

**Borough of Highlands
Mayor & Council
Regular Meeting
September 7, 2016
7:00 P.M.**

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

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

ROLL CALL:

Present: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells
Absent: Mayor Nolan; Brian Geoghegan, Borough Administrator
Also Present: Dwayne Harris, Acting Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO

Executive Session Resolution

**RESOLUTION
EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

o Attorney-Client Communications:

84 Navesink Ave – Mortgage Note
Clerk Authorizations Bingo/Raffle/Other
Social Media
Blue Mass

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

This motion was passed with the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)
NAY: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

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NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public is excluded from this meeting.

The Governing Body then entered into Executive Session.

**MAYOR AND COUNCIL REGULAR MEETING
SEPTEMBER 07, 2016**

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

Pledge of Allegiance/Roll Call

Executive Session - 7:00pm

Regular Meeting – 8:00pm

General/Other Business:

Carla Braswell – Presentation to Boy Scouts

T&M Open Space Discussion

Web Site Update

Green Team Certification Update

TNR Update

Unfinished Business:

1. O-16-14 –Standards/Requirements for Small Wind Energy Systems [Public Hearing/Adoption]
2. O-16-16 – Regulate the Removal of Snow/Ice on Public Sidewalks [Public Hearing/Adoption]

New Business:

1. O-16-18 Amending Borough Code – Chapter II Section 43 “Open Space Committee” [Introduction]
2. O-16-19 Mandating Direct Deposit for Municipal Employees [Introduction]
3. **Consent Agenda:** These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately.
 - a. Resolution 16-181 – Approving Raffle Licenses
 - b. Resolution 16-182 – Approving Social Affairs Permits [Highlands VFW Post #6902]

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- c. Resolution 16-183 – Authorizing an Electronic Tax Sale
 - d. Resolution 16-184 – Certifying 2015 Audit Report.
 - e. Resolution 16-185 – Endorsing 2016 Housing Element/Fair Share Plan
 - f. Resolution 16-187 – Payment of Bills
 - g. Resolution 16-188 – Authorizing Reduction to Performance Guarantees
- 4. Resolution 16-172 – Authorizing Planning Board Investigation - Block 105.107 Redevelopment
 - 5. Resolution 16-186 – Resolution to Amend the 2016 Municipal Budget

Public Comments:

Adjourn

Council President Broullon called the Regular Meeting to order at 8:07 p.m. and led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells

ABSENT: Mayor Nolan

ABSTAIN: None

Other Business:

Carla Braswell – Presentation to Boy Scouts:

Neither Carla Braswell nor the Boy Scouts were in attendance for this presentation.

T&M Open Space Discussion:

Stephanie MacAlary, a Grant Writer from T&M Associates, presented the Open Space application submission to the Monmouth County Open Space Grant Program.

T&M is proposing to install a family bathroom, an outdoor shower at the plaza, and an awning on the patio of the Robert D. Wilson Memorial Community Center. T&M is also proposing a family bathroom and an outdoor shower at Veteran’s Memorial Park. The Open Space Committee is proposing this as the first of four (4) phases.

The second phase is to install a family bathroom at Miller Street Beach along with small beach lockers at each beach area.

The third phase is the installation of a dock and boat launch pad at Veteran’s Memorial Park.

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The fourth phase is to provide handicap access to all beach areas.

Web Site Update:

Ms. Broullon stated the new website will be up and working October 1. She has been working with the department heads, committee members, and community groups for content.

Green Team Certification Update

Ms. Broullon has submitted 180 of 150 points towards certification. Once the certification process is complete, Highlands Borough will be able to apply for grants through Sustainable Jersey.

TNR Update

Ms. Broullon stated that since this programs inception in late May, 54 feral cats have been spayed/neutered and inoculated.

Unfinished Business:

Public Comment Period on O-16-14 –Standards/Requirements for Small Wind Energy Systems

Ms. Broullon stated that the concerns of resident Christian Leak (?), former Zoning Board member, have forwarded to the Land Use Board. The ordinance has also been sent to the Land Use Board.

