

The **August 18, 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 7:00 p.m. in the Frank E. Adams Municipal Building.

Present:

Mayor Gavino Maccanico
Councilwoman Sara King
Councilman Thomas O'Brien
Councilman James Shuler

Absent:

Councilwoman Patricia Cindea
Councilman Christopher Tienken
Councilman Thomas Vorbach

Also Attending:

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

One member of the public was present.

On a motion by Mr. O'Brien, seconded by Mrs. King, **Resolution R2014-138**, authorizing an Executive Session to discuss: Contract Negotiations – SMMUA; Contract Negotiations/Personnel - Public Works; Personnel - Code Enforcement Official; Contract Negotiations – Board of Education Shared Service Agreement was adopted without objection. The public meeting was recessed at 7:01 p.m. and the Executive Session convened in the Conference Room.

Executive Session.

Borough Administrator/Clerk Delaney reported on plans by the Southeast Monmouth Municipal Utilities Authority to establish a system-wide water meter reading system which will include upgrading the existing antenna on the Old Mill Road elevated water storage tank. SMMUA will be proposing a shared service agreement which will eliminate the Borough maintaining a separate antenna at this site.

Mr. Delaney reviewed the existing collective bargaining agreement with Public Works employees which will expire Decemembr 31st; provided a comparison of full-time and part-time employee costs; and identified several areas which should be included in the negotiations.

It was agreed the Borough Administrator should interview applicants for the part-time Code Enforcement position and recommend an individual for appointment at the next meeting.

Mr. Delaney reported on the status of discussions with the Board of Education on a recreation facilities shared service agreement. Borough Attorney Kenneally reported on the legal requirements for utilizing funds from the open space trust fund for recreation improvements to school facilities.

The Executive Session was adjourned at 7:58 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 Sara King
Councilman Thomas O'Brien
Councilman James Shuler
Councilman Christopher Tienken

Absent:

Councilwoman Patricia Cindea
Councilman Thomas Vorbach (entered at 8:02 p.m.)

Also Attending:

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

There were 13 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.

Councilman Vorbach entered the meeting at 8:02 p.m.

APPROVE AGENDA. On a motion by Mrs. King, seconded by Mr. Shuler, the agenda was approved by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

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

PRESENTATIONS. Borough Administrator Delaney reported on the status of the Monmouth County Hazard Mitigation Plan update.

PUBLIC HEARING - ORDINANCE NO. 2014-05, AN ORDINANCE AMENDING CHAPTER 22 (MUNICIPAL LAND USE REGULATIONS) TO PROVIDE FOR RESIDENTIAL BUILDING HEIGHTS IN FLOOD ZONES

- Kimberley Frazier, 714 Shore Road – commented on the Planning Board’s recommendation to limit the first floor level to no more than three feet above the flood requirement and requested the ordinance permit the first level be high enough to provide non-livable space. Mr. O’Brien expressed support for providing flexibility to homeowners in the flood zone provided the building height of 37 feet is not exceeded.
- Eileen Eilenberger, Planning Board member, stated the Board’s recommendation is intended to make certain the 32’ height is maintained unless the home is being raised.
- Peter Cavagnaro, 2424 Hamilton Avenue – identified himself as a friend of Ms. Frazier, thanked the Council for addressing this issue, and stated support for removing the 3’ separation requirement.

Based on the comments from the Council, Borough Attorney Kenneally suggested the ordinance be amended to include the follow minor addition:

One-family detached dwellings. The maximum building height for principal structures in all residential zones shall be thirty-two (32) feet, as measured from the top of the curb at the center of the lot. The maximum building height for principal structures in Flood Insurance Rate Map (FIRM) Flood Zones shall be thirty-seven (37) feet for structures that are being elevated or newly constructed to meet flood zone construction guidelines.

Type of Roof	Maximum Eave Height (feet)	Maximum Roof Height (feet)	Maximum Roof Height (ft.) in Flood Zones*	Maximum Stories
Gable/hip	25	32	<u>37</u>	2 ½
Flat	25	25	<u>30</u>	2 ½
Mansard (Dutch Colonial & Other)	25	32	<u>37</u>	2 ½

*Roof heights in a flood zone refer to newly constructed or houses being elevated in order to meet flood zone guidelines.

