

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, December 18, 2019– Meeting Minutes**

This meeting of December 18, 2019 is called pursuant to the provisions of the Open Public Meetings Law and was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on December 16, 2019. The meeting notice has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.

REGULAR MEETING CALL TO EXECUTIVE SESSION 7:00 PM

Call to Order

Pledge of Allegiance

Roll Call

Councilmember Braswell, Councilmember Broullon, Councilmember Mazzola, Council President Ryan and Mayor O’Neil were all Present

Also in attendance were Administrator Kim Gonzales, Attorney Brian Chabarek, Esq., Clerk Matthew Conlon, Engineer Douglas Rohmeyer

Council moved to enter into executive session.

EXECUTIVE SESSION 7:00 PM

EXECUTIVE SESSION

BE IT RESOLVED that the following portion of this meeting shall not be open to the public,

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

- | | |
|--|--|
| 1. Pending or Anticipated Litigation: | None |
| 2. Contract Negotiations: | PBA
Business Administrator |
| 3. Purchase, Lease or Sale of Real Estate: | None |
| 4. Matters of Personnel | Special II Appointment
Captain’s Cove Marina
10 Seadrift Avenue |
| 5. Attorney/Client Privilege: | |

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.

Motion to Enter Executive Session 12/18/2019

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O’NEIL			X			

Council Entered Executive Session at 7:01 PM

Council Exited Executive Session at 8:15 PM

REGULAR MEETING: 8:15PM

Call to Order

This meeting of December 18, 2019 is called pursuant to the provisions of the Open Public Meetings Law and was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on December 16, 2019. The meeting notice has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.

Flag Salute

Roll Call

Council Member Braswell, Councilmember Broullon, Councilmember Mazzola and Council President Ryan and Mayor O’Neil were all Present

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Also in attendance were Administrator Kim Gonzales, Attorney Brian Chabarek, Esq., Engineer Douglas Rohmeyer, Economic Development Coordinator Cliff Moore and Clerk Matthew Conlon

Special Presentation

A special presentation was made to outgoing Mayor Richard O'Neil. A Plaque was presented which read

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
A TRUE LEADER HAS THE CONFIDENCE TO STAND ALONE, THE
COURAGE TO MAKE TOUGH DECISIONS, AND THE COMPASSION TO
LISTEN TO THE NEEDS OF OTHERS. HE DOES NOT SET OUT TO BE A
LEADER, BUT BECOMES ONE BY THE QUALITY OF HIS ACTIONS AND THE
INTEGRITY OF HIS INTENT.
WITH SINCEREST GRATITUDE AND APPRECIATION
TO THE HONORABLE RICHARD W. O'NEIL
FOR YOUR MANY YEARS OF SERVICE TO THE BOROUGH
COUNCILMEMBER 1996-1999, 2010-2012
MAYOR 1999-2008, 2017-2019
THANK YOU FROM THE
COUNCIL AND STAFF OF THE
BOROUGH OF HIGHLANDS, NEW JERSEY

Ordinances

Public Hearing and Final Adoption

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE 0-19-24
An Ordinance Amending Chapter 9 of the Borough of Highlands
Municipal Code Relating to Sewer Fees**

WHEREAS, Chapter 9 of the Borough Code, Section 9-8 entitled "Fees" regulates, among other things, sewer maintenance responsibilities and the deposits and fees associated with such maintenance in the Borough of Highlands; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the Borough to revise Section 10-13 to update provisions addressing deposits associated with street openings when necessary for sewer maintenance, and to clarify sewer maintenance responsibilities within the Borough.

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

SECTION I.

Borough Code Section 9-8 "Fees" shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics.***~~)

9-8 FEES.

9-8.1 Sewer Rates and Charges.

Sewer service charges shall be as follows:

<i>User Classification</i>	<i>Quarterly Rate</i>
Residential Effective 1/01/12	\$140.00
Nonresidential (including schools)	Quarterly sewer charges herein imposed shall be based upon water consumption of the property served, as hereinafter set forth. The charges for each quarter shall be a minimum charge of \$140.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on \$.004424 per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter. Effective 1/01/12

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Houses of worship (including but not \$35.00
limited to churches, rectories and
convents):

9-8.2 Minimum Charges.

