

**Mayor & Borough Council Meeting Minutes**  
Community Center, 22 Snug Harbor Avenue, Highlands  
Wednesday, October 3<sup>rd</sup> 2018 at 6:30pm

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**

Highlands Elementary School District Presentation

**EXECUTIVE SESSION: 7:00PM**

Attorney-Client Privilege:	Sanitary Sewer Replacement
Contract Negotiations:	Atlantic Highlands Shared Service Middletown Shared Service
Litigation:	Hilltop at Linden
Personnel:	Construction Department

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Consent Agenda**

R-18-204	Approve Payment of the Bills
R-18-205	Authorize Refund of Taxes
R-18-206	Authorize Donation of 1984 Mack Pumper Truck to Navesink Hook & Ladder Co. No. 1
R-18-207	Rescind Approval of liquor License #1317-33-004-013
R-18-208	Authorize Support for Submission of Grant Application to NJDOT for Roadway Improvements

**Resolutions**

R-18-213	Authorize Submission of Layoff Plan to the Civil Service Commission
R-18-209	Authorize Award of Non-Fair & Open Contract for Professional Services to Settembrino Architects for A/E Services for New Municipal Building
R-18-210	Authorize Execution of Lease Agreement for Municipal Property, Block 56 Lot 13
R-18-211	Authorize Non-Fair & Open Contract to Monmouth Telecom for Data & Voice Services
R-18-212	Authorize Non-Fair & Open Contract for Professional Services for a Licensed Planner to Prepare an Affordable Housing Vacant Land Assessment Report
R-18-214	Authorize Shared Service Agreement with Atlantic Highlands for LUB Secretary
R-18-215	Authorize Purchase of a Police Vehicle

**Other Business:**

Land Use Approvals & Expirations  
Administrator's Report  
Police Chief's Report

**Public Comments:**

**Adjourn**

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**REGULAR MEETING:**

The Meeting was called to order at 6:36pm.

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**ROLL CALL:**

<u>  X**</u> Councilmember Braswell	<u>  X</u> Bonnie Brookes, Clerk
<u>  X</u> Councilmember Broullon	<u>  X</u> Brian Chabarek, Borough Attorney
<u>  X</u> Councilmember D'Arrigo	<u>  X *</u> Kim Gonzales, Borough Administer
<u>  X</u> Councilmember Ryan	<u>  X</u> Rosa Pace, Deputy Clerk
<u>  X</u> Mayor O'Neil	

**Workshop**

**Highlands Elementary School District Presentation**

Dr. Susan Compton, Superintendent of the Henry Hudson Tri-District, introduced herself and others from the Board of Education (BOE), and presented a PowerPoint to the Council on Highlands Elementary School. She reviewed with the Council the certifications the BOE had received, new safety procedures, and parent's satisfaction. Dr. Compton also noted all the school's attributes and programs, along with awards received.

\*Ms. Gonzales entered the meeting at 6:41pm.

Maryann Fiel, BOE Chair, stated Highlands Elementary School's many accomplishments, explaining each.

\*\*Councilmember Braswell entered the meeting at 6:45pm.

Dr. Compton listed other programs available including the YMCA's after school care, National Honor Society, PTO, and support Programs. Council thanked the BOE for their presentation.

**Executive Session**

Attorney-Client Privilege:	Sanitary Sewer Replacement
Contract Negotiations:	Atlantic Highlands Shared Service
	Middletown Shared Service
Litigation:	Hilltop at Linden
Personnel:	Construction Department

**Motion to Approve Resolution to Enter into Executive Session:**

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
D'ARRIGGO			X			
RYAN			X			
O'NEIL		X	X			

The Resolution to enter executive session was properly approved.

Council entered Executive Session at 7:09pm.

Council exited Executive Session at 8:00pm.

**Regular Meeting**

Council Returned to Public Session at 8:03pm.

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**Pledge of Allegiance**

Lead by Mayor O'Neil.

**Roll Call**

  X   Councilmember Braswell  
  X   Councilmember Broullon  
  X   Councilmember D'Arrigo  
  X   Councilmember Ryan  
  X   Mayor O'Neil

**Also Present:**

  X   Bonnie Brookes, Clerk  
  X   Brian Chabarek, Borough Attorney  
  X   Patrick DeBlasio, CFO  
  X   Kim Gonzales, Borough Administrator  
  X   Rosa Pace, Deputy Clerk

**Consent Agenda**

- R-18-204 Approve Payment of the Bills
- R-18-205 Authorize Refund of Taxes
- R-18-206 Authorize Donation of 1984 Mack Pumper Truck to Navesink Hook & Ladder Co. No. 1
- R-18-207 Rescind Approval of liquor License #1317-33-004-013
- R-18-208 Authorize Support for Submission of Grant Application to NJDOT for Roadway Improvements

**Motion** to Approve the Consent Agenda:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D'ARRIGO			X			
RYAN			X			
O'NEIL	X		X			

The Resolution to approve the consent agenda was properly approved.

