

December 16, 2013, Public Session The public session was called to order at 8:04 p.m. by Council President Sara King and opened with a silent reflection and Pledge of Allegiance.

Present:

Councilman Richard Diver
Councilwoman Sara King
Councilman James Shuler
Councilman Christopher Tienken
Councilman Thomas Vorbach

Absent:

Mayor Gavino Maccanico
Councilwoman Patricia Cindea

Also Attending:

Joseph J. Delaney, Jr., Administrator/Borough Clerk
Barry Capp, Esq., Acting Borough Attorney
Thomas O'Brien, Councilman Elect
Joseph May, Borough Engineer

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 Mr. Tienken, 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

- Matthew Clark, Monmouth County Tax Administrator – Assessment Demonstration Program.

Mrs. King introduced Freeholder, Gary Rich and Matthew Clark, Monmouth County Tax Administrator.

Mr. Clark advised that in 2013 the Assessment Demonstration Program was signed into law and that Monmouth County was the first to accept. The goal is to provide more accurate assessments at a reduced cost to the taxpayer; presently the cost is \$70.00 per inspection it would now be reduced to \$21.00. The new system will provide for assessments that are more equal to market value. The major change is that properties will be assessed, the homeowner will have the opportunity to appeal with all of this done prior to a municipality preparing and adopting their budget. Under the old process, properties were inspected every 10 years under new the program inspections will be every 5 years. Municipalities will need to go out to bid for a vendor to do the inspections. That vendor will gather the data for the local assessor. The local assessor will perform the assessment and then defend the assessment if there is an appeal.

Mr. Diver stated that the Spring Lake Heights assessor is here only 1 hour a week, with this additional work load, it'll be an additional cost to the borough. Mr. Clark explained that it would not. He stated that Mr. Elias is an excellent assessor and although is here for an hour he spends time outside the office completing his tasks now, that will continue with the new program. Mr. Clark went on to say that new program is very beneficial. The assessments will be equal to current market value which he feels will ultimately decrease the number of tax appeals. Mr. Clark added that at the end of the 5 year period, the program will be reviewed and reported to the Governor and the Dept. of Community Affairs and then to the legislatures as to whether or not the program should continue.

Mr. Clark informed council that Spring Lake Heights needs to have a contract in place for inspections for 2014. Mr. Vorbach asked how many vendors are available to perform this work, Mr. Clark replied

about 8.

Mr. Clark took questions from the public.

Andrew Zelenak 803 Lake Avenue expressed his concern that with only 8 firms in the State of New Jersey doing this work there would be price gouging. He was not happy that an inspection would happen every 5 years, Mr. Clark stated that this makes for more accurate assessments.

Evelyn Condello 807 Park Avenue. Wanted to clarify that Mr. Elias would not be paid additional money, Mr. Clark stated that was correct. She asked who chooses the company to perform the inspections, Mr. Clark replied that the Council would go out to bid. She also expressed concern as to if background checks are done on the inspectors; Mr. Clark stated that it would be a part of the bid package to provide that information to the town.

Steve Weiss 125 Tenth Avenue asked about the notification process, Mr. Rich explained that a mailer would go out to those that are going to be inspected. Sometime later an inspector would go door to door asking to perform the inspection. If no answers they will leave a door hanger asking the resident to call and make an appointment. If they are not let in the assessment will be based on the foot print of the home.

Mrs. King thanked Mr. Rich and Mr. Clark for attending the meeting.

SCHEDULED PUBLIC HEARINGS There were no scheduled hearings.

FIRST VOICE OF THE PUBLIC. (Agenda items only)

There were no public comments presented.

The public comment period was closed without objection.

DISCUSSION ITEMS

- Water Supply Well No. 4 Sealing/Utility Capital Ordinance.

Mr. Delaney explained that Well #4 is behind Freedom Park on Highway 71, the well has been de-activated for quite a while. In 2012 when he arrived, the process for closing the well had been started and discussions were under way with DEP. He reviewed the costs of closing the well and for the demolition of the building. Mr. Delaney explained that there is funding for this project as well as the other improvements detailed in the ordinance. This ordinance was on the agenda of the November 25th meeting which did not occur due to lack of quorum. At that meeting, Mr. Delaney would have requested the authorization to proceed but will hold off on the introduction until next year.

- Crosby Road, Norman Terrace & Jeanette Court Road & Drainage Improvement Project.

Mr. May gave background on this project. It had been submitted previously and was denied. At the second submission DOT did approve but for a lesser amount. Mr. May stated that he has revised the plans to reduce the costs of the project which meant some improvements would be removed. He described what would be completed. Mr. Delaney reported the cost of the project is \$318,000; the grant we received is for \$175,000 leaving our costs at \$143,000. He stated that there is funding in Ordinance 17-2011 which included \$300,000 dedicated for Road & Drainage. Mr. Delaney stated it council elects to move forward there a resolution on the agenda authorizing to move forward.

- Wreck Pond Brook & Poly Pod Brook Tree and Debris Removal Project.