There shall be due and payable beginning on January 1, a quarterly minimum charge for each consumer as provided in subsection 9-8.1.

9-8.3 Sewer Charge Due Dates.

Sewer service charges shall be due and payable on February 1, May 1, August 1 and November 1. The February 1 payment shall constitute payment for January through March 31 of the same year. There shall be a thirty (30) day grace period for the payment of sewer charges

9-8.4 Charge for Sewage Service Only.

All premises having no connection to the water supply system and being served by their own wells or other source of supply shall have the supply metered and shall pay only the sewage service minimum rate as determined by the meter.

9-8.5 Flat Service Charges.

Flat service charges can be made only with approval in writing by a resolution of the Mayor and Council and upon written contract entered into pursuant to the direction of the resolution. Bills for all users with the exception of trailers will be rendered quarterly beginning January 1 for the entire fiscal year. Annual interest at the rate of eight (8%) percent shall be chargeable on each quarterly bill beginning thirty (30) days after due date. Bills for excess water above the annual minimum charge used during the fiscal year shall be added to the following year's bill as of January 1, and be billed as a separate item.

9-8.6 Commercial Users Charge.

Bills for commercial users shall be rendered semi-annually on January 1 and July 1 and shall be paid without penalty, unless arrears remain unpaid for one (1) month after the bill is rendered.

9-8.7 Reserved.

9-8.8 Deposit Required.

~~*A deposit of one hundred fifty (\$150.00) dollars for concrete roads, one hundred twenty (\$120.00) dollars for bituminous roads and fifty (\$50.00) dollars for gravel or dirt roads shall be made with the collector of water and sewer rents to guarantee the cost of replacement of the street where the cut is made to its former condition. The collector shall issue the permit to open the street upon receipt of a fee of twenty (\$20.00) dollars per street opening, which permit shall also serve as a receipt for the deposit for the introduction or repair of water or sewer service pipes. The replacement shall be made by the department and the actual cost of the replacement shall be charged against such deposit. If the deposit is in excess of the cost, the balance shall be returned to the depositor and if the deposited sum is insufficient, a bill shall be rendered to the applicant by the collector for the amount due. Both owner and plumber so opening the street shall be held responsible so that due precautions such as barricades, red lights and other necessary means shall be taken to prevent and avoid accidents. If a street opening is required to access any sewer system, the local property owner shall submit an application for a permit and deposit pursuant to Section 8-2 of the Borough Code.*~~

9-8.9 Reserved.

9-8.10 Sewer Ownership and Maintenance.

a. *Municipal.* The Borough shall have ownership and be responsible for the maintenance of all public sanitary sewer (~~public sanitary sewer system~~) mains, and manholes, ~~clean-outs and laterals~~ within its right-of-way, ~~or~~ within the right-of-way of governmental agencies, ~~or within sewer easements dedicated to and accepted by the Borough.~~ Any breaks, leaks or blockages in public sanitary sewer mains or manholes in the right-of-way or sewer easements shall be the responsibility of the Borough.

b. *Nonmunicipal.* ~~The local property owner shall have ownership and be responsible for all sanitary sewer mains, manholes, clean-outs and laterals within private property (nonpublic sanitary sewer system or building lateral) and any breaks, leaks, or blockages on private property shall be the responsibility of the property owner. The local property owner shall have ownership of the entire service lateral from the building to the main, including any connections, curb boxes, cleanouts, and other associated apparatus; the maintenance, operation, repair and eventual replacement of any such portion of the sanitary sewer system, including any breaks, leaks or blockages, shall be the responsibility of the local property owner. The local property owner shall also be responsible for any sanitary sewer mains and manholes located within private property~~

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unless located within a right-of-way or subject to an easement as set forth in paragraph (a), above.

