

Mayor & Borough Council Reorganization Meeting Minutes
Community Center – 22 Snug Harbor – Highlands
Wednesday, September 5th 2018
7:00pm

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

Call to Order
Meeting Statement
Roll Call

WORKSHOP: ~~6:30PM~~

NO ITEMS ON THE WORKSHOP AGENDA

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege: Shadowlawn Development
Captain's Cove Marina
Form Based Code
PBA Contract
Open Space

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes

April 4th 2018
April 18th 2018

Resolutions

R-18-178 Accept Resignation of Patrolman
R-18-179 Appointing Special II Officer
R-18-188 Appoint Police Officer

Swearing In

Special II Officer James Trivett
Police Officer Conner J. McGrath

Resolutions & Public Hearings

R-18-180 Authorize Participation in Monmouth County Open Space Grant Program 2018 for
Renovation of Snug Harbor Park
R-18-181 Regarding the 2018 Mercantile License for Captain's Cove Marina

Consent Agenda

R-18-182 Approve Payment of the Bills
R-18-183 Authorize Refund of Tax Overpayment
R-18-184 Authorize Bid for Solid Waste & Recycling
R-18-185 Authorize Municipal Assistance/Shared Service Agreement with Monmouth County
R-18-186 Authorize to Enter Commodity Resale Agreement with Monmouth County
R-18-187 Waive Fees for Fire Safety Inspection Permit for Food Venders at Highlands Day

Resolutions

R-18-189 Award Contract for Valley Street Project
R-18-190 Rescind ACE Resolution
R-18-191 Refer Proposed Redevelopment Plan for Captain's Cove (B84, L2.01) to the LUB
R-18-192 Approve Request for Waiver of Alcohol Ban for Highlands Day

Ordinances: First Reading & Introduction

O-18-17 Renaming Paradise Lane to Lighthouse Point Road
O-18-18 Amend Chapter 16-3.5 Concerning Regulation of Grease Traps
O-18-19 Amend Salary Ordinance
O-18-20 Authorizing Tax Agreement with Sandy Hook Developers, LLC for B101, L27.03

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Other Business:

Portland Road & Peak Street Weight Limit

Administrator's Report

Police Chief's Report

Public Comments:

Adjourn

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The Meeting was called to order at 7:00pm.

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ROLL CALL:

Present: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil
Absent: None
Also Present: Bonnie Brookes, Borough Clerk
Brian Chabarek, Borough Attorney

Resolution to enter into Executive Session

A motion to enter Executive Session was offered by Mayor O’Neil and seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

The Resolution to enter Executive Session was properly approved.

Executive Session was ended at 8:24pm.

REGULAR MEETING:

The Meeting was called to order at 8:32pm.

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

Pledge of Allegiance was led Mayor O’Neil.

ROLL CALL

Present: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil
Absent: None
Also Present: Bonnie Brookes, Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DiBlasio, CFO
Ed Herrman, T&M Associates

Approval of Minutes:

April 4th 2018

A motion to approve the April 4th 2018 minutes was offered by Councilmember Broullon and seconded by Councilmember Ryan.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

The April 4th 2018 minutes were properly approved.

April 18th 2018 Minutes

A motion to approve the April 18th minutes was offered by Councilmember Ryan and seconded by Councilmember Broullon.

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ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo, Ryan & Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

The April 18th 2018 minutes were properly approved.

Resolutions

R-18-178 Accept Resignation of Patrolman

Mayor O'Neil motioned to approve Resolution 18-178 which was seconded by Councilmember Ryan.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo, Ryan & Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Resolution 18-178 was properly approved.

R-18-179 Appointing Special II Officer

Councilmember Ryan motioned to approve Resolution 18-179 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo, Ryan & Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Resolution 18-179 was properly approved.

R-18-188 Appoint Police Officer

Councilmember Broullon motioned to approve Resolution 18-188 which was seconded by Councilmember Ryan.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D'Arrigo, Ryan & Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Resolution 18-188 was properly approved.

Swearing In

Special Officer James Trivett and Police Officer Conner J. McGrath were both sworn in by Mayor O'Neil.

