

Borough of Highlands
Planning Board
Regular Meeting
December 11, 2014

Mr. Stockton called the meeting to order at 7:44 P.M.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Planning Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Hill, Mr. Redmond, Mr. Britton, Mr. Korn, Mr. Francy,
Mr. Wells, Mr. O'Neil, Mr. Stockton

Absent: Mayor Nolan, Mr. Colby, Mr. Danzeisen,

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Robert Keady, P.E., Board

Review RFP's for Master Plan Professional Planning Services

Mr. Francy – the Governing Body at last night's meeting talked about only one bid being submitted. We are thinking that we want more bids to redo the RFP's one more time.

Board has discussions on the Request for Proposal.

Mr. Francy stated he has spoken with providers of service who expressed problems with the Request for Proposal document and that's why they did not submit a bid.

Mr. Serpico – The Council will appoint the Planner only because the RFP states Council will appoint and not the Planning Board. We are hired to do a Master Plan and these are the terms of the RFP.

Mr. Francy spoke about one essential element that professionals found to be difficult.

Mr. Serpico – you need to be careful because if they had a problem with this they should have written it and not approach a board member.

Mr. Francy again spoke about the problem with the RFP document.

Board continues discussions on this matter.

Mr. Korn stated that we have to react to the RFP.

Mrs. Cummins – the RFP document was emailed to Planning Board prior to being released.

Board continued to have discussions.

Mr. Serpico explained the Request for Proposal process to the board.

Mr. Francy offered a motion to review the RFP with the Council and table and redo the RFP's. Seconded by Mr. Britton and NOT approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Britton, Mr. Francy

NAYE: Mr. Hill, Mr. Redmond, Mr. Korn, Mr. Wells, Mr. O'Neil, Mr. Stockton

Motion Failed.

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Mr. Britton stated that we should send back to Council to make the decision.

Mr. Francy continued to express his desire to redo the RFP.

Mr. Stockton disagreed with Mr. Francy. He stated that we have a solid RFP and we have the ability to make recommendation to the Council to award the contract. He reminded Mr. Francy that he was the one that wanted to get the Master Plan process started.

Board has more discussions.

Mr. Wells – have we seen the one received RFP?

Mr. Stockton – no

Mr. Korn recommends to the Planning Board to appoint the firm who submitted the RFP, which was T & M Associates who are highly qualified and to move forward with the process and to review the RFP from T & M. The Board needs to move on .

Mr. Stockton – send RFP to the Master Plan Subcommittee to review and have them review and make recommendations to the board.

Mrs. Cummins questioned Mr. Serpico about the T & M RFP being subject to OPRA.

Mr. Serpico – once the bid is opened.

Mr. O’Neil – don’t open the RFP and send to Council to make decision.

Discussions continued.

Mr. Serpico continued to explain the RFP process and informed the board to not open the RFP or review if the board is not going to move.

Mr. Francy continued to complain about the RFP document and stated that we were looking for a Master Plan not to reexamine the Master Plan.

Mr. O’Neil – we all approved the Request for Proposal document and approved it.

Mr. O’Neil offered a motion to not review the T & M RFP and that it be sent to the Governing Body to approve. Seconded by Mr. Britton and approved on the following roll call vote:

ROLL CALL

AYE: Mr. Hill, Mr. Redmond, Mr. Britton, Mr. Korn, Mr. Francy,
Mr. Wells, Mr. O’Neil, Mr. Stockton

NAY: None

ABSTAIN: None

Resolution Awarding Professional Legal Services Contract for Master Plan

Mr. Hill offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES
FOR MASTER PLAN REEXAMINATION
JACK SERPICO**

WHEREAS, the Borough of Highlands Planning Board has a need for

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Professional legal services for the Reexamination of the Master Plan as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Jack Serpico, Esq., is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$4,500 plus reimbursable expenses per for Professional Legal Services for the Reexamination of the Master Plan provided to the Borough of Highlands for the period of one year; and

WHEREAS, the law office of Jack Serpico, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Jack Serpico, Esq. 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 Jack Serpico, Esq. from making any reportable contributions through the term of the contract, and

WHEREAS, Jack Serpico, Esq. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from Bond Ordinance O-14-11.

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough of Highlands Planning Board as follows:

1. Jack Serpico, Esq. is hereby retained to provide professional legal services as described above for an amount not to exceed \$4,500 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Board Chairman and Borough Clerk are hereby authorized to execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Hill, Mr. Redmond, Mr. Britton, Mr. Korn, Mr. Francy,
Mr. Wells, Mr. Stockton

NAYES: None

ABSTAIN: None

Schedule of Master Plan Subcommittee Meeting Dates

Board had discussions about scheduling Master Plan Subcommittee Meeting Dates.

Review of Ordinance O-14-33

The Board reviewed Ordinance O-14-33.

Mr. Serpico explained that the Council wants the board to provide a definition of a bungalow colony.

Board has discussions about a definition already in the Land Use Ordinance and there is no need to change it.

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

RESOLUTION

**BOROUGH OF HIGHLANDS PLANNING BOARD REVIEW AND
RECOMMENDATIONS FOR PROPOSED ORDINANCE No. 0-14-33, AMENDING THE
ZONING ORDINANCES OF THE BOROUGH OF HIGHLANDS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of potential zoning ordinance amendments that will amend Section 21-86, of the Borough Zoning Ordinance pertaining to existing bungalow colonies; and

WHEREAS, the Municipal Land Use Act, NJSA 40:55D-26 & 64, set forth the issues to be considered by the Board and requires that the Planning Board prepare and transmit a report back to the Governing Body; and

WHEREAS, the Board conducted a review of the proposed amendments on November 13 and December 11, 2014; and

WHEREAS, the Board received comments on the proposed amendments from members of the public and the members of the Board; and

WHEREAS, the Board discussed the second proposed amendment that sets forth a definition of a “bungalow colony” at the hearing held on December 11, 2014, pursuant to the requirements of the aforementioned statutes.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby adopts the findings and recommendations of the Board set forth below and further recommends that the Mayor and Council be guided accordingly when considering the adoption of the proposed Ordinance:

1. The Board recommends that the existing definition of a “Bungalow Colony”, set forth in the Borough Zoning and Development Ordinances be maintained.

BE IT FURTHER RESOLVED that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

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

ROLL CALL:

Ayes: Mr. Hill, Mr. Redmond, Mr. Britton, Mr. Korn, Mr. Francy, Mr. Wells,
Mr. Stockton

Nays: None

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Abstain: None

Approval of Minutes

Mr. Francy offered a motion to approve the November 2014 Planning Board Minutes. Seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Hill, Mr. Redmond, Mr. Britton, Mr. Korn, Mr. Francy, Mr. Stockton

NAY: None

ABSTAIN: None

Communications

The Board reviewed Freehold Soil letters and no action was required.

Mr. Francy questioned the Freehold Soil letter regarding the Borough.

Mr. Keady explained to Mr. Francy.

Mr. Mullen stated he was disappointed that no planning for the RFP and the Board should do own RFP.

Mr. Mullen then questioned the status of the Navesink Capital Project.

Mr. Keady explained that it's still in the Resolution compliance stage.

Mr. Francy offered a motion to adjourn the meeting. Seconded by Mr. Korn and all were in favor.

The meeting adjourned at 8:19 pm.

Carolyn Cummins, Board Secretary