

**Borough of Highlands
Mayor & Council
Regular Meeting Minutes
September 21, 2016
7:00 P.M.**

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

Mayor Nolan called the meeting to order at 8:04 p.m. and led the Pledge of Allegiance.

ROLL CALL:

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

Absent: None

**Also Present: Brian Geoghegan, Borough Administrator
Dwayne Harris, Acting Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO
Dale Leubner, Borough Zoning Officer and Engineer**

Other Business:

HBP/Police Explorers - Presentation

Mayor Nolan introduced the HBP/Police Explorers - Presentation.

Carla Cefalo-Braswell, Highlands Business Partnership President, presented The Police Explorers Program with a donation of \$18,000.

Officer George Ruth thanked and presented to the Highlands Business Partnership a plaque; a thank you to Mr. William Kiassa, and the Highlands Fire Department for their service to the Police Explorers.

Mayor Nolan praised the efforts of The Police Explorers and thank Officer George Ruth for being the face of the program.

Public Portion:

Mayor Nolan opened the public portion.

Mr. Andrew Stockton of 31 Grand Tour said he sent an email regarding his complaint about the garbage men driving over his lawn. He stated that he had pictures of the damage and he feels that it needs to be fixed. He stated that he spoke to the Borough Administrator about it. He

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stated that the Borough Administrator informed him that he should contact the waste management company and have their insurance deal with this. Mr. Stockton feels that isn't the right thing to do and the borough should pay for the damage.

Mayor Nolan stated that in the Mayor and Council have always taken up the charge for the residents. He asked the Borough Administrator to speak with the waste management company.

Mr. Geoghegan stated that he offered to speak to the waste management company.

Mr. Stockton stated that Mr. Geoghegan told him to file a police report but the police told him it wasn't a criminal offense and all that could be done was to take his statement.

Mr. Geoghegan pointed out that Mr. Stockton reported the damage to his lawn as motor vehicle damage. Mr. Geoghegan stated that the borough should not indemnify the borough's contractor. If a private contractor caused property damage, the borough shouldn't have to pay for the damage. He asked the Borough Attorney if he agreed.

Mr. Chabarek, Borough Attorney, stated that he agreed with the Borough Administrator but that he had not seen the latest bout of emails regarding the issue.

Mr. Stockton said that he feels the borough should pay for the damage since his taxes pay the borough and that trash service is a part of the borough services. He feels the town should take responsibility.

Mr. Card stated that if a private vendor damaged Mr. Stockton's property, that vendor has the responsibility to cover the damage.

Mayor Nolan agreed that the borough should take the lead and follow-up on the police report by contacting the vendor. He suggested that Chief Blewett get the police report to Mr. Geoghegan.

Mr. Geoghegan stated that he had offered to do this. He then asked at what point the borough should draw the line of indemnifying vendors.

Mr. Nolan stated that we're not indemnifying the vendors. He said that we take the lead in this. This was the borough vendor, we are paying them and they did damage to a residents property and we need to make sure the vendor takes responsibility.

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Mr. Stockton suggested that the borough fix the damage and back charge the cost to the vendor.

Mayor Nolan stated to the council members that this was something that they could discuss.

Mayor Nolan closed this part of the public portion.

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. R-16-191- Authorizing Hiring of Class II Police Officer/Police Dispatcher
2. R-16-192- Authorizing Contract - HISCO
3. R-16-193- Authorizing Handicapped Parking Space – Waterwitch
4. R-16-194- Refunding of Taxes
5. R-16-195- Authorizing Raffle Licenses – Henry Hudson PTO
6. R-16-196- Payment of Bills

A motion to adopt this consent agenda was offered by Mayor Nolan and was duly seconded by Mrs. Wells.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells, Mayor Nolan (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Other Resolutions:

Public Comment Portion on Resolution R-16-186 Budget Amendment:

Mayor Nolan opened the public portion on R-16-186 Budget Amendment only by asking if there were any comments on this resolution. No comments were forthcoming.

Mayor Nolan closed the public comment portion on this resolution only.

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A motion to adopt this resolution was offered by Mr. Card and was duly seconded by Mayor Nolan.

ROLL CALL:

**AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)**

Resolution R-16-197 Adopting 2016 Budget

Mr. De Blasio read R-16-197 Adopting 2016 Budget for the record.

A motion to adopt this resolution was offered by Ms. Broullon and was duly seconded by Mrs. Wells.

This motion was passed by the following vote:

ROLL CALL:

**AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)**

R-16-190- Cancel of Mortgage for 84 Navesink

Mr. Chabarek summarized this resolution for the record.

A motion to adopt this resolution was offered by Ms. Broullon and was duly seconded by Mayor Nolan.

ROLL CALL:

**AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)**

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Ordinances: Introduction

O-16-20-Clerk to Authorize Raffle Permits

Mr. Chabarek summarized this ordinance for the record.

A motion to adopt this resolution was offered by Mr. Card and was duly seconded by Mayor Nolan.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

O-16-20 was properly introduced.

O-16-21-Introduction of Capital Ordinance:

Mayor Nolan wanted to talk about this ordinance to make sure its purpose was clear because it came to the council late in the day. He stated that this ordinance was authorizing \$400,000 for de facto capital improvements and it was not earmarked for specific projects. Mayor Nolan's only concern was that this ordinance took away the public's ability to know whether the borough was overspending on one thing.

