

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Mayor Nolan called the meeting to order at 7:07 p.m.

Ms. Dailey 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: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

Absent: Ms. Kane

Also Present: Debby Dailey, Deputy Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Tax Collector
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution

Mayor Nolan offered the following Resolution for approval:

**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. Litigation:**
- 2. Contract: Shared Services Sewer Operation**
- 3. Real Estate: Clam Plant Lease: Request for property deannexation
Borough Hall Update**
- 4. Personnel Matters: Joseph Blewett, Chief of Police – RICED (Complaint)
Lifeguards**
- 5. Investigation: Social Affairs Permit – American Legion**
- 5. Attorney-Client Privilege: Outdoor Occupancy – Paul Vitale
Seastreak
Complaint/Petition Re: Fire Dept.
Dep. Comm.**

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:

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.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

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 collective 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 public's 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 Ms. Kane and approved on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSENT: Ms. Kane

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:20 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance. The girl scouts lead all in the Pledge of Allegiance.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

The Girl Scouts gave the Girl Scout Pledge.

Mayor Nolan explained that an award is being given out tonight to Chief of the Fire Department, William Caizza. He was unable to attend. Chief of Police, Joseph Blewett accepted it in his absence.

Mayor Nolan explained that the Fire Department was very helpful in receiving 20,000 boxes of cookies for the girl scouts to distribute.

Mayor Nolan read the inscription on the plaque and presented it to Chief Joseph Blewett.

Consent Agenda:

Mayor Nolan asked if anyone had questions on the resolutions on consent agenda.

Mr. Padula stated that there is one change in Resolution R-14-153. It should refer to Chief Financial Officer that made the recommendation.

Mr. Francy said the he will abstain from Resolution R-14-154 as it relates to himself.

Mr. Francy offered the following Resolution and moved on its adoption:

RESOLUTION R-14-148

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**RESOLUTION SUPPORTING SENATE BILL 268 AND ASSEMBLY BILL 1021
RETURNING ENERGY TAX RECEIPTS DIRECTLY TO MUNICIPALITIES**

Whereas, since the 1980's, the State has been diverting taxes collected from utilities of municipal rights of way, which were intended to compensate municipalities for hosting transmission facilities and lines; and

Whereas, the funds are from energy and business taxes under the Consolidation Municipal Property Tax Relief Act ("CMPTRA") and are to reimburse towns for use of their property for utility poles, wires, gas lines and services provided to businesses; and

Whereas, legislation has been introduced, Senate Bill 268 and Assembly Bill 1021, that would require the State to return these tax receipts to their intended recipients, the host municipalities, pursuant to an existing statutory apportionment method; and

Whereas, identical legislation passed the State Assembly last year by an overwhelming vote of the 65-5-3, but the State Senate failed to act on the legislation; and

Whereas, under this legislation, these funds could be used by municipalities to offset local property taxes, reduce municipal debt, rehire police officers and firefighters and for extraordinary costs related to an emergency declared by the President of the United States or the Governor; and

Whereas, the Board of Chosen Freeholders of the County of Monmouth supports the passage of Senate Bill 268 and Assembly Bill 1021.

Now, Therefore, Be It Resolved, that the Governing Body of the Borough of Highlands, County of Monmouth hereby supports the passage of Senate Bill 268 and Assembly Bill 1021 to properly direct these funds to municipalities.

Be It Further Resolved that the Clerk forwards a certified true copy of this resolution to the Governor of the State of New Jersey, Senate President Stephen Sweeney, Assembly Speaker

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Vincent Prieto, Monmouth County Legislative Delegation, Municipal Clerks of Monmouth County, Office of the County Counsel and the Board of Chosen Freeholders.

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSTAIN: None

ABSENT: Ms. Kane

Mr. Francy offered the following Resolution and moved on its adoption:

**R-14-153
RESOLUTION APPROVING INTERNSHIP
FOR FINANCE & ADMINISTRATION OFFICES**

WHEREAS, Timmy Hill, a student at Red Bank Regional High School's Finance Academy has applied to the Borough of Highlands to complete a 120 hour Internship; and

WHEREAS, the Chief Financial Officer has reviewed his application and recommends that the Borough approve this Internship;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Internship of Timmy Hill is hereby approved and shall take place during the period of June 23, 2014 through August 15, 2014 at no compensation.

