

BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

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COUNTY OF MONMOUTH
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HISTORIC "TWIN LIGHTS"

FRANK L. NOLAN
MAYOR
TIM HILL
ADMINISTRATOR
CAROLYN M. CUMMINS
BOROUGH CLERK

**MAYOR AND COUNCIL
REGULAR MEETING
WEDNESDAY, November 02, 2016
7:00 P.M.**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

Litigation:

Baymen's Lease Negotiation
NJNG Litigation Update – Patrick McNamara

Contract Negotiations:

Veteran's Park
Web Site Hosting

Attorney Client Communications:

Towing Regulations
Web Site

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes: - October 05, 2016 – Regular Meeting

PUBLIC PORTION- Resolutions

NEW BUSINESS:

CONSENT AGENDA:

- Resolution 16-209 – Renewing Liquor License – Sandy Hook Holdings
- Resolution 16-210 - Authorizing Monmouth County SCAT Agreement
- Resolution 16-211 – Appointing Members to Borough’s Green Team
- Resolution 15-212 – Approving Separation/Retirement Agreement – Sgt. Louis Fundora
- Resolution 16-213 – Approving Separation/Retirement Agreement – Officer Anthony Macri

Resolution 16-214 – Awarding Contract for Veteran’s Park Electrical Repairs – Starlite Electric

Resolution 16-215 – Authorizing Agreement w/ Highlands Housing Authority

Resolution 16-216 – Authorizing Action RE: Borough’s Housing Element and Fair Share Plan

Resolution 16-217 – Payment of Bills - \$1,317,246.8

Resolution 16-218 – Approval of Change Order #9/Final – DeFino Contracting

Resolution 16-219 – Authorizing Auction of Unneeded Property - GovDeals

Ordinances: Introductions - [Public Hearing/Possible Adoption - December 07, 2016]

- O-16-23- Amending Borough Code – Chapter 21-86 - Front Deck Yard Requirements
- O-16-24 – Amending Borough Code – Chapter 2 – Creating Section -Police Chaplains

Council/Committee Reports:

- Council Member Broullon
- Council Member Card
- Council Member D’ Arrigo
- Council Member Wells
- Mayor Nolan
- Others:

Public Comments:

Adjourn:



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION
EXECUTIVE SESSION
November 02, 2016

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

o Litigation:

Baymen's Lease Negotiation
NJNG Litigation Update - Patrick McNamara

o Contract Negotiation:

Veteran's Park
Web Site Hosting

o Personnel:

o Attorney-Client Communications:

Towing Regulations
Web site

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public is excluded from this meeting.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-209

RESOLUTION RENEWING 2016-2017 LIQUOR LICENSE

WHEREAS, Liquor License Renewal applications have been filed for the year 2016-2017; and

WHEREAS, no objections were filed against the renewal of the liquor licenses and Tax Clearance Certificates have been received, for the licenses listed below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor license{s} be renewed for the period of July 1, 2016 to June 30, 2017:

1317-33-005-002

Sandy Hook Holdings

1 Willow St.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-210

AUTHORIZING EXECUTION OF TRANSPORTATION AGREEMENT WITH THE COUNTY OF MONMOUTH [SCAT]

WHEREAS the Board of Chosen Freeholders of the County of Monmouth has established the Special Citizens Area Transportation System (hereinafter referred to as SCAT); and,

WHEREAS the Borough of Highlands has requested that the County provide services to eligible residents; and,

WHEREAS, it is necessary to set forth the responsibilities of both parties in a written agreement outlining the mutual covenants and conditions for consideration;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands in the County of Monmouth State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute the 2017 Transportation Agreement with the County of Monmouth.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-211

RESOLUTION APPOINTING MEMBERS TO THE GREEN TEAM FOR UNEXPIRED TERM

WHEREAS, by way of Resolution R-16-34, a Green Team was established, wherein certain Departments within the Borough were included as members of the Green Team, effective January 20, 2016 through December 31, 2016; and

