

**Borough of Highlands
Mayor & Council
Regular Meeting/Regular Meeting
January 20, 2016**

Mayor Nolan called the meeting to order at 7:01 p.m.

Mrs. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Work Shop/Regular Meeting of the Mayor & Council of the Borough of Highlands 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.

ROLL CALL:

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

Absent: Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Rob Keady, Borough Engineer

Executive Session Resolution

Mrs. Wells offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1. Litigation:** Baymen's Lease
- 2. Contract:** Monmouth County Health Dept.
COAH's RFP's
- 3. Real Estate:** Municipal Facility Property Location
- 4. Personnel Matters:** Charlie Heck, Barry Leeser-ALL RICED
Dave Parker –RICED – moved to regular meeting
- 5. Investigation:**
- 6. Attorney-Client Privilege:** Cat Ordinance Amendments
Renew R-06-51 Agreement
Tilt-Up NJDEP Warning Notice
Executive Session Confidentiality

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of

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any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. **Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the publics interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).**
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED that action may be taken after the executive session.

Seconded by Mr. Card and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells

NAYS: None

ABSENT: Mayor Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Ms. Broullon called the Regular Meeting to order at 8:20 p.m.

Ms. Broullon asked all to stand for the Pledge of Allegiance.

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells

NAYS: None

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ABSENT: Mayor Nolan
ABSTAIN: None

Mr. Padula stated that the public comment period will be after the Cross River Fiber Presentation.

Cross River Fiber Presentation:

Robert Sokota, Representative from Cross River Fiber. He explained that they install wires on utility poles throughout New Jersey. His company was contacted by another company noticing a lack of communication wiring in this area. They would like to install one cable thru the town up to Eastpointe. The idea is to let other communication companies to utilize the wire that they install. They are required to get approval from all towns that they go into. He provided the council with a copy of the standard agreement form.

Eileen Scanlon asked if the town receives funds.

Mr. Sokota explained that the town would be reimbursed for any out of pocket expenses for engineering and legal reviews. They would also pay for traffic control. He further explained alternate cable companies could use this cable.

Mrs. Cummins requested all to please state their name and address before asking questions.

Tina Camero of 164 Linden Avenue asked if they are doing this on behalf of one company.

Mr. Sokota explained that they are doing this on their own behalf. The lack of communication cable was noticed by one of his customers. It is not a major carrier. He further explained.

Michelle Pezzulo of 115 Highland Avenue asked if he could disclose the company that approached them.

Mr. Sokota said no. He does not have an agreement with the company. It is not a major carrier.

Unknown man asked if Verizon comes in and see that you are not adequate, will they install more.

Mr. Sokota said that he cannot say what Verizon would do.

Mr. Sokota further explained that various types of businesses that use them.

Ms. Broullon thanked Mr. Sokota for his presentation.

Public Comment Period on Resolutions Only:

Ms. Broullon asked if there were any comments on the consent agenda.

Michelle Pezzulo asked if the minutes on consent agenda were public.

Ms. Broullon stated that they would be public after they are approved tonight.

There were no further questions.

Consent Agenda:

Mr. Card asked for the minutes from January 1st, 2016 be removed and edited. There are typos that need to be corrected.

RESOLUTION R-16-35

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE
BAY AVENUE STREETSCAPE PROJECT BETWEEN THE BOROUGH OF
HIGHLANDS AND MONMOUTH COUNTY**

WHEREAS, the Borough of Highlands Bay Avenue Streetscape Project is in the middle of construction of improvements to portions of Bay Avenue; and

WHEREAS, the plans and specifications referred to in an agreement as "Improvement Plan" have been examined and approved by the Monmouth County Engineer.; and

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WHEREAS, the County of Monmouth has prepared a written agreement and wishes to enter into an agreement for their approval of the project; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, in the County of Monmouth and State of New Jersey, that the appropriate municipal officials are hereby authorized to execute an Agreement between the Borough of Highlands and the County of Monmouth substantially the form attached hereto.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA <u> X </u> YES <u> </u> NO						

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION R-16-39

**A RESOLUTION AUTHORIZING THE PREPARATION AND ADVERTISING OF
BIDS FOR THE LEASE OF BOROUGH PROPERTY, TO WIT, THE J.T. WHITE
CLAM DEPURATION FACILITY**

WHEREAS, the Borough is the owner of block 66, lot 15 and block 67, lot 1, also known as 74-76 Fifth Street, Highlands, New Jersey, also known as the J.T. White Clam Depuration Plant (hereinafter referred to as “the Property”); and

WHEREAS, the current lease on the Property is expired; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 requires public advertising and accepting bids for the lease of public property; and

WHEREAS, the Borough wishes to authorize and direct the Administrator and Clerk to have an appropriate notice for receipt of bids prepared and advertised in order to lease the Property so that it continues as a clam depuration plant.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Administrator and Clerk are hereby directed and authorized to prepare and advertise a notice and solicitation of bids for the Property in accordance with N.J.S.A. 40A:12-14; and

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BE IT FURTHER RESOLVED that the minimum rental for the Property shall be \$7,500.00 per month and that the Borough reserves the right to reject all bids where the highest bid is not accepted; and

BE IT FURTHER RESOLVED that upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected; and

BE IT FURTHER RESOLVED that the successful bidder must possess all appropriate local, state and federal licenses and permits to immediately commence operating the Property upon being declared the successful bidder; and

BE IT FURTHER RESOLVED that the Property shall continue to be operated as a Clam Depuration Facility for use by local clam harvesters; and

BE IT FURTHER RESOLVED that the successful bidder shall also satisfy the following minimum conditions, restrictions and limitations:

Primary Qualifications of Lessee

1. A demonstrated ability based on company history to process (i.e., sort by size, clean and depurate, and package for shipping) at least 240 bushels of quahog clams per day
2. A willingness and demonstrated ability to expand the processing capacity of the depuration facility from a maximum of 240 bushels a day to a maximum of 480 bushels per day
3. A demonstrated desire and ability to process up to a maximum of 480 bushels of quahog clams per day, subject to the State of New Jersey's shellfisheries resource management rules and regulations for annual harvest of wild quahog clams, based on their fisheries biologists surveys conducted and reported periodically
4. A demonstrated ability to operate clam depuration systems and comply with State-mandated standards for sanitation, HACCP plans, and all other requirements set forth by the State of New Jersey's Department of Health
5. A demonstrated understanding of shellfisheries management of either wild quahogs or hatchery-sourced juveniles transplanted to coastal growing beds for maturation and growth to market size, and also a demonstrated understanding of depuration requirements and standards set forth by the New Jersey Department of Health.
6. A demonstrated willingness to utilize existing local clam fishermen (discussed further below), as participating suppliers of harvested wild-caught quahog clams to the depuration facility.
7. A demonstrated understanding of the clam markets in New Jersey (and the current deficit of clam supplies from within the state), the Northeast Corridor, the Atlantic Seaboard, and other regions of the United States; and readiness and ability to formally commit to a clam marketing effort to expand sales from the depuration facility to a level of a maximum of 480 bushels of clams per day.
8. A demonstrated willingness and capability to foster and promote the clamming history within the Borough of Highlands and develop community outreach programs promoting that history and the "Highlands Clam" brand.

