

6:30 p.m. - Prior to the start of the council meeting Mayor O'Brien and Fire Prevention Officer Ryan Dullea presented awards to the Fire Prevention Poster Contest winners

The **May 6, 2019** regular 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 Leonard Capristo
Councilman William Graetz
Councilman James Shuler
Councilman Willms
Mayor Thomas O'Brien

Absent:

Councilman Christopher Campion
Councilwoman Sara King

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

On a motion by Mr. Graetz, seconded by Mr. Shuler, the agenda was approved with the revised bill list by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

APPROVE MINUTES - Executive & Regular Session - April 15, 2019

On a motion by Mr. Shuler, seconded by Mr. Graetz, the Executive & Regular Session minutes of April 15, 2019 were approved by the following vote:

Ayes: Mr. Capristo Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

PRESENTATIONS – Robert McArthur – Recycling Update Mayor O'Brien announced that Mr. McArthur was unable to make it tonight, he will come to a future meeting.

SCHEDULED PUBLIC HEARINGS - None

PUBLIC COMMENT (Agenda items only)

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

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: Absent: Mr. Campion, Mrs. King

No comment

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

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: Absent: Mr. Campion, Mrs. King

- **R2019-95**, Authorizing a tax lien redemption payment – Block 85.01 Lot 32.04

On a motion by Mr. Graetz, seconded by Mr. Shuler, Resolution No. 2019-95 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

- **R2019-96**, Authorizing disposal of surplus items

On a motion by Mr. Graetz, seconded by Mr. Willms, Resolution No. 2019-96 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

- **R2019-97**, Approving use of Ocean Road Park Tennis Courts – Jersey Shore Tennis League

On a motion by Mr. Shuler, seconded by Mr. Graetz, Resolution No. 2019-97 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

- **R2019-98**, Approving payment of the itemized claims as set forth on the May 3, 2019 Bill List

On a motion by Mr. Graetz, seconded by Mr. Shuler, Resolution No. 2019-98 was approved by the following vote:

Ayes: Mr. Capristo*, Mr. Graetz, Mr. Shuler, Mr. Willms*

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

* Mr. Capristo approved all except Ansell and Mr. Willms approved all with exception of anything related to his brother

PUBLIC COMMENT (Any item)

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

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

Margaret Sarraco 800 Allaire Road Thanked Mayor O'Brien about acknowledging the request for the proclamation about gun violence. She is a member of the organization Moms Against Gun Violence. She explained that there several neighboring municipalities had already taken the initiative and endorsed the proclamation; she hoped that Spring Lake Heights would do the same.

Al Seniszyn 606 Prospect Ave asked council why the water bill is set up to charge for water even if you have not used it. He stated that he owns a couple of properties in town that from time to time are empty with no usage and yet he is billed. He offered that in his residence up north that is not the case. Mayor O'Brien explained how the town obtains water from the reservoir and the cost. He explained that the Borough's charges are very low compared to some of our neighboring municipalities. Mr. Graetz offered that certainly the council could review are charges and see if there is something that could be changed.

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

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

Mr. Collins announced that there is one item for executive session; he added that we may take official action after we reconvene; he read the following resolution into the record:

Resolution authorizing an Executive Session and permitting the Governing Body to exclude the public from a portion of a public meeting

Resolution No. R2019-99

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the Public at a later date under the following circumstance.

BE IT FURTHER RESOLVED that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
5. Deals with purchase, lease or acquisition of real property with public funds.
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public.
8. Related to investigation of violations or possible violations of the law.
9. Related to pending litigation – Tax Appeal.
10. Falls within the attorney-client privilege and confidentiality is required.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.
12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

▪ **R2019-99, Executive Session**

On a motion by Mr. Graetz, seconded by Mr. Willms, Resolution No. 2019-99 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Graetz, Mr. Shuler, Mr. Willms

Nays: None Abstain: None Absent: Mr. Campion, Mrs. King

Councilman Capristo left the meeting at 7:29PM.

On a motion by Mr. Graetz, seconded by Mr. Willms, council reconvened after executive session by the following vote:

Ayes: Mr. Graetz, Mr. Shuler, Mr. Willms, Mayor O'Brien

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

▪ **R2019-100, Ratifying the filing of counterclaims with regard to 3 State Tax Court Appeals.**

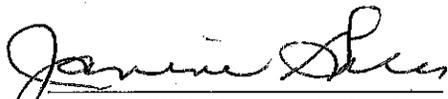
On a motion by Mr. Graetz, seconded by Mr. Shuler, Resolution No. 2019-100 was approved by the following vote:

Ayes: Mr. Graetz, Mr. Shuler, Mr. Willms, Mayor O'Brien

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

ADJOURNMENT

There being no further business, on a motion by Mr. Willms, seconded by Mr. Graetz, the meeting was adjourned without objection at 7:35p.m.


Janine Gillis, Borough Clerk

Approved: May 20, 2019