

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

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

Ms. Broullon called the meeting to order at 7:09 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 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**

**Late Arrival: Mrs. Wells – arrived at 7:13 p.m.**

**Absent: Mayor Nolan**

**Also Present: Carolyn Cummins, Borough Clerk**

**Tim Hill, Borough Administrator**

**Patrick DeBlasio, Tax Collector**

**Dale Leubner, Borough Engineer**

**Brian Chabarek, Borough Attorney**

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**Executive Session Resolution**

Ms. Broullon 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:**

**2. Contract:**

**3. Real Estate:**

**4. Personnel Matters:**

**5. Investigation:**

**6. Attorney-Client Privilege: Administration Position**

**Ted Wardell of Brown & Brown Ins. Agency**

**Snow Ordinance**

**Review of RFP for Architect**

**Fire Dept. Social Affairs Permit**

**Property Assessment Demonstration Program**

**Zoning Re: Decks in Gravelly Point and**

**Decorative Stone**

**Vacation Request for Holly Street**

**Community Center Close Out Process**

**No Flood Insurance on Community Center, Trailers**

**or 19 Bay Avenue**

**Explore Possibility of Moving Bldg. Dept. to  
the Community Center**

**Explore getting Water/Sewer Lines for Trailer**

**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:

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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 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 collective 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 public's 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. Cards and adopted on the following roll call vote:

**ROLL CALL:**

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

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The Governing Body then entered into Executive Session.

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Ms. Broullon called the Regular Meeting to order at 8:11 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

**ABSENT:** Mayor Nolan

**ABSTAIN:** None

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**Proclamation for Eleanor Carlson:**

Ms. Broullon read the proclamation into the record.

Ms. Broullon presented the proclamation to Eleanor Carlson.

**PROCLAMATION**

**100<sup>TH</sup> BIRTHDAY CELEBRATION**

**ELEANOR CARLSON OF HIGHLANDS, NJ**

**WHEREAS**, on April 13, 1916 Eleanor was born in the Village of Florida, New York; and

**WHEREAS**, Eleanor has witnessed much throughout the last 100 years; and

**WHEREAS**, Eleanor had a varied career as an owner of a general store in Vernon, NJ, and also worked for Washburn and Granger in East Orange, Jersey City Water Works, Lake Mohawk Country Club and Jefferson Township High School as a secretary to the Superintendent; and

**WHEREAS**, she married Peter Licht in 1940, and later Earl Carlson in 1973; and she has nurtured and raised three children – Peter, who resides in South Dakota; Marcia, who resides in Lake Hopatcong, New Jersey; and Suzanne who resides in West Nyack, New York; and

**WHEREAS**, Eleanor moved to Highlands into Ptak Towers on May 3, 2010 and she continues to be an inspiration to all; and

**WHEREAS**, The Mayor & Council are truly inspired by her long life and offer her our sincerest best wishes for continued good health, happiness, and prosperity.

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**NOW, THEREFORE,** on behalf of the Highlands Governing Body; I, Mayor Frank L. Nolan, do hereby congratulate Eleanor Carlson on her 100<sup>Th</sup> Birthday and her lifetime accomplishments!

Frank L. Nolan, Mayor  
Highlands, NJ

April 13, 2016

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**Public Comment Period on Consent Agenda Resolutions Only:**

Ms. Broullon opened the public comment period.

Kim Skorka of 315 Shore Drive questioned the cost of a plaque and flags on the payment of bills. She also questioned how a new member of the Fire Department is getting LOSAP points.

Mr. Hill responded that the plaque is for the Community Center. He will look at the invoice for the flags. She advised Ms. Skorka to call him.

Mrs. Wells commented that she has been on the Fire Department for several years. She is not a new appointment. There may have been a paperwork oversight.

Barbara Ianucci of 28 Shrewsbury Avenue questioned the resolution for Professional Legal Services and what outcome are we expecting.

Mr. Chabarek stated that the Environmental Litigation is in conjunction with Atlantic Highlands over a significant cost expense involving some contamination. The lawsuit has not been filed yet. The cost that they are seeking to recover is significantly more than the cost of proceeding with litigation. There is a cost sharing arrangement that was agreed to with Atlantic Highlands. We are seeking to recoup the cost with litigation.