c. *Municipal Maintenance Responsibility.* The Borough shall maintain its municipal sanitary sewer system, as ~~defined herein~~ set forth in paragraph (a), in good working order. In no event shall the Borough provide any labor or material to clear or remove obstructions from a blocked nonmunicipal sanitary sewer system, as ~~defined herein~~ set forth in paragraph (b), and said work shall be the sole and exclusive responsibility of the property owner ~~with the dividing line of responsibility being the property line between the public right-of-way and the private property.~~ When the municipality is called upon by a private property owner or the tenant agent or representative of the private property owner to investigate a maintenance issue within the system, the Borough will respond. If a problem is discovered in that portion of the system that falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the nonmunicipal portion of the system, the private property owner, tenant, agent or representative shall be responsible to repair and correct the problem. The Borough will also assess a charge of one hundred seventy (\$170.00) dollars[‡] for the call out and inspection that led to the discovery of the problem in the non-municipal portion of the system.

~~*This figure was determined by taking the highest overtime salary (\$42.52/hr.) in the Sewer Department x's 4 (2 men) a minimum callout of 2 hours each.~~

d. *Developer Obligation.* Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

9-8.11 Reserved.

9-8.12 Reserved.

9-8.13 Sewer Connection Requirements and Fees; Definitions.

a. *Definitions.*

Connection fee shall mean an amount charged for new or additional units connecting to any collection system served by the Borough's system. State statute provides for this fee to compensate existing users for the parts of the system they have already paid for and that a new user will benefit from. Statute defines this fee as "fair payment toward the cost of the system" and requires that it be a proportionate share of the Borough's capital costs already paid by existing users. It does not include any materials or work related to the physical connection to any system. State statute requires that it be updated each year.

Unit or sewage unit shall mean a residential property as defined in N.J.S.A. 40:14A-8.1(a). For residential uses, the term unit includes a single-family dwelling or apartment. For all non-residential users, "Unit", "sewage unit" or "EDU" shall be defined as 65,000 gallons per year of water consumption. Flow calculations for non-residential uses shall be rounded up to the nearest whole number of units, with a minimum of one unit. Additions to an existing home for the expanded residential use of a single family shall not create an additional "unit" unless there is Borough approval that increases the number of residential units permitted on the property.

b. *Connection Fee(s) and Credits.*

1. Fees: Prior to the start of construction, a connection fee of \$5,142.00 per sewage unit shall be paid to the Borough for every new connection or expansion of an existing connection or use, less a credit for the number of previously legally connected sewage units that are removed, except as otherwise provided for by N.J.S.A. 40:14A-8.3.

2. Credits for Prior Connections.

(a) In calculations of credit for previous units on the property, full credit shall be given for units disconnected and removed from Borough sewer bills within two years of the application to the Borough; if over two years, a decreasing credit of 10% per year from the Borough billing removal date shall be received; if over ten years, no credit shall be received.

(b) For projects where credit is claimed for three or more previous units, the maximum credit shall be the lesser of: the number of previous dwelling units, or for both residential and non-residential, the whole number of sewage units, without rounding, based upon the average annual water consumption of the previous units for the last five years divided by 65,000 gallons.

(c) There shall be no accrual or transfer of connection rights or connection fee credits for units removed in excess of new units.

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c. *Connection Requirements.*

1. The size of the connection shall be limited to the minimum size needed to carry the estimated maximum daily flow for the number of units approved, a larger connection may be installed subject to Borough approval.

2. In the event that additional equipment, infrastructure or expansion of any part of the system is required to service a new project, additional fees shall be charged. These fees shall equal all costs related to the additional equipment, infrastructure or expansion of the system, including design, legal fees and other costs incurred. During the five years following completion, new connections using these items shall pay an additional fee proportionate to their use of these items. Previous payers of these items shall be reimbursed this fee on a proportional basis, less all related Borough expenses.

d. *Sewer Connection Inspection Fee.* Following the completion of the connection from any property to the Borough sewer system, a fee of fifty (\$50.00) dollars shall be due and payable to the Borough for the inspection of same by the Borough's Licensed Plumbing Inspector. The Inspector shall be given reasonable notice of the completion of the connection in order that he may schedule a connection inspection.

9-8.14 Late Fee for Overdue Sewer Bills.

