

The **August 12, 2019** executive session of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey was called to order by Mayor O'Brien at 6:30 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
Councilman Christopher Willms

Also attending:

Dennis Collins, Borough Attorney
John Barrett, Administrator

EXECUTIVE SESSION – Resolution No. 2019-136 Executive session permitting the Governing Body to exclude the public from a portion of the meeting. Attorney Collins read the 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. R2019-136

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.
- X 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/anticipated litigation or contract negotiations in which the public body is or may be a party.
- _____ 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.

On a motion by Mr. Campion, seconded by Mr. Shuler, Resolution No. 2019-136 was adopted by the following vote:

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

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

The **August 12, 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 Christopher Campion
Councilman William Graetz
Councilwoman Sara King
Councilman James Shuler
Mayor Thomas O'Brien

Absent:

Councilman Leonard Capristo
Councilman Christopher Willms

Also attending:

Dennis Collins, Borough Attorney
John Barrett, Administrator
Joseph May, Borough Engineer-Director-DPW

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. Campion, seconded by Mr. Graetz, the agenda was amended to include the revised bills list by the following vote:

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

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

On a motion by Mr. Graetz, seconded by Mr. Shuler, 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, Mr. Willms

APPROVE MINUTES - July 15, 2019

On a motion by Mr. Shuler, seconded by Mr. Graetz, the minutes were approved by the following vote:

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

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

PRESENTATIONS

Spring Lake Heights Recreation Sand Sculpture Team Mayor O'Brien read letter from Recreation Director explaining about sand castle contest winners: campers who created a "Landing on the Moon" sand castle, designed by Arts & Crafts Director Harmony Schwier, won 1st place trophy in the camp division of contest; Mayor presented campers with certificates.

Mayor O'Brien also congratulated Pdraig Donal Brennan of Spring Lake Heights, a new Eagle Scout, this is the highest ranking in Scouting. A scout must demonstrate good character & community service, this is a distinguished honor and special achievement.

On a motion by Mr. Campion, seconded by Mr. Graetz, the agenda was amended to include **R2019-149**, to ratify agreement with DPW, by the following vote:

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

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

Mayor O'Brien stated that DPW workers wanted to be recognized by performance not through a step program. Mayor O'Brien added that the town looks great thanks to Joe May and his crew. Councilman Campion added that DPW guys are rock stars, keep town and parks looking great, appreciate all they do.

- **R2019-149** Ratifying the agreement with the Spring Lake Heights Employee Association

On a motion by Mr. Campion, seconded by Mr. Graetz, R2019-149 was adopted by the following vote:

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

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

SCHEDULED PUBLIC HEARINGS

- **Ordinance No. 2019-06**

An ordinance of the Borough of Spring Lake Heights amending and/or supplementing Ordinance No: 2019-01 entitled "an ordinance of the Borough of Spring Lake Heights establishing salaries and wages for the year 2019"

On a motion by Mr. Campion, seconded by Mr. Graetz, the public hearing was opened, by the following vote:

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

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

Kimberly Frazier, 704 Shore Rd., said there were questions not addressed. Mayor explained they looked at cost analysis of how much we've paid in past, option to go out to bid if we need position of Purchasing Agent. Ms. Frazier asked about hours, person, expense of certification. Mayor responded Borough reimburses for education courses; Administrator added that courses taken were paid out of pocket by individual. Mayor & Mr. Campion clarified we want to compare what we spent in past to RFP. Job will be posted.

On a motion by Mr. Shuler, seconded by Mr. Graetz, the public hearing was closed, by the following vote:

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

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

On a motion by Mr. Campion, seconded by Mr. Shuler, Ordinance No. 2019-06 was adopted by the following vote:

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

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

Mrs. King stated that she voted no for reasons expressed by Ms. Frazier; needs clarification on number of hours involved for this position.

Mayor O'Brien stated that if we do hire someone for this position, it would be by resolution.

- **Monmouth County Municipal Open Space Grant Program - Public Hearing/Comment**

Re: Proposed Improvements to the Wreck Pond Waterfront, East side of Highway 71

Mr. May explained we are applying for an open-space grant to clean up Wreck Pond shorefront east of highway; residents have complained about overgrown vegetation.