Specific Minimum Terms of Proposed Lease

1. 10-year Term

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2. Rent: Minimum \$7,500.00 per month
3. Lessee to provide 10-year plan for upgrading equipment/expanding capacity of depuration
4. Use of high-efficiency refrigeration systems within three (3) years of lease term
5. Use of energy-efficient saltwater pumps upon increase of capacity
6. Must be open minimum of six (6) days per week; except in cases of weather or environmental issues
7. Plant must be willing to sell clams in all available markets, including locally
8. Borough insures building; lessee insures all equipment
9. Quarterly reports of usage including capital expenditures and improvements; number of men harvesting clams per quarter
10. Lessee shall provide monthly reports of clams harvested, depurated and sold; lessee shall provide total clams in and out
11. Borough may conduct site visits in its discretion
12. Harvesting baskets are available on a first come first served basis in the following order of preference: (1) Borough of Highlands; (2) County of Monmouth; (3) State of New Jersey; (4) all other. Lessee must develop system for fair distribution of baskets consistent with this paragraph,
13. Additional payment in lieu of taxes: \$1,200 per month
14. No automatic right to renew; renewal may be contingent on increasing capacity, and updating/upgrading equipment
15. Conduct at least one (1) community outreach program per year (as discussed above).

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA			X	YES	NO	

**R-16-40
RESOLUTION RESCINDING RENEWAL OF
LIQUOR LICENSE 1317-33-004-012
GRIMALDIS**

WHEREAS, the Borough of Highlands adopted Resolution R-15-177 on September 2, 2015 a Resolution Renewing Liquor Licenses which included the renewal of License No. 1317-

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33-004-002 owned by Grimaldis for the License period of July 1, 2015 through June 30, 2016;
and

WHEREAS, renewal application and approval were filed with the State of New Jersey Division of Alcohol and Beverage Control; and

WHEREAS, it has been brought to the attention of the Borough that based on changes within the renewal application it has now been determined that the application will be required to apply for a Petition for a Special ruling because the license has been inactive since October 2012.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Renewal of Liquor License for License No. 1317-33-004-002 is hereby rescinded for the period of July 1, 2015 through June 30, 2016.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA			X	YES	NO	

**R-16-41
RESOLUTION APPROVING CHANGE ORDER #1
FIORE PAVING COMPANY, INC.
INCREASE OF \$17,000
SHORE DRIVE PHASE II PROJECT**

WHEREAS, Resolution R-15-138 was adopted on June 25, 2015 awarding a contract to Fiore Paving Company for the Shore Drive Phase II Project as follows:

R-15-138 June 25, 2015 \$233,000.07

WHEREAS, change order # 1 dated January 12, 2016 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Bay Street Asphalt Berm and Gutter Paving),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 increasing the original contract amount by \$17,000.00 is hereby authorized for the Shore Drive Phase II Project. The contract amount is hereby amended to \$250,000.07.

Certification of Funds:
I hereby certify that funds are available for this contract from Bond Ordinance
#_____.

Patrick DeBlasio
Chief Financial Officer

7	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
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BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA <u>X</u> YES NO						

R-16-42
RESOLUTION
APPROVING RAFFLE LICENSE APPLICATION

WHEREAS, the Hi-Mar Striper Club has submitted a Raffle License Application No. RA1317-16-01; and

WHEREAS, the Henry Hudson Regional School PTO has submitted a Raffle License Application No. 1317-16-02; and

WHEREAS, the Highlands Business Partnership has submitted a Raffle License Application No. 1317-16-03; and

WHEREAS, all paperwork appears to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands does hereby approve Raffle License Applications RA#1317-16-01, 02, 03 and the Borough Clerk is authorized to sign off on licenses.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN			X			
						X
ON CONSENT AGENDA <u>X</u> YES NO						

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-16-44
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T& M ASSOCIATES

WHEREAS, the Borough of Highlands had a need for professional engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5. This contract is to provide professional engineering services for the additional work the 8 Bay Street Retaining Wall Project, Reconstruction of Bay Street Project and the Dredging of Jones Creek; and

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WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$13,775. 68 plus reimbursable expenses for Professional Engineering Services to provide professional engineering services to the Borough of Highlands during the year 2015 and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands:

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Office

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. T & M Associates is hereby retained to provide professional engineering services as described above for an amount not to exceed \$ \$13,775.68 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES NO						

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RECAP OF PAYMENT OF BILLS
01/20/2016**

CURRENT:		\$	306,259.13
Payroll	(12/30/2015)	\$	112,170.49
Manual Checks		\$	1,296,552.69
Voided Checks		\$	
SEWER ACCOUNT:		\$	76,346.70
Payroll	(12/30/2015)	\$	4,172.00
Manual Checks		\$	
Voided Checks		\$	
CAPITAL/GENERAL		\$	16,660.00
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	6,144.76
Payroll	(12/30/2015)	\$	2,400.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	
Payroll	(12/30/2015)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER’S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D’ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA <u> x </u> YES <u> </u> NO						

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Minutes Approved on Consent Agenda:

Ms. Broullon offered a motion to approve the December 28th, 2015 minutes for approval and tabled the January 1st, 2016 minutes for corrections to the February 3rd, 2016 meeting, seconded by Ms. D'Arrigo and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells
NAYES: None
ABSTAIN: None
ABSENT: Mayor Nolan

Other Resolutions:

R-16-34 – Resolution Appointing Green Team Members:

R-16-34

RESOLUTION ESTABLISHING A GREEN TEAM

WHEREAS, the Borough of Highlands is desirous of establishing a Green Team for the purpose of promoting sustainability in the Borough of Highlands; and

WHEREAS, the responsibilities of the Green Team can also be assumed by the existing municipal Environmental Commission, and

WHEREAS, as it is also desirable to include the following departments within the Borough on the Green Team,

Members of the team:

_____ - Public Works
Nancy Burton – Recycling
Steve Szolecki - Environmental
Diane Knox - Recreation
Linda Ziemba - Land Use Board
Carla Braswell – HBP Representative
Rosemary Ryan - School Board
Tim Hill - Business Administrator
Carolyn Broullon - Council Liaison
Frank Nolan - Mayor
Scott Keller – (1) Adult Resident
Alex Braswell – (1) High School Student Representative

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the establishment of a Green Team is hereby authorized effective January 20, 2016 through December 31, 2016

	I N T R O D U C E D	S E C O N D E D	A Y E	N A Y	A B S T A I N	A B S E N T
BROULLON	X		X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA YES <u>X</u> NO						

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R-16-36 – Resolution Approving Agreement with Cross River Fiber:

Mrs. Cummins read the title of Resolution R-16-36.

R-16-36

RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER

WHEREAS, Cross River Fiber LLC is a provider to provide local exchange and interexchange telecommunication services subject to the regulations of the New Jersey Board of Public Utilities (“BPU”) and the Federal Communications Commission (“FCC”), which authorize Cross River Fiber LLC to provide local exchange and interexchange telecommunications services; and

WHEREAS, the BPU recognizes Cross River Fiber LLC as a local exchange carrier that provides local telephone and associated services in its service territory in New Jersey through a telecommunications network that it owns and operates; and

WHEREAS, Cross River Fiber LLC has represented that it has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Cross River LLC may jointly use such poles erected within the public right-of-way in the Borough of Highlands (the “Borough”); and

WHEREAS, Cross River Fiber LLC proposes to provide telecommunications services in accordance with the Order and the rules and regulations of the FCC and the BPU; and

WHEREAS, Cross River Fiber LLC intends to access and use the Borough’s public rights-of-way to locate, place, attach, install, operate and/or maintain telecommunication facilities on existing utility poles as well as new and/or existing underground conduit systems in Borough of Highlands public rights-of-way; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough for the use of any existing utility poles; and

WHEREAS, pursuant to such authority granted by the BPU and FCC, Cross River Fiber LLC may locate, place, attach, install, operate and maintain facilities with public rights-of-way for purposes of providing telecommunications services; and

