

The **August 17, 2015** meeting of the Borough Council of the Borough of Spring Lake Heights, Monmouth County, New Jersey, was called to order by Acting Mayor Sara King at 7:30 p.m. in the Frank E. Adams Municipal Building with a moment of silence and the Pledge of Allegiance.

Present:

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

Absent:

Councilman Thomas Vorbach
Mayor Gavino Maccanico

Also Attending:

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

STATEMENT OF COMPLIANCE Acting Mayor, Sara King reported that 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; posted on the bulletin board in the Municipal Building and on the Borough website.

APPROVE AGENDA

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

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

Nays: None Abstain: None Absent: Mr. Vorbach, Mayor Maccanico

APPROVE MINUTES

- September 24, 2012 Executive Session

On a motion by Mr. Shuler, seconded by Mrs. King, the September 24, 2012 Executive session minutes were approved, by the following vote:

Ayes: Mrs. King, Mr. Shuler Nays: None

Abstain: Mr. Campion, Mr. O'Brien, Mr. Tienken Absent: Mr. Vorbach, Mayor Maccanico

- September 24, 2012 Regular Session

On a motion by Mr. Shuler, seconded by Mrs. King, the September 24, 2012 Regular session were approved, by the following vote:

Ayes: Mrs. King, Mr. Shuler Nays: None

Abstain: Mr. Campion, Mr. O'Brien, Mr. Tienken Absent: Mr. Vorbach, Mayor Maccanico

- October 9, 2012 Executive & Regular Session

On a motion by Mr. Shuler, seconded by Mrs. King, the October 9, 2012 Executive & Regular session minutes were approved, by the following vote:

Ayes: Mrs. King, Mr. Shuler Nays: None

Abstain: Mr. Campion, Mr. O'Brien, Mr. Tienken Absent: Mr. Vorbach, Mayor Maccanico

- October 22, 2012 Regular

On a motion by Mr. Shuler, seconded by Mrs. King, the October 22, 2012 Regular session minutes were approved, by the following vote:

Ayes: Mrs. King, Mr. Shuler Nays: None

Abstain: Mr. Campion, Mr. O'Brien, Mr. Tienken Absent: Mr. Vorbach, Mayor Maccanico

- July 27, 2015 Regular Session

On a motion by Mr. Campion, seconded by Mr. Shuler, the minutes of July 27, 2015 Regular session were approved, by the following vote:

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

Nays: None Abstain: None Absent: Mr. Vorbach, Mayor Maccanico

PRESENTATIONS

- Planning Board Chairman Richard Diver regarding Ordinance No. 2014-05

Mr. Diver reminded council that when the Planning Board received Ordinance No. 2014-05, the board made a recommendation to add certain language that would have limited the space as a base level, Council elected not to add the language which would have limited the height of the base level. The effect of that is shown with the home on Shore Road which is completely out of character; the neighbors are definitely affected by the size of the home. He stated that "what is done is done" but felt a change to the ordinance is needed to correct this so that we don't see more homes built the same way. Mr. Diver went on to say by definition the home is a 2 ½ story but architects are able to design a home with sloping roof lines, adding gables and creating open floor space for stairs it would open it enough to create living space on the half story. He requested council on behalf of the Planning Board to add the language as shown in the letter from the board.

Mr. O'Brien asked how many homes are in the flood zone that would be allowed to build up to 37 feet, Mr. May replied approximately 30-40 homes. Mr. O'Brien asked what the issue was he stated they are allowed to build to 37 feet. Mr. May stated that previously the flood elevation was 8 feet now it is 10 feet. FEMA states that to get the maximum insurance benefit, you would need to go up an additional 3 feet. So now a resident would need to go up 5 feet; with our limit of 32 feet, we needed to allow residents to go to 37 feet. The resident would now qualify for the best insurance rate. If the language was there the base level of this home would be 15.77 instead of the 19.92 that it is, and she would have gotten the FEMA maximum insurance benefit. Mr. Campion asked if its usable space doesn't it defeat the insurance benefit? Mr. May replied yes but no one person is policing that. Mr. O'Brien felt the house looked nice as opposed to having concrete walls as seen in other towns. Mrs. King asked Mr. May if the ordinance isn't changed quickly other homes could be built this same way, Mr. May replied yes. Mrs. King asked Attorney McLean if an ordinance could be introduced tonight; there is a draft of the ordinance available tonight. Attorney McLean offered yes the agenda includes another ordinance, they could be done at the same time.