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSTAIN: None

ABSENT: Ms. Kane

Mr. Francy offered the following Resolution and moved on its adoption:

**R-14-154
RESOLUTION AUTHORIZING RELEASE OF CELLULAR TELEPHONE NUMBER
TO CHRISTOPHER FRANCY**

WHEREAS, Borough of Highlands Council Member Christopher Francy desires to retain the cell phone number assigned to him by the service provided for the Borough of Highlands after his term as a Council Member of the Borough ends June 30, 2014; and

WHEREAS, the Borough of Highlands has determined that Christopher Francy can retain the cell phone number assigned to him after his cessation as part of the Borough Council; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough of Highlands authorizes the release of the cellular telephone number, but not the actual cellular telephone owned by the Borough, to Christopher Francy currently in use by him after his term ends as a Borough Council Member on June 30, 2014.

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.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mayor Nolan

NAYS: None

ABSENT: Ms. Kane

ABSTAIN: Mr. Francy

Mr. Francy offered the following Resolution and moved on its adoption:

**R-14-155
AUTHORIZING REFUND OF CONSTRUCTION FEES**

WHEREAS, the Construction Official of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands, as a result of an overpayment of permit fees, and

WHEREAS, the Building Official 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 Building Official is authorized to immediately refund and pay the overpayment of permit fees 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>	<u>PERMIT #</u>
44	8	2014	\$50	B L Electric Co	14-00079

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSENT: Ms. Kane

ABSTAIN: None

Mr. Francy offered the following Resolution and moved on its adoption:

**R-14-156
RESOLUTION APPROVING SOCIAL AFFAIR PERMITS**

WHEREAS, the Highlands VFW has filed an application for a Social Affairs Permit for an event to be held on July 31, 2014 through August 13, 2014 with no rain date; and

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 Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the Highlands VFW.

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYES: None

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

ABSENT: Ms. Kane
ABSTAIN: None

Mr. Francy offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
06/18/2014**

CURRENT:		\$	100,494.61
Payroll	(06/15/2014)	\$	116,012.16
Manual Checks		\$	120.00
Voided Checks		\$	
SEWER ACCOUNT:		\$	153,184.81
Payroll	(06/15/2014)	\$	3,614.45
Manual Checks		\$	
Voided Checks		\$	
CAPITAL/GENERAL		\$	487.50
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	22,853.07
Payroll	(06/15//2014)	\$	4,200.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	33,869.08
Payroll	(06/15/2014)	\$	1,748.57
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

Seconded by Mayor Nolan and adopted on the following rolling roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYS: None
ABSENT: Ms. Kane
ABSTAIN: None

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Minutes Approved on Consent Agenda:

Mr. Francy offered a motion for the approval of the June 5th, 2014 Regular Minutes and Executive Session Minutes, seconded by Mayor Nolan and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSENT: Ms. Kane

ABSTAIN: None

Other Resolutions:

R-14-149 – Resolution Renewing Liquor Licenses

Ms. Dailey read the title of R-14-149.

Mayor Nolan asked Mr. Hill to explain the process that is being put in place.

Mr. Hill explained that they are working on the official language with Code Enforcement, Zoning, Property Maintenance and the Building Official. They are working hard to get the official language that needs to be adhered to when it comes to outdoor space. Property owners that utilize outdoor space will receive a notice to be compliant. They will have 30 days. If they do not respond, they will be issued a fine. A 30 day extension is the given to them by law. If they are still not in compliance, they can be shut down.

Mayor Nolan stated that this will eliminate any gray areas. There is a packet that spells out the formula for outdoor space use. It will be available tomorrow at the Boro Trailers. Mr. Vitale will be sending out certified letters next week.

