

The November 20, 2023 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 6:30 p.m. in the Frank E. Adams Municipal Building with a moment of silence and a salute to the flag.

ROLL CALL

Present:

Councilman John Casagrande
Councilwoman Sara King
Councilman Christopher Willms
Mayor Christopher Campion

Absent:

Councilman Leonard Capristo
Councilwoman Michele Degnan-Spang
Councilman William Graetz

Also attending:

Dennis Collins, Borough Attorney
Janine Gillis, Borough Clerk
John Barrett, Borough Administrator

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.

Attorney Collins read the resolution into the record.

- **R2023-172**, 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: Collective bargaining, contract negotiations, personnel, attorney client privilege

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 employees have 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. Willms, seconded by Mrs. King, Resolution No. **R2023-172** was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo, Mrs. Degnan-Spang, Mr. Graetz

There being no further business, on a motion by Mr. Casagrande, seconded by Mrs. King, the executive session was adjourned without objection at 6:50 p.m.

The November 20, 2023 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

Present:

Councilman John Casagrande
Councilwoman Michele Degnan-Spang
Councilwoman Sara King
Councilman Christopher Willms
Mayor Christopher Campion

Absent:

Councilman Leonard Capristo
Councilman William Graetz

Also attending:

Andrew Bayer, Attorney Special Council
Dennis Collins, Borough Attorney
Janine Gillis, Borough Clerk
John Barrett, Borough Administrator

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.

AMEND AGENDA

On a motion by Mrs. King, seconded by Mr. Willms, the agenda was amended to add R2023-189, R2023-190, and Ord. 2023-12 to the agenda by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

APPROVE AMENDED AGENDA

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

APPROVE MINUTES - October 16, 2023

On a motion by Mrs. Degnan-Spang, seconded by Mrs. King, the October 16, 2023 minutes were approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King
Nays: None Abstain: Mr. Willms Absent: Mr. Capristo, Mr. Graetz

PRESENTATIONS – None

DISCUSSION ITEMS – None

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Casagrande – Mr. Casagrande thanked the residents for the support and the reelection of himself, Councilwoman Degnan-Spang, and Mayor Campion.

Councilwoman King – Mrs. King stated the four land use ordinances she and Mrs. Eilenberger have been working on are on the agenda for introduction.

Councilman Willms – No report

Councilwoman Degnan-Spang – Mrs. Degnan-Spang echoed the gratitude for being reelected to Council and will continue to enjoy learning. She mentioned the two new Public Works Department hires on the agenda and expressed excitement that the department will now be fully staffed. Mrs. Degnan-Spang continued to review upcoming garbage, recycling, and leaf collection schedules as well as the NJDOT Lake Ave project. She concluded with thanking Mrs. King, Mrs. Eilenberger, and Mr. Carragher for their hard work on the Veterans Day Luncheon and she was happy to be part of the event.

Mayor Campion – Mr. Campion thanked the residents for the opportunity to serve a second term as Mayor. He also spoke about the land use ordinances and provided a reminder about the size of garbage and recycling can sizes that are acceptable for use.

PUBLIC COMMENT (Any Item)

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

None Presented

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

SCHEDULED PUBLIC HEARINGS

- **Ordinance 2023-08** An Ordinance Creating the Affordable Housing AH-2 Zoning District in Furtherance of the Borough's Obligation to Provide for its Fair Share of Affordable Housing

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

Mr. Collins introduced Special Council Attorney Andrew Bayer. Mr. Bayer explained how the Borough of Spring Lake Heights filed with the courts to clarify and establish the Borough's fair share housing obligations. The Borough has been working through this process for several years. Mr. Bayer reviewed the summary of the current ordinance being introduced and how it would affect the Borough's affordable housing obligations. Mr. Bayer also explained a builder's remedy and how it would affect the Borough.

Harry Brady, 3 Hampton Court, asked for clarification regarding the project. Mr. Bayer responded to Mr. Brady's request.