Ms. Broullon then opened the floor for public comment.

Chris Francy of 36 Fifth Street spoke of Ordinance O-16-14. He said he is glad this was forwarded to the Land Use Board. He said he was concerned about the wording of this ordinance. He feels it needs more tools for the Zoning Board to control its development.

Mr. Francy stated that the only restriction in the wording was limiting it to 100kw and staying within the sidelines. He was concerned about shutting down the systems in high wind, the size of the blades, the height of the towers and the size in relation to property size, and the amount of noise.

Ms. Kane was concerned with how First Responders might have to handle emergencies near wind turbines.

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Ms. Broullon asked for any more comments.

(?) of (?) asked if there were any ordinances governing solar panels.

Mr. Card recommended that recommendations be made regarding solar panels as well.

ORDINANCE 16-14

**AN ORDINANCE ESTABLISHING THE STANDARDS AND REQUIREMENTS FOR THE USE OF
SMALL WIND ENERGY SYSTEMS**

**Public Comment Period on O-16-16 – Regulate the Removal of Snow/Ice on Public Sidewalks
[Public Hearing/Adoption]**

Ms. Broullon opened this up to public comment.

Mr. Greg (?) of 246 Bayside Drive, suggested removing cars as well.

Ms. Broullon said she would look into police enforcement.

An unidentified resident asked that residents be recused of snow/ice removal due to age/infirmary.

Ms. Broullon said that there are forms residents can fill out if they are disabled and/or aged. Emails would be sent to the borough administrator, the code enforcer and Lou at DPW regarding residents' inability to remove snow/ice.

Ms. Mary Saltzman of Snug Harbor stated that she felt the penalties were severe. She asked if it was standard practice.

Mr. Chabarek stated the penalties were statutory and guided by the municipal court.

Ms. Saltzman wanted to reiterate that she felt notification should go out to homeowners and exceptions should be made to those not here to carry out removal.

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Mr. Card stated that this was a tool for the code enforcement officer to be able to go after those who are negligent, not just to penalize people. He stated that information would be posted on the borough website.

Ms. Saltzman expressed concern for seasonal residents who would not be physically present in the borough to comply.

Mrs. Wells asked if there was a mailer and if notification could go out with it. She requested that notification go out with the tax bill so tax payers would not have to search for information.

An unidentified resident stated that "snowbirds" are not disabled and should hire contractors to take care of their property when they are not present.

An unidentified resident of Route 36, asked if every time the plow makes a pass by his property and piles up the snow, is it his responsibility to remove the snow each time?

Mr. Card stated that Dave Mercado, the code enforcement officer was aware of the situation on Route 36 and enforcement would be discretionary.

Ms. Broullon stated that Mr. Mercado would also reach out to DOT.

Chris Francy of 36 Fifth Street, stated that this is would be a lost opportunity for the town to provide a service to residents. He stated that the township owns self-propelled snow blowers that can remove twenty-five feet of snow in five minutes.

Ms. Broullon asked if he was saying that the borough be responsible for all snow removal.

Mr. Francy replied no but the township should be responsible for Bay Avenue, Ptak and areas where people are constantly using the sidewalks. Mr. Francy felt it was the borough's responsibility to make things better.

Mr. Card agreed that it was an opportunity but felt that the residents of this community should certainly contribute to making the borough safer.

Arnie Fuoz of 50 Valley Street, asked if the town would take care of the town's sidewalks just as it asks its residents to take care of their own sidewalks?

Mr. Card and Ms. Broullon responded yes. Ms. Broullon stated that the town would not mandate an ordinance that the town would not comply with.

