

The **June 23, 2014** 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
Councilwoman Patricia Cindea
Councilwoman Sara King
Councilman Thomas O'Brien
Councilman Thomas Vorbach

Absent:

Councilman James Shuler
Councilman Christopher Tienken

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Scott Kenneally, Esq., Borough Attorney

There were 2 members of the public present.

On a motion by Mr. O'Brien, seconded by Mrs. King, **Resolution R2014-118**, authorizing an Executive Session to discuss Public Works personnel was adopted without objection. The public meeting was recessed at 7:32 p.m. and the Executive Session convened in the Conference Room.

Executive Session. Borough Administrator/Clerk Delaney reviewed the list of proposed seasonal Public Works employees and reported on the status of the Public Works Director negotiations. Mrs. Cindea commented on the need for additional full-time employees. Mayor Maccanico requested the Public Works Director appointment be held until the next meeting when all Councilmembers were expected to be in attendance. The Executive Session was adjourned at 8:03 p.m. without objection.

Public Session. The public session was called to order at 8:04 p.m. by Mayor Maccanico and opened with a silent reflection and Pledge of Allegiance.

Present:

Mayor Gavino Maccanico
Councilwoman Patricia Cindea
Councilwoman Sara King
Councilman Thomas O'Brien
Councilman Thomas Vorbach

Absent:

Councilman James Shuler
Councilman Christopher Tienken

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Scott Kenneally, Esq., Borough Attorney

There were 11 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 Mr. Vorbach, seconded by Mr. O'Brien, the agenda was revised to include Resolutions No. R2014-122, -123 and -124 by the following vote

Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Vorbach

Nays: None Abstain: None Absent: Mr. Shuler, Mr. Tienken

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

PRESENTATIONS. There were no presentations.

SCHEDULED PUBLIC HEARINGS. There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC. (Agenda items only)

- Gladys Erbe, 817 Pitney Drive – commented on the lack of minutes being approved; expressed opposition to reducing the number of Council meetings; questioned the ability of the public to vote on the appointment of a replacement for Public Works Superintendent Art Herner; commented on the lack of newspaper articles concerning Spring Lake Heights; and requested additional information be provided on the resolutions.
- Joan Purcaro, 922 Clairidge – thanked Mayor Maccanico and Mr. Delaney for addressing the condition of property adjacent to her home; and in response to a question regarding the appointment of a Public Works Director, Mayor Maccanico stated the person appointed will meet the requirements included in the job specification.
- John Tangeman, 564 Atlantic Avenue – requested information on the three (3) resolutions added to the agenda. Mr. Tangeman also commented the Public Works Superintendent is one of the most important positions in the town and suggested the Council include the public in the selection process.
- Kat Crippen, 564 Atlantic Avenue – noted at one time the Council conducted workshop sessions for discussions; reminded the Council is elected as stewards of the public taxes and commented on the lack of transparency. In response to a question from Mrs. Cindea, Borough Attorney Kenneally noted the items discussed by the Council in executive session include personnel matters and items of negotiation.
- Ed McGuirk, 1208 Allaire Road – commented the closed session practice has always been the same and only remembers once instance when candidates for appointment as Borough Attorney were publicly discussed.

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

DISCUSSION ITEMS. There were no discussion items presented.

MAYOR & COUNCIL REPORTS & ANNOUNCEMENTS.

- Councilman O'Brien – no report.
- Councilwoman King announced Police Officer Ramp has been recognized by Mothers Against Drunk Driver (MADD).
- Councilwoman Cindea reported interviews have been conducted with candidates for the Public Works position and a decision is expected next week.
- Councilman Vorbach – no report.

REPORTS, NOTICES & CORRESPONDENCE.

- Revenue Report (May 2014)
- Police Department Report (May 2014)
- Municipal Court Report (May 2014)
- Planning Board Hearing Notice re: M2K2 1900/OMR, LLC, 2904 Old Mill Road (B-151, L-1).
- Zoning Board of Adjustment Hearing Notice re: Joseph & Dawn DeLorme, 303 Eleventh Avenue (B-26, L-4.02)
- Correspondence from Kodie McNamara re: Use of Allaire Road Park Ballfield.
- Monmouth County Freeholders - Notice of Hearings on Sale of Surplus Property Monroe Township (B-32, L-1.10)
- Manasquan Borough resolution re: Beach Fees

Discussion followed regarding the use of fields and the time limits for the use of lights. No action was taken.

ORDINANCE INTRODUCTIONS. There were no ordinances presented for introduction.

RESOLUTIONS.

- **R2014-119**, approving the designated membership(s) in the Fire Department (Masselli, Bowden). On a motion by Mrs. King, seconded by Mr. Vorbach, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. Shuler, Mr. Tienken
- **R2014-120**, approving a request for use of Allaire Road Park field. On a motion by Mr. O'Brien, seconded by Mr. Vorbach, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. Shuler, Mr. Tienken
- **R2014-121**, approving payment of claims on the June 20, 2014 Bill List. On a motion by Mr. O'Brien, seconded by Mrs. King, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. Shuler, Mr. Tienken
- **R2014-122**, approving the renewal of the designated Alcoholic Beverage Control License (**IRISH RIVIERA II, LLC T/A SPRING LAKE TAP HOUSE**). On a motion by Mrs. Cindea, seconded by Mr. O'Brien, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. Shuler, Mr. Tienken
- **R2014-123**, appointing additional Summer Recreation Program employees and authorizing salaries. On a motion by Mrs. Cindea, seconded by Mrs. King, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien (abstained on the appointment of Declan O'Brien), Mr. Vorbach (abstained on the appointment of Philip Vorbach)
 - Nays: None Absent: Mr. Shuler, Mr. Tienken
- **R2014-124**, approving the appointment of Public Works Department temporary/seasonal employee (Thomas Toman). On a motion by Mrs. King, seconded by Mr. Vorbach, the resolution was adopted by the following vote:
 - Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Vorbach
 - Nays: None Abstain: None Absent: Mr. Shuler, Mr. Tienken

SECOND VOICE OF THE PUBLIC. (Any items)

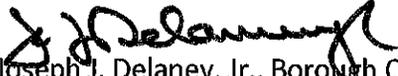
- Kelly Frazier, 714 Shore Road – requested the Council amend the existing height limit to permit higher limits in the flood zone as she plans to construct a new home to meet flood requirements. Borough Administrator Delaney reported the Council previously reviewed the building height issue with the Planning Board after Hurricane Sandy and that subsequently state law was changed to permit homes in flood zones be elevated above local height limits but the law does not provide the exemption for newly constructed homes. Borough Attorney Kenneally commented that any change in the building height ordinance will require review by the Planning Board and noted there are a number of ways to measure the permitted height, including from the existing grade or Base Flood Elevation (BFE). On the suggestion of Mr. Vorbach, it was agreed the Borough Engineer be directed to review the existing regulations and recommend an ordinance change to allow new homes be built to a higher height in flood zones.
- John Tangeman, 564 Atlantic Avenue – cautioned the Council on selecting an individual who already fills a number of positions with the Borough and commented the Public Works

Department requires a fulltime effort.

Councilwoman Cindea noted the Borough has not released the names of individuals applying for the Public Works position and the release of any names is an ethical violation.

The public comment period was closed without objection.

ADJOURNMENT. There being no further business, on a motion by Mrs. King, seconded by Mr. O'Brien, the meeting was adjourned without objection at 8:55 p.m.


Joseph J. Delaney, Jr., Borough Clerk