Carol Bucco of 330 Shore Drive questioned the tax refund resolution from last meeting.

Mr. DeBlasio answered that it was for a qualified veteran. We refunded money that he paid us.

There were no further questions.

Ms. Broullon closed the public portion.

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**Consent Agenda:**

Ms. Broullon asked if anyone had any items they would like to remove.

Mr. Card requested to pull the payment of bills for discussion.

Mrs. Wells added that she will abstain for Resolution R-16-109.

**R-16-106  
RESOLUTION APPROVING  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
MONMOUTH COUNTY SPCA  
AND  
BOROUGH OF HIGHLANDS  
FOR  
TRAP, NEUTER AND RELEASE PROGRAM0**

**WHEREAS,** the Monmouth County SPCA has elected through to perform all acts necessary for the Trap, Neuter and Release Program.

**WHEREAS,** the Monmouth County SPCA has authorized a Memorandum of Understanding to the Borough of Highlands to provide services for the Trap, Neuter and Release Program.

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**WHEREAS**, the Borough of Highlands is in need of the Trap, Neuter and Release Program because of the overwhelming number of Feral Cats in the Community.

**NOW, THEREFORE BE IT RESOLVED** be it resolved as follows:

1. The Governing Body hereby Authorizes the County of Monmouth SPCA to implement the Trap, Neuter and Release Program in the Borough of Highlands such time as a thirty day notice of cancelation is used.
2. The authorization f of fees for this program are hereby authorized at a rate of \$75.00 per TNR of a feral cat. The County will be responsible for \$37.50 per cat with a limit of 100 cats per year.

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

**R-16-107**

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain banks residents, and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
109	7	2016	\$467.74	Kanarkowski, Lillain
106.1	108	2016	\$1,937.33	Bergstrom, Robert
115	9.101	2013,2014 2015	\$4,163.17	MANNA, ROBERT
115	9.102	2013,2014 2015	\$4,470.78	MICHALCZYK, ANN MARIE
115	9.104	2013,2014 2015	\$4,427.55	NELSON, JERRY & MARK
115	9.106	2013,2014 2015	\$4,138.91	CLEMENTE, ROGER
115	9.108	2013,2014	\$5,153.70	NORRIS, JOHN H.

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		2015			
115	9.110	2013,2014	\$4,929.76	WESTHOVEN, THOMAS	
		2015			
115	9.111	2013,2014	\$4,929.76	MESLER, JOHN CHRISTENSEN, N	
		2015			
115	9.112	2013,2014	\$5,271.61	ROONEY, WAI YEE	
		2015			
115	9.114	2013,2014	\$4,929.76	PETTRUZZELLIS, JOSEPH	
		2015			
115	9.115	2013,2014	\$5,207.51	PAPERA, JOSEPH TRUST	
		2015			
115	9.116	2013,2014	\$4,954.02	TENNESSEE, LENNOX	
		2015			
115	9.117	2013,2014	\$4,929.76	KHALIL, ANIS	
		2015			
115	9.119	2013,2014	\$5,259.53	GLAVAN, MARTIN McCARTHY, L	
		2015			
115	9.120	2013,2014	\$5,229.28	FERRANTELL, SEBASTIAN	
		2015			
115	9.122	2013,2014	\$5,279.10	SCHNABEL, GEORGE & LYNN	
		2015			
115	9.123	2013,2014	\$4,929.76	SCARSO, J. & MELINDA	
		2015			
115	9.124	2013,2014	\$5,283.09	AMBROSE, MARK	
		2015			

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

**R-16-108**

**RESOLUTION AUTHORIZING PROFESSIONAL LEGAL SERVICES**

**WHEREAS**, the Borough of Highlands has a need for specialized legal services for environmental litigation concerning a matter which arose with the Atlantic Highlands/Highlands Regional Sewerage Authority, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Borough of Highlands intends to act jointly with the Atlantic Highlands, by and through said environmental litigation, in an effort to recover costs and expenses incurred in connection with the said matter which arose with the Atlantic Highlands/Highlands Regional Sewerage Authority; and

**WHEREAS**, the Atlantic Highlands/Highlands Regional Sewerage Authority was previously represented by Patrick J. McNamara, Esq. of the firm of Scarinci Hollenbeck; and

