

**Borough of Highlands
Mayor & Council
Regular Meeting/Regular Meeting
February 3, 2016**

Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave., Highlands

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

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

ROLL CALL:

Present: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

Absent: None

**Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Tax Collector
Bruce Padula, Borough Attorney
Ashley Malandre, Borough Attorney**

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1. Litigation: Clam Plant Lease, Tilt-Up Project Update,
Property Tax Demonstration Program, Louis Fundora-Riced**
- 2. Contract:**
- 3. Real Estate:**
- 4. Personnel Matters: Louis Fundora - Riced**
- 5. Investigation:**
- 6. Attorney-Client Privilege: Zoning Ordinance Amendments,
Cat Ordinance Amendments**

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.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.

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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. Broullon and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

NAYS: None

ABSENT: None

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting to order at 8:03 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance.

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ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution:

R-16-49 Resolution Appointing Borough Attorney

Mrs. Cummins read the title of R-16-49.

Mayor Nolan stated that this is against our form of government. He feels his only option is to file an injunction.

**R-16-49
RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR
YEAR 2016 &
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT**

WHEREAS, the Borough of Highlands has a need for Municipal Attorney to provide professional legal services to the Borough of Highlands for the calendar year 2016 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough advertised in an official newspaper and on the borough's website for the receipt of Request for Proposals for Legal Services; and

WHEREAS, the Borough received eight proposals from the following Law Firms:

1. Mauor, Savo, Camerino & Grant, PA
2. The Scott Arnette Law Firm, LLC
3. Eric M. Bernstien and Associates
4. Ronald P. Mondello, P.C.
5. Hoagland, Longo, Moran, Dunst & Doukas, LLP
6. Cleary, Jacobbe, Alfieri, Jacobos, LLC
7. Bachman & Newman, LLC
8. Long, Marmero & Associates, LLP

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor has offered the name of _____, Esq. of the law office of Bachman & Newman, LLC and it is so recognized;

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

WHEREAS, the law office of _____, has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Office 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 provide to prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of _____, LLC has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as Fair and Open contract for an amount not to exceed \$ _____ plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2016 through December 31, 2016 at rate of a monthly retainer in the amount of \$ _____ and an hourly rate of \$ _____ per hour for services outside of contract.

WHEREAS, _____, has submitted the attached contract for Professional legal services for the calendar year 2016; and

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WHEREAS, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2016; and

WHEREAS, certification of the availability of funds is hereby provided contingent upon the adoption of the 2016 Budget by the Chief Financial Officer.

Legal Other Expenses
Sewer Utility Other expenses

Patrick DeBlasio, CFO

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 Governing Body as follows:

1. _____, of the _____, LLC is hereby appointed as Borough Attorney for the calendar 2016 and is awarded a professional service contract for an amount not to exceed \$66,000 for professional legal services provided for the period of January 1, 2016 through December 31, 2016 and the Mayor and Borough Clerk are hereby authorized to execute contract.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		x	x			
CARD	x		x			
D'ARRIGO			x			
WELLS				x		
NOLAN				x		
ON CONSENT AGENDA			YES	x	NO	

NOTE:

1. A Motion was not offered by the Mayor.
2. The Motion did not include an individual's Name it just contained the name of a law firm. The Motion did not include language about a contract dollar amount or an hourly rate.
3. The Resolution at the Table did not include any dollar amounts or names.

Mr. Card requested a five minute recess to have the new law firm come to the table.

Mr. Padula stated that he is the Borough Attorney and as per case law, this is illegal. He sighted Baumann v. West Paterson, 93 N.J.S.446, which is also a Plan C Faulkner Act Municipality. This makes the resolution null and void.

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Mr. Card asked Howard Bachman, Esquire for his opinion.

Howard Bachman, Esquire, added that it is inappropriate to speak on pending litigation in public.

Mr. Padula stated that there isn't a pending litigation. He further explained the case law which he also gave a copy to Mr. Bachman.

Mr. Bachman stated that he should be sitting at the table and not Mr. Padula.

Mr. Padula disagreed.

Mr. Card made a motion for Howard Bachman to sit at the table and to release Mr. Padula from his responsibilities while under advisement, seconded by Ms. Broullon

Mrs. Wells spoke of lawsuits and the lack of communications. This will be a cost to the taxpayers.

Mr. Card stated that he did not deny communications. It is the Mayor's responsibility to speak to the council. He added that the Mayor has a right to file.

Mr. Padula stated that he will leave the table so as not to inhibit the meeting.

Mayor Nolan agreed he could leave the table, not the meeting.

Howard Bachman, Esquire then took a seat at the Council table.

Mr. Padula took a seat in the audience.

Public Comment Period on Consent Agenda Resolutions Only:

Mayor Nolan opened the public comment period.

Kim Skorka of 315 Shore Drive questioned Resolution R-16-49. She feels it is time for a new attorney. She spoke of Resolution R-16-52 and asked if there is a time frame for the owner to repay the town. She then questioned Resolution R-16-47 Engineering contract.

Mrs. Wells explained that last resolution is not under Consent Agenda.

Ms. Skorka continued to question the Payment of Bills and the purchase of printers and table games for the community center. She questioned if they were 2015 expenses.

Mr. DeBlasio stated that they were purchased in 2015.

Kim Skorka added that we should buy used equipment to save money.

Barbara Ianucci of 28 Shrewsbury Avenue said that the language of the resolution regarding public portion states that it's for all agenda items. She questioned an item on payment of bills for Bruno for grants. She feels that council should consider another agency. She further added that on Resolution R-16-60 there is a typo. She continued to speak on the cost of a lawsuit regarding the attorney that Mrs. Wells spoke of and it would not be a cost if council accepts this and not file a lawsuit.

