

The **January 28, 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 7:30 p.m. in the Frank E. Adams Municipal Building.

Present:

Mayor Gavino Maccanico  
Councilman Richard Diver  
Councilwoman Sara King  
Councilman James Shuler  
Councilman Christopher Tienken

Absent:

Councilwoman Patricia Cindea  
Councilman Thomas Vorbach

Also Attending:

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

Councilman Vorbach entered the meeting at 7:31 p.m.

On a motion by Mrs. King, seconded by Mr. Shuler, **Resolution R2013-24A**, authorizing an Executive Session to discuss Contract Negotiation/Personnel: Licensed Water Operator was adopted. The public meeting was recessed 7:32 p.m. and the Executive Session convened in the Conference Room.

**Executive Session.** Borough Administrator/Clerk Delaney reported receiving notification from the Borough of Spring Lake to renegotiate the existing Licensed Water Operator shared-service agreement and outlined the various options available for restructuring the arrangement. The Administrator was authorized to continue discussions with other area municipalities. The Executive Session was adjourned at 7:52 p.m. without objection.

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

**ROLL CALL.**

Present:

Mayor Gavino Maccanico  
Councilman Richard Diver  
Councilwoman Sara King  
Councilman James Shuler  
Councilman Christopher Tienken  
Councilman Thomas Vorbach

Absent:

Councilwoman Patricia Cindea

Also Attending:

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

**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. Diver, seconded by Mr. Vorbach, the agenda was approved by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

**PRESENTATIONS.** There were no presentations.

**SCHEDULED PUBLIC HEARING.** 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 period was opened without objection.

- Sharon Bateau, Beverly Avenue – questioned if the proposed rezoning along Route 71 would constitute spot-zoning and inquired as to how she could be part of the proposed committee.

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

**DISCUSSION ITEMS.**

- FEMA Advisory Base Flood Elevation (ABFE) Maps. Borough Engineer Joe May reported on the “advisory maps” recently issued by FEMA and being adopted by the state according to the announcement by Governor Christie on Friday. Mr. May highlighted the changes from the existing flood maps; the impact on property owners’ flood insurance costs and building height requirements in those areas. Borough Administrator/Clerk Delaney provided an update on flood insurance changes.
- Draft Resolution: Establishing Recreation Advisory Committee. Councilman Tienken outlined the plan to include himself and Councilman Shuler as co-chairs.
- Draft Resolution: Establishing Route 71 Rezoning Ad hoc Advisory Committee. Mayor Maccanico suggested the committee concept be revised to be a Council sub-committee together with selected Borough officials to conduct hearings and report back to the Council. Councilwoman King suggested Councilman Diver chair the committee as the Council’s Planning Board representative. On a motion by Mr. Diver, seconded by Mrs. King, **Resolution R2013-30**, establishing the Route 71 Rezoning Ad hoc Advisory Committee, was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- Monmouth County Planning Board – Proposed Amendment to Water Quality Management Plan (WQMP).

**REPORTS & ANNOUNCEMENTS.**

- Mayor Maccanico – announced the appointment of Gary McLean and Scott Stark, both to three (3) year terms (expiring December 31, 2015), as members of the Environmental Commission.
- Councilman Shuler – reported on three (3) water main breaks on Park and Lake Avenues since Hurricane Sandy; Allaire Road Park clean-up will start February 8th; the boiler in the Municipal Building has been replaced.
- Councilman Diver – reported on a recent budget-preparation meeting; the 2013 Budget goal is to maintain current tax and utility rates while also maintaining existing service levels; the required Annual Financial Statement reflecting 2012 Budget revenues and appropriation balances is being prepared and will be available February 10th; state budget dates for introduction and adoption have been pushed back; preliminary review reflects overall Current Fund Revenues met anticipated levels; Water-Sewer Utility revenues falls somewhat short of projections due to the delay last year in implementing the revised rates; Tentative Budget Schedule: Discussion on Monday, February 25th (Regular Meeting); Review on Monday, March 4th (Special Meeting); Introduction on Monday, March 11th (Regular Meeting); Public Hearing on Monday, April 8th (Regular Meeting); Adoption on April 8th or Monday, April 22nd (Regular Meeting). Mr. Diver
- Councilwoman King – no report.

