

The **May 11, 2015** 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 7:00 p.m. in the Frank E. Adams Municipal Building.

Present:

Mayor Gavino Maccanico
Councilman Christopher Campion, Jr.
Councilwoman Sara King
Councilman Thomas O'Brien
Councilman James Shuler
Councilman Christopher Tienken

Absent:

Councilman Thomas Vorbach

Also Attending:

Janine Gillis, Borough Clerk
Joseph J. Delaney, Jr. Borough Administrator
Gary McLean, Esq., Borough Attorney
John Barrett, PM Consultants

7:00 pm EXECUTIVE SESSION - Resolution No. R2015-83

- Personnel – Bargaining Agreement : DPW
- Contract Negotiation: Shared Service

On a motion by Mr. Campion, seconded by Mr. O'Brien, Resolution R2015-83, authorizing an Executive Session was adopted without objection. The public meeting was recessed at 7:03 p.m. and the Executive Session convened in the Conference Room.

7:30 p.m. Presentation

- Fire Prevention Poster Contest Awards: 1st, 2nd, 3rd Place awards for each Grade -- Kindergarten to 8th

Mr. Forbes, art teacher at Spring Lake Heights Elementary School called out the winners by name and Mayor Maccanico presented each child with their award. Mr. Beliveau, Spring Lake Heights Fire Official reviewed the contest rules and how judging was done.

8:00 p.m. - PUBLIC SESSION: CALL TO ORDER ▪ SILENT REFLECTION ▪ PLEDGE OF ALLEGIANCE

Present:

Mayor Gavino Maccanico
Councilman Christopher Campion, Jr.
Councilwoman Sara King
Councilman Thomas O'Brien
Councilman James Shuler
Councilman Christopher Tienken
Councilman Thomas Vorbach

Absent: None

Also Attending:

Janine Gillis, Borough Clerk
Gary McLean, Esq., Borough Attorney
Joseph J. Delaney, Borough Administrator

2. OPEN PUBLIC MEETINGS ACT 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.
3. APPROVE AGENDA - On a motion by Mr. O'Brien, seconded by Mrs. King, the agenda was approved, by the following vote:
Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Absent: None
4. APPROVE MINUTES - April 27, 2015
On a motion by Mrs. King, seconded by Mr. O'Brien, the minutes of April 27, 2015 were approved, by the following vote:
Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken
Nays: None Absent: Mr. Vorbach
5. PRESENTATIONS.
 - Crosby Road, Norman Terrace & Jeanette Court, Road and Drainage Improvements.
Borough Engineer, Joe May reviewed the plans for the improvements for the project which included: drainage improvements, curb and sidewalk installation, paving and establishing a no parking zone. He

reported that the cul-de-sac is undersized according to today's standards. He stated that the plans included removing some shrubs on the corner of Crosby & Old Mill Road and a tree on Norman Terrace to accommodate the installation of sidewalks. Mr. May stated that the residents would be able to tap into fixing drainage issues on their own property. Mr. May presented a sidewalk plan that was prepared in 2012; the sidewalk installation here was a part of that plan.

Mr. Delaney reported that the Borough the estimate of costs is \$325,000.00; the borough will receive \$175,000.00 in grant money and that the balance of funding would come from an existing bond ordinance. The project would go out to public bid. Mr. Delaney reported all residents that are effected were notified via a letter about tonight's meeting and Mr. May was available to the public for questions on May 4th and 7th. Mr. O'Brien asked if there's always been parking on Norman, Mr. May replied yes. Mr. Campion asked what the curb radius is, Mr. May replied about 30 ft., Mr. Campion replied that's about 10 feet short, Mr. May replied yes. Mrs. King asked what the distances were between driveways; Mr. May stated that it varies from about 10 feet to 40 feet. Mr. Tienken asked if the Fire Chief, Police or Fire Inspector had any concerns, Mr. May he spoke to them and they hadn't expressed any concerns. Mr. Campion if the 30ft radius existed anywhere else in town, there are some on dead end streets and is there no parking, Mr. May replied no.

- Tree Preservation at Allaire Road Park.

