

Mayor & Borough Council Meeting Minutes
Community Center – 22 Snug Harbor – Highlands
Wednesday, May 16th 2018
7:00pm

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

Call to Order
Meeting Statement
Roll Call

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege: Sewer Maintenance
Redevelopment Plan B 105.107 L 1.1
Contract Negotiations: TOMSA
Cable Television Franchise Renewal
Tax Abatement
Reassessment

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Consent Agenda

R-18-113 Authorize Payment of the Bills
R-18-114 Appoint Temporary Summer Seasonal Employees
R-18-115 Authorize Advertisement for Request for Proposals for Reassessment Services
R-18-116 Authorize Individuals to Sign of Highlands Court Account

Resolutions

R-18-117 Place to Place Transfer of Liquor License 1317-33-012
R-18-118 Award Lease of Municipal Property Designated as Block 56 Lot 13
R-18-119 Award a Fair & Open Contract for the Drainage Improvements to Cedar Street Project
R-18-120 Award a Fair & Open Contract for Improvements to Hillside Avenue & Portland Road
R-18-121 Award a Fair & Open Contract for Professional Services for a Licensed Planner to Prepare a Redevelopment Plan for B 105.107, Lot 1.1
R-18-122 Authorize Refund of Remaining Unused Escrow
R-18-123 Authorize Refund of Sewer Inspection Payment
R-18-124 Authorize Emergency Contract Due to a Lateral Disconnection at 31 Washington Ave

Ordinances: Public Hearing & Possible Adoption

O-18-12 Amend Chapter 21 Revising Floodplain
O-18-13 Amend Chapter 17 Which Established a Business Improvement District

Other Business:

Moms Demand Action
Engineer's Report
Administrator's Report
Police Chief's Report

Public Comments:

Adjourn

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The Meeting was called to order at 7:00pm.

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ROLL CALL:

Present: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil
Absent: Councilmember Ryan
Also Present: Bonnie Brookes, Borough Clerk
Brian Chabarek, Borough Attorney
Kim Gonzales, Borough Administer

Resolution to enter into Executive Session

A motion to enter Executive Session was offered by Mayor O'Neal and seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)
NAY: None (0)
ABSENT: Councilmember Ryan (1)
ABSTAIN: None (0)

The Resolution to enter Executive Session was properly approved.

Executive Session was entered at 7:05pm.

REGULAR MEETING:

The Meeting was called to order at 8:00pm.

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

Pledge of Allegiance was led by Mayor O'Neil.

ROLL CALL

Present: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil
Absent: Councilmember Ryan
Also Present: Bonnie Brookes, Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO
Kim Gonzales, Borough Administrator
Ed Herrman, T&M Associates

Consent Agenda

~~R-18-113 Authorize Payment of the Bills~~

R-18-114 Appoint Temporary Summer Seasonal Employees

R-18-115 Authorize Advertisement for Request for Proposals for Reassessment Services

R-18-116 Authorize Individuals to Sign of Highlands Court Account

Councilmember Broullon motioned to remove Resolution 18-113 from the consent agenda which was seconded by Councilmember D'Arrigo.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)
NAY: None (0)
ABSENT: Councilmember Ryan (1)
ABSTAIN: None (0)

Resolution 18-113 was properly removed from the consent agenda.

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Mayor O’Neil motioned to approve the consent agenda which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo & Mayor O’Neil (4)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: None (0)

The consent agenda has been properly approved.

R-18-113 Authorize Payment of the Bills

Mayor O’Neil motioned to approve Resolution 18-113 which was seconded by Councilmember D’Arrigo.

ROLL CALL:

AYE: Councilmembers Braswell, D’Arrigo & Mayor O’Neil (3)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: Councilmember Broullon (1)

Resolutions

R-18-117 Place to Place Transfer of Liquor License 1317-33-012

Mayor O’Neil opened the meeting to the public.

Bernard Reilly, representing Annemarie Tierney of Shrewsbury Avenue, pointed out that the transcript for the Land Use Board meeting did not clearly state what is or is not permitted and he needed time to determine the number of seats permitted. He requested that that Council add to the resolution the number of seats permitted or table it. Mr. Reilly also stated that regarding the lease of the parking lot, the seating capacity should be conditional.

