

The June 7, 2021 Executive Session of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey was called to order by Mayor Campion at 6:00 p.m. in the Frank E. Adams Municipal Building with a moment of silence and a salute to the flag.

ROLL CALL

Present:

Councilman John Casagrande
Councilman Leonard Capristo
Councilman William Graetz
Councilwoman Sara King
Councilman Christopher Willms
Mayor Christopher Campion

Absent:

None

Also attending:

Dennis Collins, Borough Attorney
Andrew Bayer, Borough Attorney
Jennifer Beahm, Borough Planner

Attorney Collins read the resolution into the record.

- **R2021-92**, Authorizing an Executive Session and Permitting the Governing Body to exclude the public from a portion of a public meeting

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

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.
- X 9. Related to pending/anticipated litigation or contract negotiations in which the public body is or may be a party.

- X 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. Graetz, seconded by Mr. Casagrande, Resolution No. 2021-92 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: None

On a motion by Mrs. King, seconded by Mr. Willms, the executive session was opened by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: None

On a motion by Mr. Willms, seconded by Mr. Gallo, the executive session was closed by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: None

The June 7, 2021 regular session of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey was called to order by Mayor Campion 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

<u>Present:</u>	<u>Absent:</u>
Councilman Leonard Capristo	None
Councilman John Casagrande	
Councilman Peter Gallo	Also attending:
Councilman William Graetz	Dennis Collins, Borough Attorney
Councilwoman Sara King	
Councilman Christopher Willms	
Mayor Christopher Campion	

Mayor Campion 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. Willms, seconded by Mr. Graetz, the agenda was amended to add Resolution No 2021-105 by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: None

On a motion by Mrs. King, seconded by Mr. Casagrande, the amended agenda was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

APPROVE MINUTES - May 17, 2021

On a motion by Mr. Willms, seconded by Mrs. King, the minutes for March 17, 2021, were approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mrs. King, Mr. Willms

Nays: None Abstain: Mr. Graetz Absent: None

PRESENTATIONS – None

DISCUSSION ITEMS – None

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Mr. Capristo – no report

Mr. Casagrande – reported that budget hearing is tonight; thanked finance team & department heads for a great budget keeping tax rate the same.

Mrs. King – reported trees have been planted at Joseph Robertson Park; some trees are not yet able to be planted due to budding; adding 20 more trees to go in at end of summer.

Mr. Graetz – no report

Mr. Willms – no report

Mr. Gallo – no report

PUBLIC COMMENT (Any Item)

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

Ronak Patel, Duncan Donuts, Hwy.71, said that outdoor dining at restaurant across the street is creating parking problem; his lot & street is full. Mayor will address it/resolve with zoning officer.

Gaylen Nolan, 1022 Allaire Rd., would like to have backyard chickens; questioned if ordinance will now allow it. Attorney Collins explained there is no change in that ordinance (prohibited uses) except for underlined words, advised speaking to Zoning/Code officer. Ms. Nolan asked if council would reconsider issue. Mayor replied concerns were raised, may not be a fit for community as a whole but not opposed to discussion.

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

SCHEDULED PUBLIC HEARINGS

R2021-93 Authorizing to Read the 2021 Municipal Budget by Title Only

On a motion by Mr. Casagrande, seconded by Mr. Willms, Resolution No. 2021-93 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

Borough Administrator, John Barrett reported that we had a good public information session on the budget; we have kept line on expenditures and have maintained the same tax rate since 2019.

No Public Comment

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

R2021-94 Approving of 2021 Municipal Budget

On a motion by Mr. Casagrande, seconded by Mr. Gallo, Resolution No. 2021-94 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

- **Ordinance No. 2021-05** An Ordinance Repealing & Replacing Article 22-535 of the Revised General Ordinances Entitled "Stormwater Control"

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

Attorney Collins explained that this is a DEP requirement to be adopted.

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

No Public Comment

On a motion by Mr. Graetz, seconded by Mr. Willms, Ordinance No. 2021-05 was adopted by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

- **Ordinance No. 2021-06** - Ordinance Amending & Supplementing Section 22-603 of the Revised general Ordinances of the Borough of Spring Lake Heights entitled "Prohibited Uses"

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

No public comment

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

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

On a motion by Mr. Graetz, seconded by Mr. Gallo, Ordinance No. 2021-06 was adopted by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

REPORTS, NOTICES & CORRESPONDENCE

- Monmouth County Board of County Commissioners Res. #2021-0368 Authorizing Charitable Events on County Roads in the Borough of Spring Lake Heights – Independent Fire Co. #1
- Borough of Sea Girt Public Notice Public Hearing June 9, 2021 Re: Ord. No. 07-2021 Prohibiting Any Class of Cannabis Businesses
- Township of Wall public Notice Hearing June 22, 2021 Re: Ord. No. 12-2021 Create Affordable Housing Zone and Amend Zoning Map
- Township of Wall public Notice Hearing June 22, 2021 Re: Ord. No. 13-2021 Amend Zoning Map

ORDINANCE INTRODUCTIONS - None

CONSENT AGENDA Resolutions R2021-95 to R2021-97

Consent Agenda items are considered routine and will be enacted with a single motion; any items requiring expenditure are supported by a Certification of Availability of Funds; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.