Mayor Nolan offered the following Resolution and moved on its adoption:

**R-14-149
RESOLUTION
RENEWING 2014-2015 LIQUOR LICENSES**

WHEREAS, Liquor License Renewal Applications were filed for the year 2014-2015 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2014 to June 30, 2015:

1317-31-027-001	American Legion Twilight Post 143 t/a American Legion Twilight Post 143	85-87 Bay Avenue
1317-31-028-001	Highlands Post 6902 VFW of US t/a Highlands VFW 6902	331 Bay Avenue
1317-32-018-005	DDS Enterprise, LLC t/a Driftwood Liquors	300 Bay Avenue
1317-32-009-007	Grala, LLC t/a The Chubby Pickle	23 Bay Ave

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

1317-33-001-003	Bahrs Restaurant Inc. t/a Bahrs Landing Moby's	2 Bay Avenue
1317-33-003-008	Claddagh of Highlands t/a Claddagh	297-299 Bay Ave
1317-33-005-002	Sandy Hook Holdings, LLC t/a Original Oyster	1 Willow Street
1317-33-006-004	Tomaini, John In active	Pocket
1317-33-007-003	Inlet Café, Inc. t/a Inlet Café Inc.	3 Cornwall St
1317-33-008-006	Seastreak LLC	324 Shore Drive
1317-33-010-011	JWALKER BLACK, LLC t/a Havanna Tropical Café	409 Bay Ave
1317-33-012-004	Dan Rob Restaurant Assoc., LLC t/a Windansea	56 Shrewsbury Ave
1317-33-015-007	Chilangos Restaurant, Inc t/a Chilango's Restaurant	272 Bay Ave
1317-33-019-011	Triple Beta, LLC t/a Clam Hut	1 Atlantic Street
1317-33-022-010	M & D, Inc. t/a Off The Hook Restaurant & Bar	1 Navesink Avenue
1317-33-024-012	Was Two, LLC t/a Twin Light Tap House	128 Bay Ave
1317-33-030-008	Waterwitch Highlands, LLC t/a Havana Tropical Cafe	None
1317-44-011-003	Monir Inc. t/a Bay Spirits	116 Bay Avenue

Seconded by Ms. Ryan and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Francy, Mayor Nolan

NAYES: None

ABSTAIN: Mr. Redmond

ABSENT: Ms. Kane

R-14-157 – Resolution Authorizing Change Order for Bayside Drive

Mayor Nolan asked Mr. Leubner if he wanted to remove R-14-157 Resolution Authorizing Change Order for Bayside Drive. It will be carried to the July 1st meeting.

R-14-150 – Resolution Approving Shared Services for Sewer Operations

Ms. Dailey read the title of R-14-150.

Mayor Nolan offered the following resolution and moved on its adoption:

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

R-14-150

**Resolution Approving a Shared Services Agreement between the Borough of Highlands
and the Borough of Atlantic Highlands for a C2 Sewer Operator**

Whereas, the Borough is in need of a C2 sewer operator; and

Whereas, the Borough of Atlantic Highlands is capable of providing these services to the Borough; and

Whereas, the Borough and Atlantic Highlands have negotiated terms of a shared services agreement for Atlantic Highlands to provide these C2 services to the Borough; and

Whereas, the Borough and Atlantic Highlands wish to enter into a shared services agreement in substantially the form attached hereto for the provision of C2 sewer operator services to the Borough.

Now, therefore, be it RESOLVED that the Borough hereby approves a shared services agreement between itself and the Borough of Atlantic Highlands in substantially the same form as attached hereto and incorporated herein by reference; and

Be it further resolved that the Mayor and Clerk are authorized to sign this agreement on behalf of the Borough.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSENT: Ms. Kane

ABSTAIN: None

R-14-151 – Resolution Approving Temporary Partial Road Closure

Ms. Dailey read the title of R-14-151.