Melissa Pederson of 15 Bay Street asked who signs off on purchases.

Mr. Hill explained that he signs off and the finance department.

Melissa Pederson questioned Mrs. Well's phone bill reimbursement. The bill is for \$52 and we reimburse her \$90.

Mr. Hill will look into the phone bill and the phone plan. There are other charges that are shared.

Carol Bucco of 330 Shore Drive also questioned the phone charges and the need for all to use a Borough phone. She further questioned why we are reducing the performance guarantee for Pulte Homes.

Mr. Card explained that the performance bond is for specific items. Once these items are done and inspected, the bond is reduced.

Carol Bucco inquired about a sewer repair on payment of bills.

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Mr. Card explained that there had been an accident and until it is vetted out, we need to make the repairs.

There were no further questions.

Mayor Nolan closed the public portion.

Consent Agenda:

Mayor Nolan asked if anyone had any items they would like to remove.

Mr. Card requested that Branin's bill gets pulled from the payment of bills.

**R-16-48
RESOLUTION
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

BLOCK LOT YEAR AMOUNT NAME

11.08 8 2015 \$594.26 Broten, Carroll Lynn

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			X YES			NO

**R-16-51
RESOLUTION
AMENDING R-14-181 & R-14-253
RESOLUTION FOR AN EMERGENCT CONDITION AND AUTHORIZING REPAIRS
AT THE SOUTH BAY AVENUE PUMP STATION**

WHEREAS, on September 17, 2014 the Borough adopted Resolution R-14-181 Resolution Declaring an Emergenct Condition and Authorizing Repairs at the South Bay Ave Pump Station and the Borough Engineer certified that an emergency condition existed within the South Bay Avenue Pump Station due to a malfunction which resulted in the Engineer's decision to repair/replace the unit on an expedited basis; and

WHEREAS, the following Resolutions were adopted:

R-14-181	September 17, 2014	\$38,845.00
R-14-253	December 10, 2014	\$22,052.09

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WHEREAS, this certification of Request for an Emergency Purchase is attached to the original of this resolution, a copy of which is on file in the Office of the Borough Clerk; and

WHEREAS, the Borough Engineer has deemed it necessary to invoke the provisions of N.J.S.A. 40A:11-6 to obtain the expeditious abatement of the above dangerous condition in a legal and timely manner and the Borough Purchasing Agent, and the Borough Administrator concurred that an emergency contract outside public bidding procedures was necessary to ensure the public health, safety and welfare of our employees as well as the citizens of Highlands; and

WHEREAS, Pumping Services submitted a proposal for said work to be performed at the South Bay Avenue Pumping Station, for the sum of \$38,845.00, as per their proposal attached to the original of this resolution, a copy of which is on file in the Office of the Borough Clerk; and

WHEREAS, the Borough is in need of amending the repair work at the South Bay Ave Pump Station which will result in an additional increase in the contract amount by \$6352.00

WHEREAS, the Borough Administrator has verbally advised Pumping Services to prepare for work on this project with the concurrence of the Purchasing Agent and Borough Administrator; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this work in Account 4-01-26-290-100-020

in the sum of \$6,352.00

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Contract with Pumping Services for the repairs to the South Bay Ave Pump Station is hereby amended from \$60,897.09 to an amended amount of \$\$67,249.09.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			X	YES	NO	

**R-16-52
BOROUGH OF HIGHLANDS
RESOLUTION AWARDED EMERGENCY REPAIR CONTRACT TO BRANIN
CONSTRUCTION COMPANY FOR THE REPAIR OF SEWER LINES AND
ASSOCIATED WORK DUE TO COMPROMISED LINE.**

WHEREAS, the Borough of Highlands may award emergency contract pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-6 without public advertising for bids when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, December 18, 2015 problems were reported regarding sewer lines located in and around Shore Drive and Gravelly Point Road ; and

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WHEREAS, the Borough Construction Official had determined that construction being performed at 5 Gravelly Point Road resulted in a compromise of the sewer line which necessitated immediate action; and that there was an emergency which threatened the public health and safety; and

WHEREAS, the Construction Official and Sewer Operator concurred that in order to alleviate the threat to the public health and safety that emergency repairs were necessary; and

WHEREAS, the Borough Construction Official, Sewer Department, Borough Engineer, Borough Administrator and Chief Financial Officer, and the Mayor were made aware of the emergency on December 18, 2015 and the need for invoking N.J.S.A. 40A:11-6; and

WHEREAS, Borough officials were present and determined that an emergency did exist and authorized the award of a contract for the sewer repair and associated work to Branin Construction Company, P.O. Box 415, Highlands, NJ 07732.

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

1. As a result of the compromised sewer line in and near 5 Gravelly Point Road home an emergency existed, which threatened the public health and safety of the Borough residents and required immediate repair.
2. The Borough approves an emergency contract with Branin Construction Company to make the necessary repairs not to exceed \$15,000.
3. Upon Branin Construction Company's completion of the emergency contract, it shall be entitled to payment and the governing body of the Borough shall take such action as shall be required to provide for the payment of the contract price.
4. The Borough shall seek reimbursement from the homeowner, contractor and/or its insurance company for this emergency repair and other associated costs as may be applicable.
5. The mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Branin Construction Company to effectuate the purposes of this resolution.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			X	YES		NO

**R-16-54
RESOLUTION APPROVING PARTICIPATION IN
"PAINT THE TOWN PINK"**

WHEREAS, the Borough of Highlands had supported and participated in Meridian Health's "Paint the Town Pink" in the past years and

WHEREAS, the Governing Body wishes to continue to participate in the annual "Paint the Town Pink" event that merges breast cancer prevention, detection, and treatment campaigns with a fundraising component that raises funds to provide free mammography screenings through the Pink Fund for uninsured and underserved women in the community.