WHEREAS, the existing utility poles are owned and maintained by private telecommunications and utility providers; and

WHEREAS, Cross River Fiber LLC shall obtain the permission of the owner(s) of said existing utility poles and provide proof of said consent and/or license to the Borough before any work is commenced; and

WHEREAS, N.J.S.A. 54:30A-124(A) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipt fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is the best interest of the Borough and its residents for the Borough to grant consent to Cross River Fiber LLC to occupy and access said public rights-of-way within the Borough for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands that Cross River Fiber LLC is hereby granted a non-exclusive use of public rights-of-ways for the purposes of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the Borough’s Rights-of-Way Agreement with Cross River Fiber LLC; and

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BE IT FURTHER RESOLVED that the Borough Administrator and the Borough Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution; and

BE IT FURTHER RESOLVED that once executed the referenced Rights-of-Way Agreement with Cross River Fiber shall be kept on file by the Borough Clerk; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to:

1. Bruce W. Padula, Esq., Borough Attorney
2. Timothy Hill, Borough Administrator

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA			YES	X	NO	

R-16-37 – Resolution Introducing the HBP 2016 Budget

Mrs. Cummins read the title of Resolution R-16-37.

Ms. Broullon offered the following Resolution and moved on its introduction and setting of a public hearing date of February 17, 2016 at 8:00 P.M.:

**R-16-37
RESOLUTION APPROVING INTRODUCTION OF THE HBP 2016
BUDGET AND
HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2016– December 31, 2016**

**COMMERCIAL DISTRICT
PROGRAM BUDGET**

**2016
EXPENSE**

Visual Improvement.....	\$20,000.00
<input type="checkbox"/> Beautification	
<input type="checkbox"/> Maintenance	
<input type="checkbox"/> Holiday & Seasonal	
<input type="checkbox"/> Street Banners	
Special Events Calendar.....	\$50,000.00
<input type="checkbox"/> Creation of events	
Marketing & Communications.....	\$25,000.00
<input type="checkbox"/> Ad campaigns – online, newspaper, magazine, shows	
<input type="checkbox"/> Tourism	
<input type="checkbox"/> Public Relations	

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- ☐ Image Building
- ☐ Visitor Guide
- ☐ Audio & Video Media
- ☐ Maintain Website & Database & Graphic Ad Design

Economic Development.....\$15,000.00
• Business Recruitment/Retention & Redevelopment

Administrative Budget

Personnel.....\$40,000.00

Miscellaneous.....\$10,000.00

- ☐ Legal and Audit
- ☐ Insurance
- ☐ Office Supplies
- ☐ Utilities – Telephone, fax & electric
- ☐ License & fees

TOTAL Expenses.....\$160,000.00

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2016 – December 31, 2016**

**COMMERCIAL DISTRICT
PROGRAM BUDGET**

**2016
Income**

Special Events Income.....\$80,000.00
• Vendor Fees Income
• Event Income (Social Affairs & Raffle Permit income)

Marketing & Communications.....\$10,000.00
• Sponsorship Income
• Barter Goods & Services (approx. \$12k)

TOTAL Income\$90,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$60,000.00

Seconded by Ms. D’Arrigo and introduced on the following roll call vote:

ROLL CALL:

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

R-16-38 – Resolution Opting Out of Assessment Demonstration Program:

Mrs. Cummins read the title of Resolution R-16-38.

Mrs. Broullon stated that we are tabling this resolution.

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Mr. Card offered a motion to table Resolution R-16-38, seconded by Mrs. Wells and all were in favor on the following roll call vote:

ROLL CALL:
AYES: **Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells**
NAYES: **None**
ABSTAIN: **None**
ABSENT: **Mayor Nolan**

R-16-43 – Resolution Appointing Recreation Commission Members:
Mrs. Cummins read the title of R-16-43.

Mrs. Wells offered a motion to table R-16-43 allowing time to establish a committee, advertise for members on the website and make appointments at the February 17th meeting, seconded by Ms. Broullon and all were in favor on the following roll call vote:

ROLL CALL:
AYE: **Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells**
NAY: **None**
ABSENT: **Mayor Nolan**
ABSTAIN: **None**

R-16-45 – Resolution Appointing Open Space Committee Members:
Mrs. Cummins read the title of R-16-45.

Mr. Card offered a motion to table R-16-45 to the February 3RD meeting, seconded by Ms. D’Arrigo and all were in favor on the following roll call vote:

ROLL CALL:
AYE: **Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells**
NAY: **None**
ABSENT: **Mayor Nolan**
ABSTAIN: **None**

R-16-46 – Resolution Appointing Temporary Winter Seasonal Employees:
Mrs. Cummins read the title R-16-46.

**R-16-46
RESOLUTION APPOINTING TEMPORARY WINTER SEASONAL
EMPLOYEES FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need for temporary, on-call winter seasonal employees to work with the DPW in assisting with snow removal; and

WHEREAS, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

WHEREAS, the positions listed will be paid at an hourly rate of \$16.00 per hour and are included in the 2016 Municipal Budget under Casual Labor.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following winter seasonal temporary appointments are approved:

**Richard O’Neil
Billy Caizza
Debby Dailey**

15	INTRODUCED	SECONDED	YE	AY	ABSTAIN	ABSENT
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BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS		X	X			
NOLAN						X
ON CONSENT AGENDA			YES	x	NO	

Ordinances: Introduction & Set Public Hearing Date for February 17, 2016:

O-16-2 –Ordinance Amending Duties of Clerk:

Mrs. Cummins read the title of O-16-2 on for introduction and setting of a public hearing date for February 17, 2016.

Ms. Broullon offered the following ordinance and moved on its introduction and setting of a public hearing date on February 17, 2016 at 8:00 P.M.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-16-2
AN ORDINANCE SUPPLEMENTING SECTION 2-5.7 OF
THE CODE OF THE BOROUGH OF HIGHLANDS
DESIGNATING THE DUTIES OF SECRETARY OF THE
ZONING BOARD OF ADJUSTMENT AND PLANNING
BOARD (OR ANY COMBINED LAND USE BOARD) TO
THE BOROUGH CLERK**

WHEREAS, the Borough Clerk has performed the duties of secretary to the Zoning Board of Adjustment and the Planning Board; and

WHEREAS, the Clerk’s salary is based, in part, on performing those duties; and

WHEREAS, the governing body wishes to formally include those duties in the Borough Code.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Highlands as follows:

SECTION ONE: Section 2-5.7 of the Borough Code, “Other Laws and Ordinances,” shall be supplemented as follows (additions are underscored):

In addition to such other functions, powers and duties as may be prescribed by ordinance, and subject to the supervision and direction of the mayor and council, the clerk shall:

- a. Perform all of the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes) and any other law or ordinance.
- b. Serve as registrar of dog licenses.
- c. Administer the provisions of borough ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the clerk.

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d. Perform the duties of Secretary of the Zoning Board of Adjustment and Planning Board, or combined Land Use Board, as the case may be.

e. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the mayor and council.

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

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

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO			X			
WELLS		X	X			
NOLAN						X
ON CONSENT AGENDA YES <u> x </u> NO						

O-16-3 Ordinance for Mayor & Council to Serve without Compensation

Mrs. Cummins read the title of O-16-3 on for introduction and setting of a public hearing date for February 17, 2016.

