

The **August 20, 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 James Shuler
Mayor Thomas O'Brien

Absent:

Councilman Robert Merriken
Councilman Joseph Tompey

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 the agenda will be amended to add Resolution R2018-141; Second resolution of censure of Spring Lake Heights Councilman Robert Merriken by the members of the governing body of the Borough of Spring Lake Heights and list a discussion item: Councilman Merriken.

On a motion by Mr. Diver, seconded by Mr. Shuler, the agenda will be amended by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

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

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

APPROVE MINUTES - August 6, 2018

On a motion by Mrs. King, seconded by Mr. Diver, the Regular Session minutes of August 6, 2018 were approved by the following vote:

Ayes: Mr. Diver, Mrs. King

Nays: None Abstain: Mr. Campion, Mr. Shuler Absent: Mr. Merriken, Mr. Tompey

SCHEDULED PUBLIC HEARINGS

Mayor O'Brien announced that the ordinances will be carried until the next meeting, Tuesday, September 4, 2018.

- **Ordinance No 2018-07** Amending Chapter II to include a new subsection "Tax Collector Fees"
- **Ordinance No 2018-08** Amending Chapter IX "Recreational Facilities"
- **Ordinance No 2018-09** Amending Chapter X "Building and Housing"
- **Ordinance No 2018-10** Amending chapter XI "Fire Prevention"

On a motion by Mrs. King, seconded by Mr. Diver, the motion to carry Ordinance No 2018-07, 2018-08, 2018-09, 2018-10 to September 4, 2018 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

Borough Attorney, Dennis Collins announced that a publication to re-notice is not necessary.

PUBLIC COMMENT (Agenda items only)

On a motion by Mr. Shuler, seconded by Mrs. King, the public hearing was opened by the following vote:

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

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

None presented

On a motion by Mr. Diver, seconded by Mrs. King, the Public Hearing was closed by the following vote:

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

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

DISCUSSION ITEMS – Councilman Merriken

Mayor O'Brien wanted to discuss Councilman Merriken. Mayor O'Brien offered that he hasn't said much but feels under the current circumstances he would like to address it. Mayor feels that Mr. Merriken is not taking responsibility for service nor meeting minimum requirements of his job because he is not here tonight, yet continues to serve on council; it does not put Spring Lake Heights in a good light. He feels he should focus on his personal matters at this time.

Mr. Champion is livid, believes in due process but feels one's personal matters shouldn't distract from our serving the community. National Night Out was a great event, a wonderful community outreach by our Police Dept. and then this erased it; it's not fair to the community and a terrible example to our children. His issues should not be a part of this council.

Mr. Diver, as Chairman of Republican Committee, calls for Mr. Merriken's resignation. Mr. Diver sympathizes with his situation but believes his conduct has been disgraceful, needs to find a way through his situation but not in public. He must resign because it is right thing to do.

Mayor O'Brien added that if he hears this; the Borough has services to help Mr. Merriken wishes to avail himself of them.

Mr. Shuler stated that he agrees with Councilman Champion & Diver; he is not doing the town any favor by staying on council.

Mrs. King stated that we are not judge & jury; she herself has been advised to remain silent. She believes Mr. Merriken is in a difficult situation, vicious talk is not helping, she expressed that she didn't appreciate Mr. Champion's comments in the Coast Star. She read that he made derogatory comments about her. She feels Mr. Merriken is doing what he's being told to do by professionals.

Mayor added we've tried patience and compassion as well as restraint in speaking publicly after the loss of his wife; we can no longer remain silent, he feels he is getting bad advice and is making it worse for himself. He should focus on himself and remove himself from this job.

Mr. Champion apologized for his comments in the Coast Star about Mrs. King; not meant to hurt. He feels that if she had on stepped up earlier, we may not be discussing this right now; he vehemently defends the community. Mr. Merriken has created this problem for us because he hasn't resigned, he should resign now.

Mr. Diver responded this isn't about us, it is about Mr. Merriken; he is receiving due process and it is not for us to render due process. We are responsible to the public to state what our thoughts are on the matter; we think he should go.

Mr. Champion thought it would be different if he was here to address the public.

Mrs. King added that Mr. Merriken cannot discuss case.

On a motion by Mr. Diver, seconded by Mr. Champion, the discussion was ended by the following vote:

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

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Mr. Diver – reported our audit has been completed and is clean; this is the second year in a row.

Mr. Campion – reported National Night Out was a phenomenal resounding success by police department. Also, the storm last week there was a lot of activity with emergency services & DPW, we had water where we've never seen it before. With the great help from Spring Lake & Don Brant cutting a trench, it mitigated the potential problem of further flooding. He thanked the residents for cooperating by staying off the roads; he added that the video images of rain on the roads were good for people to see.

Mayor O'Brien – asked about video of flooding near post office area.