Resolutions & Public Hearings

R-18-180 Authorize Participation in Monmouth County Open Space Grant Program 2018 for Renovation of Snug Harbor Park

Drew Pavlick of CME Associates explained the grant program and suggested improvements to the parking lot, courts, and the possible addition of a spray park. He noted that a quick estimate for the project was \$300,000 and an additional \$350,000 for the spray park. Council discussed and thought the cost was steep.

Mayor O'Neil opened the meeting to the public for comment on Resolution 18-180.

Kim Skorka, Shore Drive, stated that Marine Park has a lot of issues that need to be addressed and would like to see other improvements in the Borough prior. She noted that a spray park does not make sense for the community. Councilmen Braswell explained that the Borough was actively working on Marine Park.

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Councilmember D'Arrigo discussed the Open Space Committee and having CME attend their meetings along with previous grants the Borough received.

Carla Cefalo, Gravelly Point Road, inquired when the Open Space Committee's minutes would be posted. Councilmember D'Arrigo noted that she would look into the minutes.

Tina Keammerer, Linden Avenue, inquired on the fate of the skatepark.

Mayor O'Neil closed the meeting to the public.

Councilmember Ryan motioned to approve Resolution 18-180 which was seconded by Councilmember Braswell.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O'Neil (4)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: Councilmember D'Arrigo (1)

Resolution 18-180 was properly approved.

R-18-181 Regarding the 2018 Mercantile License for Captain's Cove Marina

Mr. Chabarek noted the Borough Ordinances and State Statues that effect this issue. He provided history on correspondence and an agreement from May 2017 between the Borough and Fred Rosiak, owner of the Marina. He also informed the public that an urgent issue which needed to be addressed came to the Borough's attention which lead to this hearing. Mr. Chabarek presented evidence including the agreement between the Borough and Mr. Rosiak (BH1), 08/16/18 T&M Report (BH2), 08/20/2018 Correspondence to Mr. Rosiak informing him of this Hearing (BH3), Certified Mail Receipt for the 08/20/2018 Letter (BH4), 2018 Mercantile Licenses for Captain's Cove (BH5). He provided a copy of each to Mr. Rosiak.

Mr. Chabarek swore in Ed Herrman, Borough Engineer. Mr. Chabarek asked Mr. Herrman to summarize the report from T&M concerning their findings of the inspection of Captain's Cove Marina. Mr. Herrman explained how they were notified of the failures and what the failures were at the marina. He also noted the uniqueness of the bulkhead at the marina with it being anchored under Washington Avenue. Mr. Herrman provided a history of failures on the property and explained why the band-aids were not enough to correct the problem. He also explained how the marina is putting the homes on Rodger Avenue at risk for being compromised. Mr. Chabarek read some of the T&M report details into the record and asked Mr. Herrman to explain how the bulkhead was structurally built and the consequences of such to which Mr. Herrman obliged.

Fred Rosiak noted that the most recent issue with the bulkhead was due to the August 8th flash flood. Mr. Rosiak provided evidence including two (2) photos taken of the neighborhood as a result of the drains being blocked on 08/09/2018 by Mr. Rosiak (Capt. Cove 1), two (2) photos taken by Brian Cobb with reference to the flood line taken a block and a half away showing twenty-six (26) inches of water and flood line on a fence next to the marina (Capt. Cove 2), and a letter response to the 08/21/2018 e-mail to Ed Hermann with Administrator Kim Gonzales and Code Enforcement Officer Dave Mercado copied (Capt. Cove 3). He read into the record a letter by his engineer that calculated that three (3) million pounds of pressure was placed on the bulkhead which had nowhere to go due to blocked drains. In response to the agreement with the Borough, Mr. Rosiak explained that he completed three (3) of four (4) sections. He noted that he provided plans to Dale Lubner in August 2017 but did not get approval until June 2018.

Mr. Chabarek swore in Mr. Rosiak and inquired if there were any additional questions or witnesses.

Mr. Rosiak inquired if the Council was going to correct the drainage issue stating that his bulkhead would not have failed if it had not been for the poor drainage.

Mr. Herman explained some of the issues with the approval of part four (4) of Mr. Rosiak's plans. Mr. Rosiak explained the problems his engineers were trying to correct in the plans and the issue that the building was causing as it sat on the fix stops.