Ms. Broullon offered a motion and moved on the introduction of the following ordinance and set a public hearing date of February 17, 2016:

**O-16-3
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE SUPPLEMENTING SECTION 2-3.1 TO
PROVIDE THAT THE MAYOR AND COUNCIL SHALL
SERVE WITHOUT COMPENSATION**

WHEREAS, the governing body finds that volunteer service is a valuable community service and wishes to serve without compensation.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Highlands as follows:

SECTION ONE: Section 2-3.1 shall be supplemented as follows (additions are underscored):

2-3.1 Composition, Election, Term.

The council shall consist of the mayor and four councilmen. The mayor and members of the council shall be elected at large by the voters of the municipality

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and shall serve for a term of three years, beginning on the first day of January next following their election. The mayor and council shall serve without compensation.

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

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

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA YES <input checked="" type="checkbox"/> NO						

Ordinances: Public Hearing & Adoption:

O-16-1 Ordinance Combining Planning & Zoning Board:

Mrs. Cummins read the title of O-16-1 on for public hearing and adoption. Notice has been published in January 7th, 2016 edition of the Two River Times and may now be open for public hearing.

Ms. Broullon asked if anyone had questions or comments on this ordinance.

Andrew Stockton of 31 Grand Tour and Planning Board Chairman spoke against this ordinance. He further stated that it came as a surprise to both boards. There is usually a study conducted when a town goes thru this. He doesn't feel that a study was conducted. The Zoning Board unanimously voted against this at their first meeting of this year. They did send a letter to the Council. The Planning Board discussed this and there was a strong consensus against it. He would like the Council to reconsider not adopting.

Eileen Scanlon of 24 Fifth Street asked for an explanation behind this reorganization.

Mr. Card stated the State has recognized towns with less than 15,000 residents that have been developed. We do not have an open field for massive developments. We do have in field development. It is a cost savings. It is a difficult change. There is no good time. It puts the community players in the same room. This will add greater consistency to the Master Plan that we are currently working on. This also will put the community players all in the same room. We have great members. He also spoke of the last Planning Board Meeting and the lack of members to get votes thru. We need a group consensus. He further explained cost savings. He does support this change.

Mrs. Wells asked what the benefit would be for the residents and will it speed up the process.

Mr. Card replied no. The process is still the process.

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Carol Bucco of 330 Shore Drive asked why the Planning & Zoning Boards are against this. She read that Atlantic Highlands has joined there boards. She feels the two boards should give reasons why they object.

Mrs. Wells added that there wasn't any communication with the boards from the Council. Both boards had no idea this was being implemented.

Mr. Stockton stated that nothing was conveyed by the Council by either Board.

Mr. Card said that Mayor Nolan has spoken about this several times. He apologized for not communication this to him directly. It has been vetted out. He doesn't feel that we can compare to other communities.

Mr. Stockton stated that he believes that any discussion by the council was done in Executive Session. He further explained each Boards process. He feels this will cause a back log with the applications with only one meeting per month and there would be no cost savings for two meeting per month. He also spoke of the review of the Master Plan.

Mr. Francy of 36 Fifth Street and also a member of the Planning Board would also like to have the Boards objections made public. He objects to it because there isn't any cost savings. He further explained.

Council continued discussion regarding the process of rejections of each board with Mr. Francy.

Greg Wells of 246 Bayside Drive stated that he also serves on the Planning Board. He feels both boards are exceptional. He feels that the Planning Board struggles with lack of attendance.

Mr. Stockton stated that they never cancelled a meeting due to a lack of quorum.

Ms. Carla Cefalo-Braswell of Gravelly Point Road asked if we can do research first before consolidation because of the Master Plan.

Ms. Broullon stated that it has been researched. The council agreed that this will not slow things down. It will not speed things up either.

Kim Skorka of 315 Shore Drive asked if we discover this doesn't work can it be undone.

Mr. Card replied yes.

Mrs. Wells stated that it would go to referendum.

Barbara Ianucci of 28 Shrewsbury Avenue asked if we can change who appoints members.

Mr. Padula stated that it is set by Statute.

Ms. Broullon added that the Mayor also appoints Zoning Board members with consent of the council. She looked back and has not seen where the Mayor's appointment has not been approved.

Barbara Ianucci feels the combining of boards would not be a detriment to the town. She spoke of favorably of the consolidation.

Michelle Pezzulo of 115 Huddy Avenue feels this is a dangerous idea. Two separate bodies are necessary to prevent unchecked abuse. The cost savings is miniscule. She spoke of protecting the property and the town. She feels we are rushing in. She added that the Mayor's appointments are for four years. She further spoke of changing appointment terms to one year. She also spoke of a NJSA Statute that you can't vote of anything that has not been published or in unpublished minutes.

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Mr. Padula stated that the process to adopt an ordinance is to introduce is at the first reading, publish the ordinance by title, summary or in full and then have a second reading, public hearing and then final reading and adoption. He further stated that we do not publish minutes. That is not part of the process.

Barbara Ianucci asked why there wasn't any communication to the residents regarding this.

Mr. Card stated that it was brought up by Mayor Nolan and Councilman Redmond.

Mrs. Wells it was brought up in executive session. No information was brought forward to the boards. It would have been the right way. We now have a new council who did put this on the agenda.

Andrew Stockton spoke of Zoning Board applications that are still waiting for Planning Board approval. Will this affect the application?

Ms. Broullon it would not become effective tonight.

Mr. Padula stated that it could be amended.

Mrs. Wells stated that she did ask at the January 1st meeting if any applicants needed to be memorialized. She was told by Mr. Card that we need to get this done in 19 days. She added that we will now have more cost regarding advertising.

Mr. Card stated that we can put an execution date and it was vetted out. The applicant in question would not be affected.

Mr. Padula stated that it would not change the substance of the ordinance; it just changes the start date.

Table briefly discussed the Zoning Board next meeting date.

Charlie Rugg of 12 Second Street asked if the boards know each other's process.

Ms. Broullon stated that each board does two separate things. She further explained.

Mr. Card added that the Planning Board attorney would make sure the members are fully educated on the process.

Lori Dibble of 2 Matthew Street asked about studies done by towns that did this and that none of the towns realized a budget savings.

Kim Skorka of 315 Shore Drive commented on the size of the towns that were studied. We can't compare to larger towns.

Melissa Pederson of 17 Bay Street said that none of the towns reported a detriment.

Carol Bucco of 330 Shore Drive asked who would be appointing the board members.

Ms. Broullon replied it would be the Mayor.

Mr. Card added that at a Planning Board Meeting, the Mayor did say he would embrace the Zoning Board members if we chose to join the boards.

Mr. Francy stated that the Mayor did commit to that.

Ms. Broullon closed the public hearing.

Mr. Padula stated that an effective date needs to be added.

The effective date was briefly discussed.

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O-16-1 Ordinance Combining Planning & Zoning Board:

Mrs. Cummins read the title of O-16-1 on for final reading and adoption with amendments.

Mr. Card offered a motion and moved on the adoption of the following ordinance:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-16-1
AN ORDINANCE AMENDING CHAPTER 21 OF THE
CODE OF THE BOROUGH OF HIGHLANDS AND
COMBINING THE FUNCTIONS OF THE ZONING BOARD
OF ADJUSTMENT AND THE PLANNING BOARD**

WHEREAS, the Borough has established a Planning Board and Zoning Board of Adjustment; and

WHEREAS, the governing body of the Borough of Highlands finds that it is in the best interest of the Borough to establish a combined Land Use Board to perform the functions of both of the aforementioned boards.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Highlands as follows:

SECTION ONE: There is hereby established in the Code of the Borough of Highlands Sections 21-17A.1 through 21-17A.8. It is the intent of this ordinance to combine the land use powers of the Planning Board and Zoning Board of Adjustment into a single board to be known as the "Land Use Board," which shall exercise all of the powers and duties of the individual boards according to the Municipal Land Use Law. The new section of the Borough Code shall read as follows:

§ 21-17A.1. Nine-member Land Use Board.