**WHEREAS**, by way of Resolution R-14-132, duly adopted by the governing body on May 7, 2014, the Borough previously retained Patrick J. McNamara, Esq., of the firm of Scarinci Hollenbeck, to perform a legal review of the aforementioned matter at the rate of \$150 per hour to be allocated in a cost sharing arrangement with Atlantic Highlands; and

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**WHEREAS**, Atlantic Highlands and the Borough of Highlands have a cost sharing arrangement, wherein the Borough of Highlands is responsible for 55.05% of the costs and the Atlantic Highlands is responsible for 44.95% of the costs, in connection with the specialized legal services referenced above; and

**WHEREAS**, any recovery of costs and expenses by Atlantic Highlands and the Borough of Highlands, in connection with the environmental litigation referenced above, is subject to the same percentage of allocation as noted above; and

**WHEREAS**, such specialized legal services can only be provided by licensed professionals and the firm of Scarinci Hollenbeck 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**, based on the cost sharing arrangement with the Atlantic Highlands referenced above, this contract is to be awarded at an hourly rate of \$150 per hour for an amount not to exceed \$41,250.00 plus reimbursable expenses, for the period of April 20, 2016 through December 31, 2016; and

**WHEREAS**, Scarinci Hollenbeck has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 the firm from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of Scarinci Hollenbeck 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  
Account Number# \_\_\_\_\_

I hereby certify funds are available as follows:

\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

**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. Patrick J. McNamara, Esq. of the firm of Scarinci Hollenbeck is hereby retained to provide professional specialized legal services for environmental litigation, as described above, at an hourly rate of \$150 per hour for an amount not to exceed \$41,250.00 plus reimbursable expenses, for the period of April 20, 2016 through December 31, 2016.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 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.

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

**R-16-109**

**RESOLUTION APPROVING LIST OF VOLUNTEER FIRE DEPARTMENT MEMBERS WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2015**

**WHEREAS**, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

**WHEREAS**, the Highlands Fire Department is required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

**WHEREAS**, the Highlands Fire Department have submitted certified lists of qualified volunteers for the year 2015; and

**WHEREAS**, the Fire Department list has been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the list and found it to be accurate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands Fire Department of qualified volunteers for the year 2015 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

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

**Minutes Approved on Consent Agenda:**

Mr. Card offered a motion to approve the March 16<sup>th</sup>, 2016 Executive and Regular minutes for approval, 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



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**Payments of Bills:**

Mr. Card questioned the flagpole repair and bill for the banner as well as battery chargers for the Fire Department.

Mr. Hill explained that the flagpole repair was approved and done. He doesn't feel that we should withhold payment to the vendor.

Mr. Card agreed that it should be paid but feels we need to start looking at cost savings for non-essential services going forward.

Mrs. Wells questioned the attorney's legal fee from last meeting.

Ms. Broullon replied that Mayor Nolan sued the town knowing that this would be an expense to the town.

Mrs. Wells continued to question the legal bills.

Council discussed.

Mrs. Wells stated that there was a lack of communication on this.

Mr. Chabarek stated that the Borough was named as a defendant in this litigation.

Mrs. Wells questioned the OPRA fees in his bill. We are being charged for them.

Ms. Broullon explained that the bill was outside of the retainer.

Mr. Card stated that we need to have the attorney look at our OPRA procedures.

Mr. Chabarek stated that this is outside of the terms of the Legal Professional Services Contract.

**RECAP OF PAYMENT OF BILLS  
04/20/2016**

<b>CURRENT:</b>		\$	280,745.85
Payroll	(03/30/2016)	\$	112,223.52
Manual Checks		\$	
Voided Checks		\$	
<b>SEWER ACCOUNT:</b>		\$	6,091.47
Payroll	(03/30/2016)	\$	3,743.68
Manual Checks		\$	
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$	63,936.03
Payroll	(03/30/2016)	\$	11,765.00
Manual Checks		\$	
Voided Checks		\$	