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

R-14-151

**RESOLUTION APPROVING REQUEST
FOR TEMPORARY ROAD CLOSURE**

WHEREAS, Delores Abbot has submitted a written request for approval to the Chief of Police for the temporary closure of small portion of Snug Harbor on August 2 & 3rd, 2014 so that the residents can have a block party; and

WHEREAS, Chief Blewett has reviewed the request and approved it with conditions.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that request from Delores Abbot for a temporary road closure of portion of Snug Harbor Avenue on August 2 & 3rd, 2014 is hereby approved subject to compliance with all conditions imposed by Chief Blewett.

Seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: Mayor Nolan

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

R-14-152 Resolution Approving Summer Seasonal Employees

Ms. Dailey read the title of R-14-152.

Mr. Hill explained that we are still in need of lifeguards. He will be advertising the position again. He will also re-advertise for DPW laborers.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-152
RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL EMPLOYEES
FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need for temporary summer employees to work with the DPW, Municipal Office & Summer Recreation Program; and

WHEREAS, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

WHEREAS, the positions listed have been included in the Municipal Budget within each department, the 2014 SFSP Approved Budget and use of 2013 SFSP carryover funds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following seasonal temporary appointments be and hereby are approved:

<u>DPW</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
	Laborer		
	Laborer		

<u>Mun. Office</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
	Clerical		

<u>Rec. Dept.</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
Summer	Supervisor	Kim Karaman	\$19.00
6/27/14 - 8/20/14	Supervisor	Stephanie Paroumakian	\$17.50
	Programmer	Michael Gannon	\$16.00
	Programmer	Amanda Campbell	\$12.50
	Rec Aide	Amy Cullen	\$10.75
	Rec Aide	Alexandra Cassidy	\$ 8.50
	Rec Aide	Henry Kingsmore	\$ 8.50
	Rec Aide	Ganessa Hans	\$ 8.25
	Rec Aide	Erica Calmon	\$ 8.25
	Rec Aide	Alex Braswell	\$ 8.25
	Rec Aide	Justin Santiago	\$ 8.25

Lifeguards	LG Supervisor	Elyse Parker	\$16.00
6/23/14 - 9/1/14	LG	Nicholas Hathaway*	\$ 9.00

(* Pending Certification completion / documentation)

Summer Food	Food Prep	Cathy Raciti	\$10.00 (25 hrs/wk)
7/7/14 - 8/15/14	Food Prep	Brittany Feola	\$ 8.75 (25 hrs/wk)
	Food Prep	Amelia Vogt	\$ 8.25 (25 hrs/wk)
	Director	Jennifer Strehl	\$19.25 (30 total hrs)
	Record Keeper	Amanda Campbell	\$13.00 (30 total hrs)

Seconded by Mr. Redmond adopted on the following Roll Call Vote:

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYS: None
ABSENT: Ms. Kane
ABSTAIN: None

R-14-158 – Resolution RE: 11 Marine Place

Mr. Padula stated that Mr. Leubner requested this resolution to be tabled.

Mayor Nolan directed Mr. Leubner to advise us when to put back on the agenda.

R-14-159 – Resolution Approving TAP Grant Application

Ms. Dailey read the title of R-14-159.

Mr. Hill explained that this is part of the TAP Grant. It is an extension of the EDA grant for Bay Avenue Improvement. He feels that we have a strong application for this grant and it would fill in the gap between the two grants.

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-159

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2014 Transportation Alternative Program for the Borough of Highlands' Bay Avenue Streetscape Improvement Project.

WHEREAS, the Borough of Highlands continues to develop projects that will improve the accessibility, use and maintenance of its Bay Avenue corridor; and

WHEREAS, the Borough of Highlands' Engineering Department has provided plans specifically designed to support the accessibility, safety, use and maintenance of the corridor through the improvement of the condition of curbs, sidewalks, crosswalks, signage, lighting and landscaping from Washington Avenue to Valley Street; and

WHEREAS, the Borough of Highlands has designed the Bay Avenue Streetscape Improvement Project to include curbing, crosswalks, sidewalks, lighting, signage, bike racks and landscaping rehabilitative improvements from Washington Avenue to Valley Street; and

