

Public Session. The **September 9, 2013** was called to order at 8:05 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 Christopher Tienken
Councilman Thomas Vorbach

Absent: None

Also Attending:

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

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. Shuler, the agenda was approved by the following vote:

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

PRESENTATIONS There were no presentations.

SCHEDULED PUBLIC HEARINGS

- **ORDINANCE NO. 2013-07**, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII, "MUNICIPAL LAND USE REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY IN ORDER TO ADOPT SUSTAINABLE BUILDING STANDARDS FOR CONSTRUCTION IN THE BOROUGH

Mr. Delaney reminded council that this ordinance was introduced at the meeting of August 19, 2013, was sent to the Planning Board for their review and a letter was received from the Planning Board Attorney indicating that the board found the ordinance consistent.

The meeting was open to the public, none presented. The public hearing was closed without objection.

Mr. Vorbach asked if this applies to just borough property or all property owners, Attorney Raffetto answered that the Borough will meet minimum LEED standards and will encourage the same for property owners.

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

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

- **ORDINANCE NO. 2013-08**, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII, "MUNICIPAL LAND USE REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY

There were no public questions or comments. None Presented.

Attorney Raffetto stated that this ordinance was referred to the Planning Board as well although they found it consistent with the Master Plan they have made a recommendation. They've requested adding the language "above ground level" which they felt that it makes the wording consistent within the ordinance.

A motion was made by Mr. Diver and seconded by Mr. Vorbach to amend the ordinance as requested by the Planning Board.

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

Nays: None Abstain: None Absent: None

On a motion by Mr. Diver, seconded by Mr. Vorbach, the ordinance was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

▪ **ORDINANCE NO. 2013-09, AN ORDINANCE AMENDING ORDINANCE #19-2010, PROTECTING THE AMERICAN DREAM ORDINANCE**

There were no public questions or comments. None presented

On a motion by Mr. Diver, seconded by Mr. Vorbach, the ordinance was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

FIRST VOICE OF THE PUBLIC (Agenda items only)

Robert Luisi 813 Central Ave inquired about the letter on the agenda under correspondence from the Planning Board Attorney regarding sidewalk construction. He reminded that he had been at a meeting about sidewalks and is request not to install sidewalks since in his neighborhood no one has them.

Mr. Vorbach asked about this letter, Attorney Raffetto stated that the letter conveys that the Planning Boards recommendation is maintain the requirement of sidewalk installation.

Councilman Vorbach stated that it doesn't seem reasonable. Councilwoman Cindea added that she has a sidewalk but none of her neighbors do, so it's a sidewalk going nowhere. Mr. Delaney added that council has copies of correspondence from Mr. Luisi and another resident, as well as an original memo sent to the Planning Board from Council with some alternatives. Mrs. Cindea added that there have not been several homes built with sidewalk waivers, and that there isn't consistency. Mayor Maccanico added that the council will be discussing this.

Andrew & Jennifer Yousseff 800 Jersey Ave. stated that he too built a new home with a temporary CO contingent on curb and sidewalk installation. He was hoping that a variance could be granted, so that he could get his certificate of occupancy. He added that his neighbors were not in favor of the sidewalk.

Robert Luisi 813 Central Ave read from a letter with neighbor residents listed that did not want a sidewalk. On a motion by Mr. Diver, seconded by Mr. Vorbach, the public comment period was closed without objection.

DISCUSSION ITEMS

- Correspondence from Board Attorney George McGill re: Planning Board review of ordinance requiring construction of curbs and sidewalks (§22-507).

Mr. Tienken voiced that it seems to be very inconsistent.

Mr. Diver feels that keeping the curbing is important but feels that sidewalks could be eliminated with the exception of high traffic roads. Mr. Vorbach stated he agreed. Mrs. King suggested having the Police Dept. review which roads were heavily traveled.

Mr. Delaney added that the Planning Board would like to see the sidewalk/curb ordinance remain but yet the Board of Adjustment does grant waivers when residents are before them. Mr. Delaney suggested that possibly a reduced application process with reduced fees might be a way to go for sidewalk waivers.

Attorney Raffetto was directed to draft an ordinance keeping the curb requirement and that sidewalks would still be mandated in heavy traffic areas. Again, Mrs. King added that the Police Department needs to be included. Attorney Raffetto stated that this would be referred to the Planning Board.

