

The **January 13, 2014** meeting of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey, was called to order by Mayor Gavino Maccanico at 7:04 p.m. in the Frank E. Adams Municipal Building.

Present:

Mayor Gavino Maccanico
Councilwoman Patricia Cindea
Councilwoman Sara King
Councilman James Shuler
Councilman Christopher Tienken
Councilman Thomas Vorbach

Absent:

Councilman Thomas O'Brien

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Frederick C. Raffetto, Esq., Borough Attorney

There were no members of the public present.

On a motion by Mrs. King, seconded by Mr. Tienken, **Resolution R2014-27**, authorizing an Executive Session to discuss Contract Negotiation-PBA Collective Bargaining; Contract Negotiation-Professional Services; Litigation-Kelsey/Grieb; and Personnel-Public Works Superintendent; was adopted without objection. The public meeting was recessed 7:06 p.m. and the Executive Session convened in the Conference Room. Borough Attorney Raffetto was not present when the Executive Session commenced.

Executive Session.

- Contract Negotiation-Professional Services: Borough Administrator Delaney presented the proposals submitted for the following professional services: Borough Attorney, Legal Services-Bond Counsel, Legal Services-Labor Counsel, and Auditor.
 - It was noted the proposal for Borough Attorney from Starkey, Kelly, Kenneally, Cunningham & Turnbach states an hourly rate but includes the notation "or a rate as set by the governing body." Mayor Maccanico expressed his preference to retain Fred Raffetto as Borough Attorney.
 - Borough Administrator Delaney reported current Bond Counsel Kerry Morgan is now affiliated with a new law firm and they have decided not to submit a proposal. It was agreed there was no immediate need for Bond Counsel at this time.
 - Mr. Delaney reported that Labor Counsel Tracy Armstrong has also decided not to submit a proposal but would continue with existing cases. Mr. Tienken inquired about seeking additional proposals and reported the DeCotiis firm would be submitting a proposal as Labor Counsel.
- Borough Attorney Raffetto joined the meeting.
- Contract Negotiation-PBA Collective Bargaining: Borough Administrator Delaney provided an update on the status of negotiations; outlined the respective positions of the parties and received direction from the Council.
- Litigation- Kelsey/Grieb: communication from Labor Counsel Tracy Armstrong was reviewed; the proposed settlement offer was rejected.
- Personnel-Public Works Superintendent: a vacation buy-back request was reviewed; there was no consensus to move forward with the request.

The Executive Session was adjourned at 7:55 p.m. without objection.

Public Session. The public session was called to order at 8:00 p.m. by Mayor Maccanico and opened with a silent reflection and Pledge of Allegiance.

Present:

Mayor Gavino Maccanico
Councilwoman Patricia Cindea
Councilwoman Sara King
Councilman James Shuler
Councilman Christopher Tienken
Councilman Thomas Vorbach

Absent:

Councilman Thomas O'Brien

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Frederick C. Raffetto, Esq., Borough Attorney

There were 13 members of the public present.

STATEMENT OF COMPLIANCE. The Clerk reported the meeting was being conducted pursuant to the requirements of the N.J. Open Public Meetings Act with notice included in the annual notice of meetings sent to the Coast Star and Asbury Park Press; posted on the bulletin board in the Municipal Building and on the Borough website.

APPROVE AGENDA. On a motion by Mr. Tienken, seconded by Mr. Vorbach, the agenda was approved by the following vote:

Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: Mr. O'Brien

PRESENTATIONS. There were no presentations.

SCHEDULED PUBLIC HEARINGS. There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC. (Agenda items only)

- John Tangeman, 564 Atlantic Avenue – in response to a question concerning meeting minutes, Borough Clerk Delaney reported the meeting minutes are being prepared and will be brought up to date for the next meeting.

On a motion by Mrs. Cindea, seconded by Mr. Tienken, the public comment period was closed without objection.

DISCUSSION ITEMS.

- Interest on Delinquent Taxes (R2014-24) – Mr. Vorbach restated his previous reservations with the interest rates and suggested cutting the rates in half or providing a longer grace period. Borough Administrator Delaney reported the existing tax collection/utility software program can be easily modified; expressed concern the impact a change will have on tax collections; and reported financial consultant John Barrett recommended no change. Mrs. King suggested the auditor provide a recommendation before making a change. Mr. Tienken suggested the matter be revisited in the future.

REPORTS & ANNOUNCEMENTS.