WHEREAS, the Borough of Highlands through its Department of Public Works will assume all responsibility with regard to the maintenance and upkeep of this project; and

WHEREAS, the Borough of Highlands will assign Dale Leubner, Borough Engineer, to serve as the *responsible charge* for the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey formally approves the grant application for the Bay Avenue Streetscape Improvement Project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *TA-2014-Highlands Borough-00145* to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYS: None
ABSENT: Ms. Kane
ABSTAIN: None

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

R-14-160 – Resolution of Support for De-Annexation

Mr. Padula stated that R-14-160 Resolution of the De-Annexation of three Properties on Bayside Drive is add on. Copies have been supplied for the public.

Mr. Padula stated that there is an amendment to R-14-160. On the fifth “Whereas” clause, there is an additional “Whereas” statement after that. Mr. Padula read the statement into the record.

Mayor Nolan offered the following Resolution and moved on its adoption:

**R-14-160
Resolution expressing the Borough’s support for de-annexation from
homeowners on Bayside Drive**

Whereas, N.J.S.A. 40A:7-12 to -25 (hereinafter referred to as the “Statute”) permits municipalities to annex property in a contiguous municipality; and

Whereas, the Statute requires that, upon filing of an appropriate petition with the de-annexing municipality, that the de-annexing municipality adopt a resolution consenting to or denying the petition for annexation; and

Whereas, the Borough has learned that the owners of several properties on Bayside Drive are considering requesting annexation to the Borough of Atlantic Highlands; and

Whereas, those properties are located on that portion of Bayside Drive which is inaccessible to Highlands; and

Whereas, while the Borough has not received petitions as required by the Statute, it has received letters of intent from the property owners of:

280 Bayside Drive (Lot 27, Block 103);
294 Bayside Drive (Lot 28, Block 103); and
284 Bayside Drive (Lot 25.01, Block 103);

Whereas, the Borough anticipates receiving an additional request from the property owner of 290 Bayside Drive (Lot 26, Block 103); and

Whereas, the Borough supports the annexation of those properties to Atlantic Highlands and will consider a consenting resolution upon receipt of an appropriate petition as required by the Statute.

Now, therefore, be it RESOLVED that the Borough supports the annexation of the aforementioned properties to the Borough of Atlantic Highlands and shall consider a consenting resolution as contemplated by N.J.S.A. 40A:7-12; and

Be it further RESOLVED that the Borough Attorney shall contact the aforementioned property owners and inform them of the requirements of the Statute.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYS: None
ABSENT: Ms. Kane
ABSTAIN: None

R-14-161 – Resolution Adopting Policies

Mr. Padula stated that this was a new add on. Copies have been supplied for the public. This codifies the public speaking comment procedures.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Mayor Nolan offered the following Resolution and moved on its adoption:

**Borough of Highlands
County of Monmouth
R-14-161
Resolution Adopting Policies Concerning Public Comment at
Meetings of the Governing Body**

WHEREAS, the Open Public Meetings Act permits municipal governing bodies to establish written procedures for public comment at meetings of the governing body; and

WHEREAS, the Borough of Highlands encourages public participation at meetings; and

WHEREAS, the Borough has a history of extensive public participation at meetings; and

WHEREAS, to ensure that everyone wishing to speak has the opportunity to do so in an orderly and timely manner, the Borough wishes to adopt these written procedures for public comment at meetings.

NOW, THEREFORE, BE IS RESOLVED that the governing body of the Borough of Highlands adopts the following procedure for public comment at all meetings of the governing body:

- (1) Members of the public wishing to speak shall sign up for time to speak prior to the meeting;
- (2) Speakers shall be called in order of signing in;
- (3) Speakers shall be limited to two (2) minutes;
- (4) Governing body members shall not respond to a member of the public until that member has finished speaking in his/her entirety;
- (5) Once a member of the public has spoken, he/she shall not be recognized until all other members of the public who have not spoken have been given the chance to do so;
- (6) Members of the public who have not signed up shall be afforded time to speak after members of the public who have signed up.