WHEREAS, the Public Works Department was identified as a Department within the Borough included as a member of the Green Team; and

WHEREAS, no individual from the Public Works Department was identified as a member of the Green Team; and

WHEREAS, Louis Bader, CPWM, Superintendent of Public Works has expressed a desire to fill the vacant spot for the Department of Public Works as a member of the Green Team; and

WHEREAS, by way Resolution R-16-34, Tim Hill, the Borough Administrator at the time, was identified as a member of the Green Team; and

WHEREAS, Tim Hill has since retired from the position of Borough Administrator and has been replaced by his successor, Brian Geoghegan, BS, MAS, CPM; and

WHEREAS, in accordance with the foregoing, the governing body hereby appoints Louis Bader, CPWM, Superintendent of the Department of Public Works, as a member of the Green Team to fill the vacant Department spot for the Department of Public Works; and

WHEREAS, in accordance with the foregoing, the governing body hereby appoints Brian Geoghegan, BS, MAS, CPM, Borough Administrator, as a member of the Green Team to replace Tim Hill for the Department spot on the Green Team.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that Louis Bader, CPWM, Superintendent of the Department of Public Works and Brian Geoghegan, BS, MAS, CPM, Borough Administrator, are hereby appointed as members of the Green Team for the term set to expire December 31, 2016.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-212

RESOLUTION APPROVING A RELEASE AND SEPARATION/RETIREMENT AGREEMENT WITH SGT. LOUIS FUNDORA

WHEREAS, Sgt. Louis Fundora has served the Borough of Highlands as a police officer for twenty-five years; and

WHEREAS, Sgt. Fundora is currently on leave due to a work-related injury; and

WHEREAS, the Borough and Sgt. Fundora wish to resolve all outstanding issues related to his employment and the retirement therefrom; and

WHEREAS, the Borough and Sgt. Fundora have memorialized the terms of his retirement in a release and separation agreement;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands hereby approves the aforementioned release and separation agreement in substantially the same form as attached hereto; and

BE IT FURTHER RESOVLED that the Borough Administrator is authorized and directed to execute the Agreement on behalf of the Borough.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-213

RESOLUTION APPROVING AN AGREEMENT WITH POLICE OFFICER ANTHONY MACRI CONCERNING THE USE OF ACCRUED PAID LEAVE WHILE ON LEAVE DUE TO A WORK-RELATED INJURY

WHEREAS, Police Officer Anthony Macri is currently on leave due to a work-related injury; and

WHEREAS, after one year on work-related injury leave, officers no longer receive full salary, but receive disability benefits only; and

WHEREAS, the Borough and Officer Macri reached an agreement concerning Macri's use of accrued paid leave.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands hereby approves the aforementioned agreement in substantially the same form as attached hereto; and

BE IT FURTHER RESOVLED that the Borough Administrator is authorized and directed to execute the Agreement on behalf of the Borough.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-214

RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR VETERANS PARK ELECTRICAL REPAIRS

WHEREAS, the Borough of Highlands advertised for bids for Veterans Park Electrical Repairs;
and

WHEREAS, the governing body of the Borough of Highlands has made the determination that it is in the best interest of the Borough to award the contract for Veterans Park Electrical Repairs;
and

WHEREAS, the following two (2) bids were received for Proposal A and Proposal B and reviewed by the Borough Engineer and Borough Attorney:

Company	Proposal A	Proposal B
Starlite Electric LLC.	\$61,355.00	\$36,630.00
Sodon's Electric, Inc.	\$69,700.00	\$43,000.00

; and

WHEREAS, Proposal A consists of Electrical Repairs and Improvements inclusive of all materials and labor; wherein Proposal B consists of Electrical Repairs and Improvements inclusive of labor and miscellaneous material as described in drawings contained in the bid material; and