Joe Unknown, representing Windansea, explained that all this resolution deals with is the location of one of the bars. He noted that they are allowed one hundred and twenty-one seats (121) in this area as a consisting condition and it what they have. He noted that the parking lease was advertised properly and will also benefit the public. He noted that his client is willing to undergo all necessary inspections.

Mayor O’Neil noted that he doesn’t know how this issue got to this point and added that the lease was done correctly.

Mayor O’Neil closed the meeting to the public.

Mayor O’Neil motioned to approve Resolution 18-117 which was not carried.

Councilmember Broullon stated that she would like to second the motion by Mayor O’Neil to approve Resolution 18-117. She noted the amount of research that she had done on the seating issue and the reasons why decided to second the motion.

ROLL CALL:

AYE: Councilmembers Broullon & Mayor O’Neil (2)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: Councilmembers Braswell & D’Arrigo (2)

Resolution 18-117 has been properly approved.

R-18-118 Award Lease of Municipal Property Designated as Block 56 Lot 13

Mayor O’Neil motioned to approve Resolution 18-118 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Broullon & Mayor O’Neil (2)

NAY: Councilmember D’Arrigo (1)

ABSENT: Councilmember Ryan (1)

ABSTAIN: Councilmember Braswell (1)

Resolution 18-118 has been properly approved.

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R-18-119 Award a Fair & Open Contract for the Drainage Improvements to Cedar Street Project
Mayor O'Neil motioned to approve Resolution 18-119 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O'Neil (4)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: None (0)

Resolution 18-119 has been properly approved.

R-18-120 Award a Fair & Open Contract for Improvements to Hillside Avenue & Portland Road
Councilmember Broullon motioned to approve Resolution 18-120 which was seconded by Councilmember Braswell.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: None (0)

Resolution 18-120 has been properly approved.

R-18-121 Award a Fair & Open Contract for Professional Services for a Licensed Planner to Prepare a Redevelopment Plan for B 105.107, Lot 1.1

Ms. Brookes noted that the contract was being award to CME Associates in the amount not to exceed \$7,200. Mayor O'Neil motioned to approve Resolution 18-121 which was seconded by Councilmember Braswell.

ROLL CALL:

AYE: Councilmembers Braswell, D'Arrigo & Mayor O'Neil (3)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: Councilmember Broullon (1)

Resolution 18-121 has been properly approved.

R-18-122 Authorize Refund of Remaining Unused Escrow

Mayor O'Neil motioned to approve Resolution 18-111 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, D'Arrigo & Mayor O'Neil (3)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: Councilmember Broullon (1)

Resolution 18-122 has been properly approved.

R-18-123 Authorize Refund of Sewer Inspection Payment

Mayor O'Neil motioned to table indefinitely Resolution 18-123 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: None (0)

Resolution 18-123 has been properly approved.

R-18-124 Authorize Emergency Contract Due to a Lateral Disconnection at 31 Washington Ave

Mayor O'Neil motioned to table indefinitely Resolution 18-124 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: None (0)

Resolution 18-124 has been properly approved.

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Ordinance: Public Hearing & Possible Adoption

O-18-12 Amend Chapter 21 Revising Floodplain

Mayor O'Neil opened the meeting to the public on Ordinance 18-12.

Carol Bucco, Shore Drive, stated that there was a lot packed into this ordinance and the Council should make sure they have fully read it and understand it. Mr. Chabarek advised that the NJ Department of Environmental Protection (NJ DEP) reviewed this and added that it would penalize the Borough if it is not passed.

Kim Skorka, Shore Drive, questioned where the definition of the VO zone was. Mr. Chabarek noted that the NJ DEP wrote the definitions page.

Mayor O'Neil closed the meeting to public.

Mayor O'Neil motioned to adopt Ordinance 18-12 which was seconded by Councilmember D'Arrigo.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: None (0)

Ordinance 18-12 has been properly adopted.

O-18-13 Amend Chapter 17 Which Established a Business Improvement District

Mayor O'Neil opened the meeting to the public on Ordinance 18-13.

Kim Skorka, Shore Drive, informed the Council that the list in the ordinance is still incomplete and inquired why some properties were included or not included. Mr. Chabarek noted that the Assessor did review the ordinance and would have him check again.

Ms. Skorka listed all the properties that should have been included which she discussed with Mr. DeBlasio stated that the Borough would investigate it. Ms. Skorka also inquired when the tax map would be updated and Councilmember Broullon advised it would be updated when construction is complete.