On a motion by Mr. Vorbach, seconded by Mr. O'Brien, the amendment was approved by the

following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

On a motion by Mrs. King, seconded by Mr. Vorbach, **Ordinance No. 2014-05** as amended was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

PUBLIC COMMENT. (Agenda items only) There were no public comments presented.

DISCUSSION ITEMS. There were no discussion items presented.

MAYOR & COUNCIL REPORTS & ANNOUNCEMENTS.

- Councilman Tienken reported the Recreation Summer Camp has ended with almost 200 children participating; soccer registration is underway.
- Councilman Vorbach – no report.
- Councilwoman King acknowledged receipt of correspondence: from Mary Tierney commending Police Sergeant Gunnel and Officer Ramp for their assistance during a recent medical emergency; letter from Larry Devine thanking Officer Bennett and Officer Ventimiglia for their caring response assisting his family; Letter of Commendation from Chief Petriken to Sergeant Gunnel and Officer Ramp for their exceptional commitment to the community during a recent flash flood event. Mrs. King also recognized Chief Petriken for his efforts and requested everyone keep Police Officer Willms and his family in their prayers.
- Councilman Shuler – no report.
- Councilman O'Brien – no report

REPORTS, NOTICES & CORRESPONDENCE.

- Police Department Report (July 2014)
- Municipal Court Report (July 2014)
- Revenue Report (July 2014)
- Manasquan Water Supply/Treatment Plant Report (July 2014)
- Planning Board Hearing Notice – M2K2 1900/OMR, LLC (Block 44, L-14)
- Monmouth County Public Hearing Notice Proposed Auction of public lands– Freehold Township (B-50, L-8.011)
- Monmouth County Freeholders resolution re: Federal Military Bases.
- Letter from Peg & Mike Melchione re: Fletcher property.
- N.J. Department of Transportation re: FY2015 Municipal Aid Grants.
- Monmouth County Historical Commission re: Historic Preservation Grants.
- Levin Cyphers/Associated Humane Societies, Inc. re: Animal Control Services.

ORDINANCE INTRODUCTIONS. There were no ordinances presented for introduction.

RESOLUTIONS.

- **R2014-132**, awarding a contract for Real Property Data Collection and Verification Services to Realty Data Systems LLC. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution was adopted by the following vote:
 - Ayes: Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Vorbach
 - Nays: Mr. Tienken Abstain: None Absent: Mrs. Cindea
- **R2014-139**, approving Change Order No. 1 (Final) for the Hurricane Sandy Emergency

Watershed project increasing the contract with High Tech Landscapes, Inc. by \$7,017.20 to a revised contract price of \$48,647.20. On a motion by Mr. Shuler, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- **R2014-140**, approving Change Order No. 1 (Final) for the Fletcher Property Tree Preservation and Removal project increasing the contract with Aspen Tree Service by \$100.00 to a revised contract price of \$20,650.00. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- **R2014-141**, supporting the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown*. On a motion by Mrs. King, seconded by Mr. O'Brien, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- **R2014-142**, approving the re-scheduled fireworks display at the Spring Lake Golf Club. On a motion by Mr. Vorbach, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

- **R2014-143**, approving Consent Items:

- Use of Community Center (Brownie Troop 548)
- Investors Bank Grand Opening

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

Ayes: Mrs. King, Mr. O'Brien, 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. O'Brien, seconded by Mrs. King, was approved without objection.

- **R2014-144**, approving payment of claims on the August 15, 2014 Bill List. On a motion by Mr. O'Brien, seconded by Mrs. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mrs. Cindea

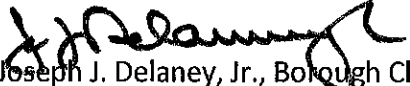
PUBLIC COMMENT. (Any items)

- Rich Carragher, 916 Prospect Avenue - announced plans are underway for the Veterans Day Lunch on November 11th.

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

Mr. Tienken thanked Borough Attorney Kenneally for his assistance tonight on the ordinance change.

ADJOURNMENT. There being no further business, on a motion by Mr. O'Brien, seconded by Mrs. King, the meeting was adjourned without objection at 8:40 p.m.


Joseph J. Delaney, Jr., Borough Clerk