WHEREAS, Starlite Electric, LLC appears to be the lowest responsible bid for the aforesaid Proposal _____ and

WHEREAS, certification of funds was made by the Chief Financial Officer that funds are available for the said purpose;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that the contract for Veterans Park Electrical Repairs is hereby awarded to Starlite Electric, LLC for the aforesaid Proposal _____, in the sum of \$ _____.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-215

RESOLUTION OF THE BOROUGH OF HIGHLANDS AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT BY AND BETWEEN THE BOROUGH OF HIGHLANDS AND THE HOUSING AUTHORITY OF THE BOROUGH OF HIGHLANDS FOR THE DEVELOPMENT OF 125 UNITS OF LOW-RENT HOUSING AND RATIFYING ALL ACTIONS HERETOFORE TAKEN IN CONNECTION WITH ALL PREVIOUS PROJECTS OF THE HOUSING AUTHORITY OF THE BOROUGH OF HIGHLANDS

WHEREAS, the Housing Authority of the Borough of Highlands (the "**Housing Authority**") has constructed and operates public housing within the Borough of Highlands (the "**Borough**"); and

WHEREAS, the Borough and the Housing Authority heretofore entered into a cooperation agreement, an executed copy of which could not be located due to damage and destruction of Borough and Housing Authority property caused by Hurricane Sandy and other weather-related events; and

WHEREAS, the Housing Authority endeavors to rehabilitate and administer approximately 125 units of low-income housing (the "**Project**"); and

WHEREAS, the U.S. Housing Act of 1937 requires the submission to the U.S. Department of Housing and Urban Development of a valid cooperation agreement between the Borough and the Housing Authority as part of the Housing Authority's application for funding of the Project; and

WHEREAS, the Borough and the Housing Authority desire to re-execute a cooperation agreement and to ratify all actions heretofore taken in connection with all previous projects of the Housing Authority (the "**Cooperation Agreement**"), a copy of which Cooperation Agreement is attached hereto as **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF HIGHLANDS AS FOLLOWS:

1. The aforementioned recitals are incorporated by reference as if fully set forth herein.
2. The Cooperation Agreement attached hereto as Exhibit A is hereby approved.
3. The Mayor and Borough Clerk are hereby authorized to execute the Cooperation Agreement.
4. This Resolution shall take effect in accordance with applicable law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-216

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO FILE A COMPLAINT WITH THE SUPERIOR COURT OF NEW JERSEY SEEKING APPROVAL OF THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in accordance with R-16-168 the law firm of Gluck Walrath, LLP was awarded a professional legal services contract for the purpose of representing the Borough with regard to the Fair Housing Act and the Council of Affordable Housing (COAH) regulations; and

WHEREAS, in accordance with R-16-185 the governing body of the Borough of Highlands endorsed the Housing Element and Fair Share Plan dated June 16, 2016, adopted by the Land Use Board on August 11, 2016; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough of Highlands to proceed with the filing of a Complaint, including but not limited to, a Declaratory Judgment Action, in the Superior Court of New Jersey seeking a declaration of approval of the Borough's Housing Element and Fair Share Plan; and

WHEREAS, in order to proceed with the aforesaid filing, it will be necessary to increase the amount of the contract awarded to the firm of Gluck Walrath, LLP to provide professional legal services to an amount not to exceed \$7,500 at an hourly rate of \$175 per hour; and

WHEREAS, certification of funds was made by the Chief Financial Officer that funds are available for the said purpose:

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that special counsel representing the Borough with regard to the Fair Housing Act and Council of Affordable Regulations (COAH) is hereby authorized to proceed with the filing of a Complaint, including but not limited to, a Declaratory Judgment Action, in the Superior Court of New Jersey seeking a declaration of approval of the Borough's Housing Element and Fair Share Plan; and