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<b>UNEMPLOYMENT ACCT-MANUALS</b>	<b>\$</b>	
<b>DOG FUND</b>	<b>\$</b>	
<b>GRANT FUND</b>	<b>\$</b>	
Payroll (03/30/2016)	<b>\$</b>	1,091.33
Manual Checks	<b>\$</b>	
Voided Checks	<b>\$</b>	
<b>DEVELOPER'S TRUST</b>	<b>\$</b>	
Manual Checks	<b>\$</b>	
Voided Checks	<b>\$</b>	

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN  
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

	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	

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**Ordinances: Introduction & Setting of a Public Hearing Date for May 18<sup>th</sup> :**

**O-16-11 Traffic Ordinance**

Mrs. Cummins read the title of Ordinance O-16-11 on for introduction and setting of a public hearing date of May 18<sup>th</sup>, 2016.

Mr. Card offered the following Ordinance and moved on its introduction and setting of a public hearing date of May 18, 2016 at 8:00 P.M.:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
O-16-11  
AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC,"  
OF THE CODE OF THE BOROUGH OF HIGHLANDS  
RELATED TO AREAS OF NO PARKING, ONE-WAY  
STREETS, STOP SIGN INTERSECTIONS, STREET  
CLEANING, THROUGH STREETS, AND PERMIT  
PARKING IN VARIOUS LOCATIONS THROUGHOUT  
THE BOROUGH**

**WHEREAS**, the Borough has determined to regulate traffic and parking within the jurisdiction of the Borough; and

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**WHEREAS**, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes; and

**WHEREAS**, the governing body finds that these recommendations should be adopted for the general safety, health and welfare of the Borough.

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

**SECTION I.** The following sections of Schedule I, “No Parking,” of Chapter VII, “Traffic,” of the Code of the Borough of Highlands shall be amended and supplemented as follows: (underscores represent additions; ~~strikethroughs~~ represent deletions):

**SCHEDULE I NO PARKING**

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Atlantic Street	North	Both sides from intersection at Bay Avenue.
Bay Avenue	East	Highlands - Sea Bright Bridge to <u>eastern corner of Veteran's Park-Shrewsbury Avenue.</u>
Fifth Street	North <del>South</del>	Cedar Street to <u>Valley Miller Street.</u>
<u>Fifth Street</u>	<u>North</u>	<u>Miller Street to Valley Street</u>
<u>Fourth Street</u>	<u>South</u>	<u>Entire length</u>
<u>Hillside Avenue</u>	<u>North</u>	<u>South Bay Avenue to Portland Rd.</u>
<u>Marine Place</u>	<u>North</u>	<u>Entire length</u>
<u>Miller Street</u>	<u>Both</u>	<u>From Navesink Avenue (Route 36) to Shore Drive</u>
<u>Miller Street</u>	<u>East</u>	<u>From Highland Avenue to Navesink Avenue (Route 36)</u>
<u>South Street</u>	<u>West</u>	<u>50 feet from intersection with Bay Avenue</u>
<u>South Bay Avenue</u>	<u>North</u>	<u>Highlands Sea Bright Bridge to Hillside Avenue.</u>
<u>Twinlights Terrace</u>	<u>North</u>	<u>From the intersection of Twinlights Terrace and Light House Road to a point 204 feet west. Beginning 204 feet west of the intersection with Light House Road to South Peak Street</u>
<u>Waterwitch Avenue</u>	<u>East</u>	<u>Linden Avenue to Shore Drive</u>
<u>Woodland Street</u>	<u>East</u>	<u>Prospect Street to Highland Avenue</u>

Any sections or roadways not referenced in this Section shall remain as stated in the Borough Code.

**SECTION II.** The following sections of Schedule IA, “No Parking During Certain Hours,” of Chapter VII, “Traffic,” of the Code of the Borough of Highlands shall be amended and supplemented as follows: (underscores represent additions; ~~strikethroughs~~ represent deletions):

**SCHEDULE IA NO PARKING DURING CERTAIN HOURS**

<i>Name of Street</i>	<i>Sides</i>	<i>Hours</i>	<i>Location</i>
<u>Bay Avenue</u>	<u>Both</u>	<u>6:00 p.m. to 6:00 a.m.</u>	<u>From Waterwitch Avenue to Snug Harbor Avenue.</u>
<u>Marine Place</u>	<u>North</u>	<u>7:00 a.m. to 8:00 p.m.</u>	<u>From the westerly curb line of Snug Harbor Avenue to the westerly side of Huddy Avenue.</u>
<u>Marine Place</u>	<u>North</u>	<u>7:00 a.m. to 8:00 p.m.</u>	<u>From the westerly curb line of Washington Avenue to the easterly curb line of Sea Drift Avenue.</u>