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

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

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

Sharon Batteau, 1719 Beverly, asked if there will be a list of specific improvements. Joe May responded consideration given to something to view Wreck Pond, clean up non-native species of vegetation, eliminate poison ivy for example. Unrelated to tree replacement.

Kimberly Frazier, 704 Shore Rd., would like the west side of Hwy 71 on Shore Rd. to be included in grant application as well; high vegetation, insect problem, narrow walking area etc.

Eileen Eilenberger, 1215 Pond Rd., glad we are looking to improve the area, would like to see a walking path. Joe May stated there is opportunity to possibly add such.

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

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

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

PUBLIC COMMENT (Agenda items only)

On a motion by Mr. Graetz, seconded by Mr. Campion, the public comment section was opened, by the following vote:

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

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

Steve Dodd thanked council for getting DPW contract adopted; thanked Joe & John for their role as well.

On a motion by Mr. Campion, seconded by Mr. Graetz, the public comment section was closed, by the following vote:

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

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

DISCUSSION ITEMS – none

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Mrs. King – reported Borough Attorney informed her Sections 100-300 of Land Use Code Book are being printed up, will be ready to present changes in near future; a lengthy process.

Mr. Shuler – thanked DPW Dept. for doing a great job keeping town clean.

Mr. Campion – reported that Police Dept. had 988 calls for service in July; First Aid Squad had 118 calls; Spring Lake Heights Police & Borough Facebook pages are worth watching. National Night Out was phenomenal; great job Chief Gunnell & police & DPW department; park looked great. Meeting with Assemblymen Thompson & Kean and DOT about flooding situation at north end of highway; NJTransit discharge pipe is severely undersized; continue to follow it up.

Mr. Graetz – Yankees trip went off – 29 tickets were sold – not bad for first baseball outing in 8 years; Mets trip is August 29 – sign up through Community Pass; Recreation had a table at National Night Out promoting up & coming things; working on getting sponsors for Cornhole League; Summer rec program went well – 120 campers registered, averaged 75 campers/day, no cancellations; surveying parents for new ideas for next year; thanked Fire Dept. for assistance on water day & Peaches & Cream Ice Cream Truck for supplying ice cream that day; congrats to sand castle crew for great job.

Mr. Campion - thanked Fire Dept, First Aid Squad and all groups who came out for National Night Out.

Mayor O'Brien – reported on public forum hosted by Environmental Committee to re-utilize/re-invigorate public area cleared of trees; about 50 people came out, overwhelming opinion of those who spoke validated our hope to replant trees; want to hear rest of input from public at public hearing in September; main execution of plan will probably happen next year.

Mr. Campion reminded all that meetings are live-streamed & archived on Facebook; noted exposure & accountability; environmental committee did a great job hosting.

Mayor O'Brien echoed sentiment/need to model good/open behavior on council.

REPORTS, NOTICES & CORRESPONDENCE

- Spring Lake Heights Monthly Police Report – July 2019
- Spring Lake First Aid Monthly Report – July 2019
- Affidavit of Tax Bill Mailing
- NJ Transit Public Hearing August 16, 2019 Re: Request for Federal Financial Assistance
- Township of Wall Public Hearing August 28, 2019 Re: Land Use & Development Regulations-Improvement, Performance & Maintenance Guarantees
- Jersey Central Power & Light Public Hearing August 13 & 14 Re: Environmental Remediation Costs & proposed change in rates for Rider USF charge
- Spring Lake Heights Board of Adjustment Public Notice August 22, 2019 Re: 501/503/507 7th Ave Variance Application
- NJ Natural Gas Public hearing 8/21 & 8/22 Re: Annual review & revision of basic gas supply service & conservation incentive program
- NJ Natural Gas Public hearing 8/21 & 8/22 Re: Request for approval of cost recovery associated with energy efficiency programs
- NJ Natural Gas Public hearing 8/21 & 8/22 Re: Request for approval of a base rate adjustment to SAFE & NJ RISE programs
- NJ Natural Gas Public hearing 8/21 & 8/22 Re: Establishment of universal service fund & 2019/2020 compliance filing

ORDINANCE INTRODUCTIONS None

RESOLUTIONS

- **R2019-137** Appointing a police officer to permanent status

On a motion by Mr. Campion, seconded by Mrs. King, Resolution No. 2019-137 was approved by the following vote:

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

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

- **R2019-138** Appointing a Deputy Borough Clerk

On a motion by Mr. Campion, seconded by Mr. Graetz, Resolution No. 2019-138 was approved by the following vote:

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

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

Mrs. King asked if this was individual previously discussed, Janine Gillis replied yes.