All sewer charges shall be due and payable within thirty (30) days of February 1, May 1, August 1 or November 1 as the case may be. In the event that any charges are not paid within thirty (30) days of the February 1, May 1, August 1 or November 1 due date, then the charges shall be considered delinquent as of the due date. Interest shall accrue from the date of delinquency on all unpaid delinquent balances at the rate of eight (8%) percent per annum on the first one thousand five hundred (\$1,500.00) dollars of any unpaid balances and eighteen (18%) percent per annum for any balances in excess of one thousand five hundred (\$1,500.00) dollars, with said interest accruing upon the balances, and interest thereon, until such time as they are paid in full.

9-8.15 Reserved.

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

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Mayor O'Neil Opened the Public Portion of the hearing. There were no comments from the Public. Attorney Chabarek explained the purpose and scope of the Ordinance.

Mayor O'Neil closed public portion and requested a vote on the adoption of the ordinance. A Roll call vote was held. The vote from the introduction and public hearing were recorded as follows:

Motion to Introduce Ordinance 19-24

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL	X		X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 4, 2019. WITNESS my hand this 19TH day of December 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

**Public Hearing, Final Reading and Adoption of Ordinance 19-24:
Public Hearing December 18, 2019**

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	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN			X			
O'NEIL	X		X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 18, 2019. WITNESS my hand this 19th day of December 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

Old Business

Tabled from December 4, 2020 until December 18 2020

1. R-19-283 A Resolution Authorizing a Place to Place Transfer – Extension of
Premises – Of Liquor License 1317-33-019-012

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			X			

WHEREAS, an application has been filed for a Place to Place transfer of Plenary Retail Consumption License 1317-33-019-012 (The Seafarer) for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and to amend and correct the Retail Liquor License Application; and,

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the

license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve, effective December 4, 2019, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 1 Atlantic Street, Highlands, New Jersey 07732 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL	X		X			

MOTION TO TABLE R-19-283 TO THE MEETING OF DECEMBER 18, 2019
DATE OF VOTE: 12/04/2019
Matthew Conlon, RMC, Municipal Clerk

MOTION TO TABLE INDEFINITELY
DATE OF VOTE 12/18/2019

I, Matthew Conlon, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 18, 2019.

Matthew Conlon, RMC, Municipal Clerk

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Resolutions

Consent Agenda Resolutions

1. R-19-287 A Resolution Authorizing the Payment of Bills List
2. R-19-288 A Resolution Authorizing the Return of Escrow Funds to Prime Estates, Inc
3. R-19-289 A Resolution Certifying and Approving 2018 LOSAP Contributions
4. R-19-290 A Resolution Authorizing the Return of Tax Overpayments
5. R-19-291 A Resolution Authorizing the Execution of a Memorandum of Agreement with the Monmouth County Board of Health for Health Services
6. R-19-292 A Resolution Authorizing the Renewal of a Shared Services Contract between the Borough of Highlands and the Township of Middletown for Animal Control Service
7. R-19-293 A Resolution Authorizing the Advertising of a Bid for the Bulkhead for Jones Creek and Cedar Street
8. R-19-294 A Resolution Authorizing a Change Order and Declaring Acceptance of the Contract for the Grand Tour Concrete Improvements
9. R-19-295 A Resolution Appointing a Part Time Recreation Coordinator
10. R-19-296 A Resolution Appointing a Full Time Recreation Coordinator
11. R-19-297 A Resolution Authorizing the Trade-In of Borough Equipment
12. R-19-298 A Resolution Approving a Budget Transfer

Mayor O'Neil Requested the Consent Agenda Resolutions be read into the record by title.