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Shore Drive	Eastbound	9:00 a.m. to 10:00 a.m. on last Friday of the month	Entire length.
Shore Drive	Westbound	10:00 a.m. to 11:00 a.m. on last Friday of the month	Entire length.
Shore Drive	Eastbound	7:00 a.m. to 7:00 p.m. — one hour parking limit	From Marie Street to Waterwitch Avenue
South Second Street		No parking 3:00 a.m. to 6:00 a.m. — Vehicles over 5,000 lbs. are prohibited. All others will be towed.	Municipal Parking Lot*

—\*Said lot is reserved exclusively during said hours for ferry service commuters with valid permits who may use said lot pursuant to agreement between Fast Ferry Inc. and the Borough of Highlands.

Any sections or roadways not referenced in this Section shall remain as stated in the Borough Code.

**SECTION III.** The following sections of Schedule II, “One-Way Streets,” of Chapter VII, “Traffic,” of the Code of the Borough of Highlands shall be amended and supplemented as follows: (underscores represent additions; ~~strikethroughs~~ represent deletions):

**SCHEDULE II ONE-WAY STREETS**

In accordance with the provisions of section 7-4, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
Matthew Street	North	<del>Entire length of street.</del> <u>From Bayside Drive to Shore Drive</u>
S. Shore Drive	<u>Northwest</u>	<u>From Bay Avenue to South Street</u>

Any sections or roadways not referenced in this Section shall remain as stated in the Borough Code.

**SECTION IV.** The following sections of Schedule III, “Stop Intersections,” of Chapter VII, “Traffic,” of the Code of the Borough of Highlands shall be supplemented to include the following:

**SCHEDULE III STOP INTERSECTIONS**

Riker Street:

- a. STOP sign installed at intersection with Portland Road

Thompson Street

- a. STOP sign installed at intersection with Portland Road

Valley Street

- a. STOP sign shall be installed at intersection with Fifth Street

Any sections or roadways not referenced in this Section shall remain as stated in the Borough Code.

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**SECTION V.** The following sections of Schedule VI, "Street Cleaning," of Chapter VII, "Traffic," of the Code of the Borough of Highlands shall be supplemented to include the following:

**SCHEDULE VI STREET CLEANING**

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Days</i>	<i>Location</i>
Shore Drive	East	9:00 a.m. to 10:00 a.m.	Fridays	Entire length
Shore Drive	West	10:00 a.m. to 11:00 a.m.	Fridays	Entire length.

Any sections or roadways not referenced in this Section shall remain as stated in the Borough Code.

**SECTION VI.** The following sections of Schedule III, "Through Streets," of Chapter VII, "Traffic," of the Code of the Borough of Highlands shall be supplemented to include the following:

Bay Avenue: Entire length

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

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

Seconded by Mrs. Wells 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**

**Ordinances: 2<sup>nd</sup> Reading, Public Hearing & Adoption:**

**Ordinance O-16-9 – Cell Phone Ordinance**

Mrs. Cummins read the title of Ordinance O-16-9 on for 2<sup>nd</sup> reading and public hearing. This was published in the March 25<sup>th</sup> edition of the Asbury Park Press and is now ready for a public hearing.

Ms. Broullon opened the public hearing.

Carol Bucco of 330 Shore Drive asked if this ordinance encompasses all Borough Employees.

Mrs. Wells replied that this ordinance is about her.

Mr. Hill stated that no employees get reimbursed for their cell phones. They have Borough cell phones.

Carla Cefalo-Braswell of 62 Gravelly Point Road asked if employees using their personal cell phones is an issue or is it just the reimbursement.

Ms. Broullon replied that it's just for reimbursement.

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Ms. Broullon closed the public hearing.

Mrs. Cummins read the title of O-16-9 on for 3<sup>rd</sup> and final reading and adoption.