Mr. Delaney reported that both he and Joe May attended the Environmental meeting last week. The area in the park was inspected by a tree expert. Those trees that need attention by either a trimming or removal have been marked. Mayor Maccanico asked if there was a plan to replant, Mr. Delaney stated yes but that would be done at a later time. The concern now was to remove the trees before an accident occurs. Mr. Delaney added that the grove area which lost many trees with Superstorm Sandy, he stated he was hopeful to restore it to as close to its original status before the storm. Mr. Campion asked Mr. Delaney about the meeting with the Environmental Commission, Mr. Delaney stated it was a good exchange, the commission was concerned about the wildlife. Mr. Campion stated he walked through the park and agrees several of them must come down. Mr. Tienken asked Environmental Chairperson in the audience about a plan for the grove where she claimed it wasn't complete, Mr. May stated that the map is being updated, Mr. Tienken asked if the tree inventory was the same from about 18 months ago, Mr. May replied yes.

Mr. Vorbach asked about the road project at Norman Terrace and if the turning radius was an issue. Fire Chief, Joe Tompey was in the audience, he asked if he saw this as difficult; he replied that there are other dead end streets in town and cul-de-sac's, he stated that each situation is different but Norman Terrace is a relatively short street that the trucks could back out.

6. SCHEDULED PUBLIC HEARINGS.

- **Ordinance 2015-01**, An ordinance amending Chapter 2 – establishing the position of Deputy Tax/Utility Collector

The meeting was open to the public on this ordinance; None presented.

On a motion by Mrs. King, seconded by Mr. Shuler, Ordinance 2015-01 was adopted, by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Absent: None

- **Ordinance 2015-02**, An ordinance establishing recreation program fees

The meeting was open to the public on this ordinance; None presented.

On a motion by Mrs. King, seconded by Mr. Shuler, Ordinance 2015-02 was adopted, by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Absent: None

▪ **Community Development Block Grant (CDBG) Program Application**

Mr. Delaney stated that at the last council meeting on April 27, 2015 the public was solicited for ideas for a new application. He stated that the Borough has received notification that we have been approved for some funding based on last year's application. As discussed at the meeting the total cost of improvements would be approximately \$300,000.00. Mr. Delaney stated that in his opinion this year's application would have a low priority and felt that we wouldn't get a high ranking.

7. PUBLIC COMMENT. (Agenda items only)

Michael Farragher 1223 Norman Terrace-he felt the change in parking not necessary, it doesn't exist on other cul-de-sac, the Fire Chief doesn't seem to think it's an issue; Mayor Maccanico asked if he prefers that parking remain as is, Mr. Farragher replied, yes.

Peter McHugh 1207 Crosby Road-stated that he was opposed to sidewalk installation, he felt that the pedestrian traffic was a lot. .

Jeff Algor 1225 Norman Terrace-stated that he was a lifelong resident, he lives on an undersized lot, when he purchased his home, realized that parking wasn't great but enjoys living on the cul-de-sac. He did not want to see sidewalk installation as that would take away from his front lawn. He felt that if there was no parking and they had to park on Crosby those residents wouldn't be too happy. He stated that he had a petition with 25 signatures opposing the no parking.

Kathleen Algor 1225 Norman Terrace-stated that she has lived in the home since 1994, in that time period ambulances have had to come into the cul-de-sac and there were no issues.

Michael Farragher 1223 Norman Terrace asked if there is a plan for a new fire hydrant, Mr. May replied yes. Mr. Farragher replied that he is hoping not as he would lose some front lawn.

Steven Timmerman 1221 Norman Terrace- Stated that he did not sign the petition that Mr. Algor refers to. Mr. Timmerman thanked Mr. May for the work in obtaining the grant. There has been occasions when both an ambulance and fire vehicles have need to come into the cul-de-sac. He went on to say that the cul-de-sac is undersized, he stated that his parents live with him and that the other residents park their vehicles nose in to the curb, when they park that way it makes the width of the circle even smaller, at one point the mailman was hit by a car. He felt that the situation is one of safety. Mr. Campion asked if the cars were parked parallel would he feel the same, Mr. Timmerman replied yes. Mr. Tienken stated that he felt this was more of a neighbor issue. Mr. Vorbach asked if the Residential Site Improvement Standards is law, Mr. May replied that it is a guideline. Mr. Campion asked if it applies to only new construction, Mr. May replied yes. Mr. O'Brien asked how long Mr. Timmerman has been living there; he replied 14 years. Mr. O'Brien asked if this has always been a problem, Mr. Timmerman replied that it has become more of an issue recently; he stated that the children grow up and get their vehicles. Mr. Timmerman stated that his neighbor would sometimes park her car in his driveway. Mr. Timmerman presented photos of cars parked nose in to the curb.