BE IT FURTHER RESOLVED, that the amount of the contract awarded to Gluck Walrath, LLP, to provide professional legal services, by way of Resolution R-16-168, is hereby increased to an amount not to exceed \$7,500.00 at an hourly rate of \$175.00 per hour.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-217

RESOLUTION AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated October 28, 2016, which totals as follows:

Current Fund	\$1,166,139.68
Sewer Account	\$10,057.62
Capital Fund	\$29,327.54
Trust-Other	\$102,912.77
Federal/State Grants	\$8,809.27

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,317,246.88** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-218

APPROVAL OF CHANGE ORDER #9 AND FINAL BAY AVENUE AND SHORE DRIVE STREETScape IMPROVEMENTS

WHEREAS, the Borough entered into a contract with DeFino Contracting, Cliffwood Beach, NJ for the construction of a public improvement within the Municipality, commonly referred to as the Bay Ave. and Shore Drive Streetscape Improvements Project, in an amount not to exceed \$1,273,000.00; and,

WHEREAS changes in the contract are required to reflect actual constructed quantities; and,

WHEREAS these changes will decrease the contract price of \$1,279,780.80, as modified by change orders #8 dated September 23, 2016, by \$16,519.78 to a revised and final contract price of \$1,263,261.02;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, in the County of Monmouth, State of New Jersey that Change Order #9 and Final, dated October 10, 2016, for the Bay Ave. and Shore Drive Streetscape Improvements Project, is hereby approved.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-219

Resolution Authorizing Disposal of Surplus Property Of Highlands Borough

WHEREAS, the Highlands Borough is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Highlands Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Highlands Borough as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Highlands Borough.
- (2) The sale will be conducted online and the address of the auction site is www.govdeals.com
- (3) A list of the surplus property to be sold is as follows:
 - 1)
 - 2)
- (4) The surplus property shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (5) The Highlands Borough reserves the right to accept or reject any bid submitted.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-23

AN ORDINANCE AMENDING CHAPTER 21-86 OF THE BOROUGH CODE CONCERNING MINIMUM YARD REQUIREMENTS FOR FRONT DECKS IN EXISTING BUNGALOW COLONIES

WHEREAS, N.J.S.A. 40:55-D-1, et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-86 to provide for the within changes; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

SECTION I.

The following section of Chapter 21, Section 86, Subsection A(4), "Single Family Residence", of the Borough Code shall be amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 21 that will remain unchanged are shown in normal type).

4. Bulk and Area Requirements.

- a. Single-family dwellings shall meet the requirements shown in Schedule I.
- b. Existing bungalow colonies shall meet the following requirements:
 - (1) Density shall not exceed the number of units existing at the time of the adoption of this ordinance, as shown on existing Borough Tax Maps and/or other tax records.
 - (2) Any application for expansion of an individual dwelling unit, either vertically or horizontally, shall meet the following standards:
 - (a) Every unit shall have associated with it a minimum yard requirement around the perimeter of the unit and attached accessory structures of three (3) feet, **except for those decks attached to the front of the dwellings situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28, which**

may extend to locations equivalent to those which existed prior to elevation or reconstruction as determined by prior property surveys conducted by a licensed surveyor. For those properties situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28 that do not have prior property surveys available, any new decks attached to the front of the dwelling can extend to a location which is the equivalent of the location of the front decks located on adjacent properties situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28. Structures shall be located no closer together than the sum of the yard requirements, that is, six (6) feet. Detached accessory structures are prohibited in the minimum required yard area.

- (b) Each unit shall have associated with it a minimum of one (1) parking space, located on site, either adjacent to the individual unit or in a common parking area
- (c) Total building coverage shall not exceed thirty-five (35%) percent of the total lot area and total lot coverage shall not exceed seventy-five (75%) percent except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.
- (d) Building height shall not exceed twenty (20) feet.
- (e) Shall require an application for a site plan for the entire property except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.