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NOW, THEREFORE, BE IT RESOVLED by the Mayor and Council of the Borough of Highlands that the Borough of Highlands hereby approves of participating in the “ Paint the Town Pink” during the month of May of 2016.

BE IT FURHTER RESOVLVED that Mary Margaret Kurto is hereby designated as the Lead Volunteer in the organizing of the Borough’s participation in this event.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA		X	YES	NO		

**R-16-55
RESOLUTION APPROVING
COMPENSATION IN LIEU OF PAID
MEDICAL BENEFITS FOR IAN DOBENS**

WHEREAS, Ian Dobens is a full-time Police Officer; and

WHEREAS, Ian Dobens is currently a salaried employee; and entitled to receive medical benefits paid for by the Borough; and

WHEREAS, Ian Dobens has submitted an application on December 23, 2015 stating that he is waiving his rights to receive medical benefits from the Borough and opting to receive monetary compensation in lieu of medical benefits; and

WHEREAS, the New Jersey State Law allows an employee who is covered as a dependent, spouse or partner’s employer provided health benefits other than the State, to waive State Health Benefits coverage and to be paid \$5,000.00 annually or 25% of savings by employer; whichever is less.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands hereby authorizes compensation to Ian Dobens for an annual amount of \$5,000.00 or 25% whichever the less in lieu of medical benefits to be paid in addition to his annual salary.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			

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NOLAN	X		X			
ON CONSENT AGENDA		X	YES		NO	

**R-16-56
RESOLUTION AUTHORIZING
PLEDGE of Municipal Support for New Jersey’s Wildlife Action Plan**

This Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community the Borough of Highlands Municipality pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities,

WHEREAS, New Jersey’s wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people,

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats,

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined,

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens,

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State,

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey,

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey’s wildlife and wild spaces.

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NOW THEREFORE, we the Borough of Highlands, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Borough of Highlands an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.

Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.

Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.

We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.

We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.

When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.

When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			X	YES		NO

**R-16-57
RESOLUTION
Sustainable Land Use Pledge Resolution**

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over

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planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW THEREFORE, we the Borough of Highlands, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Borough of Highlands, a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			X	YES		NO

R-16-58

**RESOLUTION
Green Design –Municipal Buildings Resolution**

RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of

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potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the (identify name of municipality) desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the City desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices...etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling).

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby implements a Green Building Policy that:

will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA		X	YES		NO	

Attachment VII: Resolution

**Green Acres Program
State House Commission Pre-Application
Local Parkland – Minor Disposal/Diversion**

Highlands Borough - Monmouth County

**RESOLUTION
R-16-59**

**RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PRE-APPLICATION TO
THE NJDEP GREEN ACRES PROGRAM FOR
THE CONSTRUCTION OF THE PUMP HOUSE, GENERATOR AND CONDUIT**

WHEREAS, Block 97, Lot 1 is part of the Highlands Borough - Snug Harbor Beach and Robert D. Wilson Community Center which is encumbered with restrictions against disposal or

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diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed construction of the stormwater pump house and backup generator, it is necessary to remove the Green Acres restrictions from a 0.062 acre portion of Snug Harbor Beach and Robert D. Wilson Community Center; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Highlands Borough wishes to apply for approval for the construction of a pump house and backup generator as a minor disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, the first step in the application process for approval of a minor disposal or diversion of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.4 and;

WHEREAS, in accordance with N.J.A.C. 7:36-26.4(d)10, it is necessary for Highlands Borough to submit as part of the pre-application a Resolution endorsing the application to divert or dispose or parkland;

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

1. The Borough of Highlands endorses the filing of a pre-application for the Snug Harbor Beach and Robert D. Wilson Community Center for the construction of a pump house and backup generator pursuant to N.J.A.C. 7:36-26;

**Green Acres Program
State House Commission Pre-Application
Local Parkland – Minor Disposal/Diversion**

2. The Borough of Highlands hereby finds that Snug Harbor Beach and Robert D. Wilson Community Center construction of a pump house and backup generator would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by improving stormwater management infrastructure with the construction of the pump house to alleviate flooding and a backup generator to provide power to the pump station and community center during impending storms. If the community center is used for evacuating residents the backup generator would provide power in case of emergency or power outage.
3. The Borough of Highlands acknowledges that in order to obtain the approval of Snug Harbor Beach and Robert D. Wilson Community Center construction of pump house and back up generator, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.5; and
4. The Borough of Highlands acknowledges that in the event the Green Acres Program classifies the Snug Harbor Beach and Robert D. Wilson Community Center construction of a pump house and backup generator as a major disposal or diversion of parkland, additional application information will be required under N.J.A.C. 7:36-26 before the application can proceed.

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	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA		X	YES		NO	

**R-16-60
RESOLUTION APPROVING CHANGE ORDER #2
DEFINO CONTRACTING COMPANY
DECREASE OF \$91.00
BAY AVENUE AND SHORE DRIVE STREETScape IMPROVEMENTS PROJECT**

WHEREAS, Resolution R-15-159 was adopted on July 23, 2015 awarding a contract to DeFino Contracting Company for the Bay Ave and Shore Drive Streetscape Project as follows:

R-15-159	July 23, 2015	\$1,273,000.00
R-15-229	December 2, 2015	\$ 23.00 - Increase

WHEREAS, change order # 2 dated January 19, 2016 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Items 16, 19 and 20 have been reduced to reflect the current as-built quantities. Item 15 increased to reflect current as-built quantity,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 decreasing the original contract amount by \$19.00 is hereby authorized for the Bay Avenue and Shore Drive Streetscape Project. The contract amount is hereby amended to \$1,272,909.00.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA		X	YES		NO	