**Resolutions**

**R-18-213 Authorize Submission of Layoff Plan to the Civil Service Commission**  
 Mayor O'Neil opened the meeting to the public for commented on Resolution 18-213.

**Name:** Cary Costa

**Address:** Building Department Employee

Informed the Council of his long employment history in public service and with the Borough. He stated that this will create a great disservice to the residents. Mr. Costa stated that the Building Department is the only department in a municipality profit can be made and noted that Highlands breaks even. Mr. Costa noted that Highlands had formed a shared service with Middletown in the past for the Building Department which was dissolved and should be looked at prior to making their decision. Mr. Costa explained how a shared service would impact the residents and create an inconvenience to the residents and added that he was heartbroken.

Councilmember D'Arrigo inquired when the previous shared service was, and Mayor O'Neil responded it was in the early 2000's. Mr. Costa stated that he did not know the reason why it was discontinued.

Councilmember Braswell asked Mr. Costa to list his qualifications which he did. Councilmember D'Arrigo asked what 'tier' he was. Mr. Costa explained how tiers are determined for licenses and municipalities and the impact it has on what they can and cannot do in terms of plan reviews. He added that Highlands is a class 3 and all site plans higher then this to the State for review.

**Name:** Paul Vitale

**Address:** Building Department Employee

Stated that he had been an employee for ten (10) years and just wanted to see what is best for the residents, noting that this can be different from what is best for the Borough. He stated that he would offer his resignation to the Council if that would keep the Building Department in the Borough. He commented that he has been a public servant all his life and apologized if he offended anyone.

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Councilmember D'Arrigo stated that she was concerned over things the Department of Community Affairs (DCA) had shared with the Borough Administrator and Ms. Gonzales to detail. Mr. Chabarek explained the layoff process.

Mr. Vitale stated that in May of this year the DCA came to perform an audit which was requested by an unknown party. In addition, they were also investigating a situation involving decks. He stated that he did nothing wrong and everything he does is to take care of people.

Ms. Gonzales stated that the Borough received the audit in July which stated that more hours were needed in the Building Department. She explained how the audit was conducted by the DCA and that the Borough needs to comply to what the DCA recommends. She also noted that the DCA has oversight over Mr. Vitale, she does not.

Councilmember D'Arrigo questioned how many additional hours the DCA recommended and Ms. Gonzales stated it was a 97% increase which would double the salary and cause a hardship for the Borough. Councilmember D'Arrigo stated that she believed the work load was slowing down in the Building Department. Councilmember Braswell reviewed the stats.

**Name:** Kim Skorka

**Address:** Shore Drive

Stated that the level of service is going to decline and questioned why the Borough was not challenging these numbers, along with, pushing back against the DCA.

**Name:** Tina Kaemmerer

**Address:** Linden Avenue

Expressed that she was shocked and saddened. She noted that the Building Department is covenant and very knowledgeable about the Borough. Ms. Kaemmerer commented that it was her decks they were discussing and informed the Council how Mr. Vitale had been there every step of the way. She noted her concern that if the Borough went to Middletown the residents would be pushed to the back of the line. She requested that the Council reconsider and push back against the DCA.

Councilmember Braswell stated that Middletown would still offer Tuesday and Thursday nights at the Borough. Councilmember Ryan stated that if they do nothing then the DCA would come in and take over the department. Mayor O'Neil explained that Middletown stopped the previous shared service because they had to many municipalities.

**Name:** Linda Mazzola

**Address:** Marina Drive

Noted that she is in the construction business and is very disappointed. She pointed out that time is money and there are many contractors that will not want to do work in Highlands if it entails dealing with Middletown.

Ms. Gonzales explained that this was not an easy decision, she noted that the Borough does not have the space or the staff. She noted that it would be a cost savings and increased service to the residents. Ms. Gonzales pointed out that this shared service would also provide the Borough with a full-time Floodplain Manager and Zoning Officer at part-time cost. She explained the new hours and the procedures that would be in place.

Ms. Mazzola inquired as to the length of the contract. Mr. Chabarek noted that four (4) years was required.

**Name:** Barry Heffernan

**Address:** Waterwitch Avenue

Informed the Council that he is a contractor and that in other municipalities, including Middletown, he must stay on top of them to get the permits, but this Borough is special. Mr. Heffernan praised the personalized and special service that Mr. Vitale performs for the residents. He noted that in Middletown they will just be a number and added that he charges more to clients in Union Beach due to the time it takes to get permits.

**Name:** John Caruso

**Address:** Gravelly Point Road / Little John's Construction

Announced that when there was a dangerous situation, you call Mr. Vitale he is there for you. He pointed that Mr. Vitale is very quick with inspections and is fair, noting that he is the first inspector that

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really cares. Mr. Caruso stated that he loves Highlands, is invested in the Borough, but is scared of them going to Middletown.

Mayor O'Neil closed the meeting to the public.