RESOLUTION 19-287

A Resolution Authorizing the Payment of Bills

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated December 18, 2019, which totals as follows:

Current Fund	\$ 345,921.46
Sewer Account	\$ 69,755.70
Capital Fund	\$ 421,347.81
Trust-Other	\$ 24,512.64
Federal/State Grants	\$ 3,734.81
Total	\$ 865,272.42

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$865,272.42 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

RESOLUTION 19-288

A Resolution Releasing Escrow funds to Prime Estates, Inc. for curb cuts and sidewalks

WHEREAS, in 2019, Prime Estates, Incorporated, submitted Sidewalk & Curb Permit Applications to the Borough of Highlands pursuant to Borough Ordinance and deposited escrows in the following amounts for the following addresses:

<u>Address</u>	<u>Amount</u>	<u>Check No.</u>	<u>Escrowed Item</u>	<u>Application Date</u>
35 Shrewsbury Avenue	\$500.00	#799	Curb Cut Escrow	09/30/2019
35 Shrewsbury Avenue	\$500.00	# 1381	Sidewalk Escrow	09/30/2019
51 Waterwitch Avenue	\$500.00	#1387	Curb Cut Escrow	09/30/2019
51 Waterwitch Avenue	\$500.00	#1387	Sidewalk Escrow	09/30/2019

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WHEREAS, upon completion of the work on the sidewalk and driveway apron, the Borough’s Superintendent of Public Works performed an inspection and approved and released the work performed; and

WHEREAS, Prime Estates, Inc., has requested a return of the escrow deposit; and

WHEREAS, the Borough’s Superintendent of Public work has recommended the return of the aforementioned escrow deposit.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough’s Finance Officer is hereby authorized to return the escrow deposits in the total amount of \$2,000.00 to Prime Estates, Inc..

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this Resolution to the following:

1. Borough Finance Officer.
2. Prime Estates, Inc.

RESOLUTION 19-289

A Resolution Certifying and Approving 2018 LOSAP Contributions

WHEREAS, the Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (*N.J.S.A* 40A: 14-183 et seq.), to reward members of the Columbia Hose and Star Hook and Ladder Company and the Highlands First Aid Squad for their loyal, diligent and devoted services to the residents of the Borough of Highlands; and,

WHEREAS, LOSAP shall provide for annual contributions, by the Borough of Highlands, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 04-09; and,

WHEREAS, the following Fire Department and First Aid members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the LOSAP annual contributions, from the Borough of Highlands, to a deferred income account for each volunteer member listed below, having met the criteria, be made in accordance with the plan established by the Borough of Highlands pursuant to P.L. 1997, c. 388.

BE IT FURTHER RESOLVED that a certified copy of this resolution be returned to each emergency service organization, where it shall be posted for no less than 30-days, as well as in the office of the Municipal Clerk.

Dept.	Name	Points	Amount
Fire Department	Michael Armstrong	285	\$1,150.00
	Joseph Blewett Sr.	189	\$1,150.00
	Gary Branin Sr.	108	\$1,150.00
	Joseph M. Branin	107	\$1,150.00
	Brian Burton	198	\$1,150.00
	William Caizza	176	\$1,150.00
	Edward Edelbach	118	\$1,150.00
	Wallace Hartsgrove	111	\$1,150.00
	Martin Hawley Sr.	154	\$1,150.00
	William Kane	243	\$1,150.00
	Rebecca Kane Wells	115	\$1,150.00
Fire Department	Peter Lynch	104	\$1,150.00
	Patrick Mason	154	\$1,150.00
	John McKay	145	\$1,150.00
	Matt Mezey	206	\$1,150.00
	Kevin O’Donnell Sr.	134	\$1,150.00
	David Parker	131	\$1,150.00
	Charles Roemmele	130	\$1,150.00

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Fire Department TOTAL	Thomas Snow	165	\$1,150.00
	Andrew Soyka	103	\$1,150.00
	Dennis Soyka	106	\$1,150.00
	Edward Silkowski	150	\$1,150.00
	Rudolph Trivett Sr.	122	\$1,150.00
	Rudolph Trivett Jr.	153	\$1,150.00
	Ramon Vargas	278	\$1,150.00
	Charlie Wells	107	\$1,150.00
FIRE DEPARTMENT TOTAL			\$29,900

RESOLUTION 19-290

A Resolution Authorizing the Refund of a 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>
47	11	2019	\$1,097.18	FIT AGENCY, LLC
3	12	2019	\$1,440.23	HOME & LAND
2	1	2019	\$ 634.66	HOME & LAND

RESOLUTION 19-291

A Resolution Authorizing the Execution of a Memorandum of Agreement with the Monmouth County Board of Health for Health Services