There is hereby established a nine-member Borough of Highlands Land Use Board, which shall exercise, to the same extent and subject to the same restrictions, all of the powers of a Planning Board and a Zoning Board of Adjustment as set forth in the Municipal Land Use Law and the Code of the Borough of Highlands. Any reference to the Planning Board or Zoning Board of Adjustment in any existing Borough of Highlands Ordinance shall be deemed to refer to the Land Use Board.

§ 21-17A.2. Land Use Board members.

All members of the Land Use Board shall be municipal residents and, pursuant to the Municipal Land Use Law, members shall be appointed and shall consist of the four following classes as set forth below:

A. Class I. The Mayor or Mayor's designee in the absence of the Mayor.

B. Class II. One of the officials of the Borough other than a member of the governing body, to be appointed by the Mayor.

C. Class III. A member of the governing body to be appointed by it.

D. Class IV. Six other citizens of the Borough, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one member may be a member of the Board of Education. For purposes of this section, a membership on a municipal board or commission whose function is advisory in nature, and the establishment of which

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is discretionary and not required by statute, shall not be considered the holding of municipal office.

E. Alternate members. Four alternates meeting qualifications of Class IV members and appointed by the Mayor and designated as, respectively, "Alternate No. 1, 2, 3 and 4." Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote and if Alternate No. 1 is unavailable, then in descending order of numerical designation.

F. Pursuant to N.J.S.A. 40:55D-10.2, a member of the Land Use Board who was absent for one or more of the meetings for which a hearing was held or was not a member of the Land Use Board at that time shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings; provided, however, that such Board member has available to him or her the transcript or recording of all of the hearings from which he or she was absent or was not a member, and certifies in writing to the Board that he or she has read such transcript or listened to such recording.

§ 21-17A.3. Terms of Land Use Board members.

A. Class I. The term of the member composing Class I shall correspond to the Mayor's official tenure or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.

B. Class II. The term of the member composing Class II shall be for one year or terminate at the completion of that member's term of office, whichever occurs first.

C. Class III. The term of the member composing Class III shall be for one year or terminate at the completion of that member's respective term of office, whichever occurs first.

D. Class IV. The terms of the members of Class IV shall be four years. The term of a Class IV member who is also a member of the Board of Education shall terminate whenever that member is no longer a member of such other body or at the completion of the Class IV term, whichever occurs first. The terms of all Class IV members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after the appointments.

E. Alternates. The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year. In no instance shall the terms of the alternate members first appointed exceed two years.

F. General membership terms and provisions.

(1) If a vacancy in any class shall occur otherwise than by expiration of the Land Use Board term, it shall be filled by appointment as provided by regular members, for the unexpired term.

(2) No member of the Land Use Board shall be permitted to act on any matter on which the member has, either directly or indirectly, any personal or financial interest.

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(3) Any member other than a Class I member, after a public hearing if the member requests one, may be removed by the governing body for cause.

(4) The governing body may provide that the term of appointment of any class of member commence on January 1.

§ 21-17A.4. Land Use Board officers and professionals.

A. The Land Use Board shall elect a Chairman and Vice Chairman from the members of Class IV. The Land Use Board may also select a Secretary, who may or may not be a member of the Land Use Board or a municipal employee, and fill such other offices as established by ordinance.

B. The Land Use Board may employ or contract for and fix compensation of an Attorney, an Engineer, and such other experts and staff as it may deem necessary. The Land Use Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Borough governing body for its use. The appointments of all staff members, including that of the Land Use Board Attorney and Engineer shall be made at the organization meeting of the Land Use Board and shall continue for one year until the next organization meeting of the Land Use Board, at which time said appointments shall expire and may be renewed.

C. The Mayor may appoint one or more persons as a Citizens' Advisory Committee to assist or collaborate with the Land Use Board in its duties, but such person or persons shall have no power to vote or take other action required of the Land Use Board. Such person or persons shall serve at the pleasure of the Mayor.

§ 21-17A.5. Powers and duties of the Land Use Board.

A. The Land Use Board is authorized to adopt bylaws, rules and regulations governing its procedural operations which shall be consistent with Municipal Land Use Law, ordinances of the Borough, and other applicable law.

B. The Land Use Board shall also have the powers and duties as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., for planning boards and zoning boards of adjustment.

C. The Land Use Board shall perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers not inconsistent with the purposes and intent of N.J.S.A. 40:55D-1 et seq. and such other applicable general law.

D. Any approvals granted by the Land Use Board shall be subject to and conditioned upon approval of any other federal, state or local agency as may be applicable.

§ 21-17A.6. Application, submission and approval procedures.

A. Unless otherwise specified by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., ordinance or governing body resolution, procedures for any development application, subdivision approval, site plan approval, variance or appeal from an administrative officer shall be as set forth in rules and regulations adopted by the Borough Land Use Board.

B. Regular meetings of the Land Use Board shall be scheduled no less than once a month and shall comply with the Open Public Meetings Act, as applicable.

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C. A verbatim recording shall be made of all hearings before the Land Use Board.

D. Twenty copies of any applications shall be filed with the appropriate designated administrative officer.

E. Every application for development shall be accompanied by a certification from the Tax Collector of the Borough that no taxes or assessments for local improvements are due or delinquent on the property for which any application is made.

§ 21-17A.7. Inconsistent ordinance provisions repealed.

Any section or provision of the Code of the Borough of Highlands which contains provisions contrary to the provisions of this chapter shall be and hereby is repealed to the extent of any such inconsistency.

§ 21-17A.8. Notice.

All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than 21 days prior to the next hearing date.

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

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage on February 8, 2016.

Seconded by Ms. Broullon and adopted on the following roll call vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo

NAY: Mrs. Wells

ABSENT: Mayor Nolan

ABSTAIN: None

Committee Reports:

Finance

Mr. DeBlasio read thru the results of a bond sale. He added that we are operating under a temporary budget. There is a meeting with the Budget Committee. They meet every other Wednesday. They are making progress and the meetings are going well. He is looking to introduce the budget in March.

Public Safety

Chief Blewett gave an update with winter storm Jonas. A robo-call thru Swift Reach went out to all who signed up with what to do. He will meet with the Office of Emergency Management. They will put out more information as it is attained. He has received calls regarding parking. O.L.P.H. said that cars will be towed from their parking lot. Highlands Elementary School can't plow the lot if cars are parked there. He will be discussing the parking situation with O.E.M. He told residents who are not signed up for Swift Reach to please do so. He gave the directions on how to sign up.

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Chief Blewett added that flooding could be due to sustained wind and a full moon.

Fire Department

Chief Charles Wells stated that he submitted a report to the Administrator. He then gave a brief summary of the fires they responded to this month.

Administration

Mr. Hill apologized for not having his report for tonight. He just returned from vacation. He did ask all to heed the warnings for the upcoming snow storm.

Kerry Gowan of Ocean Avenue inquired about help with snow plowing.

Mr. Hill directed her to call Borough Hall.

Board of Education

Mrs. Wells stated that their meeting is a tomorrow night at the Highlands Elementary School. She will be attending the meeting and will also be handing out the Student of the Month Awards.

HBP

Carla Cefalo-Braswell did not prepare a report for tonight. She announced that their event, Beef and Brew will be held on January 31st at the Windansea.

