

**Borough of Highlands
Mayor & Council
Regular Meeting
September 16, 2015**

Mrs. Wells called the meeting to order at 7:07 p.m.

Meeting Statement:

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: Mr. Redmond, Ms. Ryan, Mrs. Wells

Absent: Mr. Card, Mayor Nolan

Also Present: Carolyn Cummins, Municipal Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution

Mrs. Wells 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. Possible Litigation: Possible Litigation-Bay Street**
- 2. Contract Negotiations: Monmouth County Dept. of Health**
- 3. Real Estate: Municipal Facility Update**
- 4. Personnel Matters: Charles Heck, Tax Assessor – RICED**
- 5. Investigation:**
- 6. Attorney-Client Privilege: Jones Creek Bulkhead Repairs
PW/PPDR Update – T&M/K. Gonzales**

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.
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

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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. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYE: Mr. Redmond, Ms. Ryan, Mrs. Wells

NAY: None

ABSENT: Mr. Card, Mayor Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mrs. Wells called the Regular Meeting to order at 8:11 p.m.

Mrs. Wells asked all to stand for the Pledge of Allegiance.

ROLL CALL:

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AYE: Mr. Redmond, Ms. Ryan, Mrs. Wells
NAY: None
ABSENT: Mr. Card, Mayor Nolan
ABSTAIN: None

Consent Agenda:

Mrs. Wells asked if the table had questions on any items on the consent agenda.

Mrs. Wells referred to Resolution R-15-188. She thanked Mr. O’Neil, Mr. Britton and Mr. Danzia for their years of service on the Planning and Zoning Boards. We will not be appointing new members tonight because the Planning Board is a Mayor’s appointment. She asked if anyone is interested to fill out a Citizen Participation form.

R-15-188

RESOLUTION ACCEPTING RESIGNATIONS

WHEREAS, Richard O’Neil has submitted his letter of resignation dated September 8, 2015 from both the Planning and Zoning Boards effective immediately ; and

WHEREAS, Ryan Britton has submitted his letter of resignation dated September 10, 2015 from the Planning Board effective immediately.

WHEREAS, Mark Danzeisen has submitted his letter of resignation dated September 15 , 2015 from the Planning Board effective immediately.

NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough does hereby accept the resignations of Richard O’Neil, Ryan Britton and Mark Danzeisen.

BE IT FURTHER RESOLVED the Governing Body thanks them for their years of service.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD						x
KANE			x			
REDMOND	x		x			
RYAN		x	x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**R-15-189
RESOLUTION
APPROVING RAFFLE LICENSE APPLICATIONS**

WHEREAS, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-15-22; and

WHEREAS, the Sea Bright Fire Department has submitted a Raffle License Application No RA1317-15-23; and

WHEREAS, all paperwork appears to be in order.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands does hereby approve two Raffle License Applications RA#1317-15-22 & 23 and the Borough Clerk is authorized to sign off on licenses.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD						x
KANE			x			
REDMOND	x		x			
RYAN		x	x			
NOLAN						x
ON CONSENT AGENDA			x	YES		NO

Minutes Approved on Consent Agenda:

There were no minutes on the agenda.

Payment of Bills:

**RECAP OF PAYMENT OF BILLS
09/16/2015**

CURRENT:		\$	109,912.24
Payroll	(09/15/2015)	\$	
Manual Checks		\$	304.65
Voided Checks		\$	
SEWER ACCOUNT:		\$	13,175.96
Payroll	(09/15/2015)	\$	
Manual Checks		\$	
Voided Checks		\$	
CAPITAL/GENERAL		\$	867.75
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	2,981.30
Payroll	(09/15/2015)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	4,536.91
Payroll	(09/15/2015)	\$	

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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.**

**SUPPLEMENTAL BILL LIST
September 16, 2015**

CURRENT FUND

Freehold Soil Conservation	Streetscape Permit Fee	\$3,540.00
Joseph Tomaino, AIA	Architectural Services Community Center	\$9,964.50
Joseph Tomaino, AIA	Site Study	\$4,000.00

Total Current Fund \$17,504.50

CAPITAL FUND

Santorini Construction, Inc.	Community Center Reconstruction	\$123,359.00
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Total Capital Fund \$123,359.00

GRANT FUND

Total Grant Fund 0.00

SEWER UTILITY FUND

Total Sewer Utility Fund 0.00

TRUST FUND

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD						x
REDMOND	x		x			
RYAN		x	x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA			x	YES		NO

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Other Business:

Engineers Status Report

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

Capital Improvement Projects

1. Stormwater System Improvements:

- Plans have been submitted to the NJDEP as required for the EIT loan.
- Permit applications are currently under review.
 - NJDEP permits have been obtained.
 - USACE permit is currently under review.
- Construction is scheduled to commence later this year. Start date will vary based upon grant success or utilizing EIT loan.