**Motion** to Approve Resolution 18-213:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D'ARRIGO				X		
RYAN			X			
O'NEIL	X		X			

Resolution 18-213 was properly approved.

**R-18-209 Authorize Award of Non-Fair & Open Contract for Professional Services to Settembrino Architects for A/E Services for New Municipal Building**

**Motion** to Approve Resolution 18-209:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
D'ARRIGO			X			
RYAN		X	X			
O'NEIL	X		X			

Resolution 18-209 was properly approved.

**R-18-210 Authorize Execution of Lease Agreement for Municipal Property, Block 56 Lot 13**

**Motion** to Approve Resolution 18-210:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
D'ARRIGO				X		
RYAN		X	X			
O'NEIL	X		X			

Resolution 18-210 was properly approved.

**R-18-211 Authorize Non-Fair & Open Contract to Monmouth Telecom for Data & Voice Services**

**Motion** to Approve Resolution 18-211:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D'ARRIGO			X			
RYAN			X			
O'NEIL	X		X			

Resolution 18-211 was properly approved.

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**R-18-212 Authorize Non-Fair & Open Contract for Professional Services for a Licensed Planner to Prepare an Affordable Housing Vacant Land Assessment Report**

**Motion** to Approve Resolution 18-212:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
D'ARRIGO			X			
RYAN			X			
O'NEIL		X	X			

Resolution 18-212 was properly approved.

**R-18-214 Authorize Shared Service Agreement with Atlantic Highlands for LUB Secretary**

**Motion** to Approve Resolution 18-214:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
D'ARRIGO			X			
RYAN	X		X			
O'NEIL		X	X			

Resolution 18-214 was properly approved.

**R-18-215 Authorize Purchase of a Police Vehicle**

**Motion** to Approve Resolution 18-215:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D'ARRIGO			X			
RYAN			X			
O'NEIL	X		X			

Resolution 18-215 was properly approved.

**Other Business**

**Land Use Approvals & Expirations**

Councilmember Broullon explained that residents had asked the Council to discuss this at the last meeting. Mr. Chabarek advised the Council that site plans are controlled by statute and are good for three (3) years and with approval additional years can be permitted and explained that process. Mr. Chabarek noted that the Borough used to have an ordinance that provided a time frame on variances which was overwritten with the creation of the LUB. Mr. Chabarek explained that can create expirations by ordinance or resolution. He noted that the Council can request the LUB to provide an expiration of one (1) year on their resolution.

**Motion** was made to request the LUB to place expirations on variances.

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
D'ARRIGO		X	X			
RYAN			X			
O'NEIL			X			

The motion was properly approved.

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Mr. DeBlasio left the meeting at 8:53pm.

**Administrator’s Project Update**

Ms. Gonzales reported that there were high bacteria readings on the Borough beaches explained how the NJ Department of Environmental Protection (NJDEP) and the county came out to help the Borough assess the problem. She noted that they are proposing a repair and replace program and reviewed the cost of such. Councilmember Braswell as reviewed the benefits of this plan.

**Open the Meeting to the Public for Comment**

Mayor O’Neil opened the meeting to the public.

**Name:** John Caruso

**Address:** Gravelly Point Road / Little John’s Construction

Inquired if the Borough could extend the repair and replace project into Gravelly Point and Mayor O’Neil stated that they would look into it.

**Name:** Cary Costa

**Address:** Building Department Employee

Stated that he knows many of the DCA auditors and they are textbook people and noted that the DCA would have to find a deficiency to take over a department. He also noted that they cannot force you to do anything and commented that they should ask Middletown when they were last audited.

**Name:** Carol Bucco

**Address:** Shore Drive

Stated that the November 1<sup>st</sup> 2018 LUB meeting might have to be cancelled since her association paid for the room and reserved it months prior for that date. She quoted the contract for use of the room explaining why the Borough cannot kick them out. Mayor O’Neil stated that he asked Ms. Gonzales to clear the schedule as the LUB was having a hard time getting a room at the high school.

**Name:** Steve Solop

**Address:** Bay Avenue

Complemented Mr. Vitale on his knowledge and professionalism. Mayor O’Neil responded saying that this was a business issue.

**Name:** Kim Skorka

**Address:** Shore Drive

Expressed concern over late additions to the agenda and asked where all the trees were going in the Shore Drive municipal lot. She also asked if the Borough was still working towards entering CRS program to which Ms. Gonzales provided an update. Ms. Skorka requested the status of updating the properties in the HBP ordinance and Ms. Gonzales informed her that it was currently being worked on.

**Name:** Charlie LaRue

**Address:** Second Street

Inquired if the Building Department is bringing in the income, why go elsewhere. He informed the Council that he is currently waiting twenty-one (21) days for an inspection for Middletown. He asked the Council to really research their decision prior to making the change.

The meeting was closed to the public.

**Motion to Adjourn the meeting:**

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D’ARRIGO			X			
RYAN			X			
O’NEIL	X		X			

The meeting was adjourned at 9:09pm.