- East Point Engineering proposal for Rain Garden Drainage Improvements

Mr. Delaney reminded council that with the approval of the B3 Business Zone, there was discussion about

using a rain garden as part of stormwater management. Mr. May has identified 3 areas on borough property that we may want to consider this option. One area is at the back of the Municipal Building, another on Park Avenue and on Railroad Avenue. All of the work could be done in house. Mr. Delaney added that Mr. May has provided a proposal to address these areas, if council agrees, we would need an approval to move forward.

On a motion by Mr. Diver, seconded by Mrs. King, the proposal was accepted by the following vote:

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

Nays: None Abstain: None Absent: None

REPORTS & ANNOUNCEMENTS

- Councilman Tienken – reported that summer recreation exceeded by more than 30 over last year. We will be partnering with the school with the upcoming Fall Festival at the school. Also looking to offer some recreation classes over the Fall & Winter.
- Councilman Shuler – no report
- Councilman Diver – no report
- Councilwoman King – no report
- Councilwoman Cindea – no report
- Councilman Vorbach – no report

REPORTS, NOTICES & CORRESPONDENCE

- Development Application Notice – Wanda Shoppell (1020 Allaire Road; B-86, L-60)
- Public Hearing Notices – Sea Girt Borough Ord. Nos. 22-2013, 23-2013 & 24-2013 (on file)
- Public Hearing Notice – JCP&L proposed increase in Societal Benefits Charge.
- Correspondence from Monmouth County Freeholder Deputy Director Serena DiMaso re: Childhood Cancer Awareness Month.
- Correspondence from Garden State Model Boaters re: Community Center \$100 donation.
- Little Egg Harbor Township resolution - Hunger Action Month.

ORDINANCE INTRODUCTIONS There were no ordinances presented for introduction.

RESOLUTIONS

- **R2013-106**, confirming the appointment of School Crossing Guards for the 2013-2014 School Year. On a motion by Mrs. King, seconded by Mr. Diver, the resolution was adopted by the following vote:
Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None
- **R2013-107**, authorizing 2013 salaries for designated Borough officials and employees within the previously established salary ranges. 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
Nays: Mrs. Cindea, Mr. Vorbach Abstain: None Absent: None
- **R2013-108**, authorizing Tax Lien Redemption payments. On a motion by Mrs. King, seconded by Mr. Shuler, the resolution was adopted by the following vote:
Ayes: Mrs. Cindea, Mr. Diver, Mrs. King, Mr. Shuler, Mr. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None
- **R2013-109**, authorizing tax refunds, overpayments or cancellations. 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. Tienken, Mr. Vorbach
Nays: None Abstain: None Absent: None
- **R2013-110**, requesting the Director of the New Jersey Division of Local Government Services to approve

amendments to the 2013 Municipal Budget. 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. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

- **R2013-111**, approving Consent Agenda items. On a motion by Mr. Vorbach., seconded by Mr. Shuler, the consent resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: None

- **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. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

- **R2013-112**, approving payment of claims on the September 4, 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. Tienken, Mr. Vorbach

Nays: None Abstain: None Absent: None

SECOND VOICE OF THE PUBLIC (Any items) None Presented

The public comment period was closed without objection.

APPROVAL OF MINUTES

On a motion by Mr. Shuler, seconded by Mrs. King, the minutes of the March 25, April 8, April 22, and May 13, 2013 meetings were approved by the following vote:

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

Nays: None Abstain: Mrs. Cindea Absent: None

On a motion by Mrs. King and seconded by Mr. Shuler the meeting was adjourned. No roll call taken.

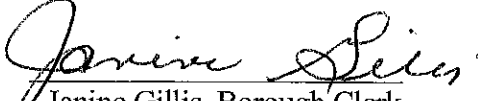
Mr. Delaney reminded Mayor and Council that the Executive session needed to resume.

On a motion by Mrs. King and seconded by Mr. Diver, the motion to adjourn was rescinded, roll call taken ayes.

The council convened to Executive session at 8:46 pm.

Mayor and Council returned at 8:55pm

ADJOURNMENT. There being no further business, on a motion by Mr. Vorbach, seconded by Mrs. King, the meeting was adjourned without objection at 8:57 p.m.


Janine Gillis, Borough Clerk

Approved: October 24, 2015