

## Highlands Borough Mayor & Council Meeting Minutes

Community Center, 22 Snug Harbor Avenue, Highlands

Wednesday, December 19<sup>th</sup> 2018, 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.

Call to Order  
Meeting Statement  
Roll Call

### **EXECUTIVE SESSION: 7:00PM**

Attorney-Client Privilege: Feasibly Study for Educational Shared Service  
Cable Television Franchise Renewal  
Cellular Nodes

### **REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

### **Consent Agenda**

R-18-244 Approve Payment of the Bills  
R-18-245 Approve Alliance Grant Form 1B  
R-18-246 Approve Waiver of Alcohol Ban for Community Center Rental  
R-18-247 Authorize Refund of Tree Removal Permit Fee  
R-18-248 Affirm Highlands' Civil Rights Policy  
R-18-249 Authorize Execution of Agreement for Snow Removal & Street Lighting Reimbursement with Hilltop at Highlands Condo Association  
R-18-250 Authorize Execution of Agreement for Snow Removal & Street Lighting Reimbursement with Gateway Villas Condominium Association

### **Resolutions**

R-18-251 Authorize Execution of Settlement Agreement with Property Owner of B103, L2  
R-18-252 Authorize Adoption of Amendments to Borough Employee Handbook & Distribution of Personnel Policies and Procedures Manual  
R-18-253 Authorize Shared Feasibility Study for Educational Shared Services by & between Highlands & Sea Bright

### **Ordinance: Second Reading, Public Hearing & Possible Adoption**

O-18-24 Amend Chapter 10 of Borough Ordinances that Established Fees for the Department of Buildings & Housing  
O-18-25 Amend Chapter 17 Which Established a Business Improvement District  
O-18-26 Adopt Redevelopment Plan for Captain's Cove Marina, B84 L2.01  
O-18-27 Adopt Redevelopment Plan for Shadowlawn Mobile Home Park, B105.107 L1.1

### **Other Business**

Administrator's Report  
Engineer's Report  
Police Chief's Report

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**Public Comments:**

**Adjourn**

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### REGULAR MEETING:

The Meeting was called to order at 7:05pm.

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.

Call to Order

Meeting Statement

Roll Call

### ROLL CALL:

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

  X   Bonnie Brookes, Clerk  
  X   Andrew Ball, Borough Attorney  
  X   Brian Chabarek, Borough Attorney  
  X   Kim Gonzales, Borough Administer  
  X\*\* Ed Herrman, Borough Engineer  
  X   Rosa Pace, Deputy Clerk

\*Mayor O'Neil entered at 7:08pm

\*\*Ed Herrman entered at 7:35pm

### Executive Session

Attorney-Client Privilege:        Feasibly Study for Educational Shared Service  
  Cable Television Franchise Renewal  
  Cellular Nodes

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

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

The Resolution to enter executive session was properly approved.

Council entered Executive Session at 7:09pm.

Council exited Executive Session at 8:04pm.

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### Regular Meeting

Council returned to public session at 8:04pm.

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.

### **Pledge of Allegiance**

Lead by Mayor O'Neil.

### **ROLL CALL:**

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

### **Consent Agenda**

R-18-244      Approve Payment of the Bills  
R-18-245      Approve Alliance Grant Form 1B  
R-18-246      Approve Waiver of Alcohol Ban for Community Center Rental  
R-18-247      Authorize Refund of Tree Removal Permit Fee  
R-18-248      Affirm Highlands' Civil Rights Policy  
R-18-249      Authorize Execution of Agreement for Snow Removal & Street Lighting Reimbursement with Hilltop at Highlands Condo Association  
R-18-250      Authorize Execution of Agreement for Snow Removal & Street Lighting Reimbursement with Gateway Villas Condominium Association

**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.

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**Resolutions**

**R-18-251      Authorize Execution of Settlement Agreement with Property Owner of B103, L2**  
**Motion to Approve Resolution 18-251:**

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

Resolution 18-251 was properly approved.

**R-18-252      Authorize Adoption of Amendments to Borough Employee Handbook & Distribution of Personnel Policies and Procedures Manual**

**Motion to Approve Resolution 18-252:**

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

Resolution 18-252 was properly approved.

**R-18-253      Authorize Shared Feasibility Study for Educational Shared Services by & between Highlands & Sea Bright**

**Motion to Approve Resolution 18-253:**

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

Resolution 18-253 was properly approved.

