

**Borough of Highlands
Mayor & Council
Regular Meeting
October 21, 2015**

Meeting Location: Highlands Elementary School, 360 Navesink Ave, Highlands, NJ 07732

Mayor Nolan called the meeting to order at 7:07 p.m.

Meeting Statement:

Ms. Dailey 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. Card, Mr. Redmond, Ms. Ryan, Mrs. Wells, Mayor Nolan

Absent: None

Also Present: Debby Dailey, Deputy Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Borough CFO
Bruce Padula, Borough Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution

Mayor Nolan 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: Bay Street**
- 2. Contract Negotiations: Monmouth County Regional Health Commission
Clam Plant Lease**
- 3. Real Estate: Municipal Facility Update**
- 4. Personnel Matters:**
- 5. Investigation: Special Confidential Report - Court**
- 6. Attorney-Client Privilege: Combined Board – PB/ZB
Executive Session Confidentiality
Waterwitch Pump Station**

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.

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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 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 collecting 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 publics 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 Mrs. Wells and adopted on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Mr. Redmond, Ms. Ryan, Mrs. Wells, Mayor Nolan

NAY: None

ABSENT: None

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolans called the Regular Meeting to order at 8:07 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance.

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ROLL CALL:

AYE: Mr. Card, Mr. Redmond, Ms. Ryan, Mrs. Wells, Mayor Nolan

NAY: None

ABSENT: None

ABSTAIN: None

Consent Agenda:

Mr. Padula stated that we need to pull Resolution R-15-200 under the Consent Agenda. We are waiting for information from the plaintiff's attorney.

Mayor Nolan asked if anyone had any questions on any Consent Agenda items.

There were none.

**Borough of Highlands
R-15-207**

**RESOLUTION
RESOLUTION AUTHORIZING 2015 BEST PRACTICE INVENTORY**

WHEREAS, The State of New Jersey, Division of Local Government Services is requiring all Municipalities to file a Best Practice inventory worksheet, and

WHEREAS, The Borough of Highlands has complied with that request; and

NOW, Therefore, Be It Resolved that the Borough of Highlands Best Practice inventory worksheet has been reviewed by the governing body of the Borough of Highlands at a meeting held on October 16, 2015 and submitted to the DLGS by the required. The Chief Finance Officer and Municipal Clerk are hereby directed to prepare the necessary certifications.

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

Borough of Highlands

Resolution R-15-208

**REJECTING ALL BIDS RECEIVED FOR THE SHREWSBURY AVENUE AND
NORTH STREET IMPROVEMENTS PROJECT AND AUTHORIZING THE
READVERTISEMENT AND ACCEPTANCE OF BIDS**

WHEREAS, pursuant to N.J.S.A. 40A:11-1, et seq. the Borough of Highlands advertised and solicited bids for the the Shrewsbury Avenue and North Street Improvements Project; and

WHEREAS, the Borough received bids from the following:

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Block Rock Enterprises, LLC	\$937,676.50
DeFino Contracting Company	\$966,131.26

WHEREAS, the Borough has determined that the bids received were not reasonable as to price, on the basis of cost estimates prepared by the Borough Engineer and that it is necessary to reject all bids pursuant to N.J.S.A. 40A:11-13.2. and to readvertise the project.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough hereby rejects all bids submitted for the Shrewsbury Avenue and North Street Improvements Project.

BE IT FURTHER RESOLVED that the Borough is hereby authorized to readvertise and accept bids for the Shrewsbury Avenue and North Street Improvements Project.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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

**RECAP OF PAYMENT OF BILLS
10/21/2015**

CURRENT:		\$	693,964.89
Payroll	(10/15/2015)	\$	124,000.74
Manual Checks		\$	
Voided Checks		\$	
 SEWER ACCOUNT:		 \$	 87,929.12
Payroll	(10/15/2015)	\$	3,467.74
Manual Checks		\$	
Voided Checks		\$	
 CAPITAL/GENERAL		 \$	
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
 TRUST FUND		 \$	 20,459.71
Payroll	(10/15/2015)	\$	2,225.00
Manual Checks		\$	
Voided Checks		\$	

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UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	1,379.79
Payroll (10/15/2015)	\$	1,091.33
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
October 21, 2015**

CURRENT FUND

Fisheries Technology Inc. Clam Plant Consultant	\$720 .00
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	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
REDMOND		x	x			
RYAN			x			
WELLS			x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES	NO		

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion to approve the September 16th, 2015 Executive and Regular Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Ms. Ryan, Mrs. Wells
NAYES: None
ABSENT: None
ABSTAIN: Mr. Card, Mayor Nolan

Other Resolutions:

R-15-199 – Resolution Appointing Zoning Board Member

Ms. Dailey read the title of Resolution R-15-199.