**R-16-63
RESOLUTION
AUTHORIZING REDUCTION NUMBER 1 OF PERFORMANCE GUARANTEES
FOR PULTE HOMES FOR PROPERTY LOCATED
AT BLOCK 101 LOT 27.02**

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WHEREAS, the applicant has requested the reduction of Performance Guarantees in the amount of \$1,735,641.00 (90% Performance Bond Amount posted by a surety bond and \$192,849.00 (10% Cash Portion) for Block 101 Lot 27.02; and

WHERAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and a report dated January 22, 2016 was provided by the Borough Engineer and he has recommended the reduction of said Performance Guarantees as follows:

	Original Guarantee	Proposed
Original Guarantee	\$1,735,641.00	\$1,015,659.00
Cash Portion:	\$ 192,849.00	\$ 112,851.00
Bonded Amount Bond#764626S:	\$1,735,641.00	\$1,015,659.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond Number 764626S for Pulte Homes for Block 101 Lots 27.02 is hereby reduced and the Chief Financial Officer, Borough Clerk and Borough Administrator are hereby authorized to execute the reduction of said bond to \$1,015,659.00.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			X	YES		NO

**RECAP OF PAYMENT OF BILLS
02/03/2016**

CURRENT:		\$ 1,434,249.04
Payroll	(01/15/2016)	\$ 131,193.20
Manual Checks		\$
Voided Checks		\$
SEWER ACCOUNT:		\$ 64,725.76
Payroll	(01/15/2016)	\$ 5,707.90
Manual Checks		\$
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 5,435.12
Payroll	(01/15/2016)	\$
Manual Checks		\$
Voided Checks		\$

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UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	110,437.24
Payroll	(01/15/2016)	\$	1,091.33
Manual Checks		\$	
Voided Checks		\$	
 DEVELOPER'S TRUST		 \$	
Manual Checks		\$	
Voided Checks		\$	

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.
REMOVED FROM THE PAYMENT OF BILLS**

BRANIN'S CONTRACTING CO. \$14,876.00

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA		X	YES		NO	

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion to approve the January 1st, 2016 minutes for approval, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYES: **Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan**
NAYES: **None**
ABSTAIN: **None**
ABSENT: **None**

Other Resolutions:

R-16-45 – Resolution Appointing Open Space Committee Members

Mrs. Cummins read the title of R-16-45.

R-16-45

**RESOLUTION APPOINTING MEMBERS
OF THE OPEN SPACE COMMITTEE**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Open Space Committee:

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- 1. Claudette D'Arrigo Council Representative Member
1 year term expiring 12/31/16
- 2. Doug Widman Regular Member 3 year term
to expire 12/31/18

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

R-16-47 – Resolution Authorizing Professional Engineering Services for Tax Map Update
Mrs. Cummins read the title of Resolution R-16-47.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-16-47
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands had a need for professional engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5. This contract is to provide professional engineering services to Update the Borough Tax Map; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$13,000.00 plus reimbursable expenses for Professional Engineering Services to provide professional engineering services to the Borough of Highlands during the year 2016 and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates 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 T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates 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:

I hereby certify funds are available as follows:

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Patrick DeBlasio, Chief Financial Office

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 Council of the Borough of Highlands as follows:

1. T & M Associates is hereby retained to provide professional engineering services as described above for an amount not to exceed \$ \$13,000.00 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 Mayor and Borough Clerk are hereby authorized to sign said contract.
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.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		x	x			
CARD			x			
D'ARRIGO			x			
WELLS			x			
NOLAN	x		xx			
ON CONSENT AGENDA			YES	x	NO	

R-16-50 – Resolution Appointing Auditor

Mrs. Cummins read the title of Resolution R-16-50.

**R-16-50
RESOLUTION APPOINTING MUNICIPAL AUDITOR FOR THE CALENDAR YEAR
2016 &
AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT
FOR PROFESSIONAL AUDITING SERVICES**

WHEREAS, the Borough of Highlands has a need for professional auditing services for the calendar year 2015; and

WHEREAS, the Borough has gone through the fair and open process, advertised on its website and in the for the solicitation for receipt of request for proposals for professional auditing services; and

WHEREAS, the Borough received the following three RFP:

- | | |
|---------------------------------|-------------|
| 1. Holman, Frenia, Allison P.C. | \$56,950.00 |
| 2. Hodulik & Morrison, PA | \$58,000.00 |
| 3. Fallon & Larson | \$60,400.00 |

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WHEREAS, the Borough has reviewed all proposals received and it was determined that the firm of Holman, Frenia , Allison PC, satisfies the requisites contained in the request for proposals to be considered for professional services that the Borough may require during the contract year; and

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

WHEREAS, the office of Holman, Frenia, Allison, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that the Auditing Office of Holman, Frenia, Allison, P.C. 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 provide prohibit the auditing office Holman, Frenia, Allison, P.C. from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Holman, Frenia, Allison, P.C. has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a fair and open contract pursuant to the firm of for an amount not to exceed \$56,950.00 plus reimbursable expenses for Professional auditing services provided to the Borough for the period of January 1, 2016 through December 31, 2016 in the amount not to be exceeded \$56,950.0.

WHEREAS, this contract is to be awarded for the price not to exceed \$56,950.00 as provided in the proposal with the certification of funds being provided by the Chief Financial Officer contingent upon the adoption of the 2016 municipal budget.

Account #5-01-20-135-000-157 - \$
#5-05-55-502-000-157- \$

Patrick DeBlasio, Chief Financial Officer

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

1. That the firm of Holman, Frenia, Allison LLP is hereby retained to provide professional auditing services for an amount not to exceed \$56,950 for a 12 month period to expire December 31, 2016.
2. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	<input checked="" type="checkbox"/>	NO	

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R-16-61 – Resolution Amending 2016 Temporary Budget

Mrs. Cummins read the title of Resolution R-16-61.