Mr. De Blasio explained that in the normal course of borough business, if a capital project is being done then a problem comes up in the town and needs to be address, a resolution needs to be introduced, passed and then adopted. Then after twenty (20) days, the issue would then be resolved. Mr. De Blasio stated that the intent of the ordinance is that the budget raised \$400,000 set up as an appropriation so that when the governing body comes across issues, it could be charge to this capital ordinance. Mr. De Blasio stated that any projects over \$40,000 has to be placed for public bid and projects over \$6,000 would still have to be brought before the board. This \$400,000 is part of the borough budget and is not debt. It is funds set aside to benefit the town. It is there to be deployed by the governing body when the need arises.

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Mayor Nolan express concern saying that he is uncomfortable with the fact that this only needs approval from himself, the borough clerk and the CFO. He expressed concerned about how overrides would be handled. Mayor Nolan also asked about whether or not contractors would view the capital ordinance budget as a way to increase spending on their own projects.

Mr. De Blasio stated that anything like that would have to be done by change order. This money is budgeted for emergencies on a pay-as-you go basis.

Mayor Nolan asked that the language of the ordinance be tightened up so that it is clearer about how this money is spent and who has approval over it.

A motion to introduce this ordinance was offered by Mr. Card and was duly seconded by Mayor Nolan.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mayor Nolan (5)
NAY: Mrs. Wells (1)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance O-16-21 has been properly introduced and will have a public period and possible adoption October 5, 2016.

Ordinances: 2nd Reading, Public Hearing & Adoption

O-16-14-Wind Ordinance

A motion to move discussion on this ordinance was offered by Mrs. Wells and was duly seconded by Mayor Nolan.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

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O-16-18-Open Space Committee

Mr. Chabarek summarized this ordinance for the record.

This ordinance was offered by Ms. D'Arrigo and was duly seconded by Mr. Card.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Ordinance O-16-18 has been properly announced.

Public Portion: O-16-19-Adopting a Direct Deposit Policy for employees

Mayor Nolan opened the public portion on O-16-19. No comments were forthcoming.

Mayor Nolan closed the public portion on O-16-19.

Mr. Harris read O16-19 for the record.

This ordinance was offered by Mayor Nolan and was duly seconded by Mrs. Wells.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Ordinance O-16-19 has been properly adopted.

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Other Business:

Memorial Tree Planting

Mayor Nolan stated that a group from the Girl Scouts and the 4H Club would like to have a memorial tree and bench for Maria Rose Rocopio, who was killed in a hit and run accident, on or near November 24 (Maria Rose's birthday).

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Public Portion:

Mayor Nolan opened the public portion of the meeting.

Carol Bucco of 232 Shore Drive questioned the wording of O-16-21-Introduce Capital Ordinance.

Mrs. Kane stated that the council is looking at the language of this.

Ms. Bucco then asked which ordinance was being postponed.

Ms. Broullon stated that it was O-16-14 Wind Ordinance. She informed Ms. Bucco that it was sent to the Land Use Board, the Environmental Commission and the Building Department and we are waiting for feedback. Ms. Broullon stated that without that information, the Council can't do their due diligence.

Mayor Nolan stated that he and Mr. Card are on the Land Use Board and that they are going to discuss this in their October meeting.

Ms. Bucco questioned the wording of this ordinance.

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Ms. Broullon asked if she was missing a page and offered Ms. Bucco her own copy of O-16-14.

Andrew Stockton of 31 Grand Tour stated that there are provisions in the Municipal Land Use Law and you may want to build language into O-16-21-Introduction of Capital Ordinance that supports that for capital improvements that have to go through the Land Use Board.

Mayor Nolan agreed that was a good idea.

Rick O'Neill of 224 Route 36 asked Mr. De Blasio in regards to O-16-21-Introduction of Capital Ordinance that when the \$400,000 is bonded, how many votes is needed to spend that money.

Mr. De Blasio replied that the money isn't bonded. It is allowed in the budget and is on a pay-as-you-go basis. It is a line-item that needs to be set up so all capital ordinance can be charged out of it.

Carla Braswell of 62 Gravelly Point Road spoke on behalf of the Highlands Business Partnership. She thanked the Council for not cancelling the 15th Annual Twin Lights Bike Ride which has over 2700 preregistered cyclists and another 500-600 participants are expected if the weather is good. She stated that the HBP has a very busy month of October.

Mrs. Braswell summarized the HBP calendar and mentioned the Oktoberfest; the Zombie Parade and Pub Crawl with Proceeds to benefit the American Cancer Society, Making Strides Against Breast Cancer and the Cristine Meredith Miele Foundation, Little Silver.

Mrs. Braswell also asked Mr. Leubner about Open Space and when there will be electricity in Veteran's Park.

Mr. Leubner stated that they are still working things out through the veteran who is donating the supplies but he doesn't have a time frame until the donate supplies are in.

Mrs. Braswell stated that lighting was critical due to constant vandalism.

Adjourn

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APPROVAL of MINUTES:

Approval of Minutes	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD			X			
D'ARRIGO			X			
WELLS	X		X			
NOLAN						X

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held October 18, 2016. WITNESS my hand this 20th day of October 2016.



Dwayne M. Harris, RMC
 Municipal Clerk