

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Mrs. Wells called the meeting to order at 7:00 p.m.

Meeting Statement:

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: Mr. Card, Ms. Ryan, Mrs. Wells
Absent: Mr. Redmond, Mayor Nolan
Also Present: Carolyn Cummins, Municipal Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Borough CFO
Bruce Padula, Borough Attorney
Dustin Glass, Borough Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution

Ms. Ryan 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. Possible Litigation:**
- 2. Contract Negotiations:** Monmouth County Regional Health Commission
Highlands Ambulance –VCI Update
Fisheries Technology
- 3. Real Estate:** Municipal Facility Update
Purchase Property Bl 109/L 10
- 4. Personnel Matters:** Personnel Updates
- 5. Investigation:**
- 6. Attorney-Client Privilege:** Recommendations from Prof Special Legal Counsel
Bay Street
Upper Bayside Drive
Waterwitch Pump Station
Health and Fitness Event Cost

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:

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

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 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:

AYE: Mr. Card, Ms. Ryan, Mrs. Wells
NAY: None
ABSENT: Mr. Redmond, Mayor Nolan
ABSTAIN: None

Barbara Ianucci of 28 Shrewsbury Avenue questioned why the Health & Fitness Event cost needs to be discussed in Executive Session.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Mr. Padula stated that he is not sure what the discussion is going to be. There may be a legal question attached to it. He further stated that it depends on the nature and then he can determine if appropriate for public.

Barbara Ianucci left the meeting.

The Governing Body then entered into Executive Session.

Mrs. Wells called the Regular Meeting to order at 8:15 p.m.

Mrs. Wells asked all to stand for the Pledge of Allegiance.

ROLL CALL:

AYE: Mr. Card, Ms. Ryan, Mrs. Wells

NAY: None

ABSENT: Mr. Redmond, Mayor Nolan

ABSTAIN: None

Mr. Padula addressed a previous question from the public regarding an item on the Executive Session. That item was not specifically related to the Health and Fitness Event. It was more about a special event ordinance going forward.

Mrs. Wells added that Mr. Card and Ms. Ryan will be working on putting together an ordinance for special events.

Mr. Card explained that he had questioned if we should bill them. It will now be addressed going forward.

*****Proclamation – Frankie Montecalvo**

Mrs. Wells presented the Proclamation to Frankie Montecalvo. She then read the proclamation into the record.

PROCLAMATION

RECOGNIZING THE ACHIEVEMENTS OF FRANK MONTECALVO OF HIGHLANDS, NJ

WHEREAS, Mr. Frank Motecalvo made his racing debut in 2008 by entering various club and historic racing events; and

WHEREAS, Mr. Montecalvo has continued his racing career and found success as a world class driver competing in such events as the Le Mans Prototype Challenge, the European Le Mans Series, the Tudor United Sports Car Championship and the 24 Hours of Le Mans; and

WHEREAS, Mr. Montecalvo furthered showed evidence of his driving prowess while winning the 2015 Pirelli GTA Driver Championship with 7 wins, 6 top three podiums and 6 pole postions; and

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

WHEREAS, the Mayor & Council recognizes that residents of Highlands achievements bring recognition and strengthens our community while setting examples for all to follow.

NOW, THEREFORE, on behalf of the Highlands Governing Body; I, Mayor Frank L. Nolan, do hereby recognize the Racing and Motorsport accomplishments of Mr. Frank Montecalvo and bestow our sincerest congratulations on his achievements.

**Frank L. Nolan, Mayor
Highlands, NJ**

October 7, 2015

Consent Agenda:

Mrs. Wells asked if the table had questions on any items on the consent agenda.

Mrs. Cummins requested the September 16th minutes be tabled to the next meeting.

**R-15-190
RESOLUTION APPROVING DISABLED PARKING SPACE**

WHEREAS, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Ginette Coberg of 10-B Prospect Street ; and

WHEREAS, the Chief of Police has reviewed the application and recommends the approval of said Disabled Parking Designation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the following is hereby approved:

1. Ginette Coberg. – 10-B Prospect Street
Location: 18 feet west of Pole #JC 227HLB – Placard #P969229

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA			x YES			NO

**R-15-191
RESOLUTION
APPOINTING SPECIAL POLICE OFFICER/CLASS II**

WHEREAS, there exists a need within the Police Department to appoint a part-time Special Law Enforcement Officer, Class II to cover open shifts ; and

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

WHEREAS, it is the recommendation of the Chief of Police that Ronald Osadacz be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Ronald Osadacz is hereby appointed as a part-time provisional Special Law Enforcement Officers, Class II effective immediately.

BE IT FURTHER RESOLVED that said provisional appointment be compensated at an hourly rate of \$15.00 per hour.