Mr. DeBlasio explained that this is an amendment to the temporary budget.

**R-16-61
RESOLUTION
AUTHORIZING AMENDMENT TO THE 2016 TEMPORARY
BUDGET**

WHEREAS, The Revised Statutes of New Jersey 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2016;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2016 and the adoption of the Local Budget for the Borough of Highlands, County of Monmouth and State of New Jersey for the fiscal Year 2016:

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
20-100	Administration	\$ 26,500.00	\$ 950.00
20-110	Mayor and Council	0.00	16,500.00
20-120	Municipal Clerk	17,000.00	9,012.50
20-130	Finance	31,000.00	4,625.00
20-135	Annual Audit		0.00
20-145	Tax Collection	15,500.00	2,500.00
20-150	Assessment of Taxes	6,625.00	10,375.00
20-152	Central Services	7,625.00	8,625.00
20-155	Legal Services and Costs		0.00
20-165	Engineering Services & Costs		0.00
21-180	Planning Board	1,500.00	5,762.50
21-185	Zoning Board of Adjustment	1,500.00	6,337.50
21-190	Affordable Housing	0.00	0.00
22-195	Construction Official	33,750.00	5,687.50
22-200	Code Enforcement	17,750.00	5,750.00
22-201	Code Substandard Housing		8,750.00
23-210	Insurance-Other		40,000.00
23-215	Workers Compensation Insurance		75,000.00
23-220	Medical-Surgical Insurance		875,000.00
23-230	Unemployment Compensation		0.00
25-240	Police	500,000.00	23,116.00
25-250	Police Dispatch	42,000.00	375.00
25-251	911 Telecommunications		3,500.00
25-252	Emergency Management	1,000.00	5,000.00
25-260	First Aid Contribution		7,500.00
25-262	PEOSHA		1,125.00
25-263	Fire Department		16,850.00
25-265	Uniform Fire Safety	6,875.00	1,250.00
25-275	Municipal Prosecutor	4,625.00	
26-290	Streets & Roads	57,500.00	12,500.00
26-292	Snow Removal	0.00	15,000.00
26-294	Stormwater Management		8,750.00
26-300	Mechanical Garage		1,000.00
26-305	Sanitation	500.00	9,625.00
26-306	Sanitation-Contractual		53,000.00
26-308	Recycling Tax		2,250.00

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26-309 Monmouth County Reclamation		50,000.00
26-310 Public Building & Grounds	5,000.00	17,500.00
26-312 Shade Tree Commission		225.00
26-325 Condo Services Act		7,000.00
27-335 Environmental Health		250.00
27-337 Monmouth County Regional Health		30,000.00
27-340 Dog Control		3,875.00
27-350 Substance Abuse		
28-360 Community Center	25,750.00	5,625.00
28-375 Parks & Playgrounds		2,800.00
28-376 Beachfront Maintenance	5,000.00	3,025.00
28-385 Public Events		675.00
29-390 Library		
30-415 Accumulated Time	8,000.00	
30-420 LOSAP		5,000.00
31-430 Utilities-Electric		12,500.00
31-435 Street Lighting		13,750.00
31-440 Telephone		7,500.00
31-445 Utilities-Water		2,750.00
31-446 Utilities-Natural Gas		3,750.00
31-450 Telecommunications		7,750.00
31-460 Utilities-Fuel		18,750.00
31-463 Utilities-Fire Hydrants		15,250.00
36-471 Public Employees Retirement System		62,552.50
36-472 Social Security System		30,000.00
36-475 Police & Fire Retirement		273,461.25
36-477 DCRP		1,250.00
41-714 Matching Funds for Grants		
42-490 Shared Agreement-Court		18,750.00
42-717 Interlocal-A.H.-Garage		19,250.00
43-490 Municipal Court	5,000.00	1,750.00
43-495 Public Defender	1,250.00	
44-901 Capital Improvement		0.00
45-910 Debt Service		0.00
		0.00
TOTALS	\$821,250.00	\$1,850,704.75

SEWER UTILITY

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
55-501 Operating		\$ 21,500.00	\$ 236,875.00
55-502 Shared Service-Operator			37,500.00
55-502 Insurances			19,125.00
55-502 Social Security			1,750.00
55-502 PERS			5,000.00
TOTALS		\$ 21,500.00	\$ 300,250.00

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD			X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES X	NO		

R-16-62 – Resolution Awarding Professional COAH Planning Services

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Mrs. Cummins read the title of Resolution R-16-62.

**R-16-62
RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT
RFP – PROFESSIONAL SERVICES FOR COAH PROFESSIONAL PLANNING
SERVICES**

WHEREAS, the Borough of Highlands has a need for professional COAH planning services; and

WHEREAS, the Borough advertised in the newspaper and on the borough’s website for the receipt of Request for Proposals for COAH Professional Services and the Borough received the following three proposals:

1. Heyer, Gruel & Associates
2. T & M Associates
3. Burgis Association, Inc.

WHEREAS, this contract is to be awarded for an amount not to exceed \$20,000.00 as provided in the proposal with the certification of funds being provided by the Chief Financial Officer

Account: Bond Ordinance O-14-11

Patrick DeBlasio, Chief Financial Officer

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

5. The firm of Heyer, Gruel & Associates is hereby retained to provide professional engineering/planning services for amount not to exceed \$20,000.00 .
6. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
7. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
D'ARRIGO			X			
CARD			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA			YES	X	NO	

HBP Amendment to Budget

Mrs. Cummins stated that after the budget was introduced and published, they had an amendment.

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Mr. Bachman stated that a resolution was not needed, only a motion excepting the amendment.

Mayor Nolan offered a motion to accept the amendment to the 2016 HBP Budget, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: None

R-16-64 – Resolution Accepting Resignation of Greg Wells

Mrs. Cummins read the title of R-16-64.

