

Public Session-July 22, 2013 . 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
Councilman Richard Diver
Councilwoman Sara King
Councilman James Shuler
Councilman Christopher Tienken
Councilman Thomas Vorbach

Absent:

Councilwoman Patricia Cindea

Also Attending:

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

There were 12 member 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 approved by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea.

PRESENTATIONS. There were no presentations.

SCHEDULED PUBLIC HEARINGS. There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC. (Agenda items only)

- Sharon Batteau, Beverly Avenue – questioned why the B3 zone was listed on the agenda; Mayor Maccanico pointed out that it was just on as a discussion item.
- John Lewis, 574 Prospect Avenue inquired as to why there was a settlement on the agenda with Theresa Casagrande, he stated the newspaper reported that she had resigned. Attorney Raffetto responded that Mrs. Casagrande had filed a complaint against the Borough with various complaints, which included seeking payment of compensatory and overtime amounts. Without admission of any liability, the Borough has made a proposed agreement. Mr. Lewis voiced that he was against giving Mrs. Casagrande this money. Attorney Raffetto reported that this matter was handled by the Borough's Labor Attorney, Tracy Armstrong and JIF who worked together to reach this agreement.

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

DISCUSSION ITEMS.

- US Dept. of Agriculture/Natural Resources Conservation Service grant: Ocean Road Park & Polypod Brook (Tree and debris removal)

Mr. Delaney reviewed the steps that were taken with the grant application; he reported that the borough has received all but \$55,000, which would have been the municipal portion. Today, Mr. May informed him that there has been revisions to the FEMA funding; we are getting additional funding which brings our portion to \$23,650. This amount could now be funded through a Bond Ordinance that was slated for road and drainage improvements. Mr. Delaney will be seeking the authorization to proceed utilizing that funding. We are awaiting the receipt of the revised funding amount and anticipate taking action at our next meeting.

▪ Rt. 71 Rezoning – Revised B-3 Zoning Ordinance.

Mr. Delaney detailed the chain of events to date. The ordinance introduction was tabled at the last council meeting until the August 19th meeting. Since then, he has heard and understood that there has been some compromises made among council with regard to the removal of 2 parcels from the area and potential changes to the buffer requirements. With that understanding a new ordinance has been drafted with those changes if the council. There was also comments received with regard to stormwater facilities and a rain garden. As well as LEED certification for energy efficiency, that becomes a little more involved due to state building code. If the council wanted to move forward it provides for more discussion but it does address some concerns that the residents raised at the last meeting. Mayor Maccanico agreed.

Councilman Diver thought the revisions addressed the major concerns that the immediate neighbors had with both buffers and setbacks. This puts in place 30ft buffer in the rear and a 20ft front setback; this is measured from the property line not the curb. He also expressed environmental concerns were raised; he thought that the rain garden was an excellent idea, it would recharge water. Mr. Diver pointed out that the property owners could build within the zone requirements, with the change the borough would have the ability to limit what we would want in that business zone.

Councilwoman King wanted to add that since the last council meeting, members of council have spoken to the residents that live in the immediate affected area everyone is concerned about the highway. Several residents expressed the desire to see small retail stores, such as a novelty shop, antique shop or a small café. She felt revising the setbacks and buffers would address concerns of the most immediate neighbors. She expressed the desire to resolve this matter. She reminded everyone that without the B3 it opens the door for larger facilities such as a motel or gas stations.

Councilman Tienken stated the other major concern was traffic. Route 71 is already busy there, the potential for noise for those in that area will be increased. He thought that a B1 zone which we already would be a better fit. He also was in favor of the Borough purchasing 30 ft. creating Open Space which would protect the area as a buffer. Mr. Tienken stated that he wasn't opposed to making the entire area residential.

Councilman Vorbach also thought a lighter footprint for the area was a good fit keeping the towns character, making it a B1 with augmented setbacks was the way to go.