BE IT FURTHER RESOVLED that said appointment is contingent upon the candidate's completion of a psychological and physical examinations.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA			x YES		NO	

R-15-193

**RESOLUTION
APPOINTING SCHOOL CROSSING GUARD (BACK-UP)**

WHEREAS, there exists a need within the Police Department to appoint part-time fill in Crossing Guard to cover open shifts; and

WHEREAS, it is the recommendation of the Chief of Police that Patricia Butler be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Patricia Butler is hereby appointed as a part-time fill in Crossing Guard effective immediately.

BE IT FURTHER RESOLVED that said appointment be compensated at an hourly rate of \$9.50 per hour.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA			x YES		NO	

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

**R-15-194
RESOLUTION AMENDING R-15-48
RESOLUTION
HIGHLANDS – GRANT**

FORM 1B

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough of Highlands Governing Body, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough of Highlands Governing Body further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Highlands Governing Body applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough of Highlands Council does hereby authorize submission of a strategic plan for the (name) Municipal Alliance grant for fiscal year July 1 2015 – June 2016 in the amount of:

DEDR	\$ <u>31,960</u>
Cash Match	\$ <u>3,995</u>
In-Kind	\$ <u>23,970</u>

2. The Governing Body of the Borough of Highlands acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
(Name), Mayor

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

**Borough of Highlands
R-15-195
Resolution**

**REJECTING ALL BIDS RECEIVED FOR THE LINDEN AVENUE AND
WATERWITCH AVENUE SUPPLEMENTAL DRAINAGE TO ROUTE 36 PROJECT
AND AUTHORIZING THE READVERTISEMENT AND ACCEPTANCE OF BIDS**

WHEREAS, pursuant to N.J.S.A. 40A:11-1, et seq. the Borough of Highlands for a second time advertised and solicited bids for the Linden Avenue and Waterwitch Avenue Supplemental Drainage to Route 36 Project; and

WHEREAS, the Borough received a bid from the following:

Black Rock Enterprises, LLC \$955,550.00

WHEREAS, the Borough has determined that the bid received was not reasonable as to price, on the basis of cost estimates prepared by the Borough Engineer and that it is necessary to reject all bids pursuant to N.J.S.A. 40A:11-13.2 and to readvertise the project.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough hereby rejects all bids submitted for the Linden Avenue and Waterwitch Avenue Supplemental Drainage to Route 36 Project.

BE IT FURTHER RESOLVED that the Borough is hereby authorized to readvertise and accept bids for a third time for the Linden Avenue and Waterwitch Avenue Supplemental Drainage to Route 36 Project.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**R-15-196
RESOLUTION APPOINTING
ONE PROVISIONAL PART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, with the resignation of Ronald Osadacz part-time Police Communications Operators effective upon completion of initial training of replacements are complete; and

WHEREAS, it is the recommendation of the Chief of Police that James Trivett and Andrew Berry be appointed part-time Police Communications Operators.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that James Trivett and Andrew Berry are hereby appointed as a part-time Police Communications Operator, Provisional effective retroactive to September 21, 2015.

BE IT FURTHER RESOLVED that said appointment be compensated at an hourly rate of \$9.50 per hour as per CWA contract.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**R-15-197
RESOLUTION 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 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>
19	23	2015	\$114.67	Darren & Michele Wheeler

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Ms. Ryan offered the following Resolution and moved on its adoption:

**R-15-198
RESOLUTION
AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR FIRST HARTFORD REALTY CORPORATION FOR PROPERTY LOCATED
AT 470 NAVESINK AVENUE ALSO KNOWN AS
BLOCK 108 LOTS 2.02 & 2.03**

WHEREAS, the applicant has requested the reduction of Performance Guarantees in the amount of \$621,400.00 (90% Performance Bond Amount posted by a surety bond and \$62,140.00 (10% Cash Portion) for Block 108 Lots 2.02 & 2.03; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and a report dated September 24, 2015 was provided by the Borough Engineer and he has recommended the reduction of said Performance Guarantees to the following:

	Original Guarantee	Proposed
Original Guarantee	\$621,400.00	\$186,420.00
Cash Portion:	\$ 62,140.00	\$ 18,642.00
Bonded Amount:	559,260.00	\$167,778.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for First Hartford Realty Corporation for Block 108 Lots 2.02 & 2.03 for property located at 470 Navesink Avenue is hereby reduced and the Chief Financial Officer, Borough Clerk and Borough Administrator are hereby authorized to execute the reduction of said bon to \$167,778.00

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

ROLL CALL:

AYES: Mr. Card, Ms. Ryan, Mrs. Wells
NAYES: None
ABSENT: Mr. Redmond, Mayor Nolan
ABSTAIN: None

**R-15-202
RESOLUTION
APPROVING RAFFLE LICENSE APPLICATION**

WHEREAS, the Highlands Elementary School PTO has submitted a Raffle License Application No. RA1317-15-24; 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#1317-15-24 and the Borough Clerk is authorized to sign off on licenses.