SCHEDULED PUBLIC HEARINGS - None

PUBLIC COMMENT (Agenda items only)

Joe Florentine 710 Shore Road, stated that he resides alongside the property Mr. Diver talked about. He stated that he felt the house is out of character. As a builder himself, he has been before both boards in town, he felt that on all occasions they have always tried to follow the rules. He went on to say that the home is built on pilings; they are not needed in the flood zone that Shore Rd is in. He explained that the finished first floor of the home is higher than the roof line of his home. Mr. Florentine stated that his finished floor is at 12 feet and he has never had water in his home, through both Irene and Sandy. He went on to say that this resident had installed a pool, built up the area around the pool which then caused flooding into his property. He requested that council make the change to the ordinance and that they ensure that the resident finishes the first floor as proposed. Although he was not happy, he felt that once it was closed, with the windows and garage doors it wouldn't look so bad.

Richard Diver 10 Nadine Drive, offered having been on council and the boards he understands wanting to help our residents but felt this was a haste decision, additional information should have been gathered getting all aspects.

John Tangeman 564 Atlantic Avenue, expressed his support of the revision to the Land Use Ordinance that would be discussed. He stated that this change will not affect anyone from getting the best possible insurance rates.

DISCUSSION ITEMS Acting Mayor Sara King stated that Borough Clerk, Janine Gillis wanted to speak to Council about the Code Book.

Janine stated that council has discussed this subject several times. She reported that as the Borough Clerk she is responsible for maintaining the Code book, this is done with the assistance of the Borough Attorney. It has been several years since our book has been updated. In 2007 the process was started with a contract with Coded Systems. The Borough Clerk Theresa Casagrande and then Borough Attorney Fred Raffetto started the project. Since then we've had changes with our Borough Clerks and so it's has dwindled to no work being

down in recent years. Janine reported that there is \$18,391 from the original purchase order issued in 2007. After a review with Coded Systems an additional \$5,900 would be needed to update our book to July 2015. She stated that if financing wasn't there for the \$5,900, Janine would like to move forward with the \$18,000 that is available and update the book as far as the \$18,000 will take us.

Mr. Champion asked Janine to explain what a Code Book is for those not familiar with what it is. Janine explained that as Mayor and Council adopt ordinances they become law and are then put to print. All of the departments within the borough use the code book which includes the police, all of the boards and the clerk's office; it is the law of the town. If it isn't current it makes it difficult for the departments do their job. Mr. O'Brien asked if this would update both the printed copy and the online copy, Janine replied yes. Janine pointed out that back in 2008 all departments were asked to review the fees in their depts., which included herself as the Registrar of Vital Statistics. It was universal across all departments that the boroughs fees were below the norm, which means the Borough is losing money every day especially within the Police Department with fines & penalties. Councilwoman King added that the Borough's Prosecutor has relayed that our fees need updating, that we are deficient in this area. Borough Clerk, Janine Gillis gave an example of the \$10.00 zoning permit. She explained that Mr. May could review a fence permit which is about 10 minutes or the plans for a new home which could take 1 ½ hours. Mr. Tienken asked Attorney McLean about the previous discussions on this subject, he thought that progress had been started. Attorney McLean added that yes, there have been discussions but that no action has been taken. Janine pointed out that back in 2007 there was a purchase order issued to Coded Systems for the work and as we know it wasn't completed probably in large part due to personnel changes. Mr. Tienken asked if there is money in the budget for the additional expenses, Borough Administrator Jay Delaney replied that in this year's budget there is no funding for this but there is the original \$18,000 as previously stated. The additional funds to complete the codification are considered a project that qualifies the Borough to use a Special Emergency Appropriation which is paid over 5 years. The amount is included in the budget over a 5 year period. Council members agreed that the project must move forward but expressed concern for the additional funding. Mr. Champion asked about holding off until next year for the additional funding, Attorney McLean felt leaving until year is making the same mistake. He felt it was so out dated. Mr. Delaney stated the original project was reviewing all of the chapters and updating them. Mrs. King pointed out when she came on council in 2010, Kat Crippen was on council and was working on this project and tried to get the book updated. Mrs. King asked Ms. Crippen to step forward and speak about her involvement. Ms. Crippen stated that when she was on council she was the chair for legislation & grants. She explained that the re-codification isn't a re-writing of the code book, it means a review of the existing code, reviewing for outdated ordinances and updating to the State Statues. When she started the project the first 3 chapters were reviewed and recommendations made. Coded Systems has always wanted to complete the project but with the changes in personnel it hasn't happened. She pointed out that the area with the Fire Department is very outdated, that there is no Public Works in the book and some items are actually unconstitutional. Mr. Champion asked if these deficiencies are found by Coded Systems when they review, Ms. Crippen replied yes. Mr. Tienken asked Mr. McLean how we move forward. Mr. McLean offered that Mr. Delaney could prepare an ordinance for the special emergency for the next meeting. Mrs. King asked all if they were OK to move forward with this, all agreed.