Mr. Campion – responded that problem of drainage in that area – video drove the point home of impact on area; sent video to DOT people; Sean Kean helping to get things moving/facilitate conversations in respect to state drainage issue.

Mr. Shuler - commented that DPW received numerous compliments about their clean-up after the storm, in particular on Allaire Rd.; also complimented Mr. Campion for keeping us informed during storm, thanked police department & DPW for their work.

Mr. Campion - thanked Mr. John Meehan from JCP&L for their response/help in the flooded apartments during/after storm.

Mrs. King – mentioned carrying ordinances to next meeting; also the committee will be starting work on the land use code book.

Mayor O'Brien – thanked the Fire Department during the storm as well.

REPORTS, NOTICES & CORRESPONDENCE

- Monthly Municipal Court Report – July 2018
- Borough of Spring Lake Public Hearing Notice Re: Ordinance 2018-006 Amending Borough Code to Regulate Retail Commercial & General Commercial
- Borough of Sea Girt Public Hearing Notice Re: Amending Zoning Definitions & Schedule of Limitations
- Township of Wall Public Hearing Notice Re: Amending the Zoning Map
- Monmouth County Board of Chosen Freeholders Public Hearing Notice Re: Public Input on 2019 5311 Grant Serving Urban & rural Transportation & 2019 Application for Funding of Senior Citizens & Disabled Resident Transportation
- Monmouth County Planning Division notice for RFP's for HOME Housing Production Program

RESOLUTIONS

- **R2018-136**, Certifying that Governing Body has reviewed Annual Report of Audit for 2017

On a motion by Mr. Diver, seconded by Mr. Campion, the Resolution No.2018-136 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

- **R2018-137**, Accepting the Performance Guarantee for 206 Highway 71 LLC Block 20 Lot 9

On a motion by Mr. Diver, seconded by Mr. Shuler, Resolution No 2018-137 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

- **R2018-138**, Approving Designated Memberships in the Fire Department

On a motion by Mr. Campion, seconded by Mrs. King, Resolution No 2018-138 was approved by the following vote:

Ayes: Mr. Campion, Mr. Diver, Mrs. King, Mr. Shuler

Nays: None Abstain: None Absent: Mr. Merriken, Mr. Tompey

- **R2018-139**, Approving the Use of the Community Center – Commons Condominium Association
On a motion by Mrs. King, seconded by Mr. Campion, Resolution No 2018-139 was approved by the following vote:

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

- **R2018-140**, Approving Payment of the Itemized Claims as set forth on August 16, 2018 Bill List
On a motion by Mr. Diver, seconded by Mrs. King, Resolution No 2018-140 was approved by the following vote:

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

- **R2018-141, Resolution of Second Resolution of Censure of Mr. Merriken**

Mr. Diver read the resolution into the record.

On a motion by Mr. Campion, seconded by Mr. Diver, Resolution No 2018-140 was approved by the following vote:

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

PUBLIC COMMENT (Any item)

On a motion by Mr. Diver, seconded by Mrs. King, the Public Comment Section was opened by the following vote:

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

Eileen Eilenberger of 1213 Pond Rd. On behalf of Shore Community Alliance thanked the Police Dept. for a table at National Night Out. She announced the next Planning Board meeting is September 19, we will have a public comment session for input when reviewing Master Plan.

Bernadette Heine of 5 Jason Dr. Her neighbor the new home on Old Mill Rd. asked if someone could enforce the builder to dispense of the dirt pile; she shared pictures of mud after the rain storm. Mayor asked Mr. Barrett who had already spoken with our code enforcement officer to report. Mr. Barrett stated that our code officer had inspected. He added that Mr. May has also gone to construction office to review drainage plans. The issue is inherent slope of property, water will come down; has instructed team to make sure neighboring property is compliant. He stated that he did not know when dirt pile will be removed; will work to resolve problem.

George Dougherty of 47 Willow Ln.. Stated that he had received his tax bill and when compared to the county tax rates; something wasn't right. The tax bill doesn't show municipal tax & open space tax as one. Mr. Collins stated it is a county-derived document. Mr. Barrett reviewed our tax statement, explained it agrees with county; will follow up with Mr. Dougherty.

Frank Cavaliere of 16 Rosewood Ct. Asked about the resolution on Mr. Merriken and the comment made about the public defender. Mr. Collins explained that Mr. Merriken should recuse himself from voting on our public defender bills; the public defender is his personal attorney as well.

Bernadette Heine 5 Jason Drive wanted to thank the Police Dept. and Chief Gunnell for how great they were with help during/after storm.

On a motion by Mr. Diver, seconded by Mr. Campion, the Public Comment Section was closed by the following vote:

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

ADJOURNMENT

There being no further business, on a motion by Mr. Diver, seconded by Mr. Champion, the meeting was adjourned without objection at 8:30 P.M.

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

Nays: none

Abstain: None

Absent: Mr. Merriken, Mr. Tompey


Janine Gillis, Borough Clerk

Approved: , 2018