9	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
---	------------	----------	-----	-----	---------	--------

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA	x	YES	NO			

Payment of Bills:

**RECAP OF PAYMENT OF BILLS
10/07/2015**

CURRENT:		\$	818,859.42
Payroll	(09/30/2015)	\$	239,621.19
Manual Checks		\$	300.00
Voided Checks		\$	
SEWER ACCOUNT:		\$	58,595.85
Payroll	(09/30/2015)	\$	7,608.29
Manual Checks		\$	
Voided Checks		\$	
CAPITAL/GENERAL		\$	43,570.36
CAPITAL-MANUAL CHECKS		\$	5,355.00
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	17,122.63
Payroll	(09/30/2015)	\$	3,300.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	15,416.79
Payroll	(09/30/2015)	\$	2,182.66
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

Minutes Approved on Consent Agenda:

Ms. Ryan offered a motion to approve the September 2nd, 2015 Executive and Regular Minutes, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Card, Ms. Ryan, Mrs. Wells
NAYES: None
ABSENT: Mr. Redmond, Mayor Nolan
ABSTAIN: None

Other Resolutions:

R-15-192 – Resolution Amending Professional Planning Services

Mrs. Cummins read the title of Resolution R-15-192.

Mr. Leubner gave a brief explanation.

R-15-192

**RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT
RFP – PROFESSIONAL PLANNING SERVICES FOR THE PREPARATION OF A
MASTER PLAN REEXAMINATION AND A NEW MASTER PLAN**

WHEREAS, the Borough of Highlands has a need for professional engineering/planning services for preparation of a Master Plan Reexamination and a new Master Plan and adopted Resolution R-15-76 on March 18, 2015 awarding the contract for professional services to T & M Associates for an amount not to exceed 48,900.00; and

WHEREAS, the Master Plan Subcommittee is requesting additional professional services to complete the Master Plan for an additional amount of \$12,500.00

WHEREAS, this contract is to be amended for an additional amount not to exceed \$12,500 as provided in the proposal with the certification of funds being provided by the Chief Financial Officer

Account: Bond Ordinance O-14-11

Patrick DeBlasio, Chief Financial Officer

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

1. The firm of T & M Associates is hereby retained to provide professional engineering/planning services for an additional amount not to exceed \$12,500.00 for a total amended contract amount of \$61,400.00.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

2. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
REDMOND						x
RYAN	x		x			
WELLS		x	x			
NOLAN						x
ON CONSENT AGENDA			YES		x	NO

R-15-199 – Resolution Appointing Zoning Board Member

Mrs. Cummins read the title of Resolution R-15-199.

Mrs. Wells stated that we will table this resolution due to Mayor Nolan’s absence. These are his appointments.

R-15-200 – Resolution Authorizing Tax Agreement Settlement

Mrs. Cummins read the title of Resolution R-15-200.

Dustin Glass stated that this will be tabled to the next meeting.

Mrs. Wells offered a motion to table Resolution R-15-200 to the next meeting and seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Card, Ms. Ryan, Mrs. Wells
NAYES: None
ABSENT: Mr. Redmond, Mayor Nolan
ABSTAIN: None

R-15-201 – Resolution Supporting Flood Officer Letter

Mrs. Cummins read the title of Resolution R-15-201.

Mr. Leubner requested this resolution tabled.

Mrs. Wells offered a motion to table Resolution R-15-201 and seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Card, Ms. Ryan, Mrs. Wells
NAYES: None
ABSENT: Mr. Redmond, Mayor Nolan
ABSTAIN: None

R-15-203 – Resolution Approving Event at Veteran’s Park

Mrs. Cummins read the title of R-15-203 and corrected the agenda location to be Veteran’s Park.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015
R-15-203**

**RESOLUTION AUTHORIZING EVENT
AND USE OF VETERANS PARK**

WHEREAS, the American Legion Post 143 has requested authorization to hold a Pumpkin Patch for the Children event at Veterans Park on October 25, 2015 from 12 pm to 3pm; and

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Governing Body does hereby approve the request for use of Veterans Park for the American Legion on October 25, 2015 to hold a pumpkin patch for the children subject to a detailed plan being submitted to the Borough Administrator and approved by the Borough Administrator.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD	x		x			
REDMOND						x
RYAN			x			
WELLS		x				
NOLAN						x
ON CONSENT AGENDA YES <input checked="" type="checkbox"/> NO						

R-15-204 – Resolution Amending HBP Social Affair Permit for Octoberfest

Mrs. Cummins read the title of Resolution R-15-204.