Shared Services

Mr. Hill gave a brief update regarding some shared services with Atlantic Highlands for a mechanic and sewer operator. We are still in the process of formalizing the agreement.

Kerry Gowan of Ocean Street asked why there wasn't a committee report from the First Aid.

Mr. Hill explained that they are included in the Administrator's Report. The First Aid submits a report for the first meeting of the month.

Kerry Gowan added that they have events that she would like to see announced at the meeting.

Mrs. Cummins asked Kerry Gowan to forward event flyers to her and she will put them in the public packets.

Other Business:

Dave Parker – RICED

Dave Parker stated that he was Riced. He added that he is here to answer any questions.

Mr. Card stated that we did not remove you from your position. We acted on the agenda on reappointment. There was confusion on the process. They discovered that there is a conflicting ordinance with Civil Service. There is no issue on this, just housekeeping to do with ordinances.

Dave Parker thanked the council.

Kerry Gowan of Ocean Avenue respectfully requested the council to rethink their decision made at the January 1st meeting regarding Dave Parker. She presented a petition with 70 signatures to Ms. Broullon. She fully supports Dave Parker.

Mrs. Wells stated that she a supporter of Dave Parker. She spoke of his success with obtaining grants. She is pleased with the governing body has realized that it was an oversight. There was

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no ill intent to this. She is happy that he is still on board and serving our community. He is a great asset.

Borough Engineers Status Report

Dale Leubner gave a brief summary of his report.

The following is the status of various projects in which we are involved as Borough Engineer:

Capital Improvement Projects

1. Stormwater System Improvements:

- Plans have been submitted to the NJDEP as required for the EIT loan.
- Permit applications are currently under review.
 - NJDEP permits have been obtained.
 - Green Acres has advised that they require a permit for the pumpstation as it will exist on the same property as the Community Center which is on the Borough's ROSI.
 - NJDEP had previously approved this project in its entirety but is now requiring the Green Acres Permit approximately four years later.
 - Pre-Application meeting is scheduled with Green Acres on January 27, 2016.
 - USACE permit has been obtained.
 - Working out one final detail with Freehold Soil Conservation District.
- Project was to be advertised this winter pending approval through the EIT. However the Green Acres permit may delay the advertisement until the fall.

1. The Replacement of the North Street Stormwater Pumpstation: The station was lost during Hurricane Sandy.

- Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
- Access agreements are required from the adjacent property owners for construction purposes.
- Meeting with Borough Subcommittee to be held to review the final design.
- Permit applications have been submitted.
 - CAFRA permit has been obtained.
 - USACE permit application is currently under review.
- Construction is anticipated to commence in the spring.

2. The Waterwitch Avenue & Linden Avenue Drainage Project: The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.

- Replacement of failed pipe from the Waterwitch Avenue/Shore Drive intersection through Huddy Park to Jones Creek will be added to this project as requested by the Governing Body.
- Project has been advertised twice. Prices have been significantly higher than the engineer's estimate.
- Bids have been rejected twice.
- We have altered the original design to reduce construction costs.
- Meeting with Borough Subcommittee to be held to review the final design.
- Project will be re-advertised upon approval from the Governing Body.

3. Community Center ADA Walkway: This project repairs the bituminous walkway along the sports courts and provides ADA access to the beach and gazebo areas.

- Project documents have been completed.
- Informal solicitation of Contractors has been completed.

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- One quotation was received in the amount of \$54,600 which substantially exceeded the Engineer's Estimate.
- Additional quotes were solicited as authorized by the Borough's Qualified Purchasing Agent. No responses were received.
- Proposal has been requested from the Contractor who will be completing the Shore Drive resurfacing phase II project.

4. NJEDA Streetscape Project: This project adds streetscape improvements behind the curblines, plus crosswalks through both downtown business districts. Project involves a \$1.5 million grant from the NJEDA

- Design is complete.
- Meetings have been held with Council Representatives and the Borough Administrator to review the project design and amenities.
- Meeting was held on June 15, 2015 with the Highlands Business Partnership to advise them of the anticipated improvements and what to expect during construction.

Bid Opening: July 21, 2015
Award: July 23, 2015
Contractor: Defino Contracting, Inc.
Amount: \$1,273,000.00

- Conduit and concrete work has been substantially completed on the north side of Bay Avenue with the exception of the North Street intersection.
- Light poles along the north side of Bay Avenue are tentatively scheduled to be installed and energized this winter.
- Project limits have been reduced in the Huddy Park/Shore Drive area as discussed with the Borough Subcommittee to better utilize the funding in other areas of the project.
- Work has stopped for the winter with the exception of potentially installing light poles mentioned above.

5. The Resurfacing of Shore Drive Phase II: This project extends from Waterwitch Avenue to Locust Street. This project includes a \$200,000 grant from the NJDOT.

Bid Opening: June 23, 2015
Award: June 25, 2015
Contractor: Fiore Paving Company, Inc.
Amount: \$233,000.07

- Concurrence of award received from the NJDOT.
- Contracts have been executed.
- Construction has been delayed due to various factors including Pulte Homes soil import and NJNG gas main replacement on Shore Drive. Both the soil import and gas main replacement projects have been completed.
- Work is delayed until the spring due to the winter season.

6. Shrewsbury Avenue Rehabilitation/North Street Stormsewer Inflow Pipe Replacement: This project includes the entire length of Shrewsbury Avenue from Bay Avenue to Miller Street. It also includes replacing the stormsewer inflow pipe to the North Street Pumpstation from Bay Avenue to Shrewsbury Avenue and reconstructing the existing roadway. The projects have been combined due to proximity as well as anticipated better scheduling and pricing. This project includes a \$210,000 grant from the NJDOT for Shrewsbury Avenue as well as \$178,077.00 from the Monmouth County Community Development Block Grant program for North Street.

- Design is complete.
- Permits have been obtained.
- Sanitary sewer repairs identified previously will be incorporated into this project rather than video inspect the mains again as discussed with Council.
- Project was advertised and bids received. Prices were higher than the engineer's estimate.
- Project was re-advertised with the following results:

Bid Opening: November 24, 2015
Award: December 2, 2015

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Contractor: Lucas Construction Group
Amount: \$859,232.50

- NJDOT Concurrence of Award has been received and \$157,500 of the \$210,000 grant has been requested.
- Contracts under review by the Contractor.
- Pre-construction meeting was held January 19, 2016.
- Pipe installation on North Street tentatively scheduled to commence February 2016.

9. The Reconstruction of Bay Street: This project will ultimately result in the reconstruction of Bay Street in its entirety.

- Survey is complete.
- Several meetings were held with Borough Officials to review survey data with hopes of developing an interim repair of the roadway while funding gets put into place for the overall roadway reconstruction.
- Interim roadway repairs were performed as discussed in the prior meetings until roadway is fully reconstructed once funding is in place.

10. The Repair and Mitigation of Veterans Park Electric: This project will repair and mitigate the electric supply to Veteran's Park.

- Design is underway.
- Concerns raised pertaining to utility easement identified near the basketball court.
- Easement houses a 48" RCP effluent main owned by the Monmouth County Bayshore Outfall Authority.
- Current and proposed electrical loads have been identified.
- Delays upwards of a month were experienced due to JCP&L lack of response.
- Design is now advancing to completion.
- Project will be reviewed with Borough Subcommittee prior to advertisement for construction.

FEMA Reimbursement Assistance

1. The Wilson Community Center Rehabilitation (FEMA PW 3368): This project is intended to repair storm damage from Superstorm Sandy and provide mitigation measures to further protect the building against future damages.

