

The **November 19, 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 Richard Diver  
Councilman William Graetz  
Councilwoman Sara King  
Councilman Robert Merriken  
Councilman James Shuler  
Mayor Thomas O'Brien

Absent:  
Councilman Christopher Campion

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 announced that the agenda will be amended to include Resolution No. 2018-177, Approving the appointment of new part-time office assistant, Dorothy McGowan.

On a motion by Mr. Diver, seconded by Mr. Graetz, the agenda will be amended to add discussion of Resolution 2018-177:

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

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

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

## **APPROVE MINUTES - November 5, 2018**

On a motion by Mr. Merriken, seconded by Mr. Graetz, the Regular Session minutes of November 5, 2018 were approved by the following vote:

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

## **PRESENTATIONS - None**

## **SCHEDULED PUBLIC HEARINGS - None**

## **PUBLIC COMMENT (Agenda items only)**

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

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

Frank Cavaliere, of 16 Rosewood Ct., inquired about Resolution No. 2018-174, authorizing the PBA agreement; he questioned whether all council members were familiar with contract & percentage differences from last contract. He commented that it was one of largest budgetary items for borough; asked that council consider his comments. Mrs. King commented that she didn't think contract was well-written; cannot tell what changes are. Mr. Cavaliere stated that he was not critical of contract, just wanted transparency with council.

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

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

## **DISCUSSION ITEMS – 2018 Best Practices Checklist**

Clerk Janine Gillis addressed Best Practices survey; the score determines whether we are penalized in receipt of municipal state aid; our score was very good: 61 out of 61.

## **MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS**

Mr. Graetz – no report

Mr. Merriken – no report

Mrs. King – no report

Mr. Shuler – reported that DPW has found brush mixed in with leaves; the brush and leaves must be separate; also garbage & recyclables should be out by 7AM. A reminder that you can't use plastic bags for recyclables and snow season approaching, no parking on street during snow. Mayor O'Brien added that recycling rules are imposed by county – they are very strict with what they will collect; very expensive as well; also register for the alert to receive notice of snow-plowing.

Mr. Diver – no report

Mayor O'Brien reported that our tree-lighting is Thursday, December 6 at 7PM at Borough Hall. Also, there is a town holiday party on Friday, December 21 for volunteers & employees at Spring Lake Manor.

Mr. Diver – addressed Frank Cavaliere's comments on police contract – adding that he takes spending money very seriously; compared to last contract, it will now take officers 14 years (not 6) to get through their steps; officers will now be making about \$83,000 (not \$106,000) at end of 6 years, a significant reduction; we increased a clothing allowance; they also pay into their health care and will continue to do so. Contract is fair to both us and them; major difference was steps. We have a superior police department and want to keep that;. He also wanted to commended Z. Ramp, B. Shafer, E. Gunnell for their input and fairness in negotiations. We've saved money on retirements but have new-hires who will all be coming through at same time. We think of tax-payers first. SLH is a "full-time" town; residents live here year-round; we need a police force that is responsive to that fact. Mayor O'Brien added that he will make sure council has adequate time for discussion of contract. Mr. Cavaliere added that he wanted to make sure council looks at this big-ticket item thoroughly.

## **REPORTS, NOTICES & CORRESPONDENCE**

- Monthly Police Report – October 2018
- Monthly Court Report – October 2018
- NJ Transit Public Hearing Notice December 12, 17 & 19, 2018 Re: Senior & Disabled Citizens Assistance Programs

## **ORDINANCE INTRODUCTIONS**

- **Ordinance No. 2018-13**, an Ordinance Amending and Supplementing Chapter XXI I entitled "Municipal Land Use Regulations" of the Revised General Ordinances of the Borough of Spring Lake Heights

On a motion by Mr. Diver, seconded by Mrs. King, the ordinance was introduced by the following vote:

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

Mrs. Gillis explained that the public hearing for this ordinance will be at next meeting, on December 10.

## RESOLUTIONS

- **R2018-174**, Authorizing the execution of the Collective Bargaining Agreement with the Police Benevolent Association for January 1, 2019 to December 31, 2023.

