

**Mayor and Council  
Agenda  
Community Center,  
22 Snug Harbor Avenue, Highlands  
Wednesday, January 18, 2017  
7:00 p.m.**

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

Call to Order  
Meeting Statement  
Roll Call  
Executive Session Resolution

**EXECUTIVE SESSION: 7:00PM**

**Litigation:**

Tilt-Up  
Captains Cove Marina

**Attorney-Client Privilege:**

Bay Pointe at Highlands Condominium Association  
Highlands Business Partnership

**Contract Negotiations:**

Borough Hall - Acquisition of Property  
Lifeguard Services

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Approval of Minutes:**

November 2, 2016 – Regular Meeting  
January 1, 2017 – Reorganization Meeting

**Consent Agenda:**

- R-17-028 - Appointing Members of the Governing Body to the Land Use Board
- R-17-031 - Appointing a Member of the Environmental Advisory Commission
- R-17-033 - Appointing Additional Members to the Green Team
- R-17-034 - Appointing Shade Tree Commissioner for the Shade Tree Commission
- R-17-035 – Auth. the Award of a Non-Fair and Open Contract for Certified Speedometer Services
- R-17-036 - Authorizing Refund of Tax Overpayment
- R-17-037 - Authorizing a "Window" Contracts
- R-17-038 – Auth. Add'l Compensation to T&M Associates for Contracted Work Related to the Master Plan and Tank Disposal in Streetscape Phase II
- R-17-039 - Authorizing Payment of Bills

**Resolutions**

R-17-040 - Introducing Highlands Business Improvement District Budget for the Year 2017

**Ordinances: Introductions - [Public Hearing/Possible Adoption – February 1, 2017]**

O-17-01 - Amending Chapter 21-8 of the Borough Code Concerning the Definition of Lot Coverage

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**Public Comments:**

**Adjourn:**

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BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-028

### RESOLUTION APPOINTING MEMBERS OF THE GOVERNING BODY TO THE LAND USE BOARD

**WHEREAS**, a vacancy exists on the Land Use Board as to a Class III-member consisting of a member of the governing body to be appointed by it.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following appointment be and is hereby confirmed to the Land Use Board:

\_\_\_\_\_ - Borough Council Representative for a one (1) year term to expire 12/31/2017.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-031**

### **RESOLUTION APPOINTING A MEMBER OF THE ENVIRONMENTAL ADVISORY COMMISSION**

WHEREAS, Borough Code §2-16 establishes the Environmental Advisory Commission;  
and

WHEREAS, a vacancy exists within the Environmental Advisory Commission; and

WHEREAS, the governing body desires to fill this position with the Environmental  
Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of  
Highlands that the following person shall be appointed to the Highlands Environmental  
Advisory Commission:

\_\_\_\_\_ Regular Member three (3) year term to expire 12/31/2019



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-033

### RESOLUTION APPOINTING ADDITIONAL MEMBERS TO THE GREEN TEAM

WHEREAS, by way of Resolution R-17-014, the Borough of Highlands established a Green Team with an effective date of January 1, 2017 through December 31, 2017; and

WHEREAS, in accordance with Resolution R-17-014, certain members of the Green Team were to be determined; and

WHEREAS, the governing body of the Borough of Highlands wishes to add certain members to the Green Team consisting of the following individuals: Joe Misita will be the Public Works representative, Nancy Burton will be the Recycling representative, Rosemary Ryan will be the School Board representative and Scott Keller will be a second Resident Member; and

WHEREAS, in accordance with Resolution R-17-014 and the within Resolution, the following departments and representatives will serve on the Green Team.

Members of the team:

Joe Misita	- Public Works
Nancy Burton	- Recycling
Steve Szulecki	- Environmental
Jen Strehl	- Recreation
Ken Braswell	- Land Use Board
Carla Braswell	- HBP Representative
Rosemary Ryan	- School Board
Brian J. Geoghegan	- Borough Administrator
Carolyn Broullon	- Council Liaison
Rick O'Neil	- Mayor
Linda Ziemba	- (1) Resident
Scott Keller	- (2) Resident

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the above-named individuals shall serve on the Green Team for the calendar year 2017 through December 31, 2017.



BOROUGH OF HIGHLANDS  
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## **RESOLUTION 17-034**

### **RESOLUTION APPOINTING SHADE TREE COMMISSIONER FOR THE SHADE TREE COMMISSION (ADVISORY)**

**WHEREAS**, Borough Code §2-21 establishes the Shade Tree Commission (Advisory); and

**WHEREAS**, by way of Resolution 17-023, appointments were made to the Shade Tree Commission (Advisory), wherein three (3) individuals were appointed to serve for the calendar year 2017 consisting of: Christian Lee, Chris Francy and Arnie Fuog; and

**WHEREAS**, the governing body of the Borough of Highlands wishes to appoint Christian Lee as the Shade Tree Commissioner for the calendar year 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Christian Lee is hereby appointed the Shade Tree Commissioner for the Shade Tree Commission (Advisory), which shall be for a term of one (1) year with an expiration date of December 31, 2017.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-035**

### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CERTIFIED SPEEDOMETER SERVICES**

WHEREAS, the Borough of Highlands has a need to acquire a *speed sign* as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the C.F.O. and Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is for 1 year; and

WHEREAS, CERTIFIED SPEEDOMETER 9 JAY STREET OLD TAPPAN, NJ 07675. has submitted a proposal indicating they will provide a speed sign for the \$18,250; and

WHEREAS, CERTIFIED SPEEDOMETER. has completed and submitted a Business Entity Disclosure Certification which certifies that CERTIFIED SPEEDOMETER. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands Council in the previous one year, and that the contract will prohibit the CERTIFIED SPEEDOMETER from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands authorizes the CFO and Purchasing Agent to enter into a contract with CERTIFIED SPEEDOMETER. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. and,

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in an official newspaper of the Borough and that this Resolution and the contract shall be available for public inspection in the office of the Municipal Clerk.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-036

### AUTHORIZING REFUND OF TAX OVERPAYMENT

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
86	3	2017	\$1,690.64	DAVIS, ROBERT & CYNTHIA
60	8	2017	\$1,690.64	DIGALETOS, JOHN





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-037

### RESOLUTION AUTHORIZING A "WINDOW" CONTRACTS

Pursuant to N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play Laws), the Borough must award by resolution all goods and services contracts with a dollar amount between \$17,500 and \$39,999. These contracts are not bid, but vendors are still responsible to provide political contribution and company disclosure information in order to do business with the Borough.

