

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

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

Resolution R2013-70, authorizing an Executive Session was adopted on a motion by Mrs. King, seconded by Mr. Diver by the following vote:

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

Nays: None Abstain: None Absent: None

The public meeting was recessed at 7:03 p.m. and the Executive Session convened in the Conference Room.

Executive Session.

- **Personnel/Litigation-Tax Collector:** Borough Attorney Raffetto reviewed the status of the Tax Collector as a tenured official and the salary protections provided by state statute. Borough Administrator Delaney provided an analysis of the salary in dispute. Mrs. Cindea expressed her objection to any prior year salary increases and suggested recent legislation permits the removal of tenured officials as part of shared service agreements. Borough Attorney Raffetto was requested to research the matter. Mr. Delaney was authorized to investigate shared service opportunities with other municipalities.
- **Personnel-Administrator:** Borough Administrator Delaney reported on the status of his employment agreement. Mr. Delaney was excused at 7:20 p.m. Councilmen Tienken and Diver were authorized to proceed with further salary and contract discussions with the Administrator.

The Executive Session was adjourned at 7:35 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
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
John Barrett, Financial Consultant

There were 10 members of the public in attendance.

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.

Mr. Delaney added that he has distributed separately tonight, a revised Resolution #2013-71, which includes the addition of approving the use of Ocean Road Park and Mr. Raffetto has distributed a revised version of Ordinance

#2013-03 LOSAP.

On a motion by Mr. Vorbach, seconded by Mr. Diver, the revised 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.

PUBLIC HEARINGS.

▪ **2013 Municipal Budget**

The meeting was open to the public on the budget.

Mr. Delaney reminded council that at 2 previous meetings there was detailed presentations and discussions about this budget. He also stated that Mr. Barrett, Financial Consultant is in attendance, he has been in contact with the Director of Local Government Services, they have not completed their review and until such time that an approval is received, the budget cannot be voted upon. He expects that there may be some amendments but the public hearing tonight can move forward.

Mr. Barrett stated that he has had discussions with the Director who has requested some amendments. He's hopefully that all will be resolved for the next meeting at which time there will be a public hearing on the amendment.

John Lewis Prospect Ave asked for an explanation of the Exceed Rate Cap Ordinance. Mr. Barrett explained the advantages of doing such an ordinance.

Mr. Delaney briefly reviewed the budget as introduced which provides for a zero tax increase and a decrease in spending from last year.

Mr. Diver wanted to report that this budget is a zero tax increase yet maintaining services.

Councilwoman Cindea asked Mr. Delaney if he knew what the amount of grant money the Borough would be receiving for the road project on Norman Terrace and if there was enough money. Mr. Delaney replied the grant application had costs totaling \$280,000 we received \$175,000 grant. We will review the scope of work to see if it could be reduced or seeking additional funding from elsewhere. He expects that at the next council meeting we'll have a recommendations.

Councilwoman Cindea stated that she heard that FEMA will be reimbursing municipalities 90% versus 75% and asked how that would impact the town. Mr. Delaney stated that is one of the items of discussion with the Director of Local Government Services.

On a motion by Mr. Diver, seconded by Mrs. King, the public hearing on the budget was closed by the following vote:

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

Nays: None Abstain: None Absent: None

▪ **ORDINANCE NO. 2013-02, AN ORDINANCE TO EXCEED THE MUNICIPAL APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Mr. Delaney reminded everyone that this is not an authorization to increase the budget tax levy.

The public hearing was open to the public

There were no public questions or comments. The public session was closed by Mr. Diver and seconded by Mr. Shuler with no objections.

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

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

Nays: Mr. Vorbach Abstain: None Absent: None

FIRST VOICE OF THE PUBLIC. (Agenda items only) None Presented

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

DISCUSSION ITEMS. There were no items of discussion.

REPORTS & ANNOUNCEMENTS.

- Councilman Tienken Recreation Programs presented Matrix of the summer recreation camp with some specialty classes which include tennis, golf, art and the summer day camp. He also announced that with the help of Eileen Eilenberger we've secured a bus trip on November 8 to Radio City, the cost is \$75.00. There also will be a Town wide yard sale scheduled for June 15th.
- Mr. Tienken also thanked the Mayor for his wonderful speech on Memorial Day.
- Councilman Vorbach complimented the Mayor for this speech on Memorial Day.
- Councilwoman Cindea spoke about the project on Crosby Road/Jeanette Ct; presently we don't have enough money to complete the project but hopefully we can fund it somehow.
- Councilwoman King commended the Police Department for the work involved in the Presidential motorcade today. All of our guys volunteered for this duty.
- Councilman Diver – No report.
- Councilman Shuler – No report.

REPORTS, NOTICES & CORRESPONDENCE.

- Police Department Report (April 2013)
- Correspondence from Planning Board Attorney George McGill re: B-3 Zoning proposal.
- East Point Engineering proposal re: NJDOT Local Aid Project (Crosby Road, Norman Terrace and Jeanette Court)
- NJ Department of Transportation Municipal Aid Program re: Mercer Avenue Improvements.
- Notice of Hearing - Monmouth County Solid Waste Plan Amendment.
- Red Bank Borough resolution supporting preservation of tax-exempt financing.

ORDINANCE INTRODUCTIONS.

- **ORDINANCE NO. 2013-03, AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 2-24, ENTITLED "LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)," OF CHAPTER 2, "ADMINISTRATION," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY."**

Mr. Delaney reminded council that this was a request from the First Aid Squad to make some revisions to the point system. Mr. Vorbach felt that it simplified the system. Mayor Maccanico commented that he felt that it was fair and would keep the volunteers coming.

On a motion by Mr. Diver, seconded by Mr. Shuler, the ordinance was approved for introduction by the following vote:

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

Nays: None Abstain: None Absent: None

RESOLUTIONS.

- **R2013-71**, approving Consent Agenda items as follows:
 - Community Center use & waiver of the rental fee: Commons Condominium Assoc. (Sunday, June 23rd)
 - Outdoor Music Permit: Wall United Methodist Church (Sat., June 29th, 12 noon – 4:00 pm) Date Change.

Mr. Delaney reminded council of the addition for an approval for Ocean Road Park.

Mrs. Cindea stated that the certificate of liability does not indicate the Borough, Mr. Delaney stated that he would make sure a corrected certificate was submitted before issuing the permit.

Mr. Tienken stated that if there is some type of event at Ocean Road Park cars park on the west bound side of

Ocean Road. If you're trying to pull out onto Ocean Road from your driveway it is very difficult to see oncoming traffic; it makes for pulling out difficult. Is it possible to cone off the area between 10th & 12th. Mayor Maccanico asked Councilwoman King to check with Chief Petriken.

Mr. Diver asked about the waiving of the fee for the Condo Association, Mr. Delaney stated that it is an annual meeting that other associations use, it is usually only for an hour and we have previously waived the fee.

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. Tienken, Mr. Vorbach

Nays: None Abstain: Mr. Shuler Absent: None

▪ **A motion to move the bills to the Finance Committee**, by Mr. Diver, seconded by Mrs. King, 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

▪ **R2013-72**, approving payment of claims on the May 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

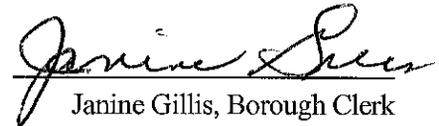
Nays: None Abstain: None Absent: None

SECOND VOICE OF THE PUBLIC. (Any items) There were no questions presented.

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

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. Vorbach, the meeting was adjourned without objection at 8:33 p.m.


Janine Gillis, Borough Clerk

Approved: September 28, 2015