Mayor Nolan thanked Greg Wells.

R-16-64

**RESOLUTION ACCEPTING RESIGNATION
BOARD MEMBERS**

WHEREAS, Greg Wells, Planning Board Regular Member has submitted a letter of resignation from the Planning Board dated February 3, 2016; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough does hereby accept the resignation of Greg Wells, Regular Planning Board Member and thanks them for their service to the Community.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	x			
CARD						
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

Committee Reports:

Finance

Mr. DeBlasio stated that we are in the process of closing the books on 2015. We are preparing our annual financial statements. They should be available soon. The Tax Office is in a collection period right now from February 1st to February 10th.

Public Safety

Chief Blewett submitted his report to the Borough Clerk. It is posted on the website and Police Facebook page. He did add that the PBA is sponsoring a food drive for the Food Pantry.

Fire Department

Mr. Hill has update in his report. He will report on the First Aid in March.

Administration

Mr. Hill gave a brief summary of his report. His full report is posted below.

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1. Department of Public Works / Sanitation Services / Sewer

Brush and leaf pick-up completed for December.

2016 Bulk pick up by zones: March, June, September, December.

2016 Brush pick up by zones: April, May, September, October, November and December.

2016 Leaf pick up by zones: October, November, December. Please see website for zone detail, additional pick-up information and placement of items to avoid potential summons or violation notice.

Continued with pothole repairs, removal of trash / debris from roadways/right-of-ways, and cleaning of various storm drains.

Snow removal done in conjunction with OEM operations during the recent snow event.

Sanitation – various reports of dumpsters that were snowed in and not cleared for trash removal. There were also safety concerns reported on some roadways that trucks were not able to travel, thus delaying pick-up.

Sewer – Addressed various minor blockages throughout the month and working with property owners regarding Sandy related issues during rebuild. Pump stations all functional during storm event.

2. BUILDING AND HOUSING

a. Construction Office – (January 2016) New Permits 28 Permit Updates: 12, 76 Technical sub-code inspections, Fees = \$18,706.00 Cost of Construction as listed on permits: \$598,790.

b. Code Enforcement - 88 Total inspections 24 CO's 16 passed 48 Failed inspections & 19 summons issued (property maintenance, CO, and upkeep)

c. Zoning Office:

ZONING: 5 Approvals, 2 Zoning Compliance Determinations.

FLOODPLAIN: 4 Approvals, 23 Letters of Compliance, 1 Letter of Compliance, 2 Floodzone Requirements Letters.

3. Fire Department

Calls: 22 total calls

The Highlands fire department responded 22 calls from mutual aid to assisting the highlands first aid squad.

Training: With the start of the New Year the members of the Highlands Fire department have begun the annual Hazmat-right to know, blood borne pathogens refresher classes.

Storm preparation: With winter storm Jonas nearing the east coast of the U.S. the Highlands fire department prepped the fire house for the snow storm and possible tidal surges. With the Highlands OEM, HFD prepped the firehouse, and other emergency equipment for the upcoming storm.

4. OEM – Conducted pre-Jonas meetings with municipal departments, school officials, housing authority officials, and items relating to shared services.

Initiated messages, via reverse 911, web site, sign message boards, and door to door contact where required.

Participated in Monmouth County Conference Calls throughout event.

Provided situational reports to municipal officials and county as Jonas impacts were assessed.

Established alternate EOC plans and enacted local state of emergency due to intense weather.

5. FIRST AID: Will update in March.

6. RECREATION DEPARTMENT

a. Kids on the Move Program - 41 registered

b. Adult Open Gym Indoor Soccer - 31 registered

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- c. Middle School Open Gym Night - 4 registered
- d. High School Open Gym Night - 7 registered
- e. Community Center Group Usage - 6 groups registered for various meeting purposes.

Upcoming Recreation Events / Programs

1. **Kids on the Move Program** - September 21, 2015 - June 8, 2016, Monday, Tuesday, & Wednesday afternoons from 3-5 pm at the **Robert D. Wilson Memorial Community Center**. This program is for Highlands residents ages **8-14**. You can pick up an application at the Borough Hall Trailer located at 42 Shore Drive or at the Community Center. Please call 732-872-1224 ext. 232 for more information.
2. **Adult Open Gym Indoor Soccer** - Wednesday evenings, December 2, 2015 - March 23, 2016 from **7:30 pm - 9:30 pm** at the Henry Hudson Regional School Gym. All participants must register with the Recreation Dept. to participate. You must be at least 18 years old to play and you can register on-site the night you attend. Program slots may be limited. For further information, please call 732-872-1224 ext. 232.
3. **Open Gym Night - Middle School & High School** - The Borough of Highlands Recreation Dept. and the Atlantic Highlands Recreation Committee are offering Open Gym Night for Middle School and High School students living in Highlands and Atlantic Highlands. The program will take place on Thursday evenings starting January 14th and ending March 17th at the Highlands Elementary School Gym. Middle School, Grades 6-8, will be 6:00 pm - 7:00 pm and High School, Grades 9-12, will be 7:00 pm - 8:00 pm. All participants must register in order to play. A parent or guardian must fill out and sign a registration form. Registration forms are available at the Highlands Community Center located at 22 Snug Harbor Ave. or on the www.ahnj.com website under Recreation. For further information, please contact the Highlands Recreation Dept. at 732-872-1224 ext. 232.
4. **High School Teen Nights** - Sponsored by the Highlands / Atlantic Highlands Municipal Alliance and the Highlands Recreation Dept., for grades 9-12, Friday nights - March 11th & 18th, April 22nd, May 20th, and June 24th from 7:00 pm - 9:30 pm at the Robert D. Wilson Memorial Community Center. The event is FREE and pizza and soda will be served. For more information, please contact Heather DiBlasi.
5. **Middle School Teen Nights** - Sponsored by the Highlands / Atlantic Highlands Municipal Alliance and the Highlands Recreation Dept., for grades 7&8, Friday nights - February 19th, April 8th, and June 10th from 7:00 pm - 9:30 pm at the Robert D. Wilson Memorial Community Center. The event is FREE and pizza and soda will be served. For more information, please contact Heather DiBlasi.
6. **Lifeguard Positions Available** - The Borough of Highlands Recreation Dept. is now accepting applications for Certified Lifeguards and a Head Lifeguard. Full and Part Time Seasonal Positions are available. Projected season to start Memorial Day Weekend through Labor Day. Must be certified in Open Water, First Aid, and CPR. If interested, please pick up an application at the Borough Hall Trailer located at 42 Shore Drive or at the Community Center located at 22 Snug Harbor Ave. You can also download an application at www.highlandsnj.us under Municipal Forms, then under Municipal Clerk Forms and click on Application for Employment. For more information, please contact the Highlands Recreation Dept. at 732-872-1224 ext. 232 or via email at communitycenter@highlandsnj.us.
7. **Highlands Senior Citizens Group** - The group is looking for more new members. Please join them for Business Meetings, Bingo & Lunch, Socials, and Special Events that will take place at the Robert D. Wilson Memorial Community Center on Thursday afternoons. Dues for the year are \$5.00 per person. If interested in joining, please contact Rose Pinho at 732-291-7512.