BE IT FURTHER RESOLVED that the Clerk shall post a copy of this procedure where all other public notices are made and on the Borough's website.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYS: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption:

O-14-7 – Ordinance Moving Municipal Election to General November Election

Mr. Padula stated that this is a public hearing for Ordinance O-14-7. He wanted to clarify the ordinance title. As it listed on the ordinance, it says "ordinance moving the municipal election to the general November election." It is not actually moving the election; it is placing the question on the ballot to move it.

Mayor Nolan opened the public hearing.

Arnie Fuog of Valley Avenue asked if the election will be next May.

Ms. Ryan stated that she believes it will remain in May for two years.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Mr. Padula stated that if the public votes to change it back to November it will be effective the following November. Mr. Padula stated that Ms. Ryan is correct about the three year waiting period. The governing body can then choose to move it back to November. Putting on out to the public for referendum is the only way to move it now.

Arnie Fuog asked what the advantages are to changing it back to November.

Mr. Padula stated that we would save money; we would have one less election.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of Ordinance O-14-7 for final reading and adoption.

Mayor Nolan offered the following ordinance and moved on its final reading and adoption:

O-14-7

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
AN ORDINANCE PLACING THE QUESTION OF
WHETHER THE BOROUGH OF HIGHLANDS REGULAR
MUNICIPAL ELECTIONS CURRENTLY HELD ON THE
SECOND TUESDAY IN MAY SHALL BE HELD ON THE
DAY OF THE GENERAL ELECTION, THE TUESDAY
AFTER THE FIRST MONDAY IN NOVEMBER**

WHEREAS, the “Uniform Nonpartisan Elections Law” at N.J.S.A. 40:45-5, et seq. permits a municipality to, by ordinance, choose to hold regular municipal elections on the day of the general election, the Tuesday after the first Monday in November; and

WHEREAS, the Borough residents at the November 5, 2013 general election adopted, by referendum, an ordinance providing that “The Charter of the Borough of Highlands governed by Small Municipality Plan C is hereby amended to provide for the holding of regular (i.e., non-partisan) municipal elections in May”; and

WHEREAS, pursuant to N.J.S.A. 40:69A-196(a), the Governing Body may within 3 years immediately following the date of adoption of the ordinance changing the date and type of municipal elections, submit a proposition for the amendment of that ordinance to the voters at the succeeding regular municipal election; and

WHEREAS, some Borough residents have expressed a desire to hold regular municipal elections on the day of the general election; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to submit to the voters of the Borough of Highlands at the next regular municipal election, the question of whether regular municipal elections shall be held on the day of the general election, the Tuesday after the first Monday in November.

NOW, THEREFORE BE IT ORDAINED as follows:

Section One. The following question shall be submitted to the voters of the Borough of Highlands at the next general election to be held on November 4, 2014:

	Yes	Shall the Borough of Highlands adopt an ordinance changing the date of the regular municipal elections from the second Tuesday of May to the day of the general election, the Tuesday after the first Monday in November, commencing with the 2015 municipal election
	No	

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Section Two. 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 Three. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section Four. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYS: None
ABSENT: Ms. Kane
ABSTAIN: None

O-14-15 – Ordinance Annexing a Parcel of Land

Mr. Padula recommended that this ordinance be tabled.

Mayor Nolan offered a motion to table Ordinance O-14-15 indefinitely.

Mr. Francy offered a motion to table O-14-15, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYS: None
ABSENT: Ms. Kane
ABSTAIN: None

Other Business:

Borough Engineer's Status Report

Mr. Leubner read thru his report.

The following is the status of various projects in which we are involved as Borough Engineer:

Capital Improvement Projects

1. **Flood Reduction Program:** We have requested to be included in the 2015 EIT funding cycle at this time. We are also currently seeking other Federal funding options in an effort to move the project forward. As authorized, we are finalizing the plans, reviewing the plans to current codes and standards, reviewing for potential conflicts between the potential Army Corps project and supplemental drainage pipe from Route 36 and have updated the Army Corps permit.
2. **The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.
 - Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

- Draft plans have been submitted to the Governing Body for review. We will advertise the project once bonding is in place and we are authorized to do so.
- Awaiting further direction from the Governing Body with regards to the overall size of the station. Based on the current floodmaps, the overall height of the station can be reduced by four feet.
- Access agreements are required from the adjacent property owners for construction purposes.
- Pumping Services repaired and installed the existing pump to operate the station.

