

**Mayor and Council
Regular Meeting Minutes
Community Center,
22 Snug Harbor Avenue, Highlands
Wednesday, November 02, 2016
7:00 p.m.**

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
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

Litigation:

Baymen's Lease Negotiation
NJNG Litigation Update – Patrick McNamara

Contract Negotiations:

Veteran's Park Electrical Repairs
Web Site Hosting
Renegotiate MOU with MCSPCA

Attorney Client Communications:

Towing Regulations
Web Site

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes: - October 05, 2016 – Regular Meeting

PUBLIC PORTION- Resolutions

NEW BUSINESS:

Consent Agenda:

1. **Resolution 16-209** - Renewing Liquor License - Sandy Hook Holdings
2. **Resolution 16-210** - Authorizing Monmouth County SCAT Agreement
3. **Resolution 16-211** - Appointing Members to Borough's Green Team
4. **Resolution 15-212**- Approving Separation/Retirement Agreement - Sgt. Louis Fundora
5. **Resolution 16-213** - Approving Separation/Retirement Agreement - Officer Anthony Macri
6. **Resolution 16-220** - Two Hour Extension of Noise Ordinance - Havana Tropical Café'

Resolution 16-214 - Awarding Contract for Veteran's Park Electrical Repairs - Starlite Electric

Resolution 16-215 - Authorizing Agreement w/ Highlands Housing Authority

Resolution 16-216 - Authorizing Action RE: Borough's Housing Element and Fair Share Plan

Resolution 16-217 - Payment of Bills - \$1,317,246.8

Resolution 16-218 - Approval of Change Order #9/Final - DeFino Contracting

Resolution 16-219 - Authorizing Auction of Unneeded Property - GovDeals

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Ordinances: Introductions - [Public Hearing/Possible Adoption - December 07, 2016]

- a. **O-16-23** - Amending Borough Code - Chapter 21-86 - Front Deck Yard Requirements
- b. **O-16-24** - Amending Borough Code - Chapter 2 - Creating Section - Police Chaplains

Council/Committee Reports:

Communications - Council Member Broullon

Council Member Card

Council Member D'Arrigo

Council Member Wells

Others

Public Comments:

Adjourn:

REGULAR MEETING: 8:00PM

Call to Order

Pledge of Allegiance

ROLL CALL:

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

Absent: Mayor Nolan

Also Present: Brian Geoghegan, Borough Administrator

Dwayne Harris, Acting Borough Clerk

Brian Chabarek, Borough Attorney

Patrick DeBlasio, CFO

Approval of Minutes: - October 05, 2016 – Regular Meeting

A motion to approve these meeting minutes was offered by Council Member Broullon and was duly seconded by Council Member 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)

These meeting minutes have been properly approved.

Public Portion – Resolutions

Council Member Broullon opened the public portion by asking if there were any comments on the consent agenda. None were forthcoming.

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Ms. Broullon asked if there were any comments from the table on the consent agenda.

Council Member Wells asked, "Is the consent agenda 209-213 and then 220 and would the rest of the resolutions be called out individually?"

Council Member Broullon replied yes but asked Dwayne Harris to verify, which he did.

Consent Agenda:

1. **Resolution 16-209** - Renewing Liquor License - Sandy Hook Holdings
2. **Resolution 16-210** - Authorizing Monmouth County SCAT Agreement
3. **Resolution 16-211** - Appointing Members to Borough's Green Team
4. **Resolution 15-212**- Approving Separation/Retirement Agreement - Sgt. Louis Fundora
5. **Resolution 16-213** - Approving Separation/Retirement Agreement - Officer Anthony Macri
6. **Resolution 16-217** - Payment of Bills - \$1,317,246.88
7. **Resolution 16-218** - Approval of Change Order #9/Final - DeFino Contracting
8. **Resolution 16-219** - Authorizing Auction of Unneeded Property - GovDeals
9. **Resolution 16-220** - Two Hour Extension of Noise Ordinance - Havana Tropical Café

A motion to adopt this consent agenda was offered by Council Member Broullon and was duly seconded by Council Member Wells.

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)

This consent agenda has been properly offered and passed.

Resolution 16-214 - Awarding Contract for Veteran's Park Electrical Repairs - Starlite Electric

Council Member Broullon asked if there were any comments on this resolution from the table.

Council Member Card stated the donor of the materials was unfortunately unable to comply so the borough will be paying for electric, labor and materials.

Ms. Broullon replied that at the last minute, the contractor was not able to get that done but hopefully will be able to do something for the borough in the future.