7. ADMINISTRATION

- a. Continue working with professionals, State OEM and FEMA reps with regards to Sandy related projects.
- b. Tilt-up Project: Follow up has been done with NJDEP regarding permitting process and RFP has been issued for possible demolition (due back by Feb. 10).
- c. Various meetings in January: Bruno Associates, State OEM, T&M Assoc., JCP&L, Santorini Construction, Budget Committee, Tomaino (Architect), Pre-construction meeting (Shrewsbury Avenue project), & NJ DCA (Unsafe Structures) and Sustainable Jersey update. Also met with Local OEM and municipal departments in preparation of storm, and clean up efforts.
- d. Continuing with Community Center punch-list and other items outside of contract.
- e. We had no reports of vehicular accidents or injuries during Jonas.

Board of Education

Mrs. Wells stated that there was no report for tonight. She added that she attended the Student of the Month. Henry Hudson will have an open house on Saturday, February 6th.

HBP

Ms. Broullon gave a brief summary of the report listed below.

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The HBP Board of Directors held its first 2016 Board meeting on January 25, 2016 at the Robert D. Wilson Community Center. New liaisons, Councilwoman Broullon and Planning Chair Stockton were welcomed.

Marketing & Events

Beef & Brew –Patrick’s Day Parade Fundraisers was held at Windansea on January 31st. Irish Step Dancers and members from two pipe bands provided entertainment. Co-Grand Marshals Joan Wicklund and Rosemary Ryan were honored and presented with their sash. The proceeds were \$4,220.00.

Chili Cook Off – The 4th Annual Chili Cook-Off is February 21, 3-7PM at Havana. Tickets are \$30.00 and include snacks, chili tasting, two beer tickets and two ballots to cast your vote on your favorite chili. There is a discount if two or more tickets are purchased. We are still accepting applications to compete. There will be two contests, the Professional (Commercial) Competition for Highlands’ restaurants and the Amateur Cook Off, open to residents. Registration is \$10.00 and the online registration can be found on www.highlandsnj.com.

2016 Visitor Guide – The Monmouth County Visitor Guide has been received and HBP took a full page ad and is featured in a two-page spread. The 2016 Calendar rack cards and Highlands guides have been distributed. Jeanne DeYoung, Monmouth County Tourism Director will take to all various trade shows scheduled. Some include, NYC Boat Show, NJ RV Show, the Philadelphia Flower Show, the NJ Flower and Garden Show and the Montreal Hunting, Fishing and Camping show as well as local rest areas and other regional events.

Visual Improvement

The Miller Hill Mural is in the final stage and there is one post card remaining. We will launch in March when complete. We are currently working with HPD, Captain Burton to get an inventory for new street signs such as no parking and speed limit signs. A sample sign is attached. We would like all new signage to be consistent and installed on new poles. We would like to utilize the decorative light poles where possible to put pertinent signs to reduce the number of metals poles drilled into the new sidewalks. The streetscape project was updated on the website to inform the public that work will resume in the Spring. We will work with Liaison Broullon to coordinate a construction meeting at that time. Captain Burton learned that there is a county rep to work with the T&M project manager for the signage on Bay Avenue. It is imperative that this is coordinated.

Economic Development – The Boardwalk railings are complete and the remaining BARTER work will be completed by TriBar in the Spring. We will have a dedication ceremony at that time.

New Business - We are awaiting the mercantile license approval for Yonique Yoga to plan welcome celebration and Ribbon Cutting.

Dr. Linda Morrone has purchased the Shawn Byrnes ESQ Bldg. located at 182 Bay Avenue and will be renovating for her veterinarian practice. All pertinent documents for Bay Avenue flood proofing and building requirements have been provided to them and the architect will submit the plans.

Property Maintenance Code Enforcement - Councilwoman Broullon provided a lengthy and informative report to HBP regarding the abandoned properties and we are very pleased with this action taken by the Governing Body. Thank You!

A presentation was made by Maureen Welch from the Highlands Borough Arts Council to solicit corporate membership and participation from HBP members.

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Shared Services

Mr. Hill explained that they have been working on an agreement with TOMSA. They will be reviewing it next week to make sure we are still in compliance. We are also reviewing the Sewer Pump Station shared services agreement with Atlantic Highlands where they provided the maintenance upkeep and service for the pump station on Shore Drive. He should have more information at the next meeting.