R-15-204

RESOLUTION APPROVING SOCIAL AFFAIR PERMITS & RAFFLE LICENSE APPLICATIONS

WHEREAS, The governing Body adopted Resolution R-15-173 on September 2, 2015 approving the Highlands Business Partnership Social Affairs Permits for an event to be held on October 3, 2015 with a rain date of October 4, 2015 for the October Fest; and

WHEREAS, this event was cancelled and rescheduled for October 17, 2015.

WHEREAS, the submitted application forms are complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands do hereby approves the Amendment of the Social Affair Permit for the October Fest to be changed from October 4, 2015 to October 17, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD	x		x			
REDMOND						x
RYAN			x			
WELLS		x	x			
NOLAN						x
ON CONSENT AGENDA YES <input checked="" type="checkbox"/> NO						

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

R-15-205 - Resolution Approving Veterans Tax Deduction

Mrs. Cummins read the title of Resolution R-15-205.

**R-15-205
RESOLUTION GRANTING TAX EXEMPTION
TO DISABLED VETERAN
FOR BLOCK 100.12 LOT 156**

WHEREAS, William Flaherty is a 100% disabled veteran and is the owner and resident of 330 Shore Drive G-13, Highlands (Block 100.12 Lot 156). A 100% service connected disability having has been awarded to William Flaherty by the Veteran Administration for medical conditions arising from his military service; and

WHEREAS, the petitioner has applied for exemption of the taxes assessed for his property located at 330 Shore Drive G-13, Highlands, as a 100% disabled veteran pursuant to N.J.S.A. 54:4-3.30(A), and the Flaherty residence is exempt for its tax assessment commencing on October 1, 2015 as the residence of a 100% disabled veteran; and

WHEREAS, the Governing Body of the Borough of Highlands, upon recommendation of the Tax Assessor, has determined that William Flaherty is entitled to a tax exemption as a 100% disabled veteran for conditions received in the honorable service of his county and his fellow citizens, and the effectuating the policy of tax exemption as of the appropriate date is proper.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that pursuant to the authority of N.J.S.A. 54:4-3(A) the Tax Assessor is hereby authorized to exempt Block 100.12 Lot 156, 330 Shore Drive G-13, Highlands, the residence of William Flaherty, a 100% disabled veteran, from the prorated assessment of property effective October 1, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA YES <input checked="" type="checkbox"/> NO						

R-15-206 – Resolution Authorizing Cancellation of Property Tax

Mrs. Cummins read the title of Resolution R-15-206.

**R-15-206
RESOLUTION AUTHORIZING
PROPERTY TAX CANCELLATION**

WHEREAS, The Tax Assessor approved a 100% permanent disabled veteran deduction effective 10/1/15, and

WHEREAS, the tax collector is requesting that the 2015 taxes be cancelled as follows:

Block	Lot	Amount Cancelled
100.12	156	\$1,106.82

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel taxes as shown above.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
REDMOND						x
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA			YES	x	NO	

Committee Reports:

Finance

Mr. DeBlasio stated that the tax sale will be held on December 1st. The Added Tax Bills are scheduled to be mailed out next week. We also have a couple of pieces of equipment we can purchase thru the Monmouth County Improvement Authority Program The Best Practice Check off list that is due October 16th. He further explained the benefits of doing this. He has a preliminary 2016 budget schedule. The first meeting for the Budget Committee is scheduled for October 28th.

Public Safety:

Chief Blewett stated that he submitted his report late today. He will put his report on the Police Department website.

Fire Department:

Fire Chief Charlie Wells gave his report.

September 2015 monthly report Highlands FD

Calls: 20

Fire Police:

Labor Day run Eatontown Sept 7th

Bubble Pallozza Sept 13th

Tinton Falls Wet down Sept 26th

Field Day/Bike New York Sept 27th

Training:

Misc: Annual hose testing was conducted, Participated in 40th Annual Sea Bright Field Day competition. We finished in 1st place.

Administration:

Mr. Hill gave a brief summary of the following report.

1. Department of Public Works / Sanitation Services / Sewer

- Brush will be picked up in September. Will continue in October, November and December. By ordinance, brush placement is only allowed during the first 5 days prior to collection.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

- Leaf Pick-Up: by zones October, November, December.
- Bulk-Pick Up: completed for Sept. Next Schedule is December.

Please see website for zone detail, additional pick-up information and placement of items to avoid potential summons or violation notice.