Brian Chabarek stated that this is R-16-214 is the contract for Veterans Park Electrical Repairs is hereby awarded to Starlite Electric, LLC for Proposal A in the amount of \$61,355.00.

A motion to adopt this resolution was offered by Council Member Card and was duly seconded by Council Member Broullon.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells (4)

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NAY: None (0)
ABSENT: Mayor Nolan (1)
ABSTAIN: None (0)

R-16-214 has been properly offered and passed.

Resolution 16-215 - Authorizing Agreement w/ Highlands Housing Authority

Council Member Broullon asked Council Member Wells to speak on this resolution.

Council Member Wells stated that this resolution is just making current the agreement that was in place for years.

A motion to adopt this resolution was offered by Council Member Wells and was duly seconded by Council Member Broullon.

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)

R-16-215 has been properly offered and approved.

Resolution 16-216 - Authorizing Action RE: Borough's Housing Element and Fair Share Plan

Council Member Broullon asked if there were any questions on this resolution from the table. Ms. Broullon explained this resolution to the public.

Ms. Broullon explained that we are commissioning this firm, Gluck Walrath, LLP, as experts in the field of housing, to petition the superior court to give the borough a final and definite number for what the borough's housing obligations should be. There are a number of different studies out there from a number of different economist and what this would do is this would protect the borough from any type of builders' remedy that a contractor or a developer could come into town and disregard all of our land-use and zoning laws and put up a thirty-story building on the corner of Bay Avenue and Shrewsbury Avenue right across from the Lusty Lobster. They would have every right to do that if we do not have this confirmation from the Superior Court of New Jersey that would protect us from such a suit because we don't have our hard and fast numbers.

Council Member Broullon asked if there were any questions from the public.

An unidentified speaker asked if this meant that this would protect us from having a builder come in and put in high-density, low-income housing?

Ms. Broullon responded that this confirmation would protect us from builders and developers coming in and doing anything they want.

The speaker asked if that is because we don't address our housing?

Ms. Broullon said we won't be able to address it until we get out determination from the superior court. Then we are safe from anything like that happening.

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Council Member Card stated that what has been interesting in the reports is that the borough is in good shape as a community. Our affordable housing and out stock is really strong. So it will be a favorable ruling from the courts. The courts invited the towns to file so that nobody can get in trouble. It doesn't mean we will have to go to court to fight for this. We are just asking for a ruling on our housing stock. It protects us.

Council Member Broullon stated that this was exactly right. There are a lot of towns in New Jersey that have done absolutely nothing and have zero affordable housing have problems. The courts are going after Newark and places like that that have a huge obligation. Because of our population size, we have a small obligation. We already have a (?) set aside which is favorable in the courts eyes.

Mr. Chabarek stated that the governing body has already endorsed the plan so we are now seeking the courts approval of the plan. That's what the action is: a declaration of approval from the court.

A motion to adopt this resolution was offered by Council Member Card and was duly seconded by Council Member Broullon.

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)

R-16-216 has been properly offered and approved.

Mrs. Wells asked if on the payment of bills with PrimePoint is that a \$2,000.00 cost charged every payroll or was that to get them up and running?

Mr. Geoghegan replied that it was a one-time fee.

Council Member Wells asked about the \$4,400.00 for the webpage.

Council Member Broullon said it was a payment for one-year period.

Mrs. Wells asked about the payment to Spectral.

Mr. Geoghegan said that it was a payment for police department phones.

Council Member Wells asked why there were no vehicles listed with R-16-219- Authorizing Auction of Unneeded Property.

Mr. Geoghegan stated the unneeded property is equipment. The borough has a ton of old cellphones, computer equipment, police department bicycles.

Ordinances: Introductions - [Public Hearing/Possible Adoption - December 07, 2016]

- a. **O-16-23 - Amending Borough Code - Chapter 21-86 - Front Deck Yard Requirements**

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Council Member Broullon said to Mr. Chabarek that this ordinance needs to go to the Land Use Board.

Mr. Chabarek stated that this is going back to the Land Use board for review, report and recommendation for a thirty five-day period prior to response.

Ms. Broullon moved that the public hearing be moved to the December 21, 2016 meeting.

Mr. Harris read O-16-23 for the record.

A motion to move the public hearing of this ordinance was offered by Council Member Card and was duly seconded by Council Member Broullon.

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)

O-16-23 has been properly introduced and will have a public hearing and possible adoption on December 21, 2016.

b. **O-16-24 - Amending Borough Code - Chapter 2 - Creating Section - Police Chaplains**

Council Member Broullon stated that this ordinance will remain on the 12/7 meeting agenda for a public hearing.

Mr. Harris read O-16-24 for the record.