WHEREAS, the Monmouth County Board of Health, through the Monmouth County Health Department, provides State mandated local health services pursuant to the Local Health Services Act, N.J.S.A. 26:3A2-1 et. seq. and the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, N.J.S.A. 8:52-1 et. seq.; and

WHEREAS, there must be a Board of Health in every municipality in the State, whether through its own individual municipal local health agency or through another agency such as a County Health Department; and

WHEREAS, the Monmouth County Health Department serves as the Health Department for various towns throughout Monmouth County by virtue of a Memorandum of Agreement; and

WHEREAS, the Borough of Highlands is in need of local health services, and the Monmouth County Health Department desires to provide health services to the Borough; and

WHEREAS, the aforesaid Memorandum of Agreement sets forth the terms and conditions under which the Monmouth County Health Department will provide health services to the Borough of Highlands, for a five (5) year period, effective January 1, 2020.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Mayor and/or Borough Administrator be and are hereby authorized to execute a Memorandum of Agreement between the Monmouth County Board of Health and the Borough of Highlands, which sets forth the terms and conditions under which the Monmouth County Board of Health will provide health services to the Borough.

BE IT FURTHER RESOLVED, that the Mayor and Borough Administrator are hereby authorized to execute such documents and to undertake such acts as are reasonable and necessary to accomplish the purpose of this Resolution.

RESOLUTION 19-291

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WHEREAS, the Borough of Highlands is in need of local health services, and the Monmouth County Health Department desires to provide health services to the Borough; and

WHEREAS, the aforesaid Memorandum of Agreement sets forth the terms and conditions under which the Monmouth County Health Department will provide health services to the Borough of Highlands, for a five (5) year period, effective January 1, 2020.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Mayor and/or Borough Administrator be and are hereby authorized to execute a Memorandum of Agreement between the Monmouth County Board of Health and the Borough of Highlands, which sets forth the terms and conditions under which the Monmouth County Board of Health will provide health services to the Borough.

BE IT FURTHER RESOLVED, that the Mayor and Borough Administrator are hereby authorized to execute such documents and to undertake such acts as are reasonable and necessary to accomplish the purpose of this Resolution.

RESOLUTION 19-292

A Resolution Authorizing Renewal of a Shared Services Agreement between the Borough of Highlands and the Township of Middletown for Animal Control Services

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in this agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Township of Middletown wish to encourage inter-municipal cooperation; and

WHEREAS, by way of Resolution 19-080, duly adopted February 20, 2019, the Borough authorized execution of a Shared Services Agreement with the Township of Middletown for Animal Control Services by way of executing the option to renew for 2019 under Section 4 of the Agreement; and

WHEREAS, the Borough of Highlands wishes to execute its option for 2020 under Section 4 of the agreement

WHEREAS, the Township of Middletown has the staffing and personnel to continue to provide Animal Control Services to the Borough of Highlands; and

WHEREAS, in accordance with the terms of the aforesaid Shared Services Agreement, the fee for animal control services shall be \$18,000 per year, to be billed and paid on a quarterly basis.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, that the Borough hereby renews the aforesaid Shared Services Agreement with the Township of Middletown for Animal Control Services for the period of January 1, 2020 through December 31, 2020.

BE IT FURTHER RESOLVED, that the Mayor and the Borough Administrator be and are hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Township of Middletown Administrator.

RESOLUTION 19-293

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A Resolution Authorizing Advertisement for the Solicitation of Bids for the Improvements to the Bulkhead for Jones Creek and Cedar Street

WHEREAS, the Borough of Highlands wishes to advertise for the receipt of bids for the improvements to the bulkhead for Jones Creek and Cedar Street; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough Engineer and Purchasing Agent be and are hereby authorized to prepare specifications to solicit bids for the improvements to the bulkhead for Jones Creek and Cedar Street.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Highlands that the Borough Clerk, Borough Administrator and Purchasing Agent be and are hereby authorized to advertise for the receipt of bids for the improvements to the bulkhead for Jones Creek and Cedar Street.