(3) Bungalow colonies shall not be subject to the provisions of Section 21-98F below:

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-24

AN ORDINANCE TO AMEND CHAPTER 2 SECTION 10 OF THE CODE OF THE BOROUGH OF HIGHLANDS BY THE ADDITION THERETO OF A NEW SECTION ENTITLED POLICE CHAPLAIN

WHEREAS, N.J.S.A. 48:14-141 provides that the governing body of the Borough of Highlands by Ordinance may provide for the appointment of one or more Chaplains to the Police Department; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

WHEREAS, the governing body finds that providing for the appointment of one or more Chaplains to the Police Department to be in the best interests of the Borough.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, as follows:

SECTION I:

The provisions of Chapter 2 Section 10 are hereby modified, and amended by the addition of a new section. Said Section, Chapter 2 Section 10.16 shall read as follows:

The position of Police Chaplain for the Borough of Highlands Police is hereby created in accordance with N.J.S.A. 40A:14-141. The position shall be a volunteer position. The position of Police Chaplain shall be subject to the Control of the Chief of Police.

The Chief of Police shall recommend to the Borough Administrator, person(s) that he/she believes meets the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Borough of Highlands Police Department with reference to Chaplains, if any. All applicants for the position of Chaplain shall be reviewed by the Chief of Police and Borough Administrator to determine his/her qualifications are in accordance with this Ordinance and shall make recommendations to the Mayor and Council. The Mayor and Council shall appoint chaplains in accordance with this Ordinance and in accordance with N.J.S.A. 40A:14-141.

Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The chaplain shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Borough of Highlands Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.

The duties of the Police chaplain shall include, but not be limited to, assisting the Borough of Highlands Police Department in any duties that may be assigned by the Chief of Police that pertain to the Police Chaplaincy.

Any person appointed as Chaplain shall serve in that capacity without Rank or Salary. The position will be a volunteer position.

A person appointed as Chaplain shall serve from the date of appointment and shall continue to serve in that capacity until he/she is terminated, resigns or retires from that position. The Chief of Police shall be notified and consulted should any of these options be exercised.

SECTION II.

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III.

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV.

EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

**Borough of Highlands
Mayor & Council
Regular Meeting Minutes
October 5, 2016
8:00 P.M.**

Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave., Highlands

EXECUTIVE SESSION: 7:00PM

**Contract Negotiation- Highlands Housing Authority
Emergency Contract – Pipe Repair**

REGULAR MEETING: 8:00PM

Mayor Nolan called the regular meeting to order at 8:13 p.m. and led the Pledge of Allegiance.

ROLL CALL:

Present: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

Absent: None

**Also Present: Dwayne Harris, Acting Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO**

Approval of Minutes: - September 07, 2016 – Regular Meeting

A motion to approve the September 7, 2016 Regular Meeting Minutes was offered by Council Member Card and was duly seconded by Mayor Nolan.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

PUBLIC PORTION- Resolutions

Mayor Nolan opened the public portion by asking if there were any questions on the consent agenda. None were forthcoming.

**Borough of Highlands
Mayor & Council
Regular Meeting Minutes
October 5, 2016
8:00 P.M.**

Mayor Nolan stated that the council was going to pull Resolution R-16-204 Authorizing an Emergency Contract for Storm Sewer Replacement at the Valley Street Pump Station because the bid came in 40% higher than was anticipated.

Mayor Nolan asked if there were any questions on the consent agenda with R-16-204 being pulled. None were forthcoming.