Ms. Broullon confirmed that this position is a volunteer position and not a salaried position. She asked Police Chief Joseph Blewett if he had anything to add.

Chief Blewett stated that we have had an informal police chaplain program going back to Chief Davis. Mayor Wills and Mayor Nolan have used police chaplains. Chief Blewett said that he spoke to the two chaplains in town. They both agreed to it. It is unpaid. There is no salary or benefits. It is a volunteer position. It is widely recommended throughout the police community.

A motion to introduce this ordinance was offered by Council Member Broullon and was duly seconded by Council Member Wells.

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)

O-16-24 has been properly introduced and has a public hearing and possible adoption on December 7, 2016.

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Board of Education – Council Member Wells

The Board of Ed is hosting the Veteran's Breakfast this Friday at 9:00 a.m. It really is a great event. Any veteran can go in. The kids feed the veteran's. The event is about two hours long.

The Girl Scouts are doing a Veterans' Day event at the community center on Veterans' Day at 7:00 p.m. The Girl Scouts will sing patriotic songs. There will be speeches. There will be coffee and dessert for the veterans. This will be another really cute event.

Recreation Department – Council Member Wells

We have been moving forward with some new ideas coming from the rec committee. We revamped the rental agreement for the community center, getting in line with what is in place in other towns. We are tweaking the space rental agreement to make it a little bit more user-friendly.

At the last meeting, we discussed how to make the Teen Nights for the high school and the middle school better. My teenager, much to her dismay, came down and spoke to the committee about what teenagers would like to do. She stated that no teenager wants to sit in a room where they feel like they are constantly being watched. She talked about the potential of different types of theme-movie nights and we will see where that pans out. Unfortunately, these are two programs where it is hard to grab that audience.

The basketball clinic has taken off and is doing very well.

Kids on the Move, right now, eighteen are registered.

Yoga at Ptak is doing very well as well as with the kids here in the community center.

The Halloween Parade and Costume Contest were a great success. This was something that we did for years, pre-Sandy, and we brought that back. We had about at least eighty participants and about 130 people down in this area.

The Holiday Helpers – The recreation department along with the Henry Hudson Key Club will be offering free child-card services to busy holiday shoppers on December 3rd from 9:00 a.m. 3:00 p.m. here at the community center. The event is for Highlands and Atlantic Highlands children from five- to eleven-years old. It will include games, activities, arts and crafts. Participants must be pre-registered.

Breakfast with Santa, which we have every year, will be at the community center on December 10th from 9:00 a.m. to 11:00 a.m.

We are always looking for recreation committee members.

We partnered up with Care One and we will have a Santa reading night up there on December 6th at 7:00 p.m. Santa will be reading "Twas the Night Before Christmas."

We will have a toy drive which will go towards the Robert D. Mosely (?). It will be good for the seniors that are there.

Other business:

Council Member Broullon said that she would like to get some flyers together for residents. Not all residents are on Facebook or are aware of the new website. There is some confusion regarding the website. Ms. Broullon asked those that are on a committee to contact Brian

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Geoghegan or herself so that they can coordinate what can be put into the next borough-wide mailing. Some residents would like to have a piece of paper so they can stick it to their refrigerator and have something to look at.

Miller Beach parking – Some of you will remember that a couple of years ago we changed the parking regulations at Miller Beach since there were a lot of shenanigans going on late at night. Currently, it is listed you that cannot use the lot or the beach from the hours of dawn 'til dusk which mirrors all our borough ordinance about public property. However, in the winter time, it is hard for people to use parking at a restaurant when dusk can be as early as 4:30 p.m. It is a hardship on both people who may be visiting, people who live nearby as well as our local business. It was suggested to me by an elderly neighbor of mine, and I thought it was a good idea, to amend the hours from 5:00 a.m. to 10:00 p.m. That way, people can visit, use the beach and go out to dinner. This way, it would not be a replay of the bad behavior that was happening in the middle of the night.

Council Member Card stated that he would have Chief Blewett weigh in on this but he himself would have no problem with that.

Council Member Wells said that she would have no problem with the parking but would have to weigh in on the beaches being open until 10:00 p.m.

Council Member Broullon stated that the parks and beaches are already open until 10:00 p.m. The problem is that the parking lot was closed at dusk. People are saying that we have parking problems and then we are closing down the parking lots and it doesn't make a lot of sense. Ms. Broullon than asked Chief Blewett how he felt about those proposed hours.

Chief Blewett stated that yes but there is one section in the borough code that does mention parking lots and parks but he would have to look it up to be sure.