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Councilmember D’Arrigo questioned why Mr. Rosiak did not bring up the drainage issue to the Council previously. Mr. Rosiak responded that he had complained previously but the Borough never had a flash flood before. Councilmember D’Arrigo noted that the Council had been promised completion of this by October 2017 to which Mr. Rosiak explained that T&M was the hold up. Councilmember Broullon asked why the café was not a part of the plans if it is tied in to the issue. Mr. Rosiak noted that the Borough does not have jurisdiction over the fixed docks if they are in tidal water but allowed T&M to review this plan as requested by the engineer. He also commented that he did fix the road as required by the agreement.

Councilmember Ryan questioned when Mr. Rosiak thought he would have the repairs done to which he stated six (6) weeks but longer if there is inclement weather. Mr. Rosiak noted that he has all the material and is ready to go as soon as the crew is available to start again which he estimated for three (3) weeks from now.

Councilmember D’Arrigo noted that Mr. Rosiak had broken his promises in the past and inquired why he didn’t complain that the review was taking so long. Mr. Herrman stated that Mr. Rosiak’s engineer had not supplied the requested information and expressed concern over the alignment of the bulkhead. Mr. Rosiak commented that the alignment had always been off and there is no way to correct it.

Councilmember Braswell questioned if all the plans were now approved. Mr. Rosiak stated that until the building is fixed he cannot address the bulkhead. Councilmember Broullon inquired if six (6) to eight (8) weeks was sufficient and if it was not complete his mercantile license would not be reissued in 2019. She noted that the Borough has to take responsibility for their failures as well.

Mr. Rosiak stated that he was in the dark on the redevelopment plans. Councilmember Braswell explained that it provides more favorable zoning and Mayor O’Neil reviewed the entire process.

Mr. Rosiak and the Council discussed the impact the marina has had on the safety of the surrounding roads.

Councilmember D’Arrigo questioned Code Enforcement Officer Dave Mercado on the progress at Captain’s Cove Marina. Mr. Mercado noted that every storm there are issues with water coming in and out of the marina. He noted that the bulkhead was built in front of the old rotting bulkhead which causes the water to pond.

Ryan Cobb, Recreation Place, stated that he has seen all the floods and Mr. Rosiak always made emergency repairs in a timely manner. He added that it was challenging work due to the proximity of the homes and offered to move his boat if that would help. Mr. Herrman commented on the conditions.

Yaroslav Chelak, Huddy Avenue, noted that his road is always flooded, adding that water comes out from drains. He added that the flooding comes with the tides and if the bulkhead failed at least it could drain out if the drainage problem was corrected.

Frank Thomas, Huddy Avenue, stated there were always bumps in the road. He commented that the road always floods and that the drains are not adequate. Mr. Thomas pointed out that of all the owners Mr. Rosiak has spent the most time and money trying to correct the issues.

Mayor O’Neil closed the meeting to the public and asked the Council their opinions on the situations. Mr. Rosiak agreed to have complete by the end of November and was asked to keep the Borough updated on progress.

Councilmember Ryan motioned to table Resolution 18-181 until the October 17th 2018 Council Meeting which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: Non (0)

Resolution 18-181 was properly tabled until the October 17th 2018 Council Meeting.

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Consent Agenda

R-18-182 Approve Payment of the Bills
R-18-183 Authorize Refund of Tax Overpayment
R-18-184 Authorize Bid for Solid Waste & Recycling
R-18-185 Authorize Municipal Assistance/Shared Service Agreement with Monmouth County
R-18-186 Authorize to Enter Commodity Resale Agreement with Monmouth County
R-18-187 Waive Fees for Fire Safety Inspection Permit for Food Venders at Highlands Day
Mayor O’Neil motioned to approve the Consent Agenda which was seconded by Councilmember Broullon.

ROLL CALL:
AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O’Neil (4)
NAY: Councilmember D’Arrigo (1)
ABSENT: None (0)
ABSTAIN: None (0)

The Consent Agenda was properly approved.