Karen Garrett, 1 Hampton Court, inquired on a project rendering and when it would be available for inspection. Mr. Collins clarified the project is a conceptional rendering and the full project will still go before the Land Use Board for review and site plan approval prior to any construction. Mr. Bayer explained the ordinance is a zoning ordinance to allow for the builder to apply to the Land Use Board.

Barbara Sabaitis, 2022 Highway 71, inquired on a traffic study for the location. Mr. Bayer answer that would be done at with the Land Use Board application.

Ellen Manger, 61 Wyckham Road, expressed concern regarding the project and how would residents know when they would be before the land use board. Mr. Collins explained the noticing process and how to be informed.

Michael Milano, 62 Wyckham Road, wanted clarification regarding the Borough's legal obligations. Mr. Bayer and Mayor Campion clarified that the ordinance is a legal settlement.

Jennifer Manger, 4 Wyckham Road, wanted to know the current zoning of the property and how the ordinance would change. Mr. Bayer stated the property is zoned commercial and would be rezoned to a mixed use, commercial and residential. Discussion was held regarding the Borough's affordable housing obligations and requirements for the future.

Harry Brady, 3 Hampton Court, asked for clarification on what properties in town would have affordable housing. Mayor Campion and Mr. Collins explained that details cannot be shared at this time due to litigation.

Michael Milano, 62 Wyckham Road, asked if existing properties could be changed to affordable housing. Mr. Bayer said it is very unlikely for an existing property to become affordable units.

Karen Garrett, 1 Hampton Court, asked about the 200-foot noticing. Mr. Collins clarified how the legal noticing process works.

Harry Brady, 3 Hampton Court, asked for clarification of the property location in reference in the ordinance. Mr. Bayer clarified the ordinance would change the current zoning map so it is a region on the current map.

Mrs. Gillis stated the Land Use Board will adopt their meeting schedule in January, all Board meeting agendas will be posted on the Borough website prior to each meeting.

Councilwoman Degnan-Spang asked Mr. Bayer how long the affordable units would remain in the status of affordable. Mr. Bayer answered affordable units would be deeded affordable for at least 30 years and past that time, the Borough would have to approve a change. Mr. Bayer further explained the affordable units and how the regulations are set.

Michael Milano, 62 Wyckham Road, inquired how the definition of affordable is set. Mr. Bayer explained the courts establish an income chart to set the income range and the size of households. The applicants for rental or purchase of affordable units must apply and be approved.

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

On a motion by Mr. Casagrande, seconded by Mr. Willms, **Ordinance 2023-08** was adopted by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

REPORTS, NOTICES & CORRESPONDENCE

- Spring Lake First Aid Squad Monthly Report – October 2023
- Spring Lake Heights Municipal Court Monthly Report – September & October 2023
- Spring Lake Heights Police Monthly Report – October 2023
- Independent Fire Company No #1 Monthly Report - October 2023
- NJ Transit Public Hearing 12/6/23 Re: Senior & Disabled Resident Transportation Assistance Program
- JCP&L Public Notice Nov. 30, 2023 Re: Review & Approval of Deferred Costs included in COVID 19 & Establishment of COVID 19 Recovery Charge
- Township of Wall Public Notice November 21, 2023 Re: Creates Affordable Housing AH-12 Zone

- Wall Township Planning Board Public Notice 1/20/2023 Re: Adoption of Round #3 Housing Element
- South Monmouth Regional Sewerage Authority 2024 Sewer Use Service Rates
- Monmouth County Regional Health Commission-New address and change to the commission's name

ORDINANCE INTRODUCTIONS

- **Ordinance 2023-09**, Amending Chapter 22 Article VI Zoning Regulations to rezone a certain parcel in the B-2 zone to R-5 zone – Block 68 Lot 15

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

The public hearing will be on December 18, 2023.

- **Ordinance 2023-10**, Amending Chapter 22 Article III, Definitions Section 302

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

The public hearing will be on December 18, 2023.

- **Ordinance 2023-11**, Amending Chapter 22 Article V Required Improvements and Design Standards

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

The public hearing will be on December 18, 2023.

- **Ordinance 2023-12**, Schedule of Permitted Uses

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

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

The public hearing will be on December 18, 2023.