- Rounds for trash removal and grass cutting in parks and public areas are ongoing.
- Assisted with various special events during September
- Assisted with Storm Prep during the week of Sept. 30

2. BUILDING AND HOUSING

a. Construction Office – (9/1-10/1/15) New Permits 36 Permit Updates 11 81
 Technical Sub-code Inspections Fees = \$31,382.00
 Cost of Construction as per permits \$1.04 million

b. Code Enforcement / Property Maintenance: 38 Inspections, 6 violations issued, 12 summonses pending.

c. Zoning Office: Flood Plain Review 10 Approvals, 4 LOC's, 1 conceptual letter for map revision. Zoning 12 Approvals.

3. Fire Department: August 14 Calls responded to. Assisted with Storm Preparations week of 9/30.

4. OEM / Fire Prevention: Highlands OEM – Conducted Emergency Preparedness operations in advance of Joaquin. Briefings held throughout with County OEM and other agencies. Localized flooding through tidal events were being monitored.

5. First Aid: Aug/Sept: Calls answered 72 call man hours: 350
Assisted with various special events with Stand-By Service and took pre-cautions for Hurricane Joaquin. Monthly: duty clean-up, inventory, stocking of rigs, fund raising and ongoing recruitment efforts.

6. Recreation Dept. – September

a. Kids on the Move Program - 28 registered

b. **Kids on the Move Program** - September 21 - June 8, 2016,
Monday, Tuesday, & Wednesday afternoons from 3-5 pm at the Highlands Elementary School (until the Community Center is finished.) This program is for Highlands residents ages 8-14. You can pick up an application at the Borough Hall Trailer located at 42 Shore Drive or in the HES gym on Mon., Tues., or Weds., from 3-5 pm. Please call 732-872-1224 ext. 232 for more information.

c. **Flu & Pneumonia Shots - Thursday, October 8, 2015 from 10 a.m. - 11 a.m. at PTAK Towers located at 215 Shore Drive, Highlands.** Eligible Medicare participants having Part B medical insurance need to present their Medicare card. The cost for Non-Medicare eligible participants will be \$30 for the Flu shot and \$85 for the Pneumonia shot.

d. **High School Teen Nights** - For grades 9-12, Friday October 9th & 23rd from 7-9:30 pm at the Highlands Elementary School Gym. The event is free and pizza & soda will be served. For more information, contact Heather DiBlasi at 908-601-5091.

e. **Halloween Costume Contest - Friday, October 30th at 3:30 pm at the HES Athletic Field.** Categories for participation are as follows: Ages 3 and under; Ages 4, 5, & 6; Ages 7, 8, & 9; Ages 10 & up; and Themed Group of 3 or more. Prizes, candy, and refreshments will be available. Call 732-872-1224 ext. 232 for further information.

7. Administration

a. Continue to work with professionals, State OEM and FEMA reps with regards to projects – (community center, borough hall, and other projects)

b. Continue to work with various community groups with regards to special events / programs.

c. Various meetings August: with MEL/JIF, State OEM, T&M Assoc., HBP, Santorini Construction, Tomaino Architect, NJEDA.

d. Storm Preparation – I want to thank the OEM, Mr. David Parker, Mr. Wells, Chief Blewett and all volunteers who assisted with the storm preparation activities. Localized flooding and tree damages were of concern.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

e. Tilt-Up Project:

- Project is not complete --- finishing / buffing of structure, Color coating of inside roof structure, waterproofing of roof and filling of imperfections will be completed.
- Final in-kind cost report will be furnished to the borough upon completion (Estimated over \$500,000 of in-kind services to date)

Mr. Hill apologized for the lack of notice of the Tilt up Project. He further explained the history of the project. He stated that six residents in the area expressed concerns with the project and he addressed them. He spoke of allegations made that will be addressed going forward.

Mr. Card asked what allegations were made to him.

Ms. Ryan stated that she was accused in writing of willfully breaking and obstructing the law. She also was accused of lining her pockets from this project. That is slander and on the advice of her attorney, she will not speak on this project.

Board of Education:

Ms. Ryan gave a brief summary of her report regarding Highlands Elementary School. This is the week of respect and also Anti-Bullying month. There will be lessons about that throughout the month. On the 23rd of October, the PTO is having a trunk or treat in the school's parking lot. It was done last year and was very popular. She added that on October 30th, they will have the Halloween Costume Parade. There will be a meeting further into this month for Henry Hudson Regional High School.

Rosemary Ryan spoke of the results from the Strategic Plan will be October 14th at 7:00 p.m. at the high school. They are waiting for the Feasibility Study that was done by the State.

Nina Flannery of Navesink Avenue added that the Board of Education will be doing a presentation at the school convention.