RESOLUTION 19-294

A Resolution Authorizing a Change Order and Declaring Acceptance of the Contract for the Grand Tour Concrete Improvements

WHEREAS, a contract was awarded to Seacoast Construction by way of Resolution No. 19-245 on September 18, 2019, for the Grand Tour Concrete Improvement Project; and

WHEREAS, the Project Engineer, CME Associates, Inc., has by letter dated December 9, 2019, advised that the project is complete at this time, including all previously issued punch list items. The change order reflects increases and decreases in original contract quantities required to complete the project; and

WHEREAS, the Borough's Project Engineer has advised that the Closeout Change Order results in an increase in the project cost from the original bid amount of \$107,875.00 to an adjusted total of \$129,159.00 for an increase of \$21,284.00; and

WHEREAS, the Borough's Project Engineer has, by letter dated December 9, 2019, recommended payment of Final Payment Estimate No. 1 in the amount of \$129,159.00; and

WHEREAS, Seacoast Construction has submitted the required two-year Maintenance Bond in the amount of \$19,373.85, which represents fifteen (15) percent of the final contract amount; and

WHEREAS, the Borough's Project Engineer has recommended authorizing the aforesaid Change Order, releasing the Performance Bond and accepting the project; and

WHEREAS, it is the intention of the Borough Council to adopt the within Resolution only for the purposes described in N.J.S.A. 2A:44-132.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that based upon the above recommendations, it accepts the project known as the Grand Tour Concrete Improvements.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that it authorizes acceptance of the two (2) year Maintenance Bond No. BND26711176M, in the sum of \$19,373.85, issued by QBE Insurance Corporation.

BE IT FURTHER RESOLVED, that any lien claims filed more than sixty (60) days after the adoption of this Resolution shall be ineffective pursuant to N.J.S.A. 2A:44-132.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, the Borough of Highlands shall release Performance Bond No. BND26711176 by QBE Insurance Corporation in the amount of \$107,875.00.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, a voucher authorizing final payment of any sums due to the Contractor may be listed on the bill list for action.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be forwarded to the Chief Financial Officer, Project Engineer, Borough's Purchasing Agent and Seacoast Construction.

RESOLUTION 19-295

A Resolution Appointing a Part-Time Recreation Coordinator

WHEREAS, by Resolution 19-160, adopted June 5, 2019, the Borough of Highlands appointed Diane Knox as its Temporary Recreation Coordinator for a period of ninety (90) days which was subsequently extended until December 2, 2019 by Resolution 19-242, adopted September 18, 2019; and

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WHEREAS, the Borough of Highlands wishes to appoint a part-time Recreation Coordinator; and

WHEREAS, Kim Gonzales, the Borough’s Administrator has recommended appointing Diane Knox as the part-time Recreation Coordinator, effective December 23, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that it hereby appoints Diane Knox as the part-time Recreation Coordinator, effective December 23, 2019.

RESOLUTION 19-296

A Resolution Appointing a Full-Time Recreation Coordinator

WHEREAS, the Borough of Highlands wishes to appoint a full-time Recreation Coordinator; and

WHEREAS, Kim Gonzales, the Borough’s Administrator has recommended appointing Jacqueline Kane as the full-time Recreation Coordinator, effective January 20, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that it hereby appoints Jacqueline Kane as the full-time Recreation Coordinator, effective January 20, 2020.

RESOLUTION 19-297

A Resolution Authorizing the Trade-In of Borough Equipment

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, by Resolution 19-286, adopted on December 4, 2019, the Borough authorized the purchase of a John Deere 60G Compact Excavator using New Jersey State Contract # 18/19-25 and MRESC Co-Op # 65MCESCCPS, from Jesco, Inc.; and

WHEREAS, the Borough has determined to trade-in the following equipment in conjunction with the purchase of the John Deere 60G Compact Excavator:

DPW, 2004 Case Loader, 10073MG, JEE0137047

DPW, 2007 Case Backhoe, 24861MG, N7C427805.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby authorizes the trade-in of the aforementioned equipment.