Consent Agenda:

- 1. R-16-197- Appointing Member to Open Space Committee – Scott Keller**
- 2. R-16-198- Adopting Corrective Action Plan – 2015 Audit**
- 3. R-16-199- Authorizing Chapter 159 - Drunk Driving Enforcement Grant**
- 4. R-16-200- Refunding of Taxes**
- 5. R-16-201- Authorizing Change order #8 – DeFino Contracting**
- 6. R-16-202- Authorizing Handicapped Parking Space – 7 Locust St**
- 7. R-16-203- Payment of Bills \$860,319.29**

A motion to adopt this consent agenda minus R-16-204 was offered by Mayor Nolan and was duly seconded by Council Member Broullon.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Council Member Card stated that the Valley Stream Pump Station has had an ongoing problem that has been addressed with temporary fixes. He continued to explain that more permanent solutions would have prevented wasting money but state revenue was not forthcoming. The pump station is now under emergency funding. Mr. Card stated that bids were in from several contractors and he would keep the mayor and council members updated when appropriate.

Ordinances: 2nd Reading, Public Hearing & Adoption

- 1. O-16-20- Authorizing Borough Clerk to Issue Raffle/Bingo Licenses**

**Borough of Highlands
Mayor & Council
Regular Meeting Minutes
October 5, 2016
8:00 P.M.**

Mayor Nolan opened up the public portion on O-16-20 only. No questions were forthcoming.

Dwayne Harris, Borough Clerk, read the ordinance for the record.

A motion to adopt this ordinance was offered by Mayor Nolan and was duly seconded by Council Member Card.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance O-16-20 Authorizing Borough Clerk to Issue Raffle/Bingo Licenses has been properly adopted.

2. O-16-21- Capital Ordinance Providing for \$400,000 – General Improvements

Brian Chabarek, Borough Attorney, stated that there were concerns at the last meeting regarding the specific language concerning the mayor, clerk, CFO, and other borough officials being authorized to execute on general improvements. Mr. Chabarek stated that this language has been deleted and has been replaced with specific language stating that any and all expenditures on capital improvements are subject to public contract law.

Mayor Nolan opened the public hearing on O-16-21.

A resident asked if O-16-21 and O-16-22 were the same.

Mayor Nolan state that the verbiage changed in such a substantial way, that a new ordinance has to be introduced.

**Borough of Highlands
Mayor & Council
Regular Meeting Minutes
October 5, 2016
8:00 P.M.**

A resident stated that he was confused and asked why the council was going to vote down O-16-21.

Mayor Nolan explained that he and the council had no choice since O-16-21 was introduced into the public record at the previous council meeting so it had to be voted down before moving on.

Council member Wells stated that she wanted to say she felt that the ordinance was rushed through and that Mr. Chabarek should have had a chance to review the verbiage prior to its introduction. She asked the council to be more careful so things don't have to be done twice.

Mayor Nolan agreed that the language was too broad.

Mayor Nolan closed the public portion on O-16-21.

Council Member Card moved to dismiss O-16-21. It was duly seconded by Mayor Nolan.

This motion was passed by the following vote:

ROLL CALL:

AYE: None (0)

NAY: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)

ABSENT: None (0)

ABSTAIN: None (0)

O-16-21 was properly voted down.

Ordinances: Introduction

O-16-22- Capital Ordinance Providing for \$400,000 – General Improvements

Mayor Nolan moved that the second reading and public hearing on this ordinance be held October 18, 2016. This was seconded by Council Member Wells.

This motion was passed by the following vote:

**Borough of Highlands
Mayor & Council
Regular Meeting Minutes
October 5, 2016
8:00 P.M.**

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

O-16-22 was properly introduced and has a public hearing and possible adoption on October 18, 2016.

Committee Reports

Recreation Committee Report – Council Member Wells

Council Member Wells reported a very busy month for the Recreation Department. A yoga program was implemented with Kids on the Move and at Ptak Towers. A basketball clinic was also implemented which has taken shape through the Rec Committee as well. The High School Teen Nights and Middle School Nights are still being worked on.

Mrs. Wells stated that there was a committee meeting this month and some of the issues were addressed with Council Member D'Arrigo. A discussion needs to be had regarding the lifeguards situation so they don't end up in a pickle again this year. Jen has done some research into the outsourcing which is showing about \$72,000 per season.