MAYOR & COUNCIL REPORTS/ANNOUNCEMENTS

Councilman Campion – Informed residents that over the weekend there was water running down Ocean Road, Councilman Shuler happened to be driving down the street and made the report. Public Works came out to investigate and found the toilets at Ocean Road Park were flooding. Mr. Campion wanted to thank Joe May and his man responding quickly to the issue. He asked residents to please call and report anything unusual.

Councilman Tienken – Announced that Recreation Soccer is starting again and this year Spring Lake Heights would be joining Manasquan. He felt that it was a beneficial move as he felt that is was better organized and communication between all parties was better. Teams would be made up with children of 2 grade levels, where previously it was 3 grades playing together. Registration is in process now.

Councilman O'Brien – No Report

Councilman Shuler – No Report

Acting Mayor King – No Report

REPORTS, NOTICES & CORRESPONDENCE

- Notice of Board of Adjustment Hearing – 908 Keith Ave.
- Notice of Board of Adjustment Hearing – 560 Mercer Ave.
- Monthly Court Revenue July 2015
- Monthly Revenue Report July 2015

ORDINANCE INTRODUCTIONS

▪ Ordinance No. 2015-07

An ordinance amending and supplementing section 7-6.3, entitled “yield intersections” of Chapter VII (traffic) of the revised general ordinances of the Borough of Spring Lake Heights, New Jersey

On a motion by Mr. Tienken, seconded by Mr. O'Brien, Ordinance 2015-07 was introduced with a public hearing scheduled for September 14, 2015 by the following vote:

Ayes: Mr. Champion, Mr. O'Brien, Mr. Shuler, Mr. Tienken Nays: None
Absent: Mr. Vorbach Abstain: None

▪ Ordinance No. 2015-08

An ordinance amending Chapter XXII, (municipal land use regulations) to provide for residential building heights in flood zones.

On a motion by Mr. Shuler, seconded by Mr. Tienken, Ordinance 2015-08 was introduced with a public hearing scheduled for September 14, 2015 by the following vote:

Ayes: Mr. Champion, Mr. Shuler, Mr. Tienken Nays: Mr. O'Brien
Absent: Mr. Vorbach Abstain: None

RESOLUTIONS

▪ R2015-138, Fire Company Membership Allison McCabe & Ashley Bauter

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

Ayes: Mr. Champion, Mr. O'Brien, Mr. Shuler, Mr. Tienken
Nays: None Abstain: None Absent: Mr. Vorbach

▪ R2015-139, Request to closure of a portion of Railroad Ave (between Ocean Rd & Prospect Ave)

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

Ayes: Mr. Champion, Mr. O'Brien, Mr. Shuler, Mr. Tienken
Nays: None Abstain: None Absent: Mr. Vorbach

▪ R2015-140, Approving payment of claims on the August 13, 2015 Bill List

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

Ayes: Mr. Champion, Mrs. King, Mr. O'Brien, Mr. Shuler
Nays: Mr. Tienken Abstain: None Absent: Mr. Vorbach

PUBLIC COMMENT (Any item)

Richard Diver 10 Nadine Drive Thanked Mayor and Council for introducing the Ordinance to revise building in the flood zone.

Anthony Moscato 17 Linden Drive stated he was here in July about an issue with property's on Park & Ninth Avenue, he wanted to thank Neil Hamilton for taking care of property issues.

Nate Novak 907 Keith Avenue asked at question about data entry into the old code how does that reflects to the updating fees. Attorney McLean stated that each time you change something in the code you would have to do

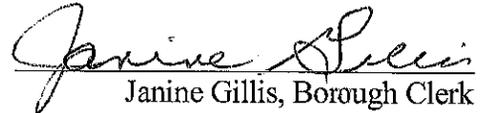
amendments. He explained that

Richard Diver 10 Nadine Drive expressed concern over the codification that it isn't up to date and both council and the boards could be challenged.

The voice of the public was closed on a motion by Mr. Champion and seconded by Mr. Shuler without objection.

ADJOURNMENT.

There being no further business, on a motion by Mr. O'Brien, seconded by Mr. Champion, the meeting was adjourned without objection at 8:54 p.m.


Janine Gillis, Borough Clerk

Approved: September 14, 2015