

The **January 14, 2013** 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 8:00 p.m. in the Frank E. Adams Municipal Building and opened with a silent reflection and Pledge of Allegiance.

ROLL CALL.

Present:

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

Absent:

Councilman Richard Diver

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Frederick C. Raffetto, Esq., Borough Attorney
Joseph May, P.E., Borough Engineer

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 meeting notice 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. Vorbach, seconded by Mrs. King, the agenda, amended to include Zoning Board of Adjustment appointments, was approved by the following vote:

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

Nays: None Abstain: None Absent: Mr. Diver

PRESENTATIONS. There were no presentations.

SCHEDULED PUBLIC HEARINGS. There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC (Agenda items only). On a motion by Mr. Vorbach, seconded by Mrs. King, the public comment session was opened without objection.

- Sharon Batteau, Beverly Avenue – commented on the proposed Commercial Zoning District, stating her opposition due to impact on property values, quality of life, traffic congestion and existing vacant commercial space.
- Rita Murphy, Route 71 – objected to the proposed zoning change citing traffic concerns and wildlife.
- John Tangeman, Atlantic Avenue – reminded the Mayor a survey which was conducted in 2006-07 reflected most residents did not want to see additional commercial development on Route 71.
- Kat Crippen, Atlantic Avenue – quoted the engineer’s report on the zoning change and commented the zoning change should start with the Council not the Planning Board; requested an environmental impact study be conducted; and suggested a committee review the proposal first.
- Ed McGuirk, Allaire Road – noted summer weekend traffic on Allaire Road is already congested; suggested the proposal be reviewed by the Police Department; and questioned the need for additional commercial development.
- Gladys Erbe, Pitney Drive – citing traffic stated her opposition to the proposal.
- John Lewis, Prospect Avenue – questioned the appointment of the Borough’s representative on the South Monmouth Regional Sewerage Authority (SMRSA) and the salary, pension and benefit

cost.

- Ed McGuirk, Allaire Road – reported the houses next to the bank at Allaire Road and Route 71 are in disgraceful condition.

The voice of the public was closed without objection.

DISCUSSION ITEMS.

- Draft Ordinance (11/23/12) establishing B-3 Commercial Zoning District – Administrator/ Clerk Jay Delaney reported the re-zoning request is before the Council as a result of a development application to the Planning Board which was withdrawn and the property owner requested the Borough Council consider rezoning the property; the Borough Engineer and Planner were directed to provide a recommendation which was received and referred by the Council to the Planning Board which subsequently forwarded the revised ordinance for Council's consideration.
 - Councilwoman Cindea expressed her opinion that property owners should be notified before this ordinance is introduced and supports Ms. Crippen's suggestion to establish a committee. In response to questions by Councilman Tienken, Borough Engineer Joe May explained the rationale for rezoning the property which is currently zoned for commercial use along Route 71 with the rear portions zoned for residential use.
 - Councilwoman King reported Councilman Diver is absent tonight as he is recovering from the recent New York City ferry accident. Mrs. King expressed her concerns about either residential or commercial development, the impact on traffic and the need for additional study and review.
 - Alan Navatkoski, Hampton Court – expressed concern for his quality of life and noted he only heard about the proposal from a flyer in his door.
 - Harry Brady, Hampton Court – asked to be kept informed and expressed the need for properly maintained buffer between residences and businesses.
 - Councilman Vorbach noted the issue should not be rushed; wider notification should be provided and suggested a committee be formed.
 - Councilman Tienken agreed more study is needed and suggested wider buffers be established with strict requirements for business operations.
 - Councilwoman King suggested a committee be established to review the proposal.
 - Following the recommendation of Borough Attorney Raffetto, it was the consensus of the Council to solicit members to serve on such a committee.
- Board of Health dissolution – Borough Attorney Raffetto provided preliminary information on the need for a Board of Health and was directed to prepare an ordinance for the Council's consideration.
- Local Assistance Board dissolution – Borough Administrator/Clerk Delaney reported on the responsibilities of the Local Assistance Board. Councilwoman Cindea questioned the impact eliminating the Local Welfare Director would have on service delivery for residents. The matter was held pending receipt of information on such an impact.

REPORTS & ANNOUNCEMENTS.

- Mayor Maccanico – announced the following Planning Board appointments:
 - Class 2: David Petriken (1 year term expires 12/31/2013)
 - Class 4: Roy Francolino (4 year term expires 12/31/2016)
 - Class 4: Ray Miller (4 year term expires 12/31/2016)
 - Alternate #1: Eileen Eilenberger (unexpired 2 year term expires 12/31/2013)
 - Alternate #2: James Hackett (2 year term expires 12/31/2014)
- Councilman Tienken – suggested establishing an Ad hoc Recreation Committee to assist in

expanding the recreation programs.

- Councilman Vorbach – no report.
- Councilwoman Cindea – reported the previously submitted Trail Grant application was not approved.
- Councilwoman King – no report.
- Councilman Shuler – no report.