Mayor Maccanico asked if from a legal standpoint if a limit could be included in the ordinance with the number of retail stores that could be there. Mr. Raffetto stated that the ordinance does have some limits on this but that he would have to research a little.

Councilman Tienken wanted to open the discussion to council members as to why the Borough would in fact want to initiate a new ordinance.

Councilman Diver responded that the B3 was devolved to create a lighter footprint. He also pointed out that when those residents purchased their properties they bought knowing they had value with commercial, the new ordinance keeps that value for them. Making it all residential could adversely affect the existing residential if those properties sold for a lessor value. He felt that if it all became residential the traffic flow wouldn't be any less in the long term. If made commercial most of the business allowed there, traffic would be limited because of business hours. He expressed that everyone wants the best for our town.

Councilwoman King provided historic perspective on the area. She stated that this area had many businesses including a gas station, a small grocery store, a candy store. She pointed out that the

front portions of these properties are presently business with a portion of the rear being residential. The object of this ordinance is to create a business area that is restricted. She added that comparing what could be put there now vs. what the present ordinance allows, she feels that this might be the way to go.

Mrs. King made a motion to introduce the revised ordinance as presented, Mr. Shuler seconded the motion. Mr. Tienken asked about the meeting that was scheduled for August 19th, Mayor Maccanico stated that it would be slated for a public hearing then. He expressed his skepticism at first but he has revisited all the options and feels that this is a good fit. He felt that a mix of light business and some office would work.

Attorney Raffetto reminded council that the ordinance tabled at the last meeting is a separate ordinance, if you introduce the ordinance tonight it would have a new number and both could have a public hearing on the 19th. Mr. Delaney announced that it would be Ord No. 2013-06.

Mr. Tienken asked about moving forward without Councilwoman Cindea, Mayor Maccanico stated that this was just introduction and that Mrs. Cindea should be at August 19th meeting. Attorney Raffetto commented that this would be referred to the Planning Board.

Roll Call taken:

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

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

Attorney Raffetto stated this passes on introduction.

REPORTS & ANNOUNCEMENTS.

- Councilman Tienken – reported that enrollment for summer camp is up from last year with about 190 children. He also announced that after rec ends there will be a stickball tournament for the children. There is a concert is scheduled for this week, and there is a upcoming bus trip to Yankee Stadium. There also a possible movie night at the school with no fee. The Fall Festival at the school is upcoming and recreation is looking to join forces with that. Councilman Shuler asked about the trip to New York for the Christmas Show, Mr. Tienken replied that it was in the works.
- Councilman Vorbach – stated that Mr. Delaney was putting together a report on the water utility, with more detail, regarding the money coming and the costs for the department.
- Councilwoman King – wanted to mention that there are 2 notes from residents to the Police Dept. one about Det. Matunas and the First Aid with regard to an accident at 7-11 a second letter thanks to Officer Shafer helping issues with issues with her husband. Mrs. King stated that she had met with Mr. Delaney, Fire Chief DeLaura, and Asst. Chief Dan Hamilton and President Harvey Hogan about the fire sirens. The sirens are outdated; one is in front of someone's home, one in a playground, there isn't a need for their use any longer. The Fire Dept. felt that they still have a purpose; it's a notification to members and to the residents is made aware of a fire. Today, members should have a beeper or in fact most have a cell phone. Mr. Delaney reported that there are options to the present conditions which are being looked into.
- Councilman Diver – Reported that the budget has been approved with no tax increase. He is also working on a shared service agreement, he can't elaborate tonight but it will be a significant savings.
- Councilman Shuler – reported that there was a fire in one of our garbage trucks but all is OK.
- Mayor Maccanico- Thanked Chief Petriken and the entire police department

REPORTS, NOTICES & CORRESPONDENCE.

- Police Department Report (June 2013)

- Municipal Court Report (June 2013)
- Water-Sewer Utility Report (Quarter ending June 30, 2013)

Mr. Delaney explained that this report includes the water quality report. Going forward this report will include on a monthly basis the water we pump and the water we purchase as well as revenues.