Council Member Broullon said that she was hoping the ordinance would state a specific time so that people could plan around it. She stated that dawn 'til dusk changed every day.

Council Member Wells asked if this ordinance would only change the one parcel.

Council Member Card was curious about that as well.

Council Member Broullon said that other parking lots could be looked at as well. It does not mean that the community center parking lot would count in this. No one was enforcing the time restrictions on that lot now.

Chief Blewett made a comment that was indistinguishable.

Council Member Broullon replied that then this would be inconsistent with the lot next to Havana which is also a borough lot. It is used all the time and people park there for days.

Chief Blewett answered that it is a borough lot but it is not next to a borough park. There have been issues at the Miller Beach lot but there haven't been the same issues at the lot next to Havana. There were kids hanging out and somethings found there at Miller Beach parking lot.

Council Member Broullon stated that she would look into the parking lots being connected to the parks.

Ms. Broullon asked if there was anything else.

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Council Member D'Arrigo just wanted to remind everyone that the clocks are to be turned back this coming weekend.

Public Portion:

Council Member Broullon opened the public portion of the meeting.

Kim Skorka of 315 Shore Drive stated that Resolution 16-220 wasn't on the agenda that was listed and it took her by surprise. Ms. Skorka said that she didn't know until after you passed it. She said that she had some questions. The noise ordinance addresses bands that are outside from May to October. Ms. Skorka asked what happens if the band is outside in December? She stated that it happened last year. They put up plastic around the outside with heaters and a band that should be inside with the doors closed is outside. This is an issue going to midnight because not everyone is off on January 1st. Her boyfriend works on January 1st. He works an hour away and he had to be up early.

Brian Chabarek replied that the ordinance allows for the extended two-hour period on New Year's Eve. On that one day, the noise ordinance extends from 10:00 p.m. to 12:00 a.m.

Ms. Skorka said she understands that but Havana has set up their outside so that they can have a band outside all winter long. Section 3-2.4 (j) only addresses outdoor music from May to October.

Mr. Chabarek stated that he didn't know that they have outdoor music on New Year's Eve.

Ms. Skorka said that they did last year. They put up plastic and they have space heaters and they party all night long. She asked if bands are allowed outside in winter or not.

Mr. Chabarek stated that this resolution gives them the exemption for two hours. Mr. Chabarek recognized that Chief Blewett wanted to make a comment.

Chief Blewett stated that he understood what Ms. Skorka was talking about. It was a question that he had asked before. Chief Blewett said that he didn't know if this was something that should be addressed with the Building Department or Code Enforcement to see if that structure is on the outside (?)

Council Member Card stated that whether the band was outside or inside, the question is whether or not they are allowed to have (?) underneath that structure like they're doing. It's a safety issue across the boards.

Ms. Skorka said that she is actually upset that you know the history of this and you are going to approve it.

Council Member Card reply to Ms. Skorka that unfortunately; we are a tourist town. We are moving in the direction that one or two nights a year, we are all going to have to bite the bullet.

Ms. Skorka stated that Mr. Card said that this was once or twice a year. She stated that they had a fine for one night and she claimed to have spoken to an officer on Saturday who told her that they have already been warned this year.

Council Member Card stated that they will feel the consequences of it if they violate it again. Chief Blewett and his staff will take care of it. But it is generally expected that we will make exceptions when it is a holiday. The same thing with the beginning of the summer season, we

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will see that first entourage of events down here that makes noise and then putters out. So, it's not a perfect world, perfect situation. I don't think it is happening as bad as it once was. They have reeled themselves in quite a bit. I am concerned about them setting up the band outside because that was part of the situation. So, if the band is inside, it does help with the noise. So we should find out what it is they are planning on doing. I am going to support this because it is a business in town and it is one night a year.

Ms. Skorka claimed that it actually is not just one night a year. They have been getting better but they are starting to loosen up again. Because they think no complaints are coming in. Ms. Skorka claimed that the music was up again on Saturday louder than it's been all summer long.

Mr. Chabarek clarified that the resolution was only for New Year's Eve, one night, for two hours.

Ms. Skorka said that she understands but that you have to understand that not everyone is off on January 1st. Some people actually have to get up early and go to work. Ms. Skorka stated that she didn't move across the street from a bar with loud music. It was a nice, quiet restaurant. And I didn't move to a tourist town but it that's the direction it's going, God willing, the property values go up so I can get the hell out of here. This is ridiculous.

Ms. Skorka then asked when was the Tilt Up being leaving? Do we have a date yet?

Council Member Card he was looking at Brian Geoghegan.

