been a slow process getting our roads paved, usually only 1 or 2 dependent on grants that we've gotten. This means we could move forward and take care of a large number of streets at once. Mr. Campion agreed, this is a continuation of plans that we been working on the last 3 years towards our asset plan. Mr. Diver added that these roads are in bad shape, some of the roads haven't been touched in 40 years; it must be done. The Mayor stated we are in a very strong financial state putting us in a good position to borrow. With the capital plan we have in place we are ready to take this on.

The second ordinance is for various improvements to our water-sewer, well or pump stations improvements, this would mean funding is in place for these large scale projects.

Mr. Barrett stated that we will still move forward applying for grants and if awarded the funding would pay down the debt. He added that the budget would be available for review and on the website.

Mr. Barrett stated the budget is introduced tonight; it's forwarded to the State and then a public hearing. The public is welcome to come out and speak about it and then must be adopted by Mayor and Council.

Mr. Diver stated that this increase equates to about 1 penny. He added this is a good time to borrow money, rates are very low. He added that even with this increase, Spring Lake Heights is still an affordable community to live in.

Mr. Diver thanked Mr. Barrett, the department heads and the council members that participated in the process of the budget. Mr. Campion echoed that and all the departments were willing to move funds from their own budget to assist other departments to get projects done.

Mayor O'Brien stated that Attorney Collins mentioned that previously Councilman Tompey was advised not to vote on any council matters that involved the fire company. Mr. Collins stated that there is no conflict and that he should vote, he does not personally benefit.

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Mayor O'Brien – stated that doing this job isn't always easy but the council works and answers to the residents, no matter how difficult.

Councilman Diver – stated that the budget talk was enough.

Councilman Campion – stated that everyone worked hard on the budget, all had input. He stated that we spoke about funding for the police dep., he offered that the police answered 840 calls in the month of March one of which was a CPR save. He wanted to acknowledge Cpl. Bennett, Patrolman Willms, Special Office Bokop and Chief Joe Tompey.

The Mayor added that he also wanted to acknowledge Sgt. Shafer and Patrolman Willms for an emergency call for his mother.

Councilman Shuler – announced that the Public Works did a great job with all our snow storms. Due to some snow events it could change or cancel our trash dates pick up dates; he encouraged residents to sign up for the notification system so that you are aware of any changes. Mr. Campion added that it is very easy to do by going through the town's website.

Councilwoman King – the code committee is scheduled to meet on Wednesday, she asked if council members had any suggestions to please contact Janine, Dennis or herself.

Councilman Tompey – Recreation Summer camp dates will be out soon, just waiting for confirmation as to the last day of school. Sign up dates will be announced shortly.

REPORTS, NOTICES & CORRESPONDENCE

- Monthly Police Report – March 2018

- Monthly Court Report – February 2018
- Spring Lake Heights Board of Education Revised Meeting Schedule
- JCP&L Public Notice Proposed Increase in Remediation Adjustment Clause
- Fair Haven Resolution No. 2018-84 Recognizing the Community Parkland Florida Reaffirming the Strict Assault Weapons Law in the State of New Jersey and Advocating for Stricter National Level Gun Safety Legislation and Improved Reporting & Management of Persons at Risk
- Red Bank Resolution No. 18-90 Recognizing the Community Parkland Florida Reaffirming the Strict Assault Weapons Law in the State of New Jersey and Advocating for Stricter National Level Gun Safety Legislation and Improved Reporting & Management of Persons at Risk
- Letter dated March 26, 2018 from resident, Michael Rubino regarding response to medical emergency.

ORDINANCE INTRODUCTIONS

- **Ordinance No. 2018-04** 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 \$1,700,000 therefor, and providing for the issuance of \$1,615,000 in bonds or notes of the Borough of Spring Lake Heights to finance the same.

On a motion by Mr. Diver, seconded by Mr. Champion, Ordinance No. 2018-04 was introduced by the following vote:

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

Borough Clerk announced that the public hearing would be scheduled for the next meeting, May 7th.

- **Ordinance No. 2018-05** Bond ordinance of the Borough of Spring Lake Heights, in the County of Monmouth, New Jersey, providing for various water & sanitary sewer utility improvements and other related expenses for the borough and appropriating \$3,000,000 therefor, and providing for the issuance of \$3,000,000 in bonds or notes of the Borough of Spring Lake Heights to finance the same

On a motion by Mr. Diver, seconded by Mr. Shuler, Ordinance No. 2018-05 was introduced by the following vote:

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

Borough Clerk announced that the public hearing would be scheduled for the next meeting, May 7th.

RESOLUTIONS

- **R2018-71**, Approving the 2018 Municipal Budget

On a motion by Mr. Diver, seconded by Mr. Champion, Resolution No. 2018-71 was approved by the following vote:

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

Attorney Collins pointed out that this is referred to as approved; it really is an introduction.