Mrs. Wells added that we need to work on the DPW yard since we will not be doing shared services and suggested that Mr. Card work on a Project Worksheet for restructuring.

Other Business:

Request for Approval of Bulkhead Repair for 42 S. Bay Avenue

Mrs. Cummins stated that we received a letter from Gary and Monica Badrick requesting approval of their application.

Mr. Card stated that he reviewed the application and has no problem with it.

Mr. Bachman will review it.

Mr. Hill is authorized to sign off on.

Mr. Card offered a motion authorizing Mr. Hill to sign off on the request after attorney review, seconded by Ms. Broullon and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

NAYES: None

ABSTAIN: None

ABSENT: None

Mayor's Appointments to Planning Board – Land Use Board

Mayor Nolan explained that the Zoning and Planning Boards have been combined. We are trying to streamline the process. He further explained the various types of appointments and named the appointments.

Mayor Nolan hereby made the following appointments to the Planning Board:

- | | |
|--|--|
| 1. Tim Hill - Class II Member | Borough Official Member for 1 year term to expire 12/31/16 |
| 2. Frank Nolan, Mayor – Class I Member | Mayor |
| 3. Doug Card, Council Rep – Class III Member
Mr. Card was Appointed by Governing Body | Council Member for a 4-year term to expire 12/31/16 |
| 4. Andrew Stockton – Class IV Member | Regular Member for 4-year term to expire 12/31/19 – New Expiration Date |
| 5. Larry Colby – Class IV Member | Regular Member for 4-year term to expire 12/31/18 = New Expiration Date |
| 6. Arthur Gallagher, Class IV Member | Regular Member for a 4-year term to expire 12/31/19 = New Expiration Date |
| 7. Ken Braswell, Class IV Member | Regular Member for a 4-year term to expire 12/31/19 = New Expiration Date |
| 8. Chris Francy, Class IV Member | Regular Member for a 4-year term to expire 12/31/18 = New Expiration Date |
| 9. Robert Knox, Class IV Member | Regular Member for a 4-year term to expire 12/31/18 = New Expiration Date |
| 10. James Fox, Alternate | Alternate #1 Member for a 2-year term to expire 12/31/17 = New Expiration Date |

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|------------------------------|---|
| 11. Bruce Kutosh, Alternate | Alternate #2 Member for a 2-year term to expire
12/31/16 = New Expiration Date |
| 12. Rosemary Ryan, Alternate | Alternate #3 Member for a 2-year term to expire
12/31/17 = New Expiration Date |
| 13. Greg Wells, Alternate | Alternate #4 Member for a 2-year term to expire
12/31/16 = New Expiration Date |

and seconded by Mrs. Wells and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: None

Public Portion:

Greg Wells of 246 Bayside Drive asked about the list for structures to be demolished.

Mr. Hill replied that he did not have the list with him. He described one on Bay Ave, one on Sea Drift and 2 on Gravelly Point Road.

Greg Wells asked if there is a Code Enforcement report.

Mr. Hill stated that there were 19 summonses and 88 inspections done last month. He asked Code Enforcement to break the summonses down to type.

Barbara Ianucci of 28 Shrewsbury Avenue questioned the ordinance that Land Use Board members are to be Highland residents and Mr. Hill is not a resident.

Mayor Nolan explained that he read that it has to be someone who worked for the Borough but he will look into the language.

Barbara Ianucci asked for an update on the abandonment property software.

Mr. Hill stated that it is being integrated with the construction office.

Claudette D'Arrigo added that he is working with a volunteer to research titles.

Barabara Ianucci spoke of Storm water Management and asked if we applied for the grant.

Mr. Hill explained that they are looking at different flood measures that they would fund.

Kim Skorka of 315 Shore Drive spoke of the tax map resolution and that Sea Bright bids out to various firms. She also spoke of the Tilt-Up project and that we should have the permits updated.

Mayor Nolan said it will be done.

Kim Skorka spoke of snow removal. It is very difficult to walk her dog when the borough does not plow sidewalks. The snow also gets plowed onto the sidewalks. She continued to complain about various locations not cleared. She spoke of adopting a clear sidewalks snow ordinance.

Mr. Card stated that he had a meeting with the various departments on Friday regarding snow removal. They addressed issues.

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Mrs. Wells spoke about in favor of a snow ordinance. She added that she spoke with the Chief and Code Enforcement and they are working on an ordinance.

Rosemary Flannery of Central Avenue spoke of having the boy scouts or other organizations help out with clearing sidewalks that are unable to clear their sidewalks rather than fine the residents.

Chris Francy of 36 Fifth Street spoke of the update of our tax map by T&M and what is there goal.

Mrs. Cummins explained that they will update subdivisions.

Chris Francy asked how it will available to the public.

Mr. Hill stated that the information is sent to the county and they will update their website.

Chris Francy asked what the COAH professionals will be doing for us.

Ms. Broullon stated that they will be doing a survey of the town and updating our requirements.

Mr. Francy questioned the \$137,000.00 from Exxon.

Mr. Hill stated that we did receive the check.

Dave Tauro 47 S. Bay Avenue inquired if we are going to lease the clam plant.

Mr. Hill stated that the Borough has not released or drafted an RFP.

Mayor Nolan added that there have been ongoing meetings with the Borough representatives. We should see some movement within the next 30 days.

Scott Kelly of Huddy Avenue complained about the work that Kiely is doing and the patches they have made to the road. They are caving in.

Mr. Hill explained that they are coming back for ongoing lifts in the neighborhood. We are in negotiations with them. He will notify them of the current conditions and need for repairs.

There were no further questions.

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

The Meeting adjourned at 9:06 p.m.

Debby Dailey, Deputy Clerk