Mr. Geoghegan said that he was working with the engineer that was from the construction company that Carteret has selected. Mr. Geoghegan said that he keeps promising updates that he hasn't been delivering. Mr. Geoghegan stated that it was a short time away that he would be calling Red Bank Recycling. He said they had a three-week lead time so it would be a three-weeks out before they would begin working on it.

Ms. Skorka asked if by the next council meeting will there be a call to Red Bank?

Council Member Card said that the call has already been made. We are waiting for their scheduling guy to schedule the right equipment to come here.

Ms. Skorka said that if you keep pushing it back and pushing it back, it will be springtime and we will still be looking at this.

Mr. Card stated that is not what is happening. We are waiting for their scheduling person from Red Bank Recycling to give us a date. We cannot dictate when Red Bank sends their equipment. They have their equipment and their demolition crew. It is not a standard house to demo. It needs special equipment. As soon as he gives us a demo date, Mr. Card stated that he has made his position very clear to Mr. Geoghegan. He said that he doesn't care what Carteret is doing. The demolition date is set by Red Bank Recycling. As soon as they give us a date, that date will be communicated to Carteret to give them a fair opportunity. I would love to have that date from Red Bank Recycling today but I don't have that and I can't dictate their scheduling.

Ms. Skorka said that they had three weeks out from last month.

Mr. Card said that they have been busy. He said to Ms. Skorka that if she could call them and get a date, that would be great. We can't push them any further along than what we have.

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Council Member Broullon asked if there was anyone else with comments and to please use the microphone.

Barbara Ianucci of 28 Shrewsbury Avenue asked Patrick DeBlasio about user-friendly budgets. She stated that she knew that there was a state mandate to put them into effect in a certain year.

Mr. DeBlasio replied 2016.

Ms. Ianucci said she had seen other towns had them other years but said she did not see the attachment on the back of our adopted budget that had that nice user-friendly form that show some numbers that were really good.

Mr. DeBlasio stated that we had it attached to the introduced budget but we could provide that.

Ms. Ianucci asked if they could be provided as separate links on the borough website.

Mr. DeBlasio said that they could.

Ms. Ianucci asked if the borough had software that could provide use-friendly budgets for the previous years.

Mr. DeBlasio replied absolutely not.

Gert Sofman of 157 Bay Avenue state that she had a couple of issues. The empty parking lot next to her was a vendors' market this past weekend. I don't know what kind of zoning, we know it's not an approved use. And if it's approved, where's the permits? Where's the insurance? You had a public event on a parking lot. This is an issue for me.

Ms. Sofman continued. The other issue I had is with the same gentleman. I had my property marked and staked. The stake was pulled up with the Streetscape program. A neighbor re-staked it. You can't do that. I need the town to come out, I need to be reimbursed to have my property re-staked because of the Streetscape program. I'm dealing with this jerk, this abusive jerk of a neighbor because of this property line issue. So this is a real problem. I don't want to have to pay another \$125 to get my property staked because of Streetscape program pulled it up.

Council Member Broullon asked if Ms. Sofman had spoken to the police department about this.

Ms. Sofman replied that she did.

Ms. Broullon asked if a report had been filed.

Ms. Sofman stated that she will not be threatened. She claimed that she was threatened with physical harm and said that this was not acceptable.

Ms. Broullon agreed.

Ms. Sofman asked how are we developing this town? If it's going to be an event it's a Highlands Business Partnership event with permits.

Council Member Card responded that he would have the Code Enforcement officer look into it.

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(?) of (?) asked what Resolution 16-214 entailed.

Council Member Card it is about what type of electrical power will be used in Veteran's Park. It is meant to eliminate underground wiring.

Tina Kaemmerer of 164 Linden Avenue said that she was glad that Ms. Skorka said something about the bands playing. She said she hopes it doesn't continue.

Ms. Kaemmerer wanted to commend Carol Bucco for a letter she wrote to the editor of the Atlantic Herald.

Ms. Kaemmerer wanted to clarify that it was the water company that did the paving on Linden Avenue in conjunction with the county and they did a great job. She felt that the sidewalks did not look good. Ms. Kaemmerer offered to share all the information she had about who did what.

Ms. Kaemmerer complained about her property tax bill. She stated that the taxes have gone up over \$300 a quarter. She called for change.

Council Member Broullon stated that she and other members of the borough governing body were looking into funding to replace the sidewalks around the elementary school. Ms. Broullon informed Ms. Kaemmerer that if the borough looks into funding its own projects, this would increase the property taxes greatly. Cooperative funding saved the resident tax payers money.

Ms. Broullon said the superintendent of DPW was looking into snow removal around the school as well.

Council Member Broullon closed the public portion.

The meeting was adjourned.