- **R2019-139** Approving submission of a grant with the New Jersey Department of Transportation

On a motion by Mrs. King, seconded by Mr. Campion, Resolution No. 2019-139 was approved by the following vote:

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

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

- **R2019-140** Awarding of a contract to Kupex Exteriors Inc – Community Center exterior renovations

On a motion by Mr. Campion, seconded by Mr. Graetz, Resolution No. 2019-140 was approved by the following vote:

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

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

Mrs. King asked what the improvements are. Mr. May replied that all exterior wood would be replaced with Azek, soffits boxed in, new gutters, new front door and columns and siding. He added that the project went out to bid; we received 9 bids, the highest was \$246K. Mr. Barrett added it was part of 2018 capital program.

▪ **R2019-141** Authorizing a contract to purchase 2 police vehicles

On a motion by Mr. Shuler, seconded by Mr. Campion, Resolution No. 2019-141 was approved by the following vote:

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

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

Mrs. King asked if the vehicles would be fully stocked with required equipment. Mr. Barrett replied yes and that the purchase was through a state contract.

▪ **R2019-142** Certifying that members of the Governing Body have reviewed the 2018 Annual Report of Audit

Mr. Barrett summarized that auditor had no recommendations, gave us a clean audit.

On a motion by Mr. Campion, seconded by Mr. Graetz, Resolution No. 2019-142 was approved by the following vote:

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

Nays: Mrs. King Abstain: Absent: Mr. Capristo, Mr. Willms

Mrs. King stated she was not prepared to vote as she hadn't had an opportunity to read the entire audit. She did not want a similar occurrence to when member of audience asked us if we had read complete document and we had not. She has not read audit report and will not sign off on it until she reads it.

▪ **R2019-143** Authorizing the cancellation of property taxes

On a motion by Mr. Campion, seconded by Mr. Graetz, Resolution No. 2019-143 was approved by the following vote:

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

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

▪ **R2019-144** Authorizing the refund of duplicate payment of property taxes

On a motion by Mr. Graetz, seconded by Mrs. King, Resolution No. 2019-144 was approved by the following vote:

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

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

▪ **R2019-145** Authorizing the credit of water-sewer utility charges

On a motion by Mr. Graetz, seconded by Mr. Shuler, Resolution No. 2019-145 was approved by the following vote:

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

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

▪ **R2019-146** Social Affair Permit – Michael Gerard Puharic Memorial Fund Inc.

On a motion by Mr. Shuler, seconded by Mr. Graetz, Resolution No. 2019-146 was approved by the following vote:

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

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

▪ **R2019-147** Approving outdoor music at the Spring Lake Golf Club

On a motion by Mr. Graetz, seconded by Mrs. King, Resolution No. 2019-147 was approved by the following vote:

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

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

▪ **R2019-148** Approving payment of itemized claims on the August 9, 2019 Bills List

On a motion by Mr. Campion, seconded by Mr. Shuler, Resolution No. 2019-148 was approved by the following vote:

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

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

PUBLIC COMMENT (Any item)

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

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

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

No comment.

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

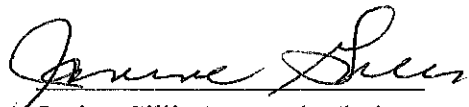
Ayes: Mr. Campion, Mr. Graetz, Mrs. King, Mr. Shuler

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

Mr. Campion explained the process by which council members are given the agenda and corresponding documentation. The council receives our meeting packet to review for Monday's council meeting on Friday. We have weekend to look at such things as audit and bills list and check with Borough Hall on Monday if we need any follow-up; if there's an issue with process of getting material on Friday and acting on it on Monday, perhaps we need to adjust process to have more time to review things. Mayor agreed that there may be items that would need more time to review bigger things.

ADJOURNMENT

There being no further business, on a motion by Mr. Campion, seconded by Mr. Graetz, the meeting was adjourned without objection at 7:44p.m.


Janine Gillis, Borough Clerk

Approved: September 3, 2019