Bid Opening: June 23, 2015
Award: June 25, 2015
Contractor: Santorini Construction, Inc.
Amount: \$706,000.00

- Project is currently being managed by Joseph P. Tomaino, AIA

2. Private Property Debris Removal (PPDR) (FEMA PW 4729): This is a project that provides for the demolition of structures damaged by Sandy and are currently vacant.

- Project application package has been formally re-submitted to NJOEM in November for consideration as required.
- We have been advised that the application package is currently under review.

Grants and Loans

1. FY 2015 NJDOT Local Aid Applications: We submitted an application for Miller Street between Shore Drive and Bay Avenue as requested by the Governing Body. The Borough has been advised that they will receive \$83,000 towards this project.

2. 2016 NJDOT Local Aid Applications: The NJDOT has recently advertised for the 2016 round of Local Aid funding. We have applied for the Reconstruction of Valley Street from Shore Drive to Fifth Street as requested by the Governing Body.

Mr. Leubner added that he spoke with FEMA today. The adoption of the Flood Maps has been delayed because NYC appealed the maps. The preliminary flood maps will probably be adopted at the end of the year. He further explained the process. The final adoption will most likely happen toward the end of 2017. He did submit a letter to FEMA asking for permission if we can use the maps for downtown before adoption.

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He is hoping this will decrease out wait time by about six months.

Woman – name unknown – asked why do want to get the maps adopted for the down town area.

Mr. Leubner explained that it is not for anything that FEMA has not approved already. He just wants permission to use those maps now in a formal capacity.

Man-name unknown – asked if this has to do with the VE designation.

Mr. Leubner replied yes. He stated that the letter will make it official. The insurance companies will then go by these maps.

Man-name unknown – spoke of the FEMA deadline.

Mr. Leubner explained. He hopes to speed up the delay.

If you have any questions or require additional information, please do not hesitate to call.

Planning Board Status of Zone Change Request

Mrs. Cummins stated that the Planning Board is sending to the applicant requesting additional information. The Planning Board is still reviewing.

Tilt Up Project – NJDEP Warning Notice

Mr. Card stated that representatives from Tilt-Up were present.

Mr. Card feels that it's a sad situation for the town of Highlands. He feels there was a breakdown in communication and missing information. It should be up to the community if it should stay or go, not up to the Governing Body. He is requesting contracts from Tilt Up. The documents he did receive have a lot of gaps.

Mitchell Bloomquist of Tilt Up added that he did receive his request for information.

Mr. Card added that we should not apply for the permit at this time. There is a lot of cost involved and we need to consult with our engineers.

Mitchell Bloomquist replied that there has been no cost to the town.

Mrs. Wells added that now is the time to have an open dialogue.

Mr. Card stated that he needs more information for that. Our town attorney knew nothing about this project. The Planning Board, Land Use and DEP didn't know about it.

Bob Murray, contributor toward this project, said this was done out of love for the community. He spoke of other projects that they have put together for other towns. He further described. We received a green light to go ahead with this project from this town. We have offered to go to the NJDEP for the permit process. The town did not know it needed a permit. He understands some residents do not like it. He would like the town to stand behind them and they will get the permit and follow thru with the process. He hates to see all of the arguing. He feels this is a case of buyer's remorse.

Mr. Card stated that the craftsmanship and integrity of the project is outstanding. The problem is that it was built without a permit, without the proper paperwork in place. He feels that there were a lot of procedures that were broken. The public was not made aware of this project. His obligation is to vet thru the information. There was a breakdown in communication.

Mitchell Bloomquist stated that they were in communication with Mr. Hill and Mrs. Wells. We were not aware of any issues. We never received any questions or requests for information.

Mr. Hill said there was no communication back to him with regards to stopping this project.

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Ms. D'Arrigo asked if Tilt-Up submitted photographs, drawings or plans with statistics.

Mitchell Bloomquist replied yes. There was a schematic design to show its location, sizes, its shape and a model. We received an email from Mr. Hill that the design was received well by the council.

Ms. D'Arrigo added that the new council members are trying to understand this before they make a final decision.

Mitchell Bloomquist further explained the spirit of what went into this project. He request that the council reconsiders.

Mr. Card said it is being reconsidered. We got a letter from DEP saying that we are not in compliance. We have to determine which process we are going to take.

Mitchell Bloomquist added that the letter he received from the Borough stated that to remove it.

Mrs. Wells said that this was not an agenda item.

Mitchell Bloomquist stated that that was the first communication he received from the council.

Mr. Card asked if he ever considered that he should be speaking to the whole council based on the size of the project.

Mitchell Bloomquist stated that there was communication with the town.

Bob Murray said there was a communication issue from the Council to the public.

Mr. Card agreed.

Mitchell Bloomquist added that the Tilt up Project is a non-profit organization. There were over a dozen companies that poured their services in to this project.

Mr. Reed of 7 Snug Harbor Avenue commended these men for doing something nice for the community at no cost. He added that esthetically it is in a terrible spot.

Bob Murray added that they did look at three locations.

Marino Galetos of 8 Central Avenue questioned how we ended up here.

Mr. Hill stated that communications go back to 2014. The Tilt-Up was having their annual conference in New Jersey. They wanted a location in New Jersey for their project. There was follow up and council adopted a resolution to approve the project in January 2015. There were discussions regarding site locations with Tilt-Up representatives. Council members were aware of the locations.

Mr. Card stated that he was not informed of the location of this project. He did not receive any communications until after the groundbreaking. He did not see anything.

Mr. Hill stated that there was communications in October of last year regarding the location. It moved forward from there.

Mr. DiGaletos asked who else was involved.

Mr. Hill stated that he does not recall who saw what. He added that he feels that he is on trial.

Mr. Card added that Mrs. Wells knew about it. She was actively involved in it. But the communications broke down from there.

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Mrs. Wells added that as Council President, she was involved. She referred to the original resolution that Mr. Card voted on. She further explained.

Mr. Card stated that the burden stops with the President of the Council and Mr. Hill. The communications failed. He wants answers. There are too many gaps in the documents that he received. He wants to know who failed to do their job properly. He added that he should have read the report.

Mitchell Bloomquist and Bob Murray both added that all plans were submitted and all were approved.

Mitchell Bloomquist stated that a model was provided to Mr. Hill. The architects gave a presentation of the design concept. Mr. Hill would get the council's feedback and provide any necessary interaction. He feels that the company is being dragged thru this process.

Ms. D'Arrigo said that they are not trying to drag thru anything. They are trying to find out information. There are ecological concerns with using soil from the beach without a DEP permit. She further explained.

Mitchell Bloomquist stated that he met with Mr. Hill and asked if there were any site restrictions.

Marino Digaletos of 8 Central Avenue stated that the existing structure was small. He spoke of footprint of the old and new structure. This is truly not a replacement. We need more information. He further questioned if the Board Members had a final meeting and direction given to move forward.

Mr. Hill stated that it was discussed various times at council meetings.

Mr. Card would like to see the documents given for using this property.

Discussion continued with unidentified man in audience regarding communications.

Ms. Broullon stated that we will finish with Other Business and continue the discussion in the public portion.

Review of 2015 Zoning Board Annual Report:

Mrs. Cummins stated that this is a listing of applicants that they heard and variances granted.

Mr. Card offered a motion to accept the 2015 Zoning Boards Annual Report, seconded by Ms. Broullon and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells

NAY: None

ABSENT: Mayor Nolan

ABSTAIN: None

Request for Funds for the Highlands Garden Club:

Mrs. Cummins stated that Garden Club is requesting \$3500.00 from the council.