Resolutions

R-18-189 Award Contract for Valley Street Project
Mayor O’Neil motioned to approve Resolution 18-189 which was seconded by Councilmember Broullon.

ROLL CALL:
AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Resolution 18-189 was properly approved.

R-18-190 Rescind ACE Resolution
Councilmember Broullon motioned to amend Resolution 18-190 to remove the second “Financial” which was seconded by Councilmember Ryan.

ROLL CALL:
AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O’Neil (4)
NAY: Councilmember D’Arrigo (1)
ABSENT: None (0)
ABSTAIN: None (0)

Resolution 18-190 was properly amended.

Mayor O’Neil motioned to approve Resolution 18-190 which was seconded by Councilmember Broullon.

Councilmember Braswell noted that this was not going to go away and the smart thing to do was create a strong resolution. He noted that the Borough has a letter stating that there is no cost to Highlands for the Feasibility Study and that is the only commitment the Borough is making, complete the study. He commented how their findings could help the Borough plan for correcting drainage issues as the study also looks at the storm water system.

Councilmember D’Arrigo disagreed stating that the Army Corp of Engineers (ACE) is not concerned about what is best for the Borough. She noted how Highlands is different than the rest of the Bayshore. She stated that once ACE gets their food in the door here they are going to force their way in.

Councilmember Broullon noted that the resolution requires a referendum to move forward with the project.

ROLL CALL:
AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O’Neil (4)
NAY: Councilmember D’Arrigo (1)
ABSENT: None (0)
ABSTAIN: None (0)

Resolution 18-190 was properly approved.

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R-18-191 Refer Proposed Redevelopment Plan for Captain’s Cove (B84, L2.01) to the LUB

Councilmember Ryan motioned to approve Resolution 18-191 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Resolution 18-191 was properly approved.

R-18-192 Approve Request for Waiver of Alcohol Ban for Highlands Day

Mayor O’Neil motioned to approve Resolution 18-192 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O’Neil (4)
NAY: Councilmember D’Arrigo (1)
ABSENT: None (0)
ABSTAIN: None (0)

Resolution 18-192 was properly approved.

Ordinance: Introduction & First Reading

O-18-17 Renaming Paradise Lane to Lighthouse Point Road

Mayor O’Neil motioned to introduce Ordinance 18-17 which was seconded by Councilmember D’Arrigo.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance 18-17 has been properly introduced and a public hearing will be held on September 20th 2018.

O-18-18 Amend Chapter 16-3.5 Concerning Regulation of Grease Traps

Councilmember Broullon motioned to introduce Ordinance 18-18 which was seconded by Councilmember Ryan.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance 18-18 has been properly introduced and a public hearing will be held on September 20th 2018.

O-18-19 Amend Salary Ordinance

Councilmember Ryan motioned to introduce Ordinance 18-19 which was seconded by Councilmember Broullon.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon & Ryan (3)
NAY: Councilmember D’Arrigo (1)
ABSENT: None (0)
ABSTAIN: Mayor O’Neil (1)

Ordinance 18-19 has been properly introduced and a public hearing will be held on September 20th 2018.

O-18-20 Authorizing Tax Agreement with Sandy Hook Developers, LLC for B101, L27.03

Councilmember Broullon motioned to introduce Ordinance 18-20 which was seconded by Mayor O’Neil.

ROLL CALL:

AYE: Councilmembers Braswell, Broullon, D’Arrigo, Ryan & Mayor O’Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

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Ordinance 18-20 has been properly introduced and a public hearing will be held on September 20th 2018.

Other Business

Portland Road & Peak Street Weight Limit

Mayor O’Neil stated that he would table this conversation to another time.

Administrator’s Report

Ms. Brookes read Ms. Gonzales report into the record. Ms. Gonzales’ report included an update on Portland Road, the Valley Street project, and the repaving of Bay Avenue by the County and Route 36 by the State. It also touched on updating the road opening ordinance, grading of Borough property, shredding day, a bike shared interested in starting in the Borough, and Highlands Day.

Police Chief’s Report

Chief Burton informed the public that the police do not monitor unofficial Highlands Facebook pages and explained how to file a complaint concerning parking or other issues in the Borough.