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**Ordinance: Public Hearing & Possible Adoption**

**O-18-24 Amend Chapter 10 of Borough Ordinances that Established Fees for the Department of Buildings & Housing**

Mayor O’Neil opened the meeting for comment on Ordinance 18-24.

**Name:** Kim Skorka

**Address:** Shore Drive

Asked if Air B&B fees are included in this Ordinance. Mr. Chabarek stated that those fees are in the Air B&B ordinance.

Mayor O’Neil closed the meeting to the public.

**Motion to Adopt Ordinance 18-24:**

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

Ordinance 18-24 was properly adopted.

**O-18-25 Amend Chapter 17 Which Established a Business Improvement District**

Mayor O’Neil opened the meeting for comment on Ordinance 18-25.

**Name:** Kim Skorka

**Address:** Shore Drive

Questioned why Shore Landing LLC was not included in this ordinance. Councilmember Broullon started that the Council acknowledges it is flawed and will not be adopting the ordinance.

Mayor O’Neil closed the meeting to the public.

**Motion to Adopt Ordinance 18-25:**

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

Ordinance 18-25 failed and was not properly adopted.

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### **O-18-26      Adopt Redevelopment Plan for Captain's Cove Marina, B84 L2.01**

Mayor O'Neil opened the meeting to the public on Ordinance 18-26.

**Name:** Ed Eisemann

**Address:** Certified Clam Board of Directors

Informed the Council that the clambers who use Captain's Cove were told that had to move their boats by Friday and he noted that this would force half of the Certified Clam clambers out of business. Mayor O'Neil stated that they can move to a different Mariana. Mr. Eisemann explained that they have already paid their dues for that marina for the year. Council explained that this issue does not have anything to do with the ordinance and would have to be discussed later in the meeting.

**Name:** Carol Bucco

**Address:** Shore Drive

Stated that she did not understand this ordinance or the next one and inquired if this ordinance included a parking prohibition. Mr. Chabarek explained the ordinance and the process which includes the Land Use Board (LUB). He also noted it was at the Fire Marshalls suggestion to keep the prohibitive parking.

**Name:** Willie Rossetti

**Address:** Sea Drift

Inquired what the redevelopment plan was for Captain's Cove. Councilmember Broullon explained that the redevelopment created zoning changes and provided the developer options for the property which makes the property more appealing for buyers and helps Mr. Rosiak. Councilmember Braswell noted that the property was always zoned as residential although it always operated as a marina. Mr. Rossetti noted that the Maria was not causing the flooding and explained to the Council what he thought the cause was.

**Name:** Raymond Philips

**Address:** Forth Street

Stated that work was being conducted on the property and the Mayor explained that can be discussed later in the meeting.

**Name:** Kim Skorka

**Address:** Shore Drive

Asked the Council to advise the developers to use green infrastructure which is the Master Plan encourages. She discussed the flooding issue with the Council.

The Meeting was closed to the public.

Mr. Chabarek confirmed with the Council that they had reviewed the report from the LUB which the Mayor and Council confirmed. He also confirmed with the Council that all the reasons for not following certain recommendations are set forth in the ordinance, which they also confirmed.

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**Motion to Adopt Ordinance 18-26:**

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

Ordinance 18-26 was properly adopted.

**O-18-27 Adopt Redevelopment Plan for Shadowlawn Mobile Home Park, B105.107 L1.1**

Mr. Chabarek stated that the Council read and reviewed the LUB's report concerning Ordinance 18-27. Mayor O'Neil opened the meeting to the public on Ordinance 18-27.

**Name:** Carol Bucco

**Address:** Shore Drive

Questioned if the Council was only agreeing to the LUB's forth recommendation which Mr. Chabarek confirmed. Councilmember Broullon noted that the first three recommendations were against State statue.

**Name:** Lorraine Dibble

**Address:** Matthew Street

Addressed the Council, expressing her concern that not enough attention is being paid to the families that currently reside at Shadowlawn. Ms. Dibble noted that they would need comparable and adequate housing and there isn't any in Highlands. She stated that the residents are afraid to speak out for fear of retaliation and noted that they have been threatened by the Shadowlawn management. Ms. Dibble appealed to the Council to think about Shadowlawn's residents many of whom are single parents or can't afford anything else. Councilmember Broullon stated that they are aware that Highlands needs more affordable housing.