Mrs. Wells asked if they could supply the council with their presentation after the convention. Please email it to Mrs. Cummins and she will send to the council.

Greg Wells asked for information on the website.

Rosemary Ryan stated that it is on the schools website.

HBP

Mrs. Cefalo-Braswell summarized her report. She did not submit a report and read it from her phone. The marketing events committee will continue their 1st Annual farmers market until October 31st. She thanked the Borough for their cooperation with the Clam Festival. She added that the Clam Festival profit, after expenses was \$24,411.37. She thanked the Borough for their cooperation. The 14th Annual Twin Lights Bike Ride was held on Sunday, September 27th. They had 2800 registered bikers. She spoke of the Fall into Highlands Event and working with Seastreak every Saturday and Sunday thru October 31st involving local businesses and craft vendors. Octoberfest has been rescheduled to October 17th.

Mr. Card added that Tribar is on board with taking care of the circle sidewalk. They will need volunteers for the screw down of the decking when the time comes. It is all going well. It should be done in about 30 days.

Shared Services

Mrs. Wells stated that we have reached out to Sea Bright with shared services with the DPW space. We are waiting to hear back.

Mr. Hill added that we are working on our Sewer Plant operation with the pump station. The shared service expires at the end of this year. He further explained that he will be working with Mr. Card on the draft of the Shared Service Agreement.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Engineering

Mrs. Wells stated the Mr. Leubner requested this to be added on.

Mr. Leubner gave an update on the PPDR program. He reminded all that the deadline for submitting applications is October 20th.

Mr. Leubner gave an update on the DOT road improvement. We need to pick a road. The deadline is October 20th. He further added that we need to pick a road tonight. He spoke of his recommendations. He spoke of Bay Street but it will not meet the criteria of the DOT. He stated that a portion of Portland Road going up from the highway or Miller Street would fit the criteria.

The table had discussions.

Mr. Card stated that he does not want to waste time if we don't have matching funds.

Mr. Hill recommended that we apply for the funding. He further explained.

Mr. Card feels we should try for Bay Street.

Mr. Leubner added that we can try it.

Mrs. Wells spoke of North Street going toward the pump station.

Mr. Leubner stated that North Street was partially funded Community Development. He is not sure how the DOT will respond.

Mr. Card and Mr. Leubner will work on the location for the application.

Other Business:

Mrs. Kane stated that we are removing the Health and Fitness Event Presentation. Mr. Korn was unable to attend tonight's meeting. It will be rescheduled.

T&M Associates Grant Activity Payment Request

Mr. Leubner explained that T&M have been working on grants with Kim Gonzales. He spoke of the EDA grant for the streetscape and the paperwork and applications that are involved. He further added that the cost will be about \$15,000.00 to the end of the project. It is all reimbursed by the grant. He is also asking for authorization to add money for grant services. He said the amount is around \$9,000.00 but could go to \$15,000.00.

Mrs. Wells stated that she did not have a problem with payment for his help with Millenium and work already in progress.

Mr. Card agreed that we need to pay up to work done so far.

Mr. Padula will prepare a resolution for the next meeting.

Streetscape Cost for Additional Work

Mrs. Wells added this to the agenda.

Mr. Leubner explained that the EDA Grant was for the business district on Bay Avenue and a portion of Shore Drive. We have a gap in the project between the two business districts from Washington to Valley Street. We put together a cost estimate to do the cost. He explained how he estimated the cost.

Mrs. Wells stated that she had Mr. DeBlasio do an analysis to finish the project. The estimated project costs are a little over \$800,000.00. She further explained.

Discussion continued at the table.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Mr. Card feels we should wait a year to see if there is funding.

Mrs. Wells added that we may be able to add to the municipal facility bond once we know what the costs are.

Ms. Ryan feels that we should wait and see if we can roll it into a separate grant.

Update on Special Counsel

Mr. Padula stated that the investigation has been completed. He will send a formal notice to the employees involved.

Tilt-Up Sandy Memorial Project

Mr. Card stated that he asked for this to be added to the agenda. He has questions as a councilman and as a member of the community. He asked Mr. Padula about the wording of the resolution for the Tilt-Up Project.

Mr. Padula stated that the resolutions are prepared ahead of time. He further explained the procedures.

Mr. Card continued to complain about the way the resolution was adopted. He feels the process was not followed. Land Use laws and Ethics may have been violated. He hopes he is wrong. He spoke of private property being damaged. He is waiting for more information. He also stated that he spent four days dealing with taxpayers about this not having a public hearing. He has an obligation to investigate this.