3. **The Reconstruction of Bayside Drive:** The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.

Bid Date:	April 30, 2013
Award Date:	May 1, 2013
Contractor:	Esposito Construction, LLC, Matawan, NJ
Amount:	\$110,955.00

- Concerns have been raised pertaining to material disposal and water levels within the ditch area. Test results have been received on the material and the material will be disposed of appropriately.
- Remaining concrete wall has been constructed.
- Project has been substantially completed.
- Contractor has been on site several times to complete top soiling. This item is still not satisfactory.
- Project is now complete with the exception of minor topsoil repairs from recent settlements.
- Discrepancies were found with final Contractor quantities. These quantities are currently being negotiated.

4. **The Replacement of the Bay Street Retaining Wall:** This project will replace the failing retaining wall on Bay Street along the frontage of house #8.

- Project was recently authorized by the Mayor and Council.
- Project design is underway.
- Soil borings have been completed.
- Direction provided by Council was to proceed with the imprinted concrete panel wall system as opposed to a more industrial option.
- Plans are complete and under final review.

5. **The Waterwitch Avenue & Linden Avenue Drainage Project:** The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.

- Project study and design are underway.
- Project survey has been completed.
- DPW and PD provided assistance to access paved over sanitary sewer manholes throughout the project area. All field work has now been completed.
- Design is progressing to completion.
- Issues pertaining to chamber at Jones Creek. Investigating enlarging chamber further to accommodate the proposed piping as well as the piping from the Stormwater System Improvement Project.
- Addressing concerns associated with crossing of 48" MCBOA sanitary sewer main on Shore Drive.

Grants and Loans

1. **Monmouth County Community Development Block Grant:** The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on prior discussions with the County.
2. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

3. **FY 2014 NJDOT Local Aid Applications:** As requested, T&M Associates prepared and submitted a Local Aid application for consideration for Shrewsbury Avenue from Bay Avenue to Miller Street. The Borough has been advised that the NJDOT will be funding \$210,000 towards this project.

Mr. Francy asked about a peer review of the Flood Control Program that Mr. Leubner is currently working on. Mr. Francy would like to have a public presentation made from the review.

Mr. Leubner stated that it will be done.

Tree Permit Inspector Position

Mr. Hill explained that Mr. Francy has been doing this in the past. He asked if he will continue to do so.

Mr. Francy stated that his only reservation would be the steep slope ordinance that we have in place. There are conditions about the steep slope that he does not feel he has the skill set for.

Mr. Francy said he would accept the appointment but pending the Environmental Commission making a recommendations regarding vegetation on the steep slope.

Mr. Hill thanked Mr. Francy.

Future with Hope – Concert in the Park

Mr. Hill explained that Future with Hope has continued to bring volunteers into town. They have a youth group that is coming in from Virginia. They are asking for our support and permission in doing a free concert on Thursday, June 26th. They will do it at Veteran's or Huddy Park.

Mayor Nolan stated that it is the York River District Youth Choir from Virginia. They have 55 members.

The Governing body gave full support.

Mr. Hill will update council and Chief Joe Blewett of the time and place.

Community Development Program – Facility Use Request

Mr. Hill explained that he was notified by the Monmouth County Community Development Program of a new program for home repairs due to Superstorm Sandy. He read the letter to the council. The funding for this program came from NJ Department of Human Services Division of Aging. He explained the criteria to be met. Monmouth County would like to use 19 Bay Avenue on Friday, June 27th from 10 am to 4 pm to do intakes for our area. He recommends supporting this. We have a great working relationship with the County and programs like this. Mr. Hill gave out contact information. Douglas Rice is in charge of the program. He can be reached by email at: douglas.rice@co.mon.nj.us or (732) 431-7460.