- **R2021-95**, Approving a Fireworks Display at Spring Lake Golf Club
- **R2021-96**, Approving Outdoor Soft Background Music at The Mill Lakeside Manor
- **R2021-97**, Approving Membership in the Independent Fire Co. No. 1

On a motion by Mrs. King, seconded by Mr. Graetz, the consent agenda was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

RESOLUTIONS

- **R2021-98**, Approving Change Order #1 for Landscaping Plantings at Joseph E. Robertson Park on Allaire Rd

On a motion by Mrs. King, seconded by Mr. Gallo, Resolution No. 2021-98 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

- **R2021-99**, Authorizing the Release of the Designated Maintenance Guarantee

On a motion by Mr. Graetz, seconded by Mr. Willms, Resolution No. 2021-99 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

- **R2021-100**, Authorizing 2021 salaries for Designated Borough Officials & Employees within Salary Ranges

On a motion by Mr. Graetz, seconded by Mr. Willms, Resolution No. 2021-100 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

- **R2021-101**, Appointing Additional 2021 Summer Recreation Program Employees and Designating Salaries

On a motion by Mrs. King, seconded by Mr. Graetz, Resolution No. 2021-101 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: None

Mrs. Gillis reported that summer rec participation is up; Erik may need to hire more counselors.

- **R2021-102**, Approving the Renewal of the Designated Alcoholic Beverage Control Licenses

On a motion by Mr. Graetz, seconded by Mr. Willms, Resolution No. 2021-102 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: None

- **R2021-103**, Authorizing the Place-to-Place Transfer of the Alcoholic Beverage Control License, Irish Riviera II, LLC at 810 State Highway 71

On a motion by Mr. Casagrande, seconded by Mr. Willms, a vote on Resolution No. 2021-103, Mayor Campion asked for a vote, Councilman Capristo wanted to discuss.

Mr. Capristo raised questions, recalled that the spirit behind outdoor dining last year was relief during COVID; wondering if current path is leading to permanent outdoor dining permit.

Attorney Collins explained that the liquor license is granted to the building; place-to-place transfer expands license to outside; it is a licensing permit, not a permanent condition because ordinance can be changed. Mrs. Gillis further explained that this expansion does become part of their liquor license that can be renewed annually.

Mrs. King mentioned that Tap House has previously tried to get outdoor dining in years past; believes it is unsafe on the highway.

Mr. Capristo clarified that he is not opposed to outdoor dining; his concern is that they are jumping through a loop-hole to get it.

Mrs. Gillis reported that Barbara issued a zoning permit for outdoor dining with input from the Police Chief & Fire Marshall; there was a lot of back & forth in regards to impervious coverage, number of tables, protection from highway etc.

Mayor & Mr. Casagrande expressed support for outdoor dining under the right circumstances.

Mr. Casagrande withdrew motion to approve resolution.

On a motion by Mr. Casagrande, seconded by Mr. Graetz, Resolution No. 2021-103 was tabled by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: None

- **R2021-104**, Approving Payment of the Itemized Claims as set Forth on the June 4, 2021 Bill List

On a motion by Mr. Casagrande, seconded by Mr. Willms, Resolution No. 2021-104 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: None

- **R2021-105**, approving a performance guarantee for Block 36, Lots 80 & 81/603 Lake Ave.

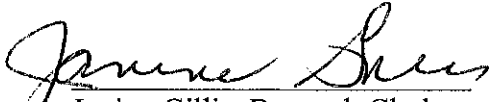
On a motion by Mr. Graetz, seconded by Mr. Willms, Resolution No. 2021-105 was approved by the following vote:

Ayes: Mr. Capristo, Mr. Casagrande, Mr. Gallo, Mr. Graetz, Mrs. King, Mr. Willms

Nays: None Abstain: None Absent: None

ADJOURNMENT

There being no further business, on a motion by Mrs. King, seconded by Mr. Gallo, the meeting was adjourned without objection at p.m.


Janine Gillis, Borough Clerk

Approved:  June 21, 2021