R--15-199

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**RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF
ADJUSTMENT**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

- | | |
|-------------------------|---|
| 1. <u>Linda Ziembra</u> | Regular Member for four Year unexpired
Term to expire 12/31/16 |
| 2. <u>Larry Colby</u> | Alternate #1 |

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

Mayor Nolan requested the Clerk to send an email to another member who has a conflict and has not been able to attend a lot of the meetings. We need to ask him to notify us by the next meeting and we will address it. Also, notify the council when a response is received.

R-15-209 – Resolution Appointing F/T Code Enforcement Officer

Ms. Dailey read the title of R-15-209.

R-15-209

**Promoting Part-Time Code Enforcement Official to a
Full-Time Position within the Building and Housing Department**

WHEREAS, the Governing Body of the Borough of Highlands has sought to create a more effective code enforcement and property maintenance program; and

WHEREAS, due to the recent resignation of our other part-time property maintenance / code enforcement official there exists a need and desire to move forward by promoting from within the department; and

WHEREAS, the CFO has reviewed and concurred that this position is within the existing budget and will have no adverse impact in subsequent budget cycles; and

WHEREAS, our current part-time Code Enforcement Official is well qualified and able to fill this position on a full-time basis and he will also be assigned to also initiate and maintain the Vacant Property Registration Program;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby authorize the promotion of Dave Mercado to full-time employment status for Code Enforcement / Property Maintenance effective _____ with an annual salary of \$ 65,000.00

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BE IT FURTHER RESOLVED that an annual stipend of \$2,500 will be given for the administration and implementation of the Substandard Housing and Vacant Property Registration Programs.

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

R-15-210 – Resolution Appointing F/T Laborer

Ms. Dailey read the title of Resolution R-15-210.

Mr. Hill stated that he conducted the interview process. We had over 60 applicants for the position. He recommends Joseph Walling for the position. He has been a seasonal employee since June. He will be provisional based on Civil Service regulations. The annual salary will be \$40,000.00.

Ms. Ryan said that she is pleased that we have another laborer. We really needed one.

**R-15-210
Appointing Provisional Full-Time Laborer
In the Department of Public Works**

WHEREAS, the Governing Body of the Borough of Highlands has been advised by Borough Administrator, Timothy Hill that a vacancy in the Department of Public Works has occurred due to the retirement of a long-time employee; and

WHEREAS, the CFO has reviewed and concurred that this position is within the existing budget and will have no adverse impact in subsequent budget cycles; and

WHEREAS, the Governing Body finds that the Borough Administrator has interviewed candidates qualified candidates and thus recommends that Joseph Walling be appointed to the Laborer position within the DPW;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby authorize full-time, provisional employment status for DPW Road Laborer Joseph Walling effective October 22, 2015 with an annual salary of \$40,000.00.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
REDMOND			x			
RYAN		x	x			
WELLS	x		x			
NOLAN			x			

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ON CONSENT AGENDA		YES	<input checked="" type="checkbox"/>	NO	

R-15-211 - Resolution Authorizing Prof Engineering Services – Grant Admin

Ms. Dailey read the title of Resolution R-15-211.

Mr. Leubner briefly explained that this separates grants. One area will go toward the EEA Grant administration for the streetscape and the other is normal grant assistance that they provided your Grant Writer Administrator. The EEA gets reimbursed under the grant, the other does not.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-15-211
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional Engineering services for the miscellaneous grant activity administration as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$30,000 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates letter dated October 1, 2015 and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2015 Municipal Budget:

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I hereby certify funds are available as follows:

Current Fund:

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. T & M Associates is hereby retained to provide professional engineering as described above for an amount not to exceed \$30,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

Other Business:

Mindul Fitness Presentation

Mayor Nolan introduced Mr. Rick Korn.

Rick Korn spoke about the Mindful Fitness Festival and the plan that we have for Highlands. Within the plan, they have been speaking with investment firms and hospital groups that they work with. They also work with the V.A. The idea is to help redevelop parts of Bay Avenue into a health and wellness village. They plan to bring organizations into town to build a hotel and a wellness center. This will bring people to the town. He further explained the various groups that he works with and their success rate with working with veterans. The Mindful Fitness Festival was to raise money for the New Jersey Program. He stated that parts of the festival were great such as the bubble race. The also bused in inner city children who lost family members in the wars. He further described the various events they participated in. The concert was not advertised well. The weather also impacted attendance. They had hoped for a couple of thousand to attend. It was disappointing. They were going to use that money for 20-30 NJ veteran’s thru their Wellness Program starting in November. He feels that Highlands is a great location. This will be great for the town. He feels this help lower the tax rate. He will be

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meeting with interested investors within the next few weeks. They want to make Highlands an inviting place for outside organizations and to spend money in the town.

The Council thanked him.

