

The **March 25, 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.

Present:

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

Absent:

None

Also Attending:

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

There were six (6) 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 Mrs. King, seconded by Mr. Shuler, the agenda was approved by the following vote:

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

Nays: None Abstain: None Absent: None

PRESENTATIONS. There were no presentations.

SCHEDULED PUBLIC HEARING. There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC. (Agenda items only)

- Sharon Batteau, Beverly Avenue – In response to Ms. Batteau’s questions regarding scheduling another meeting to discuss the B-3 rezoning proposal, Mayor Maccanico reported no additional meeting has been scheduled. Mr. Diver noted the ordinance is still under consideration and will be reviewed by the Planning Board and if introduced will require a public hearing before being considered for adoption.

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

DISCUSSION ITEMS.

- B-3 Commercial Zoning District:

- Councilman Tienken requested traffic and environmental studies be conducted before the B-3 ordinance be introduced.
- Councilwoman Cindea agreed with Mr. Tienken and further suggested eliminating commercial uses in the zone and providing for age-restricted or townhouse development. Mrs. Cindea also suggested the property owner requesting the re-zoning should provide information on their plans for the property.
- Councilman Diver noted traffic and environmental studies are required by the Planning Board and will be provided once a developer files an application for development approval.
- Councilman Vorbach commented that additional information and studies, including noise impact, is needed before rushing to change the zoning.
- Councilman Shuler recommended the ordinance be sent back to the Planning Board to specifically

consider removing the garden supply store, outdoor dining regulations and hardware store permitted uses.

- Councilwoman King stated the ordinance should go back to the Planning Board which will provide an additional opportunity for public comments.
- Borough Attorney Raffetto outlined the ordinance adoption process by the Council and the role the Planning Board plays in reviewing zoning and development ordinance for conformity with the Master Plan. Mr. Raffetto also noted the Planning Board can consider the other alternatives suggested in the Borough Engineer's initial evaluation.

Mayor Maccanico invited comments from Planning Board member Eileen Eilenberger, who noted existing state law requires the regulations in effect at the time an application is filed govern the review. Mrs. Eilenberger recommended the Planning Board review the changes proposed by Councilman Shuler.

On a motion by Mr. Shuler, seconded by Mrs. King, the draft ordinance was referred to the Planning Board to review the options outlined in the initial planning evaluation, including residential use, and the removal of garden supply stores, outdoor dining regulations, hardware and packaged goods stores, by the following vote:

Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None

REPORTS & ANNOUNCEMENTS.

- Councilman Tienken – no report.
- Councilman Vorbach – no report.
- Councilwoman Cindea – no report.
- Councilwoman King – no report.
- Councilman Diver reported the budget should be ready for introduction at the next meeting which would be followed by Council review and public hearing.
- Councilman Shuler – no report.

REPORTS, NOTICES & CORRESPONDENCE.

- Municipal Court Report (February 2013)
- Tax Office memo re: New Jersey State Tax Audit
- Board of Adjustment memo re: 2012 Decisions Report & Recommendations
- Borough of Spring Lake – Ordinance No. 2013-001
- Borough of Spring Lake – Ordinance No. 2013-003

NEW BUSINESS – ORDINANCE INTRODUCTIONS.

- **ORDINANCE NO. 2013-01, AN ORDINANCE DELEGATING THE AUTHORITY TO APPROVE THE GRANTING OF RAFFLE AND BINGO LICENSES TO THE BOROUGH CLERK**

On a motion by Mr. Shuler, seconded by Mrs. King, the ordinance was approved on introduction by the following vote:

Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None

NEW BUSINESS – RESOLUTIONS.

- **Resolution R2013-44**, authorizing the adjustment of designated Water-Sewer Utility accounts.

On a motion by Mr. Vorbach, seconded by Mrs. King, the resolution was adopted by the following vote:

Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None

- **Resolution R2013-45**, approving Steven Hudson and Tucker Brendle as a members of Independent Fire Company No. 1. On a motion by Mrs. King, seconded by Mr. Vorbach, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

- **Resolution R2013-46**, authorizing a contract for Professional Services to Holman Frenia Allison, P.C. to provide audit services for the year 2013.

Mr. Vorbach questioned the contract being awarded without competitive bids. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: Mr. Vorbach Abstain: None Absent: None

- **Resolution R2013-47**, consenting to the proposed Water Quality Management Plan (WQM) Plan Amendment entitled: Monmouth County Future Wastewater Service Area Map. On a motion by Mr. Shuler, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

- **Resolution R2013-48**, authorizing consent to the proposed modifications to the existing telecommunication facility located at 525 Old Mill Rd. (B-24, L-18) leased to New Cingular Wireless PCS, LLC (AT&T) Old Mill Rd. (B-24, L-18).

Mrs. Cindea questioned the planned height of the planned equipment and requested the plans be reviewed to make certain the height is not being increased. Mrs. King noted the plans were reviewed by the Borough Engineer and the Planning Board.

On a motion by Mrs. Cindea, seconded by Mr. Vorbach, the resolution was tabled by the following vote:

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

Nays: Mrs. King, Mr. Shuler Abstain: Mr. Diver Absent: None

- **Resolution R2013-49**, authorizing additional temporary budget appropriations pending adoption of the 2013 Municipal Budget. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

- **A motion to move the bills to the Finance Committee**, by Mr. Shuler and seconded by Mr. Diver, was approved by the following vote:

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

Nays: None Abstain: None Absent: None

- **Resolution R2013-50**, approving payment of claims on the March 22, 2013 Bill List. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

- **Consent Resolution R2013-51:**

- Raffle License No. 19-2013 (Open Arms)
- Raffle License No. 32-2013 (Legal Secretaries Association Monmouth)
- Raffle License No. 33-2013 (Legal Secretaries Association Monmouth)
- Taxi Owner License No. TO-2013-01: Sefik Demir d/b/a Homestead Transportation
- Taxi Driver License No. TD-2013-01: Sefik Demir
- Approving Community Center use: June 7, 2013 (Saint Catharines School)

On a motion by Mrs. King, seconded by Mr. Tienken, the consent resolution was adopted by the following vote:

Ayes: Mrs. Cindea, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: Mr. Diver Absent: None

SECOND VOICE OF THE PUBLIC. (Any items)

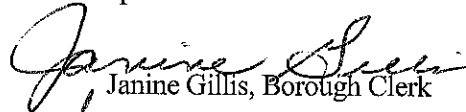
- Eileen Eilenberger, Pond Road – reported on the recent Wreck Pond clean-up.

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

Borough Attorney Raffetto questioned if the Council wished to take any action on obtaining a transcript of the March 11 meeting. Borough Clerk Delaney suggested a quote be obtained before proceeding.

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

ADJOURNMENT. There being no further business, on a motion by Mrs. King, seconded by Mr. Diver, the meeting was adjourned without objection at 8:48 p.m.


Janine Gillis, Borough Clerk

Approved: September 14 2015