1. The Replacement of the North Street Stormwater Pumpstation: The station was lost during Hurricane Sandy.

- Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
- Access agreements are required from the adjacent property owners for construction purposes.
- Design is substantially complete.
- Permit applications have been prepared for submission.
- Construction is anticipated to commence later this year.

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

Bid Opening: October 31, 2014
Award: December 3, 2014
Contractor: Berto Construction Incorporated
Amount: \$271,303.00

- Project is complete.
- Final project closeout documentation has been submitted.

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

- Replacement of failed pipe from the Waterwitch Avenue/Shore Drive intersection through Huddy Park to Jones Creek will be added to this project as requested by the Governing Body.
- Project has been advertised twice. Prices have been significantly higher than the engineer's estimate.

4. Community Center ADA Walkway: This project repairs the bituminous walkway along the sports courts and provides ADA access to the beach and gazebo areas.

- Project documents have been completed.
- Informal solicitation of Contractors has been completed.
- One quotation was received in the amount of \$54,600 which substantially exceeded the Engineer's Estimate.
- Additional quotes were solicited as authorized by the Borough's Qualified Purchasing Agent. No responses were received.
- Proposal has been requested from the Contractor who will be completing the Shore Drive resurfacing phase II project.

5. NJEDA Streetscape Project: This project adds streetscape improvements behind the curblines, plus crosswalks through both downtown business districts. Project involves a \$1.5 million grant from the NJEDA

- Design is complete.

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- Meetings have been held with Council Representatives and the Borough Administrator to review the project design and amenities.
- Meeting was held on June 15, 2015 with the Highlands Business Partnership to advise them of the anticipated improvements and what to expect during construction.
- Additional design fees have been authorized to add the design and paving of several intersections within the project limits.

Bid Opening: July 21, 2015
Award: July 23, 2015
Contractor: Defino Contracting, Inc.
Amount: \$1,273,000.00

- Contracts are currently being reviewed.
- Contractor tentatively scheduled to begin September 24, 2015.
- Work to commence in the B-2 Business District (southern end of Bay Avenue at Shrewsbury Avenue.

- 6. The Resurfacing of Shore Drive Phase II:** This project extends from Waterwitch Avenue to Locust Street. This project includes a \$200,000 grant from the NJDOT.

Bid Opening: June 23, 2015
Award: June 25, 2015
Contractor: Fiore Paving Company, Inc.
Amount: \$233,000.07

- Currently awaiting concurrence of award from the NJDOT.
- Contracts have been reviewed.
- Construction is anticipated to commence October 2015 once Pulte Homes soil import is completed.

- 7. Shrewsbury Avenue Rehabilitation/North Street Stormsewer Inflow Pipe Replacement:** This project includes the entire length of Shrewsbury Avenue from Bay Avenue to Miller Street. It also includes replacing the stormsewer inflow pipe to the North Street Pumpstation from Bay Avenue to Shrewsbury Avenue and reconstructing the existing roadway. The projects have been combined due to proximity as well as anticipated better scheduling and pricing. This project includes a \$210,000 grant from the NJDOT for Shrewsbury Avenue as well as \$178,077.00 from the Monmouth County Community Development Block Grant program for North Street.

- Survey is completed.
- Design is substantially complete.
- Permitting packages are currently being prepared.
- Project has been submitted to the NJDOT and Monmouth County Community Development Office for approval.
- Sanitary sewer repairs identified previously will be incorporated into this project rather than video inspect the mains again as discussed with Council.
- Project to be advertised the week of September 21, 2015.

- 9. The Reconstruction of Bay Street:** This project will ultimately result in the reconstruction of Bay Street in its entirety.