Borough Engineers Status Report

Mr. Leubner gave a brief summary of the following 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 this winter pending approval through the EIT.

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 submitted.
- Construction is anticipated to commence in the spring.

2. 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.
- Bids have been rejected twice.
- Working with the Governing Body to successfully implement this project.

3. 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.

4. 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.
- 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.

Bid Opening: July 21, 2015

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

- Conduit and concrete work has commenced on the north side of Bay Avenue.
- Stamped concrete work tentatively scheduled to commence on or about October 28, 2015.

- 5. 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 November 2015.
- Pulte homes has completed their soil import.
- NJNG is currently completing services to the new gas main on Shore Drive.

- 6. 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 have been submitted.
- 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 was advertised and bids received. Prices were higher than the engineer's estimate.

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

- Survey is complete.
- Meeting was held with Borough Officials to review survey data with hopes of developing an interim repair of the roadway while funding gets put into place for the overall roadway reconstruction.
- Meeting with potential contractor to be held on October 22, 2015 to finalize scope for interim repair.

- 10. The Repair and Mitigation of Veterans Park Electric:** This project will repair and mitigate the electric supply to Veteran's Park.

- Design is underway.
- Concerns raised pertaining to utility easement identified near the basketball court.
- Easement houses a 48" RCP effluent main owned by the Monmouth County Bayshore Outfall Authority.
- Design is now advancing to completion.

FEMA Reimbursement Assistance

- 1. The Wilson Community Center Rehabilitation (FEMA PW 3368):** This project is intended to repair storm damage from Superstorm Sandy and provide mitigation measures to further protect the building against future damages.

Bid Opening: June 23, 2015
Award: June 25, 2015
Contractor: Santorini Construction, Inc.
Amount: \$706,000.00

- Project is currently being managed by Joseph P. Tomaino, AIA

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2. **Private Property Debris Removal (PPDR) (FEMA PW 4729):** This is a project that provides for the demolition of structures damaged by Sandy and are currently vacant.
- Project solicitation has been advertised on several occasions through various media.
 - Borough performed two phone blasts to further advise property owners about this project.
 - To date, 13 property owners have completed preliminary paperwork to begin the process.
 - Additional paperwork has been requested from various applicants.
 - Project to be formally re-submitted to NJOEM and FEMA in November for consideration.

Grants and Loans

1. **FY 2015 NJDOT Local Aid Applications:** We submitted an application for Miller Street between Shore Drive and Bay Avenue as requested by the Governing Body. The Borough has been advised that they will receive \$83,000 towards this project.
2. **FY 2016 NJDOT Local Aid Applications:** The NJDOT has recently advertised for the 2016 round of Local Aid funding. We have applied for the Reconstruction of Valley Street from Shore Drive to Fifth Street as requested by the Governing Body.

Naming of Street in New Development – Pulte Homes and Request to Change Name of Street – Willow Street

Mr. Hill explained that Pulte Homes put in a request to name a street within their development. They would like us to consider either Harborside Way or Viewpoint Drive. He also received a request from Sandy Hook Marina, which is item #5 under other business to change Willow Street to Harbor Way. He added that Harbor Way is too similar to Harborside Way. He recommends that they discuss with Pulte Homes to see if Viewpoint Drive is acceptable.

Ms. Ryan inquired about item #5 on the agenda; Request to Change Name of Street – Willow Street.

Mr. Padula stated that Mr. Bollerman put in this request.

Mr. Hill added that a letter was sent to all residents impacted on October 7th. He assured them that this will go through the normal process with the governing body. He will re-send the letter. He will report back after he receives responses.

Council briefly discussed street names for new development. All were in agreement on Viewpoint Drive.

Mr. Hill will notify Pulte Homes.

Request to Vacate Portion of Holly Street:

Mr. Padula stated that there is a letter from an attorney representing a property management company who owns the property on Holly Street. We have an ordinance that outlines the process for requesting vacating property. They are asking if this is something we are willing to consider before they start the process.

The table briefly discussed.

Council agreed to grant request as long as this is no cost to the Borough.

Mayors Appointments to Planning Board:

Mayor Nolan stated that there are three empty seats due to resignations. He added that a letter was also sent to Zoning Board members notifying them of a vacant seat on their board.

Mayor Nolan hereby makes the following appointments to the Planning Board:

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- | | |
|---|---|
| 1. Greg Wells, Planning Board Regular Member | Four Year Unexpired term to expire 12/31/16 |
| 2. Christian Lee, Planning Board Regular Member | Four Year Unexpired term to expire 12/31/15 |
| 3. Rosemary Ryan, Alt #1 Member of the Planning Board | Two Year Unexpired term to expire 12/31/16 |
| 4. Katie Reed, Alt #2 Member of the Planning Board | Two Year Unexpired term to expire 12/31/15 |

Public Portion:

Carol Bucco of 330 Shore Drive stated that she was unaware of the meeting regarding the properties on Bayside Drive that are now part of Atlantic Highlands.