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption:

**O-16-9**

**BOROUGH OF HIGHLANDS**

**COUNTY OF MONMOUTH**

**AN ORDINANCE SUPPLEMENTING SECTION 2-3.1 OF THE REVISED  
GENERAL CODE OF THE BOROUGH OF HIGHLANDS TO PROVIDE THAT MEMBERS  
OF THE GOVERNING BODY HAVE THE OPTION OF OBTAINING BOROUGH ISSUED  
CELL PHONES TO CONDUCT BOROUGH BUSINESS TO BE PAID DIRECTLY BY THE  
BOROUGH AND THAT THE USE OF PERSONAL CELL PHONES WILL NOT BE  
REIMBURSED**

**WHEREAS**, the governing body finds that there is a need for the use of Borough issued cell phones for members of the governing body, in order to conduct Borough business, and that there is also a need for uniformity in the use and reimbursement for such cell phones.

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

SECTION ONE: Section 2.31 shall be supplemented as follows:

2-3.1(a) In order to establish uniformity in the use and reimbursement of cell phones for members of the governing body to conduct Borough Business, it is hereby established that members of the governing body, consisting of the Mayor and council, shall be afforded the option of obtaining a Borough issued cell phone for their use to conduct Borough business. The said Borough issued cell phones shall be paid directly by the Borough. Should any member(s) of the governing body choose to utilize their personal cell phone(s) in order to conduct Borough business, it is hereby established that the Borough will not provide reimbursement for the same.

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.

Seconded by Ms. D'Arrigo and adopted 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

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**Other Business:**

**Borough Engineers Status Report**

Mr. Leubner gave a brief summary of his report listed below.

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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 with Green Acres was held on January 27, 2016.
  - USACE permit has been obtained.
  - Resubmission is under review by 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 at least the fall.
  - Potential of relocating generator adjacent to pumpstation.

**2. 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.

**3. 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.

- 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.

**4. 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.
- 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.

**5. 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

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- 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 have been installed and energized.
- 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. Contractor has remobilized. Stamped concrete subcontractor to remobilize the week of May 2, 2016.

**6. 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.
- Concrete work is complete.
- Paving to commence over the next few weeks once asphalt plants re-open for the season.
- The initial \$150,000 of the grant has been requested from the NJDOT.

**7. 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.

- 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  
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.



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- Pipe installation on North Street has been completed.
  - North Street has been partially base paved.
  - Concrete, drainage and sanitary sewer work has commenced on Shrewsbury Avenue.
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.
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 complete.
  - Project will be reviewed with Borough Subcommittee prior to advertisement for construction.
11. **Bay Avenue Streetscape Phase II:** This project continues various components of streetscape improvements between Washington Avenue and Valley Street. T&M was provided a verbal authorization to proceed with the project by the Governing Body at the March 2, 2016 Council meeting. Construction funding is being provided through a D-Biz Loan.
- Survey is complete.
  - Design is underway.
  - Final design to be sent to the County for approval by April 29, 2016.
  - Base bid for project will consist of stamped concrete, ADA curb ramps and conduit for future decorative street lighting.
  - All other components will be advertised as bid alternates in order of importance.

**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. **Residential Demolition Program (FEMA PW 4730):** 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.
  - Six (6) properties have moved forward with the demolition of the structures outside of this program.
3. **Borough Hall (FEMA PW 2006):** Actual project dependent upon result of final FEMA review.
- RFP for architect was advertised and received on April 8, 2016.
  - 19 Architects have submitted a qualification package for consideration.
  - Packages are currently being scored by T&M Associates.

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- Borough to finalize a selection committee to interview and select a project architect.

**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. **FY 2016 NJDOT Local Aid Applications:** As requested by the Governing Body, we have applied for the Reconstruction of Valley Street from Shore Drive to Fifth Street. The Borough has recently been informed that they will be receiving \$250,000 towards this project.  
If you have any questions or require additional information, please do not hesitate to call.

Mrs. Wells asked if Paul Vitale, Construction Official, is doing grease trap inspections. We have had problems on Shrewsbury Avenue in the past.

Mr. Hill replied that the grease trap ordinance doesn't address that. Mr. Vitale is putting the information together to begin inspections. There have been discussions on who will be doing the inspections.