- Councilman Vorbach – no report.
- Councilman Tienken – no report.

**REPORTS, NOTICES & CORRESPONDENCE.**

- Police Department Report (December 2012)
- Zoning Board of Adjustment Hearing Notice: 1004 Wall Road (B-64, L-7)
- Cablevision franchise fee certification.

**NEW BUSINESS – ORDINANCE INTRODUCTIONS.** Borough Attorney Raffetto requested action on the ordinance dissolving Board of Health be deferred to the next meeting.

**NEW BUSINESS – RESOLUTIONS.**

- **Resolution R2013-25**, awarding Professional Service contract for Labor Counsel services to Tracy Armstrong, Esq./Lomurro Davison Eastman & Munoz, P.A. On a motion by Mr. Shuler, seconded by Mrs. King, the resolution was adopted by the following vote:  
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach  
Nays: None Abstain: None Absent: Mrs. Cindea
- **Resolution R2013-26**, authorizing the Shared Service agreement with the County of Monmouth for Special Citizens Area Transportation System (SCAT) services for the year 2013. On a motion by Mrs. King, seconded by Mr. Vorbach, the resolution was adopted by the following vote:  
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach  
Nays: None Abstain: None Absent: Mrs. Cindea
- **A motion to move the bills to the Finance Committee**, by Mr. Diver, seconded by Mrs. King, was approved by the following vote:  
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach  
Nays: None Abstain: None Absent: Mrs. Cindea
- **Resolution R2013-27**, approving payment of claims on the January 24, 2013 Bill List. On a motion by Mrs. King, seconded by Mr. Diver, the resolution was adopted by the following vote:  
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach  
Nays: None Abstain: None Absent: Mrs. Cindea
- **Resolution R2013-28**, authorizing the transfer of 2012 Municipal Budget Appropriation Reserves. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:  
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach  
Nays: None Abstain: None Absent: Mrs. Cindea
- **Consent Resolution R2013-29:**
  - Raffle License No. 06-2013 (International Game Fish Assoc. Inc.)
  - Raffle License No. 07-2013 (Autism New Jersey Inc.)
  - Approving use of Allaire Road Park - Sunday, June 23, 2013 (The Positive Earth Driver's Club – British Classic Car Display.On a motion by Mr. Vorbach, seconded by Mrs. King, the consent resolution was adopted by the following vote:  
Ayes: Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach  
Nays: None Abstain: None Absent: Mrs. Cindea

**SECOND VOICE OF THE PUBLIC.** (Any items)

- Patricia Wignall, Route 71 – announced the Father's Day Car Show at Allaire Road Park on Sunday, June 23rd.

- Kat Crippen, Atlantic Avenue – complimented the Public Works Department on their response to the water-main break last night; requested the Rezoning Committee include someone from the Environmental Commission.

On a motion by Mr. Diver, seconded by Mr. Vorbach, the consent resolution was amended to reflect the correct date of the Car Show as June 16th adopted by the following vote:

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

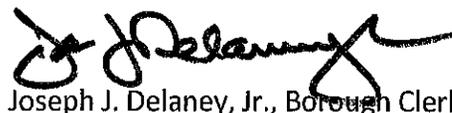
Nays: None Abstain: None Absent: Mrs. Cindea

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

**ADJOURNMENT.**

There being no further business, on a motion by Mr. Vorbach, seconded by Mrs. King, the meeting was adjourned without objection at 8:40 p.m.

Approved: March 11, 2013



Joseph J. Delaney, Jr., Borough Clerk