

The **June 24, 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 Thomas Vorbach

Absent:

Councilwoman Patricia Cindea
Councilman Christopher Tienken

Also Attending:

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

On a motion by Mr. Diver, seconded by Mrs. King, **Resolution R2013-79**, authorizing an Executive Session to discuss Litigation/Personnel-Tax Collector was adopted. The public meeting was recessed at 7:32 p.m. and the Executive Session convened in the Conference Room.

Executive Session.

- Litigation/Personnel-Tax Collector: Borough Administrator Delaney presented the settlement agreement prepared by the Borough Labor Counsel. Mr. Vorbach stated his opposition. It was agreed the resolution authorizing the settlement would be added to the resolution agenda for the Council's consideration.

The Executive Session was adjourned at 7:43 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 Thomas Vorbach

Absent:

Councilman Christopher Tienken

Also Attending:

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

There were 12 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. Diver, seconded by Mrs. King, the agenda was revised to include Resolution No. R2013-87 and the addition to the Consent Agenda to include outdoor music request by Ms. Brennan on Wall Road, was approved by the following vote

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

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

PRESENTATIONS There were no presentations.

PUBLIC HEARING - 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."

Motion to open the public hearing by Mr. Diver and seconded by Mr. Shuler

There were no public questions or comments.

The hearing was closed on a motion by Mrs. King and seconded by Mr. Vorbach without objection.

Attorney Raffetto reminded all that this was initially requested by the First Aid Squad to amend the manner in which points are earned.

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

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

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

PUBLIC HEARING - Budget Amendment (Resolution R2013-80)

Borough Administrator Delaney outlined the proposed budget changes which included revenue changes, an adjustment to the FEMA reimbursement, delinquent taxes and various appropriation amendments. Financial Consultant John Barrett was present and addressed questions by Mr. Vorbach concerning Public Works salaries and projected Water-Sewer revenues.

There were no public questions or comments.

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. Vorbach.

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

FIRST VOICE OF THE PUBLIC. (Agenda items only)

Motion to open the public hearing by Mr. Vorbach and seconded by Mrs. King

- Sharon Batteau, Beverly Avenue, expressed surprise the zoning ordinance is being considered as she thought it was being referred to the Planning Board first and suggested the ordinance will negative impact her property value and the residential nature of the neighborhood. In her opinion it should be made all residential. Ms. Batteau also urged the Council to notify all property owners of the proposed zoning changes and to have a town meeting.
- John Lewis, Prospect Avenue, questioned if the property being rezoned is the same property referenced in the development application hearing notice, he asked what those plans were for? Mr. Diver reported that those plans are in the Borough Hall for anyone to review.
- Kathleen Crippen, 564 Atlantic Avenue, commented on her review of the current and previous Master Plans. Ms. Crippen reported she has provided copies of the Master Plans to the Borough Clerk; criticized prior Councils and urged the current Council to conduct a thorough review of Highway 71. Ms. Crippen commented the Master Plan needs to be amended before a "B-3 Zone" can be created. Mr. Diver pointed out that the last Master Plan Review included language included business development along Highway 71.

Attorney Raffetto reminded council that a letter has been sent to the Planning Board Attorney, George McGill seeking their report as to whether the ordinance is consistent with the Master Plan, Attorney Raffetto stated that it was his understanding that it will be addressed at the next Planning Board meeting.

- Sharon Batteau, Beverly Avenue. In response to Ms. Batteau's question why the Council would create more commercial zone, Mayor Maccanico noted the area is currently zoned for commercial development. Mrs. Cindea noted almost all those who spoke at the March session on this subject were opposed to more commercial development which will change the character of the town.
- John Tangeman, 564 Atlantic Avenue, asked if the zone change would impact the current application before the Planning Board. Borough Attorney Raffetto explained any new ordinance would not impact the pending application before the Planning Board.

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

DISCUSSION ITEMS.

▪ B-3 Commercial Zoning District:

- June 17, 2013 correspondence from Borough Attorney Frederick Raffetto to Planning Board Attorney George McGill.
- February 8, 2013 correspondence from Borough Attorney Frederick Raffetto to Mayor & Council Members.

- ORDINANCE NO. 2013- ___, AN ORDINANCE RE-ZONING CERTAIN PROPERTIES LOCATED WITHIN THE BOROUGH OF SPRING LAKE HEIGHTS TO A NEW ZONING DISTRICT TO BE KNOWN AS THE "B-3 COMMERCIAL ZONE," ADOPTING A NEW ZONING MAP, AND AMENDING AND SUPPLEMENTING CHAPTER XXII, "MUNICIPAL LAND USE REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY

Mrs. King, noting that she has not decided how to vote on the ordinance, commented the only way to get answers to the many questions raised is to introduce the ordinance to move the process along.

Borough Attorney Raffetto noted the draft of the ordinance before the Council has been marked to remove those permitted use as recommended by the Planning Board. Mr. Raffetto also stated paragraph "F" be removed as not needed if outdoor dining is removed and paragraph "G" would be re-lettered as "F."

A motion to introduce the ordinance made by Mrs. King, seconded by Mr. Shuler,

A second motion made to table the ordinance by Mr. Vorbach, seconded by Mr. Cindea,

Attorney Raffetto stated that the motion to table takes precedent. He also commented that most municipalities introduce the ordinance first and then send to the Planning Board for review although it is acceptable to go to the Planning Board first and then come back to council for introduction.

Mayor Maccanico asked Mrs. King to withdraw her motion. Mrs. King replied that she would not.

Therefore a vote was taken on the motion to table:

A motion to table the ordinance by Mr. Vorbach, seconded by Mrs. Cindea, was defeated by the following vote:

Ayes: Mrs. Cindea, Mr. Vorbach.