- Councilman Vorbach – no report.
- Councilwoman Cindea – reported a recent letter to the editor thanked the Borough for the landscaping and wind tarp improvements at the Ocean Road Park tennis courts.
- Mr. Tienken thanked Mr. Shuler for his efforts on the tennis court improvements.
- Councilwoman King – no report.
- Councilman Shuler – commented on the savings realized by having the Public Works Department complete the cleanup after Hurricane Sandy and thanked Superintendent Herner and the department.

REPORTS, NOTICES & CORRESPONDENCE.

- Municipal Court Report (December 2013)
- Planning Board Hearing Notice: TFM Builders, LLC, 114 Tenth Avenue (B-4, L-109, 110, & 111)
- Freshwater Wetlands Permit Application Notice: Spring Lake Heights Borough (Wreck Pond Brook & PolyPod Brook)
- Notice of Default Approval (Lake Como Land Use Board): Greater Media, Inc. (Block 24, L-11)

Mr. Tienken commented on the Amoscato development plans which were distributed and suggested the owner be requested the building be changed so the side looks more like the proposed building front. Mrs. Cindea agreed and noted the proposed plans look very nice.

ORDINANCE INTRODUCTIONS.

- **Ordinance No. 2014-01**, CAPITAL ORDINANCE OF THE BOROUGH OF SPRING LAKE HEIGHTS, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$175,000 FROM THE WATER-SEWER UTILITY CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL IMPROVEMENTS

Administrator/Borough Clerk Delaney noted the ordinance was discussed last year but was not adopted due to meeting schedule conflicts, and reported the ordinance will appropriate existing Water-Sewer Utility capital improvement funds for closing Well No. 4 and providing standby funding for utility emergencies. On a motion by Mr. Tienken, seconded by Mr. Shuler, the ordinance was approved for introduction by the following vote:

Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: Mr. O'Brien

RESOLUTIONS.

- **Resolution R2014-28**, authorizing the Shared Services Agreement for Special Citizens Area Transportation System (SCAT) services with the County of Monmouth. On a motion by Mr. Vorbach, seconded by Mr. Shuler, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. O'Brien
- **Resolution R2014-29**, approving the 2014 Shore Municipal Alliance Grant Strategic Plan. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. O'Brien
- **Resolution R2014-30**, authorizing the refund of overpaid or cancelled taxes. On a motion by Mr. Shuler, seconded by Mrs. King, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. O'Brien
- **Resolution R2014-31**, designating 2014 holidays. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. O'Brien
- **A motion to move the bills to the Finance Committee**, by Mrs. King, seconded by Mr. Shuler, was approved by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. O'Brien
- **Resolution R2014-32**, approving payment of claims on the January 9, 2014 Bill List. On a motion by Mr. Shuler, seconded by Mrs. King, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach


Nays: None Abstain: None Absent: Mr. O'Brien

SECOND VOICE OF THE PUBLIC. (Any items)

- Sharon Batteau, Beverly Avenue – questioned the proposed sidewalk plan reviewed by the Council in December and noted that in 2009 the Council abandoned plans to construct sidewalks on Beverly Avenue since it is a narrow street. Borough Administrator Delaney reported his research determined in 2009 the Borough proposed construction of sidewalks as part of the Safe-Streets-to-Schools grant program. Mr. Tienken stated the Borough should abide by the prior determination and the new plan should reflect no sidewalks in this area.
- Kathleen Crippen, 564 Atlantic Avenue – commented on the letter to the editor that Gladys Erbe referenced at the re-organization meeting regarding sidebar discussions and text messages during Council meetings which violate the Open Public Meetings Act. In response to a question by Mr. Tienken, Borough Attorney Raffetto recommended that if a member of the Council receives a text or phone call that needs a response the member should leave the dais and take the call outside the Council area. Mr. Raffetto reminded the Council the Open Public Meetings Acts requires the public witness deliberations of the governing body and sidebar discussions and the use of cell phones for texting among the Council eliminates that transparency. Mrs. Cindea commented that smart phones contain personal calendars and can be used for note taking during a meeting.
- Gladys Erbe, 817 Pitney Drive – commented there was no allegation of violation; requested the Council use the microphones so everyone can hear what is being said; and noted the room acoustics should be improved.

APPROVAL OF MINUTES. There were no minutes presented for approval.

ADJOURNMENT. There being no further business, on a motion by Mrs. Cindea, seconded by Mr. Vorbach, the meeting was adjourned without objection at 8:32 p.m.


Joseph J. Delaney, Jr., Borough Clerk