Ms. Ryan asked how this is being publicized.

Mr. Hill explained that they are asking for our assistance. We will put it on our website. They will also post information on the County website.

Council was all in favor.

Mayor Nolan thanked Mr. Francy for six years plus of service.

Mr. Francy thanked all. He enjoyed doing it. He will continue to stay involved.

Public Portion:

Kim Skorka of 315 Shore Drive stated that she is waiting for some responses and will post them on the blog as she gets them. She would also like to see regular updates from all committees. She explained that she had problems with the website when using her phone. It only showed

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

commercial information. There was no Borough information. She also thanked Mr. Hill for having the sidewalk repaired on Shore Drive.

Ms. Ryan said she is meeting with Ken Brawell on Friday to go over the website.

Mr. Hill mentioned that if you put in highlandsnj.us, it pulls up all information.

Melissa Pederson of 17 Bay Street said the State is going to have a three minute limit for questions from the public.

Mayor Nolan stated that we will change it if that is approved.

Claudette D'Arrigo of 12 Seadrift Avenue spoke of her problems with her insurance company. She stated that Mr. Leubner has given her all the right information and direction. She further explained her problems with her insurance company. She also spoke of a home next to her that appears to be vacant.

Mr. Hill will speak to Code Enforcement about the property status of that house.

Mr. Francy asked if her complaints are based on FEMA zoning.

Claudette D'Arrigo further explained her issues.

Mayor Nolan directed Mr. Hill to give Claudette contact information for Congressman Pallone.

Carolyn Broullon of 12 Miller Street spoke of amendments to the Open Meeting Act and a list of other changes being available.

Barbara Ianucci – passed.

Anne Marie Tierney of 29 Shrewsbury Avenue asked if all the liquor licenses were approved.

Mayor Nolan responded yes.

Anne Marie Tierney asked about the Windansea license and if we can put specific conditions on specific bars.

Mr. Padula explained that there was not an ABC condition placed on the license. We are taking other routes thru construction, fire and code enforcement.

Anne Marie Tierney feels that this should have been discussed in public. She is very disappointed in the council. She feels that the council should give the public a chance.

Arnie Fuog of 50 Valley Avenue asked if the property maintenance officer is still working.

Mr. Hill said she is still working. He did not have a report but she is still out. He said there were approximately 16 summonses issued recently.

Arnie Fuog spoke of plywood on windows on Bay Avenue.

Mr. Hill stated that he needs the exact address. He said some properties on Bay Avenue were issued summonses, have been heard in court. He does not know what the outcome is on any particular property. He would need an address and check with the Property Maintenance Officer.

**Borough of Highlands
Mayor & Council
Regular Meeting
June 18, 2014**

Tricia Rivera of Waterwitch Avenue asked about the grants we have applied for.

Mr. Hill explained the TAP program for Bay Avenue improvements that was discussed tonight. They are also working with the engineers on other grant applications. Millennium does give them a monthly report for the first meeting of the month.

Tricia Rivera also spoke of Jones Creek and overflowing on rainy days.

Mr. Leubner explained that a lot of that depends on the tides and when the rain hits. He explained the new pump station will make a difference. He further explained how it will operate.

Mr. Francy asked how far down the pipe will go at Jones Creek.

Mr. Leubner explained it will be going to the chamber instead of going all the way down. That may be something we can investigate later on.

Tricia Rivera asked about sewer pipe conditions.

Mr. Leubner explained that a lot of the pipes need to be cleaned again. Living close to the water has a lot to do with problems. He said that some of the pipes are old.

Mayor Nolan stated that he has seen photos of the old pipes and there is a lot of infiltration.

Discussion between Mr. Leubner and Tricia Rivera continued briefly.

There were no further questions.

Mayor Nolan offered a motion to adjourn, seconded by Mr. Francy and all were in favor.

The Meeting adjourned at 9:03 p.m.

Debby Dailey, Deputy Clerk