Ms. Dibble stated that she was present tonight at the request of NJ Affordable Housing, adding that these residents have such a low income they cannot afford "affordable" housing. Councilmember Broullon noted that there would be public input on the development plans.

**Name:** Willie Rossetti

**Address:** Sea Drift

Stated that they Shadowlawn should not be affordable housing but rather more ratables for the Borough.

**Name:** Raymond Philips

**Address:** Forth Street

Noted the Borough has enough affordable housing and does not need anymore as they are scamming the governing. He noted that the clammers at Captain's Cove are working class people.

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**Name:** Kim Skorka

**Address:** Shore Drive

Questioned why thirty (30) units per acre are acceptable for the redevelopment when the rest of the town is only permitted fourteen (14) units per acre. She asked why the Council would permit a high rise when the residents made it clear that they did not want another in the Master Plan survey. Mr. Skorka also noted that people in small apartments would not have the disposable income which would benefit the Borough's businesses.

Mayor O'Neil closed the meeting to the public.

Mr. Chabarek confirmed with the Council that they had reviewed the report from the LUB which the Mayor and Council confirmed. He also confirmed with the Council that all the reasons for not following certain recommendations are set forth in the ordinance, which they also confirmed.

### **Motion to Adopt Ordinance 18-27:**

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

Ordinance 18-27 was properly adopted.

### **Other Business**

#### **Administrator's Report**

Ms. Gonzales reviewed some of the Borough's upcoming events. She noted that people can file an application for home repairs through NJ Work Camp and stated that the Valley Street project would be starting shortly after the NJ Natural Gas completes their work.

#### **Engineer's Report**

Mr. Herman stated that the Borough is moving forward with the Shared Service with Middletown for flood management and zoning services and spoke about the transition. He pointed that the Shore Drive pump station's performance had improved with recent work, but still will get a second opinion. He noted that challenges of upkeeping the plant. Mr. Herrman updated the Council on the status of the Veteran's Park electric, the Police Department's sewer connection, the flat valves, and various grants.

#### **Public Comments**

Mayor O'Neil opened the meeting to the public.

**Name:** Raymond Philips

**Address:** Forth Street

Inquired if the pump issues were related to Captain's Cove which Mr. Herrman confirmed they were not.

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**Name:** Ed Eisemann

**Address:** Certified Clam Board of Directors

Inquired why Captain's Cove mercantile license was removed. Mayor O'Neil stated that the Council provided Mr. Rosiak with many extensions to correct the problem. Mr. Eisemann explained some of the delays to the work being complete. He added that this does not affect anyone on Council but for them it was their rent check. He asked the Council to extend the deadline to April 30<sup>th</sup>, 2019 as they are currently putting the families of the clambers at risk. Mayor O'Neil commented that this has been going on for years and affects more people than just the clambers. There were several outbursts from the public.

Mr. Eisemann questioned why the Council could not provide him more time when their projects take so long. He asked the Council to help the clambers who support the Borough. There were more outbursts.

Councilmember Braswell explained the Mr. Rosiak should have foreseen this and planned as this has been an issue for years. Councilmember Ryan stated that Mr. Rosiak is hurting the clambers, not the Council, and noted that the Council must also think about the residents. Mayor O'Neil stated that he needs to complete the work. The Council continued to discuss this with Mr. Eisemann

**Name:** Willie Rossetti

**Address:** Sea Drift

Explained the flood waters come up from the sewer because outfall pipes were removed from the bulk head, in addition to, the storm and sanitary sewers being connected. He suggested hiring an engineer that has experience with water. Mayor O'Neil noted that the Council is doing the best they can.

**Name:** Raymond Philips

**Address:** Forth Street

Acknowledged that the Council had been very patient with Mr. Rosiak. He stated that Mr. Rosiak was receiving treatment in the morning and working on the marina in the afternoons. Mr. Philips pointed out that all the materials were at the property. Council again confirmed that Mr., Rosiak can have his mercantile back when the repairs have been completed.

Ms. Gonzales noted that there were other issues with the property including backfilling with clay. Councilmember Ryan further explained that there were other things than the thirty (30) feet of wall that needed to be repaired. Mayor O'Neil stated that this does not stop him from completing the work and when he does he can have his mercantile license returned.

Mr. Philips stated that the clambers have no money to go to another marina and pleaded to extend the deadline. He stated that him and others would be willing to help with the repairs.