- Survey is complete.

Ms. Ryan stated that she was happy with this report and she thanked Mr. Leubner.

Veteran's Park Update:

Mrs. Wells said to carry to next meeting.

Fire Dept. – Chief Wells:

Chief Charlie Wells addressed Councilman Card's questioning of the bill for the Fire Convention. Mr. Wells stated that Mr. Card never reached out to the Fire Department. He did tour the Fire House for approximately 7 minutes. He further stated that Mr. Card went to Atlantic Highlands, Middletown and Sea Bright regarding convention expenses. He feels it makes him look bad that a councilman cannot talk to him. He further explained the convention and its similarity to the League of Municipalities with regards to classes and vendors. He spoke of the Fire Departments budget being cut by \$10,000.00.

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Mrs. Wells offered an apology for Mr. Card's absence tonight. We were not notified that he would not be attending the meeting. She further added that there isn't any conflict with Mr. Wells.

Chief Wells stated that the Chief from Sea Bright and Captain from Atlantic Highlands are also present if the council has any questions.

There were none.

Chief Wells spoke of the great job the fire police does for the community. He wants them to receive recognition also.

Council thanked all Fire Department members for coming to the meeting.

Public Portion:

Kim Skorka of 315 Shore Drive would like the PPDR be announced on the Borough's Website. She thanked Chief Wells and feels this should have been done at the last meeting.

Mrs. Wells responded that Mr. Card should have reached out. She is running the meeting as a councilwoman not as a member of the Fire Department. She is not battling with Mr. Card.

Kim Skorka asked if the Fire Department receives reimbursement. She read that the organization that runs the convention reimburses the Fire Department for their expenses.

Chief Wells responded that Kevin O'Donnell would have that answer. Mr. Wells added that he does not respond to Facebook and to contact him and he will get the answer.

Kim Skorka asked what year the pipes froze at the Fire House.

Michael _____ last name unknown, Highlands Fire Dept. said 2014.

Lori Dibble of 11 Matthew Street asked where we get addresses from for the PPDR.

Mr. Leubner stated from the Tax Department. We will also do a robo-call, advertise in the Asbury Park Press, Borough bulletin board and the website.

Lori Dibble asked how many of the 37 houses are bank owned.

Mr. Leubner said he would have to check his records. He further explained.

Carolyn Broullon of 12 Miller Street questioned the structure around the pumps at the North Street Pump Station.

Mr. Leubner explained the project phases and timing construction. The construction at the pump station should start late winter or early spring. The pipe will be done this year.

Chris Francy of 36 Fifth Street questioned the Streetscape and the sidewalk repair. He thought it would include both sides of Waterwitch Avenue. He stated that the removal of trees caused tripping hazards.

Mr. Leubner stated that he has the costs to fill in the gaps. He has a number in the realm of \$400,000.00.

Mrs. Wells instructed Mrs. Cummins to add "Sidewalks on Bay Ave." this to the next agenda and for Mr. Leubner to bring back different scenarios with different price ranges for discussion.

Discussion continued.

Mr. Hill explained the grant is for specific zones.

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Mr. Francy referenced the Fire Department spending \$6700.00 on the convention. He feels that we do not need to micro-manage the Fire Department as long as the CFO approves.

Mrs. Wells stated that a hotel bill for \$8700.00 was submitted to the Fire Department which is over the amount given to the Fire Department.

Barbara Ianucci of 28 Shrewsbury Avenue questioned Mr. Leubner about the formal adoption of maps from FEMA.

Mr. Leubner stated that he heard that some insurance companies are saying maybe by the end. He has not heard anything formal. He did state that what he has heard from FEMA is the spring of 2016. He continued to explain about the map revisions and the FEMA process.

Carla Cefalo-Braswell of 64 Gravelley Point Road questioned the estimates on the sidewalks from Washington to Atlantic and when will Mr. Leubner have the costs.

Mr. Leubner stated that the estimate is not from a contractor. It is an estimate that he put together for a grant.

Mrs. Wells said that we will have Mr. Leubner work on it this week for that section.

There were no further questions.

Mrs. Wells offered a motion to adjourn, seconded by Mrs. Ryan and all were in favor.

The Meeting adjourned at 8:51 p.m.

Debby Dailey, Deputy Clerk