

The **October 27, 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 7:30 p.m. in the Frank E. Adams Municipal Building.

Present:

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

Absent:

Councilman Christopher Tienken  
Councilman Thomas Vorbach

Also Attending:

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

There was one member of the public present.

Councilman Vorbach entered the meeting at 7:32 p.m.

On a motion by Mr. Shuler, seconded by Mrs. King, **Resolution R2014-168**, authorizing an Executive Session to discuss Personnel: Appointment of part-time employees; Contract Negotiation: Public Works Collective Bargaining Agreement; and Public Safety –computer network security was adopted without objection. The public meeting was recessed at 7:33 p.m. and the Executive Session convened in the Conference Room.

**Executive Session.**

- **Public Safety:** computer network security - Borough Administrator Delaney reported on communications from a technology provider regarding security to equipment utilized by the Borough.
- **Personnel:** Appointment of part-time employees – Borough Administrator Delaney presented a cost comparison and his recommendation to appoint a part-time custodian to provide improved services and additional man-hours for building maintenance. Mrs. Cindea questioned the use of part-time employees and suggested the position be posted and advertised.
- **Contract Negotiation:** Public Works Collective Bargaining negotiations – Borough Administrator Delaney presented an outline of a response to the union's proposal and was given direction by Council for continued negotiations.

The Executive Session was adjourned at 8:03 p.m. without objection.

**Public Session.** The public session was called to order at 8:04 p.m. by Mayor Maccanico and opened with a silent reflection and Pledge of Allegiance.

Present:

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

Absent:

Councilman Christopher Tienken

Also Attending:

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

There were 6 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 Mrs. King, seconded by Mr. O'Brien, the agenda was approved by the following vote:

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

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

**PRESENTATIONS.** There were no presentations.

**SCHEDULED PUBLIC HEARINGS.** There were no scheduled hearings.

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

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

**DISCUSSION ITEMS.**

- Best Practices Checklist – the discussion was carried to the next meeting since the checklist was not distributed with the agenda materials.

**MAYOR & COUNCIL REPORTS & ANNOUNCEMENTS.**

- Councilman Vorbach – no report.
- Councilwoman Cindea commented on the new fence and other improvements of the school grounds
- Councilwoman King reported a letter thanking Police Officer Matunas for his efforts; and reported Code Enforcement Officer Hamilton reviewed the complaint received at a recent meeting concerning RV parking.
- Councilman Shuler announced the resurfacing of the Ocean Road courts should be completed this week.
- Councilman O'Brien – no report.

**REPORTS, NOTICES & CORRESPONDENCE.**

- Police Department Report (September 2014)
- Correspondence from Judge George Pappas, J.M.C announcing his planned retirement at the end of the year.
- Zoning Board of Adjustment Hearing Notice – Fernando Valdez & Patricia Valdez, 706 Warren Avenue (Block 42.02, Lot 7)

**ORDINANCE INTRODUCTIONS.** There were no ordinances presented for introduction.

**RESOLUTIONS.**

- **R2014-169**, appointing Susan Sabins as a part-time office assistant. On a motion by Mr. Shuler, seconded by Mr. O'Brien, the resolution was adopted by the following vote:  
Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Vorbach  
Nays: None Abstain: None Absent: Mr. Tienken
- **R2014-170**, approving the Correction Action Plan for the year 2013. On a motion by Mr. Shuler, seconded by Mr. O'Brien, the resolution was adopted by the following vote:  
Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Vorbach  
Nays: None Abstain: None Absent: Mr. Tienken
- **R2014-171**, authorizing the refund of overpaid or cancelled taxes. On a motion by Mrs. King, seconded by Mr. O'Brien, the resolution was adopted by the following vote:  
Ayes: Mrs. Cindea, Mrs. King, Mr. O'Brien, Mr. Shuler, Mr. Vorbach

Nays: None Abstain: None Absent: Mr. Tienken

- **R2014-172**, authorizing submission of 2015 NJDOT grant applications for roadway preservation and pedestrian safety improvements (Central Avenue/Greve Avenue and Ludlow Avenue). On a motion by Mr. Shuler, seconded by Mr. King, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mr. Tienken

- **R2014-173**, approving use of the Community Center Building and Grounds. On a motion by Mr. Shuler, seconded by Mr. O'Brien, the resolution was adopted by the following vote:

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

Nays: None Abstain: None Absent: Mr. Tienken

- **R2014-174**, approving payment of the itemized claims as set forth on the October 24, 2014 Bill List. On a motion by Mr. Shuler, seconded by Mr. O'Brien, the resolution was adopted by the following vote:

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

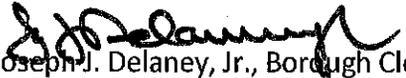
Nays: None Abstain: None Absent: Mr. Tienken

**PUBLIC COMMENT.** (Any items)

- Kimberly Frazier, 714 Shore Road, expressed her frustration in obtaining approval to rebuild her house on Shore Road, reminding the Council of her request two months ago to elevate the new structure above the flood requirement and utilize the ground level for parking and storage but not living space.
  - Borough Administrator Delaney indicated the issue is the Borough's limit of two and a half-stories and noted the Zoning Officer has requested additional information from Ms. Frazier's architect.
  - Mr. O'Brien expressed his opinion that non-livable space should not be considered a story and questioned why a definition is needed when the height is already limited.
  - Mr. Vorbach also expressed support for Ms. Frazier's plight.
  - Borough Attorney Kenneally noted the issue is not about the building height but rather the definition of the story which is commonly regulated. Mr. Kenneally noted the usual option would be for the homeowner to seek a variance due to the unique circumstances or to appeal the Zoning Officer's decision to the Zoning Board. Mr. Kenneally summarized the variance process and noted it can generally take three months to submit an application, schedule the hearing and have a resolution adopted. Mr. Kenneally stated he would reach out to Zoning Officer Joe May but suggested the quickest course would be to seek a variance.
- Police Officer Zachary Ramp requested a sign be placed on the front of the Municipal Building to direct people to the rear for after-hours access to the Police Department. Officer Ramp also announced the use of the Police Department Facebook page for disseminating information.
- Rich Carragher, 915 Prospect Avenue, reminded everyone that plans are underway for the Veterans Day lunch; sign-up at the Borough Hall.

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

**ADJOURNMENT.** There being no further business, on a motion by Mrs. Cindea, seconded by Mr. Vorbach, the meeting was adjourned without objection at 8:47 p.m.

  
Joseph J. Delaney, Jr., Borough Clerk