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Ms. Kim Skorka of Shore Drive stated, in reference to Mr. Francy's comments regarding the borough plowing all of the sidewalks, the borough did not do the plowing of the sidewalks it was responsible for. The borough did not do the vacant lot on Valley, the borough hall, the fire department, nor the community center. She stated that she was aware of the new DPW management but felt it would be unfair to all residents if the borough did the snow plowing on Bay Avenue but was not responsible for other areas. She expressed a lack of confidence in any process of picking and choosing which areas would be plowed by the borough.

Mr. Card stated that the purpose of the ordinance is insurance liability. Mr. Card stated that he would vote "yes" for this ordinance, which is common to every community in the State of New Jersey, to protect the taxpayers. It is not intended to force homeowners to shovel snow but have homeowners accept the responsibility of liability. Mr. Card stated that this protects the community as a whole. He stated that this conversation should be reexamined.

Mr. Card offered a motion to reexamine O-16-16 in the spring, seconded by Ms. D'Arrigo and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)
NAYS: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

ORDINANCE 16-16

AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY SUPPLEMENTING CHAPTER EIGHT OF THE CODE OF THE BOROUGH OF HIGHLANDS TO REGULATE SNOW AND ICE REMOVAL ON SIDEWALKS

Ms. Broullon opened up the floor to public comments on O-16-18 Amending Borough Code – Chapter II Section 43 "Open Space Committee" [Introduction], O-16-19 Mandating Direct Deposit for Municipal Employees [Introduction], and the rest of the Consent Agenda.

Kim Skorka of Shore Drive stated that she has a lot of questions on the changes to the budget (Resolution 16-186 – Resolution to Amend the 2016 Municipal Budget) and requested an explanation.

Patrick De Blasio, CFO, stated that last week the governor announced that the borough is eligible for \$256,000.00 in grant money and the borough is ready to adopt their budget. The

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amendment was prepared and a public hearing will be held on the 23rd. He then summarized a number of changes to the budget.

Mr. De Blasio highlighted the need to adopt changes so the borough could pay bills on time and fund borough projects on a pay-as-you-go basis.

New Business:

Mr. Card added R-16-189 Auth Bid for Valley Street Pumpstation. This has already been bonded and is now out to bid.

Ms. Broullon opened up the floor to public comments on the rest of the agenda.

O-16-18 Amending Borough Code – Chapter II Section 43 “Open Space Committee”
[Introduction]

Mr. Charbarek introduced and stated the purpose of amending O-16-18 was to give the open space committee the authority to advise the borough council on which parcels of land to preserve and improve lands for open space, conservation, recreation and parklands by the Borough of Highlands.

A motion to adopt this ordinance was offered by Ms. D’Arrigo and was duly seconded by Mr. Card.

This motion was passed by the following vote:

Ayes: Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells (4)
Nays: None (0)
Abstain: Mayor Nolan (1)
Absent: None (0)

Public Hearing/Possible Adoption – September 21, 2016

O-16-19 Mandating Direct Deposit for Municipal Employees [Introduction]

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Mr. Charbarek introduced this ordinance and stated its purpose. He stated that exemptions would have to be brought before the governing body.

Mr. Card stated that implementing this ordinance is a substantial cost saving to the borough.

A motion to adopt this ordinance was introduced by Mr. Card and seconded by Ms. D'Arrigo.

The motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)
NAY: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

Public Comment Period on Consent Agenda Resolutions Only:

Mr. Card offered a motion to table Resolution 16-172 indefinitely. Ms. Broullon seconded with the opinion that no further discussion be had regarding R-16-172 until more information is available.

The resolution was tabled by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)
NAY: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately.

1. Resolution 16-181 – Approving Raffle Licenses
2. Resolution 16-182 – Approving Social Affairs Permits [Highlands VFW Post #6902]
3. Resolution 16-183 – Authorizing an Electronic Tax Sale
4. Resolution 16-184 – Certifying 2015 Audit Report.
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7. Resolution 16-188 – Authorizing Reduction to Performance Guarantees

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A motion to adopt this consent agenda was offered by Ms. Broullon and was duly seconded by Mr. Card.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)
NAY: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

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

Resolution 16-189 Authorization Bid On Valley Street Pump Station

Mr. Chabarek stated its purpose of this resolution the borough professionals recommend that this be advertised and put out to bid.