Councilmember Ryan informed the public concerning paving near Henry Hudson Regional High School.

Mayor O’Neil explained the delay to paving upper Portland Road and reminded the public of the Land Use Board Meeting the following day.

Councilmember D’Arrigo pointed out that the next Council Meeting was September 20th 2018.

Councilmember Broullon spoke about the bike sharing company that is interested in operating in the Borough. She stated that more research and information is needed.

Public Comment

Mayor O’Neil opened the meeting to the public.

Tom Kiely, John Street, stated that many people believe the Citibike program was a disaster and inquired where the bikes would be placed as it would take up already limited parking. Councilmember Broullon noted that they were in the very early stages and will do their homework and make an informed decision.

Carla Cefalo, Highlands Business Partnership (HBP), stated that Sea Bright would like the bike share as a shared service between four (4) municipalities and added that she thought it will only benefit Sea Bright as a community.

Garrett Newcomb, Kranky Cycles, noted that as a bike shop that rents bikes he sees this as a negative and also can change the small-town feel.

Steve Solop, Bay Avenue, stated that he thought the bike share would be great for Seastreak and encourage people to explore other parts of town.

Linda Mazzola, Marina Place, questioned the Council on an Alliance event that was held at the Community Center the previous week where Polaris LLC was present. Mr. Chabarek stated that the Council is not allowed to comment on Polaris LLC and that the Community Center was open to all and added that the Administrator will follow up with the Alliance.

Ms. Mazzola informed the Council that she was the Co-founder of the Action Committee and asked for a booth at Highlands Day since Polaris LLC was allowed to appeal to the Borough residents at the Alliance event. Mayor O’Neil stated that Highlands Day would be not a political event and noted that the Council was unaware that Polaris LLC was going to be there. Mr. Chabarek confirmed that her non-profit had been allowed to use the Community Center which she confirmed.

Carol Bucco, Shore Drive, inquired when Highlands Day came to be in addition to commenting on her displeasure that the Council waiving the alcohol ban at the Community Center and the waiving of fees. Ms. Brookes noted that the fees were being waiver for the venders, all of whom were from Highlands.

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Kim Skorka, Shore Drive, asked why the Borough could not have a dry event especially. She noted that the BID ordinance is still incorrect and said that the HBP should not be sponsoring a Narcan event. Ms. Skorka expressed her thoughts on the bike share and thanked the Council for passing the ACE Resolution.

Mayor O’Neil motioned to adjourn the meeting. The motion was not seconded. Mayor O’Neil left the Council Meeting at 10:38pm.

Martian Kiely, Shore Drive, said he was dumbfounded that the Borough is allowing someone to put a hole in the bulkhead. The Council ensured him that this was not the case. Mr. Kiely asked if they ever investigated making the marina a Blue Acres property.

Trish Rivera, Waterwitch Avenue, commented that Captain’s Cove is horrible and asked the Council to make this end. She questioned if the bike share would have helmets. Ms. Rivera thanked the Council for passing the ACE resolution and presented the Council with a petition asking them to pass it.

Steve Solop, Bay Avenue, reminded the Council of his history of complaints against the HBP and asked the Council to enforce their own ordinance. He suggested that Councilmember Broullon resign her position as liaison to the HBP and then resign from Council since she is not doing her job to make sure the HBP follow the ordinance and regulations.

Councilmember Broullon closed the meeting to the public.

Adjourn:

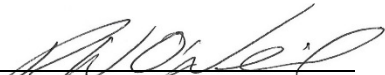
Councilmember Broullon motioned to adjourn the meeting which was seconded by Councilmember Ryan and approved by all present. The meeting was adjourned at 10:46 pm.

Approval of the Minutes

A motion to approve the Minutes of September 5th 2018 was made by Councilmember Ryan and seconded by Councilmember Broullon.

AYE: Councilmembers Braswell, Broullon, Ryan & Mayor O’Neil (4)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: Councilmember D’Arrigo (1)

I, Bonnie Brookes, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be the action of the Governing Body at its meeting held October 17, 2018.

Approve: 
Richard W. O’Neil, Mayor

Attest: 
Bonnie Brookes RMC, Municipal Clerk