- **R2018-72**, Authorizing the self-examination of the budget for 2018

On a motion by Mr. Diver, seconded by Mr. Shuler, Resolution No. 2018-72 was approved by the following vote:

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

- **R2018-73**, Confirming the appointment of an Assistant Borough Administrator

On a motion by Mr. Diver, seconded by Mr. Campion, Resolution No. 2018-73 was approved by the following vote:

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

- **R2018-74**, Confirming the appointment of Borough Clerk

On a motion by Mr. Diver, seconded by Mr. Campion, Resolution No. 2018-74 was approved by the following vote:

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

- **R2018-75**, Confirming the appointment of a part-time office assistant

On a motion by Mr. Diver, seconded by Mr. Tompey, Resolution No. 2018-75 was approved by the following vote:

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

- **R2018-76**, Governing Body Compliance with the US Equal Employment Opportunity Commissions Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964

On a motion by Mr. Campion, seconded by Mr. Tompey, Resolution No. 2018-76 was approved by the following vote:

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

- **R2018-77**, Authorizing the sale of surplus items through USGovBid.com

On a motion by Mr. Campion, seconded by Mr. Tompey, Resolution No. 2018-77 was approved by the following vote:

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

- **R2018-78**, Authorizing the Mayor and Borough Clerk to sign agreement with the Township of Wall for maintenance & use of interconnection

On a motion by Mr. Diver, seconded by Mr. Shuler, Resolution No. 2018-78 was approved by the following vote:

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

- **R2018-79**, Authorizing participation in the Houston-Galveston Area Council Cooperative Purchasing Program and authorizing the purchase of a vehicle under this program plus miscellaneous equipment.

Mayor O'Brien pointed out that this is to replace 2 older pieces of equipment with this one purchase. Mr. Campion pointed out that the repair expenses on the older vehicles is extreme, he also thanked Mr. Tompey for the give and take in selecting this equipment.

On a motion by Mr. Campion, seconded by Mr. Diver, Resolution No. 2018-79 was approved by the following vote:

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

- **R2018-80**, Authorizing the execution of the owner's consent for New Cingular Wireless LLC to upgrade their equipment at 525 Old Mill Road

On a motion by Mr. Campion, seconded by Mr. Tompey, Resolution No. 2018-80 was approved by the following vote:

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

- **R2018-81**, Approving use of the Cornelius V. Kelly Community Center – St. Catharine School

On a motion by Mr. Shuler, seconded by Mr. Tompey, Resolution No. 2018-81 was approved by the following vote:

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

- **R2018-82**, Borough Council supporting UDRIVE, UTEXT, UPAY Campaign

On a motion by Mr. Campion, seconded by Mr. Diver, Resolution No. 2018-82 was approved by the following vote:

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

Mr. Campion commented on the stats quoted in the resolution but he stated "Don't text & drive, it's not worth it".

- **R2018-83**, Approving the Payment of Itemized Claims as set Forth on the April 16, 2018 Bill List

On a motion by Mr. Diver, seconded by Mr. Campion, Resolution No. 2018-83 was approved by the following vote:

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

- **R2018-84**, Authorizing a contract with Leon S. Avakian, Inc. for professional services.

Mayor O'Brien pointed out that one of the duties of the planner would be to assist the planning board with the Master Plan.

On a motion by Mr. Diver, seconded by Mrs. King, Resolution No. 2018-84 was approved by the following vote:

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

PUBLIC COMMENT (Any item)

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

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

George Corbeels Nadine Drive stated that he has spoken about some concerns that he has. He would like an update on speed limit signs on Wall Road, the traffic lights on Wall Road & Ocean Road, the sidewalk over Polly Pod by the shopping center and a sidewalk on Snyder where residents walk to & from the shopping center. Mr. Campion stated that he also had a hard time contacting JCP&L as well; he thinks the borough should just set their own posts. Mr. Campion stated that the signs have been purchased and will be put in place. Mr. Campion explained that the sidewalk over Poly Pod is not our property but certainly we could send another letter. Mr. Corbeels stated that the shopping center parking lot floods, with that and the flooding of Polly Pod he feels this would breed mosquitos. Mayor O'Brien explained that DOT has previously come and cleaned Polly Pod, it should definitely be done more frequently.

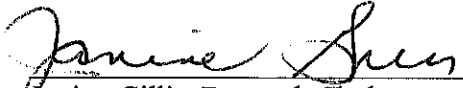
Jim Hanes 611 Mercer Avenue stated that he heard that the Tap House bought the house behind the restaurant, he's not familiar with the zoning but he would object to any enlargement of the restaurant. Mr. Diver stated that they would have to apply to one of the boards for any enlargement.

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

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

ADJOURNMENT

There being no further business, on a motion by Mr. Diver, seconded by Mr. Tompey, the meeting was adjourned without objection at 9:10 p.m.


Janine Gillis, Borough Clerk

Approved: May 21, 2018