A motion to adopt this consent agenda was offered by Ms. Broullon and was duly seconded by Mr. Card.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)
NAY: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

Ms. Broullon offered some announcements before opening up to public comments. She stated that there will be ceremony Sunday, September 11, 2016, at the fire department at 11:00 a.m. There will also be a blood drive at the fire department on September 27, 2017 from 5:30 - 8:00 p.m.

Mr. Charbarek asked about a discussion to move up the October 19.

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Ms. Broullon moved the meeting October 19th meeting be moved up to October 18th so the council could show support for the blue mass in support of first responders and the police departments at Saint Agnes' Church on October 19th. This will be published in the newspaper and announced on the website.

Ms. Broullon opened up the floor to public comments.

Public Comments:

Ms. Carol Bucco of 330 Shore Drive, stated that her friends on Bay Street are very concerned about the runoff. She said that since Dale has been here, they had been promised pavement.

Mr. Card stated that the board has determined that the project would be over \$300,000.00 and the borough does not have the money.

Ms. Bucco was concerned about comments made about a fundraiser at the VFW to raise money to repair the VFW hall floor. She heard that someone had made derogatory remarks. She stated that this was a good event and it deserved support. It is a picnic from 12-5 on September 10, 2016.

Mary Saltzman of Snug Harbor requested that the Council Board consider including a library in the plans for a new borough hall. She felt this would send a fantastic message about the town and that it should be a priority.

Ms. Saltzman also made reference to it being one year since the beach was roped off so the thing in front of us could be built. She feels that it needs to go and it needs to go fast. She stated that not only herself but a lot of people are very unhappy about it and will complain vociferously about it.

Mr. Card stated it is going to be removed but there are people who want it to stay and in fairness to them, there will be further council meetings regarding it.

Ms. Saltzman asked that the resolution, which has already been passed, be amended to include a date for the removal of the tilt up.

Mrs. Wells stated that the council had a really good meeting with the recreation committee and they were starting very small with a book cart, Mommy/Daddy-&-Me reading corners in the community center. She stated that things are moving along and there are plans to expand.

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Kim Skorka of Shore Drive reiterated Ms. Saltzman's comments about a drop-dead date for the removal of the tilt up. She expressed concerns about the use of the beaches come next summer if the tilt up is not removed by spring.

Ms. Skorka asked if any of the T&R cats were up for adoption.

Ms. Broullon said she agreed about a deadline for the tilt up removal and informed Ms. Skorka that she would get her the contact information on adoptable cats from T&R.

An unidentified resident stated that Veteran's Park is a pet peeve of his. He said that the talk about removing Stonehenge reminds of 2004 when there was talk about removing (?) from Veteran's Park. He asked if the tilt up falls under the same category.

Ms. Broullon stated that to the best of her memory (?) was an installation that was supposed to move around the country but when it got to Highlands, it never left.

An unidentified resident asked if it was the same category as the tilt up.

Ms. Broullon replied that the tilt up will not still be in place twelve years from now.

Mr. Card stated that there are blueprints for the pump station where the tilt up stands and a back-up generator for at community center so the tilt up would have to be removed.

Mr. Card stated that Monmouth County is committed to helping keep public spaces beautiful along with a number of community groups and that there would have to be more meetings in regards to the use of public spaces.

An unidentified resident Fifth Street stated that two years ago he tried to get a pothole filled on his street. It got filled with blue stone. He said come January he be speaking to his attorney to get a letter sent to the borough so he can get something done.

Ms. Broullon suggested he speak to Doug after the meeting and coordinated with Lou to get someone out there to look at it.

Ms. Broullon made a motion to adjourn the meeting. The motion was seconded by Mr. Card.

Adjourn