RESOLUTION 19-298

A Resolution Approving a Transfer of Surplus Funds

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the fiscal calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands that transfers be made in the Boroughs' 2019 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take immediately:

Current Fund

<u>A/C #</u>	<u>FROM</u>	<u>TO</u>
25-250-100 Police Dispatch-S&W	\$ 25,000.00	
25-250-200 Police Dispatch-OE		\$25,000.00
Totals	<u>\$ 25,000.00</u>	<u>\$ 25,000.00</u>

Sewer Utility

Totals	<u>\$ 0.00</u>	<u>\$ 0.00</u>
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Vote on the Consent Agenda for December 18, 2020

A Motion was made by Councilmember Braswell to separate Resolution 19-293 for discussion. Prior to being seconded the motion was withdrawn.

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Engineer Rohmeyer briefly discussed the purpose and scope of R 19 293 and the nature of the repairs necessary to the Cedar Street Bulkhead and the Jones Creek Bulkhead.

Motion to Approve the December 18, 2019 Consent Agenda (Resolutions 19-287 through 19-298)

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL		X	X			

I, Matthew Conlon, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 18, 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

Approval of Minutes

Approval of the Minutes from the October 16, 2019 Council Meeting
Approval of the Minutes from the November 13, 2019 Council Meeting
Approval of the Minutes from the December 4, 2019 Council Meeting

Vote to Approve Minutes for the Records of the Borough

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA		X	X			
RYAN			X			
O'NEIL			X			

I, Matthew Conlon, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 18, 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

Other Business

2020 Borough Events and Calendar

Administrator Gonzales reviewed proposed 2020 events with Council and highlighted the successes of the 2019 Borough Events Calendar.

Reports

Engineering – Engineer Rohmeyer reviewed various projects in the Borough including the recent work finished on Grand Tour.

Engineer Rohmeyer discussed putting together a proposal for the site at 171 Bay Avenue and the potential to turn it into municipal parking.

Economic Development

Cliff Moore discussed various aspects of the administration of social media and how it affects the Borough and its economic development.

Mr. Moore discussed how vacant properties affect economic development within the Borough.

Mr. Moore discussed a paid parking plan proposal for Borough of Highlands lots.

Mr. Moore discussed the proposed purchase of Shadowlawn by Mr. Schlepper, and the status of backup developers should that deal fall through.

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Mr. Moore noted that phase two had begun with regard to the environmental review of the Captain's Cove proposed purchase.

Mr. Moore noted that both projects are considered Redevelopment projects.

Mr. Moore noted that 16 properties on Bay Avenue are being redeveloped.

Mr. Moore discussed how parking issues should be included in the plans to redevelop Highlands.

Mr. Moore discussed creating a task list among multiple departments for economic development.

Council President Ryan

Council President Ryan thanked Mr. Cody Valkos and the Green Team for achieving Bronze Certification with Sustainable New Jersey.

Public Portion

Kim Skorka of Shore Drive thanked Mayor O'Neil for his service to the Borough and made note of several accomplishments the Borough has achieved under his tenure.

Michael Catalano of Marina Drive commented with regard to R 19 293. He further commented that there was an opportunity to integrate flood mitigation into this project. He also commented that people building new private bulkheads should have to build to a minimum level to ensure the flood security of the Borough.

Ms. Gonzales commented that all new projects are being considered for flood mitigation.

Trisha Rivera of Waterwitch inquired about construction projects in the Borough.

Mr. Rohmeyer indicated that projects are slated when council approved the scope of the engineering work. Administrator Gonzales indicated certain projects were slated to being within the next 90 to 120 days.

Mr. Moore reviewed how various people are involved in various projects.

Former Mayor Frank Nolan spoke to congratulate Ms. Broullon on her mayoral election and wished Mayor O'Neil well.

Mayor O'Neil commented on his history as Mayor and thanked Mr. Nolan for his comments.

Mayor O'Neil commented "To make things change you have to be involved. I appreciate all the things all of you have done. Thanks."

Mayor O'Neil Motioned for adjournment. Councilmember Braswell Seconded. All were in favor.


The meeting adjourned at 9:30 PM.

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 18, 2019

Approve:


Carolyn Broullon, Mayor

Attest


Matthew Conlon, RMC, Borough Clerk