Ms. Broullon wants to know when the inspections will start.

Mr. Card will contact Mr. Vitale tomorrow. He agreed with Mrs. Wells on the Shrewsbury Avenue issue.

Mrs. Wells inquired on where we stand with the repair mitigation of the electric in Veteran's Park.

Mr. Leubner replied that the design is complete. We need to get the sub-committee together before going out to bid.

**Safe Routes to School Funding:**

Mrs. Cummins explained that there is an available grant and a letter from NJDOT is in the Council Packets.

Mr. Leubner explained that this is an extremely competitive grant. The Borough has applied for this grant in the past and we were denied. He added that in the past we tried for sidewalks around the new Quick Chek. He feels that we can give it another try.

Chief Blewett added that we should look into a sidewalk going to the High School on South Peak.

Mr. Leubner said that he will look into it.

Unidentified woman asked about Portland Road. The sidewalks stop.

Mr. Leubner stated that it is a viable option and he will look into that as well. He added that he will look into the criteria for projects and bring back to the council.

Carla Cefalo-Braswell of Gravelly Point Road thought we received a grant for the fence going down Linden Avenue. She suggested we use the same information to research and apply it toward the sidewalks by Quick Chek.

Barbara Ianucci of 28 Shrewsbury Avenue spoke of the bulkhead idea that was denied. She thought improvement on the Hwy. #36 project was under that.

Mr. Leubner explained that it was denied by the DOT. We are looking at other grant opportunities for that.

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**Public Portion:**

Carol Bucco of 330 Shore Drive spoke about the appointment of the Borough Attorney Appointment. She said that Mrs. Wells stated earlier that the ordinance is incorrect and who determines that.

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Mr. Chabarek stated that there has not been a final determination by the court. The ordinance will be amended accordingly.

Mr. Card added that it will be amended to reflect correctly on how we govern.

Chris Francy of 36 Fifth Street questioned the time frame to spend grant money on Valley Street.

Mr. Leubner replied – 18 months. He added that this grant is for the road only not the pipes. He further explained.

Mr. Card stated that we are exploring our options.

Carla Cefalo-Braswell of 62 Gravelly Point Road inquired if we are paying for a grant writer and did T&M get the grant.

Mr. Leubner replied that T&M got the grant.

Mr. Hill added that we have RFP's out for a grant writer and they are due this Friday.

Kim Skorka of 315 Shore Drive asked if we are redoing the rest of our ordinances for accuracy.

Mr. Chabarek stated that as we come across issues it will be appropriate to amend the ordinance.

Mr. Card added that the Chief of Police knows what ordinances are working for the police department and the same for code enforcement. They can bring the ordinances that are not working to the governing body for amendments. Most we can do ourselves.

Kim Skorka asked if the Safe Route Grant is only for schools.

Mr. Leubner replied that it's only for schools.

Kim Skorka questioned R-16-107 and why 19 people are getting money back from appeals.

Mr. DeBlasio explained that these residents won their tax appeals and we have to refund back their money.

Mr. Hill added that it is largely from a large condo complex.

Tina last name unknown of Linden Avenue stated that it is a small complex.

Kim Skorka questioned the Fire Department Social Permit on Executive Session. She asked if it is for an upcoming event.

Ms. D'Arrigo explained that it was about a previously issued permit. We are asking for adequate time to review permits and to make the community aware. She further spoke about LOSAP. She noticed thru her research that our ordinance does not match with the State Regulations. We are working on getting the ordinance State complaint going forward.

Kim Skorka asked if we can get a legal intern to review the ordinances.

Mr. Chabarek stated that when an issue comes up, we will look at the code and updated accordingly.

Mr. Card added that the community can also look at the ordinances. They are posted on line. If they see anything questionable, bring it to their attention. We can address it.

Stacy Pritchard of Bay Avenue asked if the street sweeper will be back on a Friday schedule.

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Mr. Hill stated that it is difficult to implement a schedule due to construction. We hope to have a schedule soon. The sweeper has been out on an aggressive schedule.

Mr. Card also commented that we are protecting the sweeper. There is a lot of construction debris.

Stacy Pritchard stated that there are about 15 rain barrels left over from last year. She recommends giving some to the Garden Club as well as the Fire Department.