REPORTS, NOTICES & CORRESPONDENCE.

- Police Department report (November 2012)
- NJDEP/Green Acres 2012 Recreational Trails Program – grant application denial
- Monmouth County Planning Board – Proposed Amendment to Water Quality Mgmt. Plan (WQMP)
- South Monmouth Regional Sewerage Authority (SMRSA) notice – Sewer Connection Fee Amendment

NEW BUSINESS – ORDINANCE INTRODUCTIONS. There were no ordinances considered for introduction.

NEW BUSINESS – RESOLUTIONS.

- **R2013-17**, appointing Janine Gillis Deputy Borough Clerk. On a motion by Mr. Vorbach, 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. Diver

- **R2013-18**, appointing Gary McLean to the South Monmouth Regional Sewerage Authority. 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. Diver

- **R2013-19**, designating various officials and individuals to represent the Borough and submit required applications, certifications and reports for the year 2013:

Community Development Program	Administrator - Jay Delaney
Community Development Program - Alternate	Public Works Superintendent - Art Herner
Clean Communities Coordinator	Public Works Superintendent - Art Herner
9-1-1 Coordinator	Police Chief - David Petriken
MCMJIF Insurance Fund Commissioner	Administrator - Jay Delaney
Purchasing Agent	Administrator - Jay Delaney
Public Agency Compliance Officer	Purchasing Agent - Jay Delaney
Assessment Search Officer	Borough Clerk - Jay Delaney
PEOSH IAQ Designee	Public Works Superintendent - Art Herner
Certifying Agent PERS & PFRS Pension Funds	CFO (Acting) - Catherine Francolino

On a motion by Mr. 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. Diver

- **R2013-20**, appointing Eileen Eilenberger as the Borough representative to the Shore Community Alliance. Mayor Maccanico thanked Mrs. Eilenberger for her community service. On a motion by Mrs. King, seconded by Mr. Vorbach, 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. Diver

- **R2013-21**, approving George J. Breslin as a member of the Independent Fire Company No. 1. 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. Diver

- **R2013-24**, appointing members to the Zoning Board of Adjustment:

Regular Member: Andrew Zelenak,.....Four (4) year term ending December 31, 2016

Regular Member: Brian BrendleFour (4) year term ending December 31, 2016

Alternate No. 1 : Owen QuinnUnexpired Two (2) year term ending December 31, 2013

Alternate No. 2: Randolph Maccanico, 3rd Two (2) year term ending December 31, 2014

On a motion by Mrs. King, seconded by Mr. Vorbach, 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. Diver

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. Diver

- **R2013-22**, approving payment of the itemized claims as set forth on the January 9, 2013 Bill List. 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. Diver

- **R2013-23**, approving the Consent Agenda items.

▪ Raffle License No. 01-2013 (St. James Episcopal Church)

▪ Raffle License No. 02-2013 (St. James Episcopal Church)

▪ Raffle License No. 03-2013 (American Nat’l Red Cross Jersey Coast Chapter.)

▪ Raffle License No. 04-2013 (PSFA Communications HS Inc.)

▪ Raffle License No. 05-2012 (PSFA Communications HS Inc.)

On a motion by Mr. Vorbach, 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. Diver

SECOND VOICE OF THE PUBLIC. (Any item)

- Gladys Erbe, Pitney Drive – questioned the process for notifying car owners to remove their vehicles during snow storms; commented on the lack of newspaper coverage of the recent swearing-in; and reported on the difficulty in reading the digital message signboard in front of the school.
- Karen Clark, Wyckham Road – questioned the new “no right on red” restriction at Allaire Road and Route 71.
- John Lewis, Prospect Road – questioned the projected savings from the approved Public Works Superintendent contract which was quoted in a recent Coast Star article; and requested supporting documentation.
- Karen Clark, Wyckham Road – questioned if the Borough has any influence on the signs erected by the County or State.

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

APPROVAL OF MINUTES.

On a motion by Mrs. King, seconded by Mr. Shuler, the minutes of the December 17, 2012 Regular Meeting were approved by the following vote:

Ayes: Mrs. King, Mr. Shuler Nays: None

Abstain: Mrs. Cindea, Mr. Tienken, Mr. Vorbach Absent: Mr. Diver

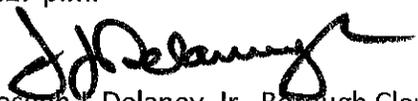
On a motion by Mrs. King, seconded by Mr. Shuler, the minutes of the January 1, 2013 Reorganization Meeting were approved by the following vote:

Ayes: Mrs. King, Mr. Shuler, Mr. Tienken Nays: None

Abstain: Mrs. Cindea, Mr. Vorbach Absent: Mr. Diver

ADJOURNMENT. There being no further business, on a motion by Mrs. Cindea, seconded by Mr. Vorbach, the meeting was adjourned without objection at 9:27 p.m.

Approved: March 11, 2013


Joseph J. Delaney, Jr., Borough Clerk