**WHEREAS**, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq., when the cost of goods and/or services that fall between \$17,500 and the bid threshold of \$40,000 in the aggregate, an approval by resolution must be in place prior to contract; and

**WHEREAS**, the Borough of Highlands retained the services of:

- Pumping Services
- Tri-Bar
- Evoquoa Water Technologies
- Branin's Contracting; and

**WHEREAS**, a request for quotes for the required work to be performed was requested from several contractors; and

**WHEREAS**, the above mentioned vendors completed and submitted a Business Entity Disclosure Certification which certifies the business entity has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the above said vendors from making any reportable contributions through the term of the contract.

**NOW THEREFORE, BE IT RESOLVED** that the Council of the Borough of Highlands authorized the Purchasing Agent on behalf of the Borough to issue and execute a Purchase Order for the foregoing to the above vendors with funds certified available by the Chief Financial Officer in the year of 2016; and

**BE IT FURTHER RESOLVED** that the CFO has been authorized to arrange to pay for the foregoing in accordance with the terms of the purchase order.

**BE IT FURTHER** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-038**

### **AUTHORIZING ADDITIONAL COMPENSATION TO T&M ASSOCIATES FOR CONTRACTED WORK RELATED TO THE MASTER PLAN AND TANK DISPOSAL IN STREETScape PHASE II**

**WHEREAS**, the Borough of Highlands Master Plan has required additional meeting hours by T&M Associates for the Master Plan and tank disposal as part of the Streetscape Phase II; and

**WHEREAS**, T&M Associates has proposed the cost to be \$5,200.00 for those additional hours; and

**WHEREAS**, the Borough has authorized T & M Associates to add additional hours for the Master Plan and tank disposal for the Streetscape Phase II; and

**WHEREAS**, the Borough CFO, Patrick DeBlasio has ascertained that funds are available in the appropriate budget account for the award of this contract, in an amount not to exceed \$5,200.

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Borough of Highlands, County of Monmouth, in the State of New Jersey hereby authorizes payment to T & M Associates for the additional Master Plan work and tank disposal related to the Streetscape Phase II in the amount not to exceed \$5,200.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-039

### RESOLUTION AUTHORIZING PAYMENT OF BILLS

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated January 12, 2017, which totals as follows:

Current Fund	\$816,525.26
Sewer Account	\$32,688.35
Capital Fund	\$14,322.18
Trust-Other	\$0.00
Federal/State Grants	\$1,508.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$865,043.79** 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 on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-040

### RESOLUTION INTRODUCING HIGHLANDS BUSINESS IMPROVEMENT DISTRICT BUDGET FOR THE YEAR 2017 AND SETTING OF A PUBLIC HEARING DATE WHEREIN THE AFORESAID BUDGET WILL BE CONSIDERED FOR FINAL ADOPTION

**WHEREAS**, in accordance with Chapter 17-6 of the Borough Code, the nonprofit corporation, Highlands Business Partnership, Inc., is designated as the District Management Corporation for the Business Improvement District; and

**WHEREAS**, Chapter 17-8 of the Borough Code sets forth that the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council; and

**WHEREAS**, Chapter 17-8 of the Borough Code also sets forth that the aforesaid budget shall be proposed and adopted by the Borough on or before April 1<sup>st</sup> of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84; and

**WHEREAS**, the Highlands Business Partnership has submitted its annual budget for the year 2017 for approval by the Mayor and Council, a copy of which is annexed hereto; and

**WHEREAS**, in accordance with the procedures set forth in N.J.S.A. 40:56-84, the governing body hereby introduces the aforesaid budget of the Highlands Business Partnership for the year 2017 and sets a public hearing date of February 1, 2017 at 8:00p.m.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Highlands that the governing body hereby introduces the annual budget for the Highlands Business Partnership which is annexed hereto, and sets a public hearing date of February 1, 2017 at 8:00p.m. wherein the aforesaid budget will be considered for final adoption.

**BE IT FURTHER RESOLVED**, that the Acting Borough Clerk is hereby authorized to advertise and publish the aforesaid annual budget for the Highlands Business Partnership for the year 2017 in accordance with the requirements set forth in N.J.S.A. 40:56-84.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 17-01

### AN ORDINANCE AMENDING CHAPTER 21-8 OF THE BOROUGH CODE CONCERNING THE DEFINITION OF LOT COVERAGE

**WHEREAS**, N.J.S.A. 40:55-D-1, et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

**WHEREAS**, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

**WHEREAS**, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-8 to provide for the within changes; and

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

#### SECTION I.

The following section of Chapter 21, Section 8, "Definitions", of the Borough Code shall be amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 21 that will remain unchanged are shown in normal type).

LOT, COVERAGE - That percentage of the plot or lot area covered by impervious surface, inclusive of ~~***gravel parking and***~~ driveway areas **containing asphalt and/or concrete surfaces**, but exclusive of ~~***gravel areas as well as***~~ terraces and decks in conformance with subsection 21-65.27.

**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 after final passage as provided by law.

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