

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

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

EXECUTIVE SESSION: 7:00PM

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

REGULAR MEETING: 8:00PM

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

ROLL CALL:

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

Absent: None

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

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

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

This motion was passed by the following vote:

ROLL CALL:

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

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

PUBLIC PORTION- Resolutions

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

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

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

Consent Agenda:

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

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

This motion was passed by the following vote:

ROLL CALL:

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

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

Ordinances: 2nd Reading, Public Hearing & Adoption

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

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

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

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

This motion was passed by the following vote:

ROLL CALL:

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

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

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

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

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

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

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

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

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

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

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

Mayor Nolan agreed that the language was too broad.

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

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

This motion was passed by the following vote:

ROLL CALL:

AYE: None (0)

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

ABSENT: None (0)

ABSTAIN: None (0)

O-16-21 was properly voted down.

Ordinances: Introduction

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

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

This motion was passed by the following vote:

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ROLL CALL:

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

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

Committee Reports

Recreation Committee Report – Council Member Wells

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

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

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

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

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

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

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

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

Housing Authority – Mayor Nolan

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

Highlands Borough Website – Council Member Broullon

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

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

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Highlands Business Partnership – Council Member Broullon

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

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

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

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

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

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

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

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

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

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

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

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

Public Safety - Council Member D'Arrigo

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

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

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

Public Portion

Mayor Nolan opened the public portion.

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

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

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

Mr. Chabarek replied no, not at this time.

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

Mayor Nolan asked if those records were online.

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Mrs. Bucco replied that they were not online.

Mr. Harris stated that he would have to look.

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

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

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

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

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

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

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

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

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

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

Mrs. Wells agreed.

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

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

Mr. Francy asked if this included emergency situations.

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

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

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

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

Mr. O'Neil asked if everyone gave consent.

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

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

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Mayor Nolan said that it would qualify as affordable housing.

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

Adjourn

APPROVAL OF MINUTES:

Motion: Approve Minutes of October 05, 2016, Moved by Council Member Broullon, Seconded by Council member Card.

Vote: Motion passed by unanimous roll call.

Yes: Council members: **Broullon, Card, D'Arrigo, Wells**

No: Mayor Nolan

Abstain: None

I, Dwayne M, Harris, Acting 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 02, 2016.

A handwritten signature in black ink that reads "Dwayne M. Harris". The signature is written in a cursive style with a large, looped initial "D".

Dwayne M. Harris, RMC
Acting Municipal Clerk