Mr. Padula stated that the landowners requested this.

Kim Skorka of 315 Shore Drive asked Mr. Leubner about streetscape lighting and sidewalks.

Mr. Leubner explained the work schedule and that work is still being done. He further stated that some sidewalks along Bay Avenue are not part of the business district and that they were not included in the schedule to be done.

Kim Skorka asked about the holes in the sidewalk where trees were removed.

Mr. Leubner explained what is covered under the grant. He will speak with the contractor and NJ Natural Gas about repairing the sidewalk that that ripped up. He will address her concerns.

Kim Skorka asked if the vacated property on Holly Street goes back on the tax rolls.

Mayor Nolan replied yes.

Stacy Pritchard of 130 Bay Avenue spoke of speeding in a school zone and if we could put up flashing signs stating that you are in a school zone.

Mayor Nolan agreed.

Mr. Redmond will look into it and report back.

Barbara Ianucci of 28 Shrewsbury Avenue asked when the sidewalks will be completed.

Mr. Leubner explained that the section they are working on now will take a couple of weeks. He spoke of weather conditions. The section between Waterwitch and Bay should be done by spring. They don't want to rip parts up and then have to stop due to the weather.

Barbara Ianucci asked if our ordinance regarding part-time code enforcer to full-time needs to be amended.

Mr. Padula stated that it was approved by Civil Service first. We will update the ordinance.

Mary Salzman of 43 Snug Harbor stated that at the last meeting, she said that the minutes needed to reflect that Mr. Hill did not read discuss the Tilt-Up project.

Mr. Padula stated that it was in his written report and not verbally mentioned.

Mr. Card would like it to be corrected.

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Mr. Card offered a motion to amend the September 2nd, 2015 minutes to read that the Tilt-up Project was mentioned in Mr. Hill's report but not speak of it in his oral report, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Card, Mr. Redmond, Ms. Ryan, Mrs. Wells, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Mary Salzman continued to express her dislike of the Tilt-up structure and the impact it has on her views and property values.

Mr. Card stated that he has request information regarding the structure and has not yet received it. He feels that there were processes that they failed to take care of and were overlooked.

Mayor Nolan suggested that we do a survey of the Stymie's property on Hwy. #36 and put it up there.

Mr. Hill added that there is an easement for a pipe runs under it.

Mayor Nolan asked the table about an alternate site.

Council briefly discussed.

Mayor Nolan stated that we can approach the Tilt-up Project people with a site and a survey. We can ask them to move it. Let's explore it.

Mayor Nolan and Mary Salzman continued to discuss the project.

Carolyn Broullon of 12 Miller Street asked about the status of the Municipal Facility that was discussed in the Executive Session.

Mr. Padula stated that we can give a brief update.

Mr. Hill stated that we have done an internal site survey of various areas in town. He spoke of concerns with FEMA funding if the site is removed from the flood plain. He also spoke of relocation funding. We are working on getting all of the information to FEMA. We have gone back and forth and are waiting for FEMA to come back with their recommendations. He further explained the FEMA process.

Carolyn Broullon asked if the Engineers Report, Administration Report and the Payment of Bills could be included in the public packet.

Mr. Padula stated that they are a public record.

Mayor Nolan directed the clerk to do this for the public packets.

Mr. Hill added that he can prepare in advance but may not always have the all information for the meeting. He further explained that the packets are prepared a week in advance and he might not have full reports from various.

Mr. Padula stated it would be better to have copies here instead of in the packets.

Dave Tauro of 47 South Bay Avenue asked if the town was going out to bid on the Clam Plant.

Mr. Padula stated that it may. The decision has not yet been finalized.

Mayor Nolan added that it was discussed in Executive Session tonight. It is not resolved.

Mr. Card stated that no decision has been made. We are doing our due diligence.

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Mayor Nolan said that their consultants are preparing reports. It will give them a fair rent price, our capacity and how the business works.

Dave Tauro continued to speak about the Clam Plant.

Dan Hartsgrove of 207 Bay Avenue said that the contract states that the town is not supposed to make any money off of the plant. It is supposed to be non-profit and has this changed.

Mayor Nolan stated that our attorneys are speaking with the Baymen's Attorneys and parties involved. We are working on an agreement that is best for all. He further explained.

Mr. Padula stated that they have requested documents related to the Clam Plant from the Port Authority. We were informed that they were destroyed on September 11th, 2001.

Mayor Nolan added that we will work thru it and do the best for everyone.

There were no further questions.

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

The Meeting adjourned at 9:05 p.m.

Debby Dailey, Deputy Clerk