Bernice Timmerman 1221 Norman Terrace-felt that if the residents would park properly, parallel park their vehicles, she felt that it would probably suffice, she doesn't understand the parking nose in, it interferes with pulling out of the driveway because they block the view. She added that parking could be done in the individual driveways. She asked Mayor and Council to work to resolve this issue and enforce whatever decision they make.

Mr. Tienken asked Mr. May if cars could park parallel, Mr. May res although not on all, some are undersized. Mrs. King pointed out that when parking you must be a certain distance away from the driveway opening, Mr. May replied yes. Mr. Tienken asked if the curbs would be painted if determined there was no parking, Mr. May replied yes.

Lauren Kelly 1219 Norman Terrace- stated that her grandmother would never have parked in Mr. Timmerman's driveway, she does park nose in when visiting her grandmother's house.

- Anthony Pecelli 1214 Crosby Road- Stated that 5 of the 6 homes on Norman park nose in and it seems to be working, the garbage trucks go and out without issues. He added that the top of Crosby Rd curves and felt that if Norman Terrace residents had to park there that it would create a visibility issue.
- Bernice Timmerman 1221 Norman Terrace- stated that if residents have driveways they should park cars in their own driveways or on the straight part of Norman; rather than parking nose in on the street.
- Kathleen Algor 1225 Norman Terrace- didn't understand why the parking is such an issue now. Mr. Campion asked why the cars park nose in, Mrs. Algor replied that the family has multiple cars and rather than everyone having to shuffle cars around they park nose in.
- Gloria Kelly 1219 Norman Terrace- stated that her daughter parks nose in because her driveway only barely fits 2 cars, she stated that she has lived there her entire life and there has never been a problem with the neighbors and parking this way, why now, she does not want the no parking ban on the street.
- Steve Timmerman 1221 Norman Terrace- stated that the garbage trucks don't have an issue because by the time they are on the street the cars are gone because everyone has gone to work. He stated that parking could be done on the straight part of Norman Terrace, it's not necessary to go out to Crosby Rd.
- Tom McInernery 2106 Old Mill Rd- asked why all of a sudden it's a safety an issue. He does not want sidewalks installed he would lose part of his front lawn and the bushes on his property.
- Ellen Comnesso 1231 Crosby Road- would like to leave the parking alone.
- Barbara Farragher 1223 Norman Terrace in her opinion the straight part of Norman Terrace could only hold 2-3 cars.
- Henry Sandle 1215 Crosby Rd doesn't want the tree to come down for a sidewalk, there's a sidewalk on Crosby. He added that there are only a few children that cut through the area to get to the park but felt the funds could be used elsewhere.
- Mr. Tienken asked Mr. May if there is a way to stripe the street for nose in parking that would alleviate cars parking to close to the driveways, Mr. May replied it would be difficult but yes. Mr. Tienken expressed that he felt this might help to alleviate the problem without having to go to an ordinance, Mr. Campion agreed.
- Peter McHugh 1207 Crosby Road- felt that parking on both sides of a street makes it difficult getting in and out of the driveway.
- Jim Healy 1204 Crosby Road- would like the parking not to change and that sidewalks are not installed.
- Scott Stark 1202 Crosby Road- asked if an additional catch basin was in the plan, Mr. May replied no but that if sidewalk comes out it could possibly be added.
- Vern Henderson 916 Buckaneer Lane Manahawkin, NJ- stated that as the Police Chief there were never any issues on Norman. He suggested that the residents back into the driveways so that when leaving pulling straight out would be easier
- Ellen Comnesso 1231 Crosby Road- asked if the drainage inlet, Mr. May replied that it was coming out as it doesn't function.
- Jim Haynes 611 Mercer Ave- stated that he has lived there 4 years and since the change from the Porch to the Tap House there seems to be more traffic on the street, more cars parked on the street and more intoxicated individuals walking on the street. He asked if the police could have more of a presence. Mrs. King replied that she would speak to the Chief with his concern.
- Mr. May stated that the plan would need to be revised if the council desired to eliminate the sidewalk, add striping, add drainage and not include the fire hydrant.
- Robert Peters 551 Central Ave- asked about a fire hydrant on his street with a tag marked inoperable, Mr. May stated that it needs to be replaced.
- Gloria Kelly 1219 Norman Terrace- felt that on Mr. Timmermans property he placed stakes that have been there for quite a while. Mayor Maccanico stated that that seems to be more of a dispute between neighbors that would not be settled here.

On a motion by Mr. Shuler and seconded by Mrs. King the public comment period was closed; roll call taken all ayes.