- Fire Company Annual LOSAP Certification.
- Monmouth County Tax Board Order to Implement An Annual Internal Inspection Program and Annual Qualified Reassessments.

Mr. Delaney did a quick review the process in which the program would work. At a future meeting more details will be discussed.

- Correspondence from Uniformed Police Association – Collective Bargain notification.

Mrs. King stated that she has received a letter from Det. Matunas about the upcoming negotiations for their contract, she added that they are required to make this notification 120 days prior to the onset.

- Development Application Notice – Amoscato Family LLC (Route 71; B-46.01, L-1, 65, 66 & 67)
- Correspondence from Monmouth County CDBG Program – Application Review session.

Mr. Delaney wanted to thank Joe May on his extensive work on this grant application.

ORDINANCE INTRODUCTIONS.

- **ORDINANCE NO. 2013-05, AN ORDINANCE OF THE BOROUGH OF SPRING LAKE HEIGHTS ESTABLISHING SALARIES AND WAGES FOR 2013**

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

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

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

NEW BUSINESS – RESOLUTIONS.

- **R2013-93**, supporting the Preservation of Tax Exempt Financing. On a motion by Mr. Diver, seconded by Mr. Vorbach, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- **R2013-94**, requesting the Federal Government reimburse New Jersey residents for the entire cost of raising homes to comply with the Advisory Flood Elevations. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- **R2013-95**, authorizing execution of the Settlement Agreement and General Release with Theresa Casagrande. On a motion by Mr. Diver, seconded by Mr. King, the resolution was adopted by the following vote:

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

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

- **R2013-96**, authorizing acceptance of Drug Enforcement and Demand Reduction (DEDR) funding for the Shore Alliance. On a motion by Mrs. King, seconded by Mr. Diver, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

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

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

Nays: None Abstain: None Absent: Mrs. Cindea.

- **R2013-97**, approving payment of claims on the July 18, 2013 Bill List. On a motion by Mr. Diver, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea.

SECOND VOICE OF THE PUBLIC. (Any items)

- John Tangeman 564 Atlantic Ave. asked about the develop application notice for Amoscato, he asked if this a new application, Councilman Diver replied yes, he added that it will be at the next Planning Board meeting.
- Kathleen Crippen, 564 Atlantic Avenue – asked if the Borough still had the requirement for people who work with youth are they still required to do a background and fingerprint check, Mayor Maccanico replied yes. She wanted to point out that the person that ran stickball before did not want to go through check, she wanted Mr. Tienken to be aware of that. She also added that she was glad to see progress on the B3 zone. She asked about possibly a mixed use maybe condos, she stated that she wasn't totally against the new zone but could there be a limit to the size of the retail stores to go in.
- Sharon Batteau 1714 Beverly Ave asked if it was possible to see plans & drawings for the proposed development of the lots on Rt. 71. In her opinion there should be control over the size of the stores going in. Mr. Diver explained that is the process, the plans are in front of the Planning Board, he encouraged her to attend. He went on to say that it's the Planning Board that would set any limitations; he added that any renderings would be exhibits at the Planning Board. She added that she felt some Open Space should be there.

Mr. Delaney added that possibly we could take one of the lots there and do a quick site plan rendering showing setbacks, maximum lot coverage and the allowable building coverage which may be helpful. Mayor Maccanico asked Mr. Delaney if that could be done for the next meeting.

- Police Officer Zachary Ramp wanted to clarify that the dispatchers receive a call for the Fire Dept., they send the siren signal; they are in Belmar and can't hear if the siren doesn't shut down. He wanted to make sure all aware are aware of how it works.
- On a motion by Mrs. King, seconded by Mr. Shuler, 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 Mr. Diver, seconded by Mrs. King, the meeting was adjourned without objection at 9:29 p.m.


Janine Gillis, Borough Clerk

Approved: October 13, 2015