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

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

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

Nays: Mrs. Cindea, Mr. Vorbach. Abstain: None Absent: Mr. Tienken.

▪ CDBG Program

Mr. Delaney announced that the Community Development Block Program applications are due by July 12. Municipalities are required to have 2 public hearings; the first is to solicit ideas from the public and a second hearing to approve submission of the application.

Attorney Raffetto wanted to speak about the ordinance introduced tonight; he wanted to make it clear that all property owners within the zone as well as those within 200 ft. of the zone would need to be notified of the public hearing.

REPORTS & ANNOUNCEMENTS

- Councilman Vorbach – no report.
- Councilwoman Cindea – no report.
- Councilwoman King – on behalf of Mr. Tienken she wanted to report that there will be some concerts outside of borough hall. Mrs. King also spoke about a letter on the agenda regarding the fire sirens; she felt that this situation should be resolved. There are other ways to notify the fireman of the call, the sirens are very obtrusive.

All of the council members were in agreement.

- Mrs. King will take the lead on this project.
- Councilman Diver – no report
- Councilman Shuler – reported that it was requested that he check the condition of the swings are both parks, there are going to replace them at Ocean Road but that the swings at Allaire Rd where under water, he'll re-check.

REPORTS, NOTICES & CORRESPONDENCE

- Monmouth County Board of Taxation re: Assessment Demonstration Program
- Development Application Notice – Amoscato Family LLC (Route 71; B-46.01, Lots 1, 65, 66 & 67)
- Correspondence from Kara Clarke Matunas re: Fire Sirens
- Letter/petition re: Allaire Road Park

RESOLUTIONS

- **R2013-81**, adopting the 2013 Municipal Budget. (as amended). 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. Vorbach.
 Nays: None Abstain: None Absent: Mr. Tienken
- **R2013-82**, appointing additional employees Summer Recreation Program employees and authorizing salaries. On a motion by Mr. Diver, seconded by Mr. Shuler, the resolution was adopted by the following vote:
 Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Vorbach
 Nays: None Abstain: None Absent: Mr. Tienken
- **R2013-83**, authorizing an Interlocal/Shared Services Agreement for Maintenance Services with the Spring Lake Heights Board of Education. On a motion by Mr. Diver, seconded by Mr. Shuler, the resolution was adopted by the following vote:
 Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Vorbach
 Nays: None Abstain: None Absent: Mr. Tienken
- **R2013-84**, authorizing an Agreement for Use of School Facilities with the Spring Lake Heights Board of Education. 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. Vorbach
 Nays: None Abstain: None Absent: Mr. Tienken
- **R2013-85**, approving the Consent Agenda items as revised:
 - Alcoholic Beverage Social Affair Permit: Fairway Mews Community Association, 2 Locust Way (Saturday, August 3, 2013: 5-8 pm; Rain date: Sunday, August 4, 2013: 5-8 pm – 8:00)
 - Outdoor Music Permit: Linda Brennan, 912 Wall Road (Friday, June 28, 2013; 7:00 – 10:00 p.m.)
 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. Vorbach
 Nays: None Abstain: None Absent: Mr. Tienken
- **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. Vorbach
 Nays: None Abstain: None Absent: Mr. Tienken
- **R2013-86**, approving payment of claims on the June 20, 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. Vorbach
 Nays: None Abstain: None Absent: Mr. Tienken
- **R2013-87**, authorizing execution of the Settlement Agreement with Mary Grace Neuhaus. Mr. Delaney reviewed the agreement. There was discussion among the council as to the financial benefits of the agreement.

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

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

Nays: Mrs. Cindea, Mr. Vorbach Abstain: None Absent: Mr. Tienken

SECOND VOICE OF THE PUBLIC (Any items)

- John Tangeman, 564 Atlantic Avenue asked about a petition that was on the agenda, he asked if anyone could speak about it. Mayor Maccanico stated that unfortunately rumors have swirled as to changes that would take place at Allaire Road Park; the petition was to keep the park in its same condition. He also was concerned that the ordinance introduced tonight was listed as a discussion item not as an introduction; someone might not attend if it shows as only discussion item.
- Kathleen Crippen, 564 Atlantic Avenue she is not happy that the ordinance was introduced. She also stated that she had a copy of that same petition, and stated that it was requested that the letter be read into the record. Mr. Delaney read the letter into the record. She agreed with Mr. Vorbach that a land use study should be done for Route 71.
- Ray Miller, Monmouth Avenue stated in is on the Planning Board. He disagreed that the Planning Board did take into consideration what the impact would be to those residents in the immediate area of the new zone. Mr. Miller stated that process is to introduce the ordinance send it to the Planning Board and then back to council for their approval, this is the way it is done.
- John Lewis, Prospect Avenue felt that Mary Grace Neuhaus was probably due this money but once this person leaves the process should be that the salary is dropped.
- Fred Manger, 61 Wyckham Road wanted to say he was called that the B3 ordinance was moved forward.
- Kara Matunas, Greve Avenue wanted to thank council for taking her request under consideration.

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

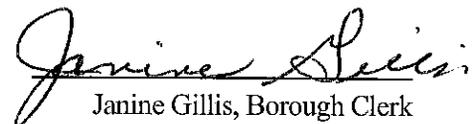
APPROVAL OF MINUTES Mayor Maccanico added that there were minutes to be approved, March 11, 2013

On a motion by Mrs. King, seconded by Mr. Shuler, the minutes of March 11, 2013 were approved, by the following vote:

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

Nays: None Abstain: None Absent: Mr. Tienken

ADJOURNMENT There being no further business, on a motion by Mrs. King, seconded by Mr. Vorbach, the meeting was adjourned without objection at 9:49 p.m.


Janine Gillis, Borough Clerk

Approved: September 28, 2015