Public Portion:

Dan Hartsgrove of 207 Bay Avenue thanked the First Aid and Police for their outstanding performance in lifesaving techniques they used in saving him. He also had a complaint with the Housing Authority. He also spoke with Kevin Redmond, too. He spoke about the waiting list and how he is moved around on it. He stated that the Housing Authority is discriminating against him.

Mrs. Wells stated that she is not sure how much they can do at this time. She will give him her number and they will speak further about it.

Ms. Ryan will also speak with him.

Dan Hartsgrove spoke about the Valley Street steps. They need to be roped off. He asked about the old Twinlights sign.

Mrs. Cefalo-Braswell stated that it cracked in two. It was costly to repair. It was rotted.

Kim Skorka of 315 Shore Drive asked if we are exceeding the \$100,000.00 for the Master Plan.

Mr. Leubner stated no.

Kim Skorka asked when paving will start on Shore Drive.

Mr. Leubner stated within the next two weeks.

Kim Skorka asked if we have any guarantees from Tilt-Up that they will come in and finish. Is there a time line?

Mr. Hill replied within the next two weeks.

Kim Skorka asked about the residential area between the two business districts in the Streetscape Project. Do we have a cost estimate? Can someone fill in the holes where trees were removed?

Mr. Leubner explained that he would have to get another contractor in to do that.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Mr. Card will follow up with Mr. Leubner on this.

Annemarie Tierney of 29 Shrewsbury Avenue thanked Mr. Hill for acknowledging that the Tilt-Up Project could have been handled better. She also feels disappointed in Mrs. Wells for not bringing this back to a meeting, never assessing the site and never showed proposed plans. She finds it disturbing that people take it upon themselves to make decisions to put something on public land without public input. She asked Mr. Padula if his role is to let people know that they should be making amendment to a resolution.

Mr. Padula stated that he does not draft the resolutions, the Council reads the resolutions and it's their responsibility to approve them.

Annemarie Tierney feels that the resolution is invalid.

The Table, Mr. Padula and Annemarie Tierney continued to discuss the resolution.

Annemarie Tierney asked why the process for the Memoria Project was different then the Tilt-Up.

Mr. Hill explained that he received a call that the Memoria Statues were on their way that afternoon.

Annemarie Tierney continued to question the process.

Mrs. Wells explained that it was put in an existing footprint. She felt that we were not drastically changing anything.

Mr. Card stated that this is public property and the public had no input. He didn't have any input as a councilman. He is doing an investigation.

Annemarie Tierney said that there wasn't a resolution authorizing this site. What gave the council the right to do this without public input?

Barbara Ianucci of 28 Shrewsbury Avenue questioned T&M's extra cost for the Master Plan.

Mr. Hill stated that the Planning Board made a recommendation for additional services.

Andrew Stockton, Chairman of the Planning Board stated that the original budget that T&M prepared had a set number of meetings for our committee meetings. We used them up. They need to attend more meetings because we are not finished with the process. This is an extra work proposal.

Barbara Ianucci stated that she has a problem with spending money for their absences of a Master Plan Meeting.

Andrew Stockton said that is not an accurate. They are invited to important meetings.

Barbara Ianucci asked about the Zoning Ordinance Amendments based on Phase I of the grant.

Mr. Hill stated that we are working with the DCA every day. We will be submitting more applications for additional grants.

Barbara Ianucci spoke about the Tilt-Up project. She feels there was a major disconnect in public input. She asked how the location was chosen.

Mrs. Wells stated that there were multiple locations.

Mr. Hill went to all the locations with the architect.

Mr. Hill and Barbara Ianucci continued discussion regarding the Tilt-up Project.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Mrs. Wells added that there should have been more communication on this project.

Mr. Card stated that people get fired for making decisions like this. He spoke of land use laws being violated. The Waterwitch Association did not sign off on approval. Mr. Redmond did which he said is a conflict. He added that private property was damaged.

Mrs. Wells stated that she was not aware of any property damage.

Mr. Card said they damaged the beach. He would like to see the document giving legal consent for us to go on the property.

Mr. Padula stated that the Waterwitch Association has not paid taxes on that property since the 1980's.

Mrs. Wells stated that they deeded it over.

Barbara Ianucci stated that as a taxpayer she does not want to pay a dime for a private or non-profit organization who decided to use our town as their site. She further stated that the taxpayers should not have to pay for the overhead of their cost.

Mr. Padula stated that Mr. Card misspoke when he said that we can't go after them after the fact.

Mr. Card feels that it was implied. He should be getting a bill.

Mr. Padula state that what we said is that we cannot charge one group and not charge others groups like the Saint Bernard's Project. Every group has to be treated the same.

Mr. Card said that we need to bill Rick Korn for his project.