Councilmember Ryan suggested that the Council should reenter Executive Session prior to adjourning the meeting to discuss Captain's Cove. The Council agreed this was a good idea.

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**Motion** to Reenter into Executive Session to only discuss Captain’s Cove:

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

The Motion to reenter executive session was properly approved.

Mayor O’Neil announced that they would finish the public comments prior to reentering executive session.

**Name:** Dennis Herbert

**Address:** Certified Clam Board of Directors

Stated that if there was another polar vertex then the work on the marina could not be completed and added the clambers help protect the marina by chopping the ice. Mr. Herbert pronounced that the Baysmen will help to get it complete and requested a deadline to April since work cannot be completed in the winter.

**Name:** Carol Bucco

**Address:** Shore Drive

Expressed concern over the Borough renewing the Comcast contract. Mayor O’Neil noted that the Council is looking at all the options. Ms. Bucco inquired if there was a deadline to have the work completed in relation to Resolution 251 and noted that she didn’t want it to be another Captain’s Cove situation. Mr. Chabarek explained the timelines, the agreement details, and the deadlines for a settlement.

Ms. Bucco stated that concerning Resolution 19-253, Sea Bright had their opportunity to join with Highlands education system in the 1960’s and didn’t, why should we allow them to now. She also questioned the cost of the study which the Mayor explained the cost share and possible reimbursement from the State.

**Name:** Tina Kaemmerer

**Address:** Linden Avenue

Inquired is a Shared Service with Sea Bright would help lower property taxes. Councilmember Broullon stated that it would help both municipalities. Council explained how it would not be a shared service but rather one district. Ms. Gonzales stated that a lot would need to be investigated prior, which is why the study would be conducted.

Ms. Kaemmerer noted that building at the Shadowlawn property could really impact other parts of the Borough due to the slope. She added that she just would like to see this done right. She also expressed her concern over the traffic on Linden Avenue and was concerned over safety. Ms. Gonzales stated that she met with the County today on that topic and asked them to conduct a traffic study on Linden

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Avenue, Waterwitch Avenue, and Shore Drive which should be done this spring. Councilwomen Broullon asked that Bay Avenue also included.

**Name:** Kim Skorka

**Address:** Shore Drive

Stated that the owner of the Shadowlawn property had informed people that they had a buyer for the property and was just waiting for the ordinance to pass. Council explained that the Borough controls the developers.

Ms. Skorka stated that that there is a great “shop local” program that many of our businesses are not aware of and that HBP should be promoting.

Mayor O’Neil wished everyone happy holidays.

**Name:** Willie Rossetti

**Address:** Sea Drift

Questioned why the Borough cancelled his father’s medical insurance. Mayor O’Neil responding, stating that the Council cannot discuss employees.

Council entered Executive Session at 9:22pm.

Council exited Executive Session at 9:40pm.

Mayor O’Neil stated that the clammers can stay at the marina as long as they want, they have no power to tell the clammers to get out and the Council will deal with Mr. Rosiak. Councilmember Braswell noted that Mr. Rosiak can ask them to leave. Council stated that if Mr. Rosiak was actively working on the marina, the Borough would leave him alone. Councilmember Ryan clarified that the Council never told Mr. Rosiak to stop working, and in fact they want him to continue to work. Mayor O’Neil explained that Mr. Rosiak would be responsible for the fines of operating without a mercantile license, not the clammers. Councilmember Broullon noted that the clammers are not being told a bent truth by Mr. Rosiak. Mayor O’Neil continued to discuss this issue with the clammers and added that it was never the Borough’s intent to hurt the clammers.

### Adjourn

**Motion** to adjourn the meeting:

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

The meeting was adjourned at 9:46pm.

### Approval of the Minutes

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**Motion to Approve the December 19<sup>th</sup> 2018 Meeting Minutes:**

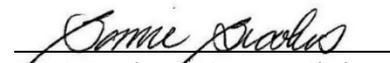
	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA					X	
RYAN			X			
O'NEIL		X	X			

I, Bonnie Brookes, 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 Council Meeting, held March 6, 2019. WITNESS my hand this 7<sup>th</sup> day of March 2019.



Bonnie Brookes, RMC  
Municipal Clerk

Approve:   
Richard W. O'Neil, Mayor

Attest:   
Bonnie Brookes RMC, Deputy Clerk