Mr. Card offered a motion to provide the amount of \$3500.00 to the Highlands Garden Club, seconded by Ms. D'Arrigo and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells

NAY: None

ABSENT: Mayor Nolan

ABSTAIN: None

Conflict of Interest - Legal Opinion:

Mr. Padula stated that this was an issue that came up at the last meeting regarding Councilwoman Wells' participation on the Finance Committee. There were some questions from the Council about their

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transparency and reviewing attorney/client communications. He discussed this with the Council President. We received a legal opinion. Councilwoman Wells will stay on the committee with restrictions placed upon her.

Ms. D'Arrigo referred to an ordinance that states the appointment is by the Mayor with advice and consent of the Council. We voted no and we were then told that the vote didn't count because it is Mayor Appointment only.

Mr. Padula stated he will provide her with a written legal opinion based on a case out of Trenton with a similar situation. He recommended that she read it.

Mr. Card agreed.

Public Portion:

Joanne Chesney of 37 Grand Tour commented that there are a lot of opinions at the table regarding the law. She hopes council hears both sides of the issue to help them make a decision.

Carol Bucco of 330 Shore Drive commented that our ordinance structure is incorrect. She spoke about when Dave Parker was appointed. Mrs. Wells had stated that we need to do this because it will bring revenue to the town and pay for his salary. We had reports for years and nothing since. Our ordinance states that we should have a report every year. She further stated that we should be willing for Tilt-Up to pay for the permits. She spoke of a \$50,000.00 fine Bayview Condos received for a Tikki Bar that was built by a resident on the beach. She said that she did see the video regarding the Tilt-Up project and who was present. She further explained the video. She feels that the fault lies with Mrs. Wells and Ms. Ryan. The Tilt-Up people are innocent.

Ms. Broullon added that any decision made will be made by the community. They were left out of this process.

Mr. Card stated that the DEP is working with us. Mr. Hill did correspond with them.

Tina Kaemmer of 164 Linden Avenue stated that we deserve to have our voices heard over the Tilt-Up Project. She was furious when she saw this project. She doesn't feel we need another memorial.

Maria Higgins of Snug Harbor stated that to put up anything, you need a permit.

Unknown woman of Snug Harbor feels this structure should be removed.

Eileen Skiff of Ocean Avenue said that the structure has been referred to as a gazebo. She feels that it looks like a bunker. No one was told about this. She owns the property next door. They have to get permits for any work done to their homes. They were on her property; they used her property while working on this project. No one asked her permission.

Mary Saltsman of 43 Snug Harbor said that Mrs. Wells takes the heat for a lot of this on social media. She continued to add that the whole thing does not make sense. She feels that people on council did not do their job. The Tilt-Up Project did their job. She continued to complain about the lack of documents.

Arnie Fuog of 50 Valley Street stated that if there was a permit issued by the DEP, everyone within 200' would have been received certified letters.

Mr. Padula stated that Tilt-up has retained an attorney so he will not be commenting on this.

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Mr. Card added that this should have been vetted thru legal on all aspects.

Andrew Stockton stated that with regards to the Land Use Law there is a process for a public project like this. They come to the Planning Board as a forum for advisory and review. It did not happen for this project.

Annemarie Tierney of Shrewsbury Avenue appreciates the thought but we need sidewalks. The Tilt-Up does not fit on the beach and feels that it was built illegally. She stated that Mrs. Wells told the council that the resolution for the project was not binding. She continued to complain about what she feels is a lack of documents from her OPRA requests.

Mr. Padula stated that all of her OPRA requests have been responded to as well as her questions. There is nothing else to give you.

Annemarie Tierney continued to complain about OPRA violations, lack of contract and building permits.

Mrs. Wells replied that she was the initial contact. She has taken responsibility. She further spoke of the process the project went thru. She said they should have communicated properly.

Annemarie Tierney continued to complain about missing documents.

Mrs. Cummins stated that she has given her everything she has on the project.

Mr. Padula stated that he gave her everything. We can't create a document. He further explained. If she feels there are documents missing she should file a complaint with OPRA.

Kim Skorka of 315 Shore Drive said we need to find out who in the Building Department issued a permit after ground was broken. She feels the Building Department should have asked about DEP approval prior to approval. The town could use sidewalks not a structure on the beach. She further complained about the lack of communication by the council.

Diane Koeppel of 50 Lighthouse Road stated that we have a very generous donation with Tilt-Up. We have a failure of council to communicate with the public. She will help fund the permits. She further expressed her appreciation of the work that was done by Tilt-Up.

Tricia Rivera of Waterwitch Avenue spoke about the fact that the residents had to OPRA documents to get any information.

Stacey Pritchard spoke about the lack of overall communications. She asked that in the future there would be a more efficient way to retrieve records.

Ms. Broullon stated that she will look into it. She further added that a Records Custodian should be able to access the emails to obtain OPRA items. It is up to Legal to decide.

Mr. Card added what are our legal actions we take as a governing body. He further explained that this is part of why he is investigating.

Stacey Pritchard stated that we need to fix the procedure to obtain email.

Maureen Welsh of 50 Valley added that we need to learn from this. We need to have procedures for checks and balances.

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Michelle Pezzullo of 115 Highland Avenue stated that she is on the Zoning Board. At no time were they ever given any information about this project.

John Delgatos of 63 Barberie Avenue said we should make a note so that this does not happen again.

Eileen Scanlon of 24 Fifth Street asked how much it would cost to remove it.

Ms. Broullon stated that it would have to go out to bid.

Mr. Card stated that he spoke with several contractors and it will cost between \$15,000-\$25,000.00. We own it. We need to practice our policies and procedures.

Unidentified woman of 17 Snug Harbor stated that she lost her view due to the project. She further explained.

Ms. Broullon stated that it's not just a CAFRA permit, it is also a land use issue and soil samples. We will share this information.

Annemarie Tierney commented on the council using multiple email addresses. The council should consider using borough emails for borough business.

Michelle Pezzullo asked if Tilt-Up would be willing to relocate the project.

Mitchell Bloomquist stated that Tilt-Up did not build it. It was built by volunteers.

John Degalatos spoke of liability to the town from the structure being there.

Mr. Padula stated that the letter from the DEP was addressed to the Borough. Any action taken would be against the Borough.

Discussion continued with various unnamed residents regarding how this will be resolved moving forward.

Ms. Broullon stated that all options will be explored.

Jack Hagins of 141 Bay Avenue would like the town to build a new skate park. He stated that his parents started this idea two years ago. He is here to ask for the council's help in building a new skate park. He spoke of fundraising to build new ramps at no cost to the town.

Mr. Hagins, his father, spoke of a foundation that will do concrete ramps that will last longer. They would need more room. He hopes they can work something out with the Borough.

Ms. Broullon suggested that he set up a meeting with Dale Leubner and Mr. Hill.

Cheryl Bahr of 23 Central Avenue added that we could swap the location of the skate park with the tennis court. If room is needed for the clamfest, we would only have to remove the nets.

Andrew Stockton of 31 Grand Tour spoke of the bend in the road in front of his house which causes cars to drive on his property. H does not have fencing. He would like it to stop.

Mr. Card will look at it with Dale Leubner.

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Andrew Stockton also spoke of the impending storm. He stated that the Community Center has new flood gates and to make sure they are down.

Mr. Card thanked the gentlemen from Tilt-Up for attending.

There were no further questions.

Ms. D'Arrigo offered a motion to adjourn, seconded by Ms. Broullon and all were in favor.

The Meeting adjourned at 11:10 p.m.

Debby Dailey, Deputy Clerk