Carol Bucco, stated that construction was completed at the Bay Pointe Inn for some time. Councilmember Broullon explained that once Pulte is complete it will be added since they are on the same page of the tax map.

Mayor O'Neil closed the meeting to the public.

Councilmember D'Arrigo motioned to adopt Ordinance 18-13 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Broullon & Mayor O'Neil (2)

NAY: None (0)

ABSENT: Councilmember Ryan (1)

ABSTAIN: Councilmember Braswell (1)

Ordinance 18-13 has been properly adopted.

Other Business

Moms Demand Action

Ms. Gonzales stated that the organization requested the Borough have an "Orange Day" to support their cause. Mayor O'Neil stated that he would look into it.

Engineer's Report

Mr. Herrman updated the Council on the 2017 Road Improvement Project which will be completed soon. He noted that the Shore Drive Pump Station contract is being reviewed, provided an update on Veterans' Park electricity, and noted the status of the valves installation.

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Administrator's Report

Ms. Gonzales reported that the Plainfield Utility Authority would be here throughout the summer and explained the work they would be doing. She noted that the supplies were received for the Portland Road project, reminded the public of the Borough's Memorial Day plans and the summer camp registration.

Police Chief's Report

Chief Burton noted the date of the bonfire along with the meet and greet with officers.

Public Comment

Mayor O'Neil opened the meeting to the public.

Chris Francy, Fifth Street, asked for an update on the Borough joining the CRS program. Mr. Herrman explained the intensive work that needed to go into it. Ms. Gonzales stated that the Borough is starting the process which she discussed with Mr. Francy and the Council.

Mr. Francy inquired on the reduction of sewer costs. Councilmember Braswell clarified that it is a reduction in operating costs with the new pump. Mr. Francy stated that lowering costs was one of his campaign promises.

Bob Zilinski, asked if the Hillside Resolution included the certain streets which Mayor O'Neil insured him that it did.

Carol Bucco, Shore Drive, stated that since there was no longer a public comment section prior to the approval of the resolutions, she had sent her questions into the Borough yesterday and received no response. Ms. Bucco asked that Resolution 18-115 to be explained which Ms. Gonzales did. Mr. Chabarek explained the situation.

Ms. Bucco asked Councilmember Broullon why she decided to second Resolution 18-117 which Councilmember Broullon explained. Ms. Bucco questioned if Windansea was adding seats and Mayor O'Neil stated they were not.

Ms. Bucco questioned why the Council had to do the redevelopment plan which Mr. Chabarek explained the process and the need for it.

Ms. Bucco inquired why she had not seen the survey that was discussed at the previous meeting. Councilmember Broullon explained that the BID survey and the resident survey were two different things. Ms. Bucco stated that she wanted to see the results of the BID survey which Councilmember Broullon explained had not been presented to the Council.

Steve Solop, Bay Avenue, commented on Councilmember Broullon changing her mind on the resolution. He asked for the costs for the profits and losses for the first quarter of this year for the Highlands Business Partnership.

Kim Skorka, Shore Drive questioned the need for the expansion resolution. Councilmember Broullon explained the ABC regulations. Ms. Skorka inquired if there was additional seating received and Councilmember Broullon noted that they withdrew their application for the additional forty-four (44) seats.

Ms. Skorka inquired if we need the parking lot for public use and Mayor O'Neil went through the history of the property in question.

Ms. Skorka questioned why the Council was upholding some laws but not the BID ordinance which she discussed with Councilmember Broullon and Ms. Gonzales.

Ms. Skorka asked why residents cannot ask questions prior to the passing of resolutions and noted that it decreases transparency.

Mayor O'Neil closed the meeting to the public.

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Adjourn:

Mayor O'Neil motioned to adjourn the meeting which was seconded by Councilmember Broullon and approved by all present. The meeting was adjourned at 9:23 pm.

Approval of the Minutes

A motion to approve the Minutes of May 16th 2018 was made by Councilmember Broullon and seconded by Councilmember Ryan.

AYE: Councilmembers Braswell, Broullon, D'Arrigo & Mayor O'Neil (4)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: Ryan (1)

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be the action of the Governing Body at its meeting held November 7, 2018.

Approve: 
Richard W. O'Neil, Mayor

Attest: 
Bonnie Brookes RMC, Clerk