Mrs. King hasn't had enough time to read through contract; does like executive sessions in which council can discuss matters. Mayor O'Brien asked if tabling this will affect contract, which is for 2019 year. Mr. Collins thought no to his knowledge; added that contracts do not need to be adopted prior to year. He cautioned that placing contract on agenda and not acting on it is not something one likes to see with a collective bargaining negotiation. He added that not voting on something you don't know about is also a position to take. Mr. Diver stated that he noted in memo (in Friday's packet) that if anyone had questions, they should contact him; he received no call. Mr. Collins recommended that if it appears that council is not going to have enough votes to pass, not for the content of contract but for knowledge of it, that council does not have a motion that fails. Mrs. King wanted specifics. Mr. Diver gave specifics: we went from 6 steps to 14 steps; we went from a \$500 to an \$800 clothing allowance/year; we added \$100 to eyeglass benefit. Mrs. King wanted more time.

On a motion by Mrs. King, seconded by Mr. Merriken, Resolution No.2018-174 was not tabled by the following vote:

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

On a motion by Mr. Diver, seconded by Mr. Graetz, Resolution No.2018-174 was approved by the following vote:

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

Mrs. King added that she voted yes because she feels police deserve a good contract; however she'd like more time to review such matters in future. Mayor O'Brien suggested that a change to agenda be made prior to meeting if one is uncomfortable with time allotted to review.

- **R2018-175**, Authorizing the transfer of 2018 Municipal Budget Appropriations

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution No.2018-174 was approved by the following vote:

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

- **R2018-176**, Approving the Payment of Itemized Claims as set Forth on the November 16, 2018 Bill List

On a motion by Mr. Merriken, seconded by Mr. Diver, Resolution No.2018-174 was approved by the following vote:

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

**R2018-177**, Approving the appointment of new part-time office assistant, Dorothy McGowan.

On a motion by Mr. Diver, seconded by Mr. Merriken, Resolution No.2018-174 was approved by the following vote:

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

Mrs. King commented that she'd like to be made aware of things that are happening in future.

**PUBLIC COMMENT (Any item)**

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

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

Susan Lalji, of 559 Atlantic Ave., questioned assessment of her property; no one has ever come to see inside of her home since 2014; this year’s assessment is \$52,000 higher than last year’s. She has appealed several times; burdensome tax increase; time frame to appeal is narrow.

Mr. Collins explained that local government has no authority over assessment of property in community; we are participating in assessment demonstration program of Monmouth County to try & get every property to be assessed at 100% of value; homes are grouped with like-properties. It is a state and county-controlled system; hard for assessors to get the balance right in smaller towns.

Mayor O’Brien added that there are fewer homes for comparable data in a smaller town; most equitable way to do it is to make sure every home is assessed at as close to 100% of its value as possible. Faced with opting out of assessment program, there were many pitfalls. Assessor works with company doing on-site visits; whole town reassessed every year; likelihood is that homes in your neighborhood sold this year at much more than they would’ve last year. Best thing to do is to appeal; we have limited power as governing body; welcomed suggestions on improving program.

Mr. Collins noted that problem in a rising market, there may be one or two good sales that skew the data; it’s formulaic.

Ms. Lalji suggested that company visiting should actually check all homes; see her kitchen compared to a new kitchen for example.

Mayor O’Brien repeated our control is limited; would like it to be as fair as possible. Mr. Collins recommended speaking to assessor; concept of “functional obsolescence” exists when comparing homes of different ages.

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

Ayes: Mr. Graetz, Mrs. King, Mr. Merriken, Mr. Shuler  
Nays: None Abstain: None Absent: Mr. Campion, Mr. Diver\*

\*Mr. Diver had excused himself from meeting a few minutes before end.

**ADJOURNMENT**

There being no further business, on a motion by Mr. Merriken, seconded by Mr. Graetz, the meeting was adjourned without objection at 8:44 P.M.

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

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Janine Gillis, Borough Clerk

Approved: \_\_\_\_\_, 2018