Mrs. Wells asked the council to consider these things and to be cognizant of the budget restraints. Mrs. Wells stated that Ms. D'Arrigo gave the Rec Committee some work to do which should be discussed during the next executive session. Mrs. Wells asked the council to consider using rec center employees to cover the beaches.

Mrs. Wells stated that the Halloween Costume Contest will be Sunday, October 30, 2016 at 1:00 p.m. or 1:30 p.m. They are working on bring the parade back as it was a popular event in the past. This year there will be a bouncy house.

The Highlands Senior Citizens Group will have their meeting on October 13, 2016 and they will host the NJ Division of Consumer Affairs whose representative will speak on fraud and scams targeting seniors.

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Mrs. Wells informed anyone wanting to join the Recreation Committee that the committee was getting things done and adding to some good conversations.

Mrs. Wells stated that the Blood Drive was a successful event.

Mayor Nolan welcomed Scott (?) to the Open Space Committee and thanked him for volunteering.

Housing Authority – Mayor Nolan

Mayor Nolan mentioned that a cooperative agreement is being renewed and it gives the borough the ability to renovate 125 low-income housing units at Jenny Parker. This is being funded by a grant and will cost the borough tax payers nothing. It is in the initial phase but a lot of work will have to be done since some of these agreements go back as far as the 1950s. As this project goes forward, updates will be provided.

Highlands Borough Website – Council Member Broullon

Ms. Broullon announced the launch of the new borough website, highlandsborough.org. It came together through the cooperation of department heads and committees. She asked for committee groups to contact her if they have events to post on the website. Ms. Broullon stated that the old website government icon will redirect to the new site when clicked.

Ms. Broullon stated that she and the borough administrator asked Shore Grafx to remove the government tile off of their website so visitors to the site are not confused about which website belongs to the borough.

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Highlands Business Partnership – Council Member Broullon

Farmers' Market will continue until November 5, weather permitting.

Clamfest was very successful despite the weather. There was a lot of turnout. The total income was a little over \$80,000; expenses were \$52,000; profit was just over \$27,000.

Oktoberfest was rained out and rescheduled for October 22, noon – 7 p.m.

The Bike Ride had over 2,800 riders and was a great event. After the event, attendees hung out on the beach and went to local restaurants.

A special thanks to the Police Explorers for helping out with parking

Thanks to Twin Lights Bike Ride organizers who donated extra supplies back to HBP. HBP, in turn, donated to Ptak Tower, the community center and the food bank.

Thanks also Rosemarie Bryant for coordinating all the volunteers for all events.

The Second Annual Zombie Parade and Pub Crawl is October 15, 2016, 10 a.m. in the park. Makeup artists will be there as well as a DJ.

Highlands Lions Club will have a Breakfast for Boobs fundraiser on October 23, 8 a.m. – noon. This event is sponsored by the HBP. The cost is \$10 with \$5 going to American Cancer Society, Making Strides Against Breast Cancer, and \$5 going to the Highlands Lions Club. Children 10 and under are free with a paying adult.

Visual Improvements – We have had fall decorations. The folks over at Community Hope, led by Sue Thomas, helped out a great deal to get that done and also some plantings with Mike (?) Landscaping.

Economic Development – HBP submitted to Monmouth County Planning Merit Award an application for the Sandy Hook Bay project. This will be awarded in December. HBP will keep the council updated.

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Veteran Park Update – HBP will be replacing a chain-link fence along the waterfront behind the Daniel Playground and one between a private property and the park. The project was submitted to the borough administrator for approval and should be completed by late fall. DPW will assist in the preparations.

Public Safety - Council Member D'Arrigo

Council Member D'Arrigo announced that Coffee with a Cop is Saturday, October 8, 2016.

Ms. D'Arrigo thanked Police Chief Blewett for getting the cars off of Linden Avenue.

Council Member Card gave an update on the Bay Avenue Streetscape. He stated that it was delayed by one week because the damper wasn't the same as the mockup. Mr. Card thanked Officer Burton for his assistance.