8. DISCUSSION ITEMS.

- Letter from Monmouth County Division of Planning – 2014 CDBG Application Allocation

9. MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS.

Councilman Campion – None

Councilman Tienken – None

Councilman Vorbach – Thanked Joe May for his work on the grants.

Councilwoman King – None

Councilman O' Brien – Stated that he was hopeful to have the budget introduced tonight.

Mr. May added that the improvements on Ocean Road are almost complete; work on the entrance to the Borough Office will be starting. Mayor Maccanico asked about the potholes on Wall Road, Mr. May replied that there repaired.

10. REPORTS, NOTICES & CORRESPONDENCE.

▪ Letter received from Leonard Giles, Chairman Of the Spring Lake Heights Board of Health
Mayor Maccanico asked Mr. Delaney to prepare a proclamation for a future meeting.

- Letter from John Thomas Patterson, detailing Memorial Day Activities.
- A copy Ordinance #9-2015 introduced by Wall Township; Public Hearing May 27, 2015
- A copy Ordinance #10-2015 introduced by Wall Township; Public Hearing May 27, 2015
- Certificate and Report of School Taxes-Spring Lake Heights School District
- Spring Lake Heights Court Report – April 2015
- Spring Lake Heights Monthly Revenue Report – April 2015
- State of NJ – Dept. of Transportation – Ludlow Ave Grant Application
- Monmouth County Park System – 2015 Open Space Grant Program
- Independent Fire Co. No. 1 – Memorial Day Ceremony

There was a discussion among council member as to the conflict of the Memorial Day ceremonies. Mayor Maccanico asked Mr. Delaney for assistance in clarifying times.

11. ORDINANCE INTRODUCTIONS.

▪ **Ordinance 2015-03**, An ordinance to exceed municipal appropriation limits & to establish a cap bank. Mr. Barrett explained that this ordinance was a standard practice; it establishes a CAP bank for appropriations that will benefit the borough in future years for expenses such as gasoline or utility bills. Mr. Shuler asked if it must be an ordinance, Mr. Barrett replied yes. Mrs. King asked if the amount could change, Mr. Barrett replied yes.

On a motion by Mrs. King, seconded by Mr. Shuler, Ordinance 2015-03 was introduced with a public hearing to be scheduled at a later date, by the following vote:

.Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Absent: None

12.RESOLUTIONS.

- **R2015-84**, Approving the Municipal Budget

Mr. O'Brien reviewed the process that council has taken up to this point with the different versions of the budget that have been presented. He stated that tonight, council has 2 versions Plan C and Plan D. Mr. O'Brien stated that his proposal is for Budget C and that Budget D is proposed by Mrs. King. Budget C includes an appropriation of \$48,000 for the Fire Department; previously that amount was split between DPW and the Fire Dept. Plan C requires a tax increase of 1.03 cent increase. Mrs. King's proposal also allows for the \$48,000 for the Fire Dept. as well as moving additional monies from Public Works salary to the utility fund. Mr. Tienken

▪ **R2015-87**, Supporting Click It or Ticket Program

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

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

▪ **R2015-88**, Authorizing the Adjustment of a Water-Sewer account

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

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

▪ **R2015-89**, Approving the appointment of temporary/Seasonal employee – DPW

On a motion by Mr. O'Brien, seconded by Mr. Shuler, the resolution was adopted by the following vote:

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

▪ **R2015-90**, Establishing Recreation Fees

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

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

▪ **R2015-91**, Approving membership to Fire Company

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

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

▪ **R2015-92**, approving payment of claims on the May 8, 2015 Bill List.

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

Ayes: Mr. Campion, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

13. PUBLIC COMMENT. (Any item)

Kat Crippen 564 Atlantic Avenue- Stated that the lift station on 6th Avenue as become a gathering spot, if it is possible to have motion sensitive lights installed.

Zachary Ramp, Spring Lake Heights Police Officer- stated that he works the midnight shift and that there hasn't been any noise complaints received with regard to the Tap House, that neighbors find that there is an issue they should call the Police. He further stated that if the neighbors have any type of complaint to call the police immediately. There has been an occasion that he has requested of the Tap House Manger to shut the door to the facility when he himself has noticed it open. He also added that he's not had any calls about the area around the lift station.

On a motion by Mr. Shuler and seconded by Mr. O'Brien the comment period was closed

14. ADJOURNMENT.

There being no further business, on a motion by Mrs. King, seconded by Mr. Campion, the meeting was adjourned without objection at 10:54 p.m.


Janine Gillis, Borough Clerk

Approved: May 26, 2015