CONSENT AGENDA Resolutions R2023-173 to R2023-178

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.

- **R2023-173**, Approving Use of the Cornelius V. Kelly Community Center – Commons Condo Association
- **R2023-174**, Approving Outdoor Music- The Mill-Lakeside Manor
- **R2023-175**, Authorizing the transfer of 2023 municipal budget appropriations
- **R2023-176**, Authorizing the crediting of water-sewer utility charges
- **R2023-177**, Establishing the 2024 reorganization meeting date
- **R2023-178**, Authorizing the execution of an agreement with County of Monmouth for Special Citizens Area Transportation for the calendar year 2024

On a motion by Mr. Willms, seconded by Mr. Casagrande, the consent agenda was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

RESOLUTIONS

- **R2023-179**, Confirming the appointment of a school crossing guard- Joseph R. Sanfelice

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2023-179 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms
 Nays: None Abstain: None Absent: Mr. Capristo, Mr. Graetz

- **R2023-180**, Confirming the appointment of a school crossing guard-Catherine Nixon

On a motion by Mr. Willms, seconded by Mrs. Degnan-Spang, Resolution No. R2023-180 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

- **R2023-181**, Confirming the appointment of a probationary public works laborer-Jake Partusch

On a motion by Mrs. King, seconded by Mr. Casagrande, Resolution No. R2023-181 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

- **R2023-182**, Confirming the appointment of a probationary public works laborer-John Brown

On a motion by Mr. Casagrande, seconded by Mrs. King, Resolution No. R2023-182 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

- **R2023-183**, Authorizing a contract for the purchase of Body Worn Cameras from Axon Enterprises via National IPA

On a motion by Mrs. Degnan-Spang, seconded by Mr. Willms, Resolution No. R2023-183 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

- **R2023-184**, Authorizing a contract for the resurfacing at Joseph E. Robertson Park tennis & basketball courts via ESCNJ -Cooperative Pricing

On a motion by Mr. Casagrande, seconded by Mrs. King, Resolution No. R2023-184 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

Mrs. Degnan-Spang posed a question regarding the project. Mr. Barrett clarified the project is funded by a grant and will be resurfaced as existing uses of both tennis and pickleball lines and the basketball courts.

- **R2023-185**, Authorizing Independent Fire Company #1 to submit a grant application to NJ Department of Community Affairs for Equipment

On a motion by Mr. Willms, seconded by Mrs. King, Resolution No. R2023-185 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

- **R2023-186**, Authorizing the solicitation of bids for communications tower & facilities

On a motion by Mr. Willms, seconded by Mr. Casagrande, Resolution No. R2023-186 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

Mr. Barrett explained the bid opening will happen in January and more details of removing the cell antennas from the water tower and onto another structure.

- **R2023-187**, Approving the payment of the itemized claims as set forth on the November 3, 2023 bills list

On a motion by Mr. Casagrande, seconded by Mrs. Degnan-Spang, Resolution No. R2023-187 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King

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

• **R2023-188**, Approving the payment of the itemized claims as set forth on the November 17, 2023 bills list
On a motion by Mr. Casagrande, seconded by Mr. Willms, Resolution No. R2023-188 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

• **R2023-189**, Approving Shore Alliance Grant

On a motion by Mrs. King, seconded by Mr. Willms, Resolution No. R2023-189 was approved by the following vote:

Ayes: Mr. Casagrande, Mrs. Degnan-Spang, Mrs. King, Mr. Willms

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

• **R2023-190**, Authorize Attorney to Settle 554 Church Street

On a motion by Mr. Willms, seconded by Mr. Casagrande, Resolution No. R2023-190 was approved by the following vote:

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

Nays: None Abstain: Mrs. Degnan-Spang Absent: Mr. Capristo, Mr. Graetz

Mayor Campion provided a reminder of the Annual Tree Lighting event will take place on Friday December 1, 2023 at 6:00pm.

ADJOURNMENT

There being no further business, on a motion by Mrs. King, seconded by Mr. Casagrande, the meeting was adjourned without objection at 8:11p.m.



Janine Gillis, Borough Clerk

Approved: December 18, 2023

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