

The **April 1, 2019** 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 William Graetz
Councilwoman Sara King
Councilman James Shuler
Mayor Thomas O'Brien

Absent:

Councilman Leonard Capristo

Also attending:

Dennis Collins, 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

Mayor O'Brien asked for a motion to add Realty Data as a discussion item, Janine has information she would like to advise us of.

Councilwoman King wanted to add an item of discussion. She has been requested by residents that a forensic audit be done of the borough's finances in due to recent events. She added that she had a resolution to approve the audit to add tonight. Mayor O'Brien suggested that it first be added as a discussion item, a resolution could be added later.

On a motion by Mr. Shuler, seconded by Mr. Graetz, the agenda will be amended to add discussion items; Realty Data contract for inspections and forensic financial audit by the following vote:

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

Nays: None Abstain: None Absent: Mr. Capristo

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

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

Nays: None Abstain: None Absent: Mr. Capristo

SWEARING IN OF NEW COUNCIL MEMBER

Mayor O'Brien announced that Republican Party put forth 3 names to replace the vacancy on council created by Mr. Diver's resignation: Thomas DeFazzio, Irene Byrnes & Chris Willms.

On a motion by Mr. Campion, seconded by Mr. Graetz, Christopher Willms was nominated and approved as councilman to fill empty seat vacated by Mr. Diver by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mr. Shuler

Nays: Mrs. King Abstain: None Absent: Mr. Capristo

Mayor O'Brien swore Christopher Willms into office; he took council seat at 7:15PM.

APPROVE MINUTES - March 25, 2019

On a motion by Mr. Graetz, seconded by Mr. Shuler, the Regular Session minutes of March 25, 2019 were approved by the following vote:

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

Nays: None Abstain: Mr. Willms Absent: Mr. Capristo

PRESENTATIONS - None

SCHEDULED PUBLIC HEARINGS

- **Ordinance No. 2019-04**, Amending & Supplementing Chapter XXII Entitled “Municipal Land Use Regulations” of the Revised General Ordinances of Borough of Spring Lake Heights

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

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

No comment

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

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

On a motion by Mr. Graetz, seconded by Mr. Shuler, Ordinance No.2019-04 was approved by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

PUBLIC COMMENT (Agenda items only)

On a motion by Mr. Campion, seconded by Mr. Shuler, the Public Comment section was opened by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

No comment

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

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

DISCUSSION ITEMS –

- Forensic Audit

Mayor O'Brien asked if the request was for an independent company to audit borough finances.

Mrs. King stated yes that was the request. She read a resolution she prepared which asked for the audit to be done for the past 5 years and that it under supervision of Mayor & Council only. Mr. Shuler asked how much it will cost; Mrs. King stated she did not know, we would have wait and inquiry. Mr. Campion noted that finance chair has no power to issue purchase orders, sign or write checks, controls are in place; although not opposed to audit in order to alleviate concerns. The borough's finances are audited each year. Mrs. King feels residents want this; she feels it's the best thing to do moving forward. Mayor O'Brien agreed that there are controls; stated he is in favor of pursuing options. Mr. Shuler wants to know cost. Attorney Collins offered an example of a 3 year audit he has experienced and the cost was \$175,000. He recommends an RFP which would indicate costs and to understand the level of review and what the review would include. Mr. Campion added that an expenditure like that would be a tax increase; we first should know what we would be looking for and for how many years. Mrs. King asked that the administrator or any other employee is not involved in this process. She would like it to remain with Mayor and Council only. Attorney Collins pointed out that the auditor does not take direction from any employee, it's part of their bonded license.

On a motion by Mr. Campion, seconded by Mr. Graetz, that Mayor O'Brien and Attorney Collins work to put together an RFP to investigate finance records that Mayor & Council could review and decide how to move forward, roll call was taken and approved by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

- **Realty Data Renewal**

Mrs. Gillis explained that Realty Data has completed the 5 year schedule for inspections. When the council awarded the 2 year contract in 2017, the contract included the option to renew for 3 one year renewals and that the pricing for these additional years would remain at the 2017 pricing. Mayor O'Brien explained state program requires us to perform physical assessments. Mr. Campion recalled that when we awarded in 2017 we did not exercise our option to continue for the final 2 years with Realty Data instead we went out to bid. Realty Data was awarded the contract as the low bidder but because it was a new contract it had new pricing, it cost us more money.

On a motion by Mr. Campion, seconded by Mr. Shuler, one-year extension of current contract with Realty Data was approved by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Mr. Graetz – New Rec Director, Erik, is off to a good start; summer rec program will take place at Allaire Rd. Park; possible 8th grade community-based bond award.

Mr. Campion – reported on revised schedule for paving of roads

Mr. Shuler – reported that there will be new playground equipment at Community Center

Mrs. King – reported we received DOT grant of \$225,000 for drainage improvement project

Mr. Willms – thanked everyone for opportunity to serve on council

Mayor O'Brien asked about process to replace finance chair. Mr. Collins will look into it for next meeting.

REPORTS, NOTICES & CORRESPONDENCE

- 2018 Annual Tax Collector Report
- Letter from NJDOT Municipal Aid Program - Spring Lake Heights award of \$225,000. for Lake Drive roadway and drainage improvements

ORDINANCE INTRODUCTIONS - None

RESOLUTIONS

- **R2019-79**; Authorizing the Mayor to execute a contract with Dynamic Testing Service
On a motion by Mr. Shuler, seconded by Mr. Campion, Resolution No. R2019-79 was adopted by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

- **R2019-80**; Supporting the 2019 UDRIVE, UTEXT, UPAY distracted driving crackdown- April 1 to 21, 2019

On a motion by Mrs. King, seconded by Mr. Graetz, Resolution No. R2019-80 was adopted by the following vote:

Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo

- **R2019-81**; approving use of the Cornelius V. Kelly Community Center- Spring Lake Heights Elementary School 8th grade
 On a motion by Mrs. King, seconded by Mr. Graetz, Resolution No. R2019-81 was adopted by the following vote:
 Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo
- **R2019-82**; Approving use of the Cornelius V. Kelly Community Center – Monmouth County Young Democrats
 On a motion by Mr. Graetz, seconded by Mrs. King, Resolution No. R2019-82 was adopted by the following vote:
 Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo.
- **R2019-83**; Approving payment of the itemized claims as set forth on the March 29, 2019 Bill List
 On a motion by Mrs. King, seconded by Mr. Graetz, Resolution No. R2019-83 was adopted by the following vote:
 Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms, except
 Nays: None Abstain: Mr. Willms on anything related to his brother Casey
 Willms Absent: Mr. Capristo

PUBLIC COMMENT (Any item)

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

 Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo

Joe Walker of 1205 Ocean Rd. asked how to proceed to ask borough to sponsor a health-related cause. Mayor O'Brien responded he will meet with him after tonight's meeting.

Anna Kuntz of 2005 Parkview Terrace asked about meetings on Facebook; Mayor responded we will be recording; asked about seeing appraisal report; Mr. Collins clarified process: it is an assessment report; property record card goes to assessor who makes assessment, need to speak with tax assessor to question assessment. Feels audit is important. Questioned paving plans; Mr. May responded her concerns would be addressed.

On a motion by Mrs. King, seconded by Mr. Graetz, the Public Comment section was closed by the following vote:

 Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo

ADJOURNMENT

There being no further business, on a motion by Mr. Graetz, seconded by Mr. Campion, the meeting was adjourned without objection at 7:55p.m.


 Janine Gillis, Borough Clerk

Approved: April 15, 2019