Public Portion

Mayor Nolan opened the public portion.

Carol Bucco of 330 Shore Drive, asked a question about the records in the attic at the old borough hall.

Mr. Chabarek stated that the old borough hall is kept secure and locked and no one is accessing it.

Mrs. Bucco asked if the records there could be viewed.

Mr. Chabarek replied no, not at this time.

Mrs. Bucco stated she was previously viewing some records from the years 2000-2006 and asked Mr. Harris if those might still be in the clerk's office.

Mayor Nolan asked if those records were online.

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Mrs. Bucco replied that they were not online.

Mr. Harris stated that he would have to look.

Scott Keller of 8 Huddy Avenue asked for an update on the sculpture on the beach. Mr. Keller stated that the last high-tide rain event that certain streets seemed to be getting more water than usual. He wanted to know what is going on with the pump stations.

Mr. Card addressed the Tilt Up project first. He stated that this was discussed at the last council meeting. The demolition company has a schedule process that is three to four weeks out. Mr. Card explained that they expect to have this completed by the end of the year.

As far as addressing the flooding, Mr. Card stated that the permanent cost associated with fixing the bulkheads are being examined with Dale Leubner. Many options were discussed including ideas about storm water management.

Mr. Keller said he is not as concerned about the bulkheads as he is the sewer.

Mr. Card explained the sewer system. He stated that there is a contractor who was willing to donate his time to fix one of the drains.

Mayor Nolan stated that nothing could happen before the end of January 2017.

Mr. Card stated that this was in peer review and that report would not come back from peer review until the end of January 31, 2017. The town can then make a decision on whether or not to move forward. If so, this will affect borough taxes.

Chris Francy of 36 Fifth Street stated that he read the changes to O-16-22- Capital Ordinance Providing for \$400,000 – General Improvements but he feels that it doesn't solve the basic problem of the original ordinance. It does streamline the process to fund smaller capital projects but he says that it is written in such a way that the town administrator can move forward independently of the council. He finds this unsettling. He says this needs to make sure that the elected officials are approving what the administrator is doing.

Mr. Card pointed out that if this ordinance was in place, repairs to Valley Street pump station could have taken place faster.

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Mr. Francy said that he understands this but he still feels that the council has to be brought into the process early so projects can be moved on. He feels the ordinance should have a cap on the amount that the borough administrator is able to spend.

Mrs. Wells agreed.

Mr. Harris stated that the borough administrator cannot enter into any agreement over \$17,500 without council authorization.

Mayor Nolan stated that this was the reason the wording of the original ordinance was changed because the wording bypassed the process of going to the borough council.

Mr. Francy asked if this included emergency situations.

Mr. Harris stated that emergencies are different. In the case of emergencies, the administrator could enter into a contract if the health, safety, and welfare of the borough residents was in jeopardy. The governing body would then, by resolution, approve the contract after the fact.

Mr. Card stated that for a situation to be declared an emergency it would have to meet the criteria of endangering the public health, safety, and welfare. All state paperwork would have to be filled out.

Rick O'Neil of 224 Route 36 asked about the emergency at Valley Street pump station. This was declared an emergency and the contractor came in. Was everyone informed?

Mr. Card stated everyone was informed. It was understood that this was a temporary fix, not a repair.

Mr. O'Neil asked if everyone gave consent.

Mr. Card stated that they did consent to this project but this project fell well under the \$17,500 amount that would have required council authorization.

Barbara Ianucci of 28 Shrewsbury Avenue asked where she could get information on the housing authority going green. She also asked about the renovation of 125 units if it would be used as affordable housing.

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Mayor Nolan said that it would qualify as affordable housing.

Ms. Broullon stated that there are hard and fast rules about affordable housing and how these units are counted. The housing authority has not yet received this granted but has applied for it. This is for rental units, not for condos.

Adjourn