Bill Iler of 114 South Linden Avenue said that art should be respected. We should all take a deep breath. He continued to speak about the Tilt-Up project. He does not feel that any land use laws were violated. He also does not feel that there was any malicious conduct with the project. He thanked the council for the project.

Mrs. Wells explained that when she sees the pavilion, she sees positives. We will host events and art shows. It is a multi-functional area. She apologized for any lack of communications.

Stacey Pritchard of 130A Bay Avenue agreed that esthetically the project is nice and feels that it will be a bonus. She is not sure about the location. She spoke of the lack of communication. She wants to know if there is a plan in place to stop this from happening again. She is happy about the sidewalks being repaired but not happy about lack of communication about parking while the sidewalks are being repaired.

Mr. Leubner stated that the contractor was to provide notices before they started. He will address it in the morning.

Tom Reed of 7 Snug Harbor thanked the Chief of Police for improving the quality of life in the town. He thanked Dale Leubner for lobbying with FEMA for the borough on the flood maps. He complimented the Mayor and Council on the rehab of the Community Center. He is not happy with the lack of communication with regard to the Tilt-Up Project. He continued to explain his issues about the project and not happy with the location. It is obtrusive.

Mary Salteman of 43 Snug Harbor spoke about her loss of a view from the Tilt-up Project. She has owned her home for 17 years. She asked if there was a DEP investigation. She also stated that she lost a big value in her property. She continued to express her dissatisfaction with the project

Robert Knox – left.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Carolyn Broullon of 12 Miller Street asked if there is an ordinance on the books to have a public notice when something is placed on public ground.

Mr. Padula stated no, not that he is aware of.

Carolyn Broullon stated that she was shocked that no public involvement in the Tilt-Up Project. She also spoke of the extra money approved for T&M for Master Plan meetings. She questioned the justification of the cost.

Mr. Leubner replied that he is not involved in the Master Plan or on the Board. He will get her an answer.

Carolyn Broullon spoke of the abandoned homes prior to Sandy. She wants to know what is being done. She spoke of two properties, 36 Miller Street and 27 5th Street. She further explained the conditions of some of the properties.

Mrs. Wells will reach out to Dave Mercado about the two homes that were discussed.

Mr. Card added that we are going to have a full time Code Enforcement Officer.

Johnna Pomasan of 1 Miller Street spoke of the Mindful Fitness Event. She stated that she has organized better family buffets. She feels that it was a huge loss to the town. She spoke of having an event ordinance with permits and protocols. She added that there wasn't any advertising. She also hopes that we can bill the organization.

Mr. Card stated that he will put it on the next agenda to bill him. He further explained.

Mrs. Wells spoke of the Event Ordinance to recoup some of our services.

Carol Bucco of 330 Shore Drive spoke about the Tilt-Up Project and how it blocks the view. You can't see the water coming. She also spoke of a berm on the Matthews Street Beach that was washed away after Sandy. She is requesting if the DPW can build back up the berm, again. She further commented that Bayview Condos can't put sand on their beach without the DEP getting involved. We built a whole project on a beach without DEP getting involved.

Mr. Card stated that Paul Vitale, Construction Official verified we do have the DEP letter. The Tilt-Up did do their homework.

Carol Bucco asked why the grant due on October 20th was not done; we do have a grant writer.

Mr. Leubner explained that the Grant Writer does residential, administrative. The DOT Grant is handled by T&M.

Carol Bucco asked for an explanation of Resolution R-15-198 Reduction of Performance Bond.

Mr. Leubner explained bond reduction.

Carol Bucco spoke of DPW shared services. She cautioned the council with shared services with Sea Bright because we lose.

Mrs. Wells directed Mr. Hill to follow up with the DPW to see if there is anything they can do to help.

Carla Cefalo-Braswell of 52 Gravelly Point Road thanked Mr. Hill for getting the water leak fixed on Waterwitch Avenue.

Mr. Hill explained that it took a lot of investigation. The hill is saturated. They hope they can keep it drained properly.

Carla Cefalo-Braswell thanked Mr. Hill and Council for all their hard work for the many projects they have.

**Borough of Highlands
Mayor & Council
Regular Meeting
October 7, 2015**

Dave Tauro – left.

Melissa Pederson of 17 Bay Street would like the June 17th minutes to be corrected. Mr. Hill's report lists the Tilt-up Project but it was not discussed in the meeting. She would like it stricken from the record.

Mr. Padula stated that it is up to the Governing Body to correct.

Mr. Hill added that he submits a written report. He does not hit on every point. It is not done maliciously.

There were no further questions.

Mrs. Wells offered a motion to adjourn, seconded by Mrs. Ryan and all were in favor.

The Meeting adjourned at 10:26 p.m.

Debby Dailey, Deputy Clerk