Mr. Hill will follow up on it.

Barbara Ianucci of 28 Shrewsbury Avenue stated her concerns with the job the Tax Assessor is doing. She further explained her situation. She also explained her research on various homes in town and the discrepancies. She expressed her frustration with the Tax Assessor and asked if the Borough could do a job review. She feels that the tax payers are paying as a result of the tax assessor. She further questioned the OPRA Request process and legal fees.

Mrs. Cummins explained that you can always ask a question. When requesting documents, you must fill out an OPRA request form.

Carol Bucco of 330 Shore Drive asked if the council sees documents that qualify the men and women of the Fire Department for LOSAP points. She feels that there should be accompanying documents listing the points.

Ms. D'Arrigo explained that she received the list. She did read the ordinance as well. There is a LOSAP Committee that checks the hours and is the list is then submitted to the council. The council has a certain amount of time to review it as per the ordinance. We need to match our ordinance to the State requirements.

Mr. Chabarek stated that in accordance with the Administrative Code the Borough can request back up data within 30 days as deemed necessary. We will look at the ordinance for discrepancies with the State ordinance.

Mr. Card explained that Middletown had problems with LOSAP and the governing body was not able to protect them because they were not given the information to protect them. We need to have the information and have it vetted out. This protects the Fire Department.

Mrs. Wells stated that the Fire Department does do the back up. They have a process. The points are posted at all times. She further explained the event sheet and tracking hours. After each event, all information is documented. She further explained the various points for different events.

Mrs. Bucco continued to speak of photos posted on Facebook of the fireman drinking at the convention.

Mrs. Wells stated that no one receives LOSAP points for going to the convention.

Mr. Card said that there is a disconnect with the LOSAP points information. If the State comes in and questions the council, we do not have the appropriate documents to verify the points.

Carla Cefalo-Braswell of Gravelly Point Road commented of assessments. She wants to know what the checks are and balances are after the construction permits are filed. She feels that there are a lot of properties that are not assessed on their improvements.

Barbara Ianucci explained there is check and balances with the building department but the problem is with the tax assessor.

Mr. Card said that if anyone knows of a tax situation please notify the council. They will review and take appropriate action.

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Mr. Hill feels that the tax assessor position requires more than two hours per week. We need to address that.

Annemarie Tierney of Shrewsbury Avenue spoke about problems she had with the tax assessor for her lot consolidation. She further explained her issues. She feels that this is a competency issue. She wants to send a letter to the State.

Ms. Broullon recommended that the council could send it to a contact at the State. It could move things along.

Carla Cefalo-Braswell recommending that the borough hires an hourly person to help the assessor and look at the properties.

Mr. DeBlasio explained the reassessment program. It is a group, other than the assessor, the goes out and values the properties.

Mr. Card feels that the properties are undervalued.

Kim Skorka said that they were just counting bedrooms and bathrooms.

Tina Hanner of Linden Avenue asked what the next step regarding the Tilt-Up after the Town Hall meeting.

Ms. Broullon stated that the Town Hall meeting on the Tilt-Up went well. There were 80-90 people at the meeting. This is an emotional issue.

Mr. Card said that the meeting was civil. A lot of good information came out of it.

Ms. D'Arrigo added that we don't have concrete facts on costs and permits yet. There are some missing gaps.

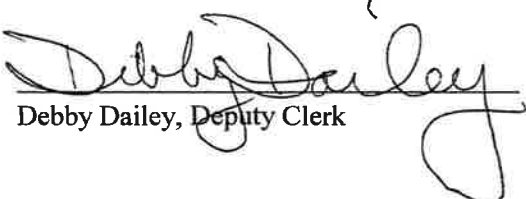
Mr. Card said that no permits are needed to remove it but he would want the town to issue a demo permit and an easement agreement. He is not sure about this being on referendum. We are exploring a petition. We are exploring many possibilities.

Tina Hanner continued to speak negatively of the Tilt-Up.

There were no further questions.

Ms. Broullon offered a motion to close the public portion seconded by Ms. D'Arrigo and all were in favor.

The Meeting adjourned at 9:39 p.m.

  
Debby Dailey, Deputy Clerk