Mr. Delaney wanted to thank Joe May for his efforts in researching and applying for this grant. Mr. Delaney stated that we have been granted \$195,000 for removal of downed trees and

debris from Wreck Pond & Poly Pod Brooks from Hurricane Sandy. Mr. May explained the specifics of the project; it would require going out to bid. Mr. May explained that there is a time constraint to complete the work. The borough share of the costs would be about \$50,000 which Mr. Delaney stated that it could be funded from the Open Space fund as the designated areas of clean up are Open Space. Council members thanked Joe for his work. Mr. Delaney stated that there is a resolution tonight authorizing to proceed.

- Curb & Sidewalk regulation revisions. Mr. Delaney stated that he, Chief Petriken, Mr. Herner and Mr. May checked all the roads in town and have jointly made a determination as to what areas should have sidewalks. They concentrated on areas where they felt would be heavy pedestrian areas, this included parks, schools and municipal buildings. They felt Old Mill Road in the area of the golf course is a priority. A map was presented to indicate where existing curbs and sidewalks are and also indicated on the map was marked the areas where they felt sidewalks should be installed.

Mr. May added that the Boards in town having a map to follow where sidewalks would be a priority. Mr. May added that curbs should be installed as that is important for the roadways.

Mr. Delaney added that he would draft an ordinance for next year.

- Re-organization Meeting Date. There was discussion about a date. Mrs. King stated that the date has been traditionally on January 1st. January 1st seemed to be the consensus.

Mrs. King introduced Thomas O'Brien, our council-elect was in the audience.

REPORTS & ANNOUNCEMENTS

- Councilman Shuler – no report
- Councilman Diver – no report
- Councilwoman King – no report.
- Councilman Vorbach – no report.
- Councilman Tienken – no report.

REPORTS, NOTICES & CORRESPONDENCE

- Police Department Report (October 2013)
- Water-Sewer Utility Revenue Projection Report (4th Quarter)
- South Monmouth Regional Sewerage Authority (SMRSA) 2014 Sewer Charges.
- South Monmouth Regional Sewerage Authority (SMRSA) Public Notice: Amendment to Sewer Use Service Charge.
- Public Hearing Notice – Monmouth County re: Sale of Surplus Property.
- Public Hearing Notice – Monmouth County re: Amendment to County Solid Waste Plan.
- Police Department Report (November 2013)
- Municipal Court Report (November 2013)
- South Monmouth Regional Sewerage Authority (SMRSA) Public Notice: Connection Fee Hearing.

ORDINANCE INTRODUCTIONS There were no ordinances presented for introduction.

RESOLUTIONS

- **R2013-138**, authorizing a contract for Professional Services with East Point Engineering, LLC, to provide engineering services in conjunction with the planned improvements to Crosby Road, Jeanette Court and Norman Terrace.

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

- **R2013-139**, authorizing a contract for Professional Services with East Point Engineering, LLC, to provide engineering services in conjunction with the Wreck Pond Brook and Poly Pod Brook Tree and Debris Removal Project.

On a motion by Mr. Diver, 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

- **R2013-140**, approving Consent Agenda items.

No motion; 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

- **R2013-143**, approving a revised effective date for the previously approved “Person-to-Person” transfer of an Alcoholic Beverage Control Plenary Retail Consumption from Mercer, Inc. to Irish Riviera II, LLC.

On a motion by Mr. Diver, seconded by Mr. Tienken, 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

- **R2013-144**, authorizing execution of the Owner’s Consent for the New Cingular Wireless PCS, LLC (AT&T) development application for 525 Old Mill Rd. (B-24, L-18).

No motion: 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

- **R2013-145**, supporting the *Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown*.

No motion: 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

- **R2013-146**, authorizing the transfer of 2013 Municipal Budget Appropriations.

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

- **R2013-147**, requesting the Director of the New Jersey Division of Local Government Services to approve amendments to the Borough’s 2013 Municipal Budget.

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

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

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

- **R2013-148**, approving payment of the itemized claims as set forth on the December 13, 2013 Bill List.

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

SECOND VOICE OF THE PUBLIC. (Any items)

- Steve Weiss 125 Tenth Avenue asked if the gas companies work on Ocean Road is complete, Mr. May replied no.
- Kathleen Crippen, 564 Atlantic Avenue asked Mr. Diver if he has taken a salary as councilman, Mr. Diver replied that he hadn't, Mrs. Crippen thanked him. She also asked if he served as the Finance Chair in 2012 & 2013, he replied yes. She asked which councilperson was the finance chair in 2011, Mr. Diver replied Mrs. Cindea. Ms. Crippen went on to say that she felt that in 2011 funds were not properly used in the Open Space Trust Fund. That money in the account was to pay back a loan that was taken to purchase the Fletcher property and was not, instead a new bond was taken. She stated that in her opinion Open Space funds were not being used properly and should be brought to the attention of the Local Finance Board. Mr. Delaney commented that he was not here in 2011 but his own review of the bonding at that time everything was proper. He added that council did have Bond Counsel which would have guided them through the process. He added that based on his review of what Open Space money could be used for, he disagreed with Ms. Crippen's comments.
- Evelyn Condello 807 Park Avenue asked Attorney Capp if there was miss appropriation of public funds which would be misconduct in office what are steps that could be taken. Mr. Capp replied that not knowing all the facts he couldn't give an opinion.

Seeing no one else, 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 Mr. Shuler, the meeting was adjourned without objection at 10:06 p.m.


Janine Gillis, Borough Clerk

Approved: September 28, 2015