

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Meeting Location: Robert D. Wilson Community Center, 22 Snug Harbor Avenue , Highlands, NJ

Mayor Nolan called the meeting to order at 7:09 p.m.

Meeting Statement:

Mrs. Cummins 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, Mrs. Wells, Mayor Nolan
Absent: Ms. Ryan
Also Present: Mrs. Cummins, Borough Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Borough CFO
Bruce Padula, Borough Attorney
Kim Gonzales, Borough Purchasing Officer

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: Tax Settlement Agreement - Britton**
- 2. Contract Negotiations: CWA Sick Time, PBA Contract**
- 3. Real Estate: Municipal Facility Update**
- 4. Personnel Matters: L. Fundora & A. Macri - RICED**
- 5. Attorney-Client Privilege: Realty Data Assessment Agreement**

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.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

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 collective 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 public's 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, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: Ms. Ryan
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting to order at 8:09 p.m.

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

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Mayor Nolan asked for a moment of silence for Camile Cefalo , a longtime resident and Carla Cefalo-Braswell’s mother, who passed away on Christmas Day.

ROLL CALL:

AYE: Mr. Card, Mr. Redmond, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: Ms. Ryan
ABSTAIN: None

R-15-241- Resolution Appointing Two Police Officers:

Mrs. Cummins read the title of Resolution R-15-241.

**R-14-241
RESOLUTION APPOINTING RONALD OSADACZ AND
RYAN SCHOELLNER AS POLICE OFFICERS IN THE
BOROUGH OF HIGHLANDS**

WHEREAS, the Borough of Highlands has a need to hire additional police officers; and

WHEREAS, the Chief of Police has recommended appointing Ronald Osadacz and Ryan Schoellner as Police Officers within the Borough, subject to successfully completing the appropriate background, medical and psychological tests.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough Highlands, that Ryan Schoellner and Ronald Osadacz are hereby appointed as Police Officers in the Borough of Highlands, subject to successful completion of the appropriate background, medical and psychological tests.

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

Mayor Nolan then swore in Ryan Schoellner.

Ron Osadacz was not present.

Consent Agenda:

Mrs. Cummins stated that there is an amendment to Resolution R-15-243 to add contingent upon receipt of grant funds.

Mr. Padula stated that he added language to the resolution that the contract is contingent upon receipt of the grant funds.

Mr. Hill briefly explained the maximum amount of funds that could be received per house.

**R-15-242
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR CALENDAR
YEAR 2014**

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

WHEREAS, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

WHEREAS, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan prepared by the Chief Financial Officer dated for the Calendar Year 2014.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-15-243**

**A RESOLUTION APPROVING LEAD INSPECTION SERVICES AND LEAD
REMOVAL PROJECT MANAGEMENT SERVICES
IN CONNECTION WITH THE NEW JERSEY DEPARTMENT
OF COMMUNITY AFFAIRS LEAD HAZARD REDUCTION
GRANT IN AN AMOUNT NOT TO EXCEED \$40,000**

WHEREAS, the Borough was awarded a Lead Hazard Reduction Grant (Grant) by the New Jersey Department of Community Affairs (DCA); and

WHEREAS, Under the terms of the grant, Lead Inspection Services and Lead Removal Project Management Services are required; and

WHEREAS, Request for Proposals for such services were submitted on November 13, 2015 and the subsequent review has been completed; and

WHEREAS, The Lew Corporation, 1090 Bristol Road, Mountainside, NJ has submitted a competitive proposal and meets the criteria established to provide such services; and

WHEREAS, this contract is awarded in the amount not to exceed \$40,000.00 to provide the Lead Inspection and Lead Removal Project Management Services in connection with the NJ DCA Lead Hazard Reduction Grant contingent on receipt of grant funds; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands as follows:

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

1. The Mayor or Borough Administrator are authorized to sign the Agreement on behalf of the Borough contingent on receipt of grant funds.
2. Millennium Strategies will continue to monitor and provide grant management services inclusive of items provided under this agreement by LEW.

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

**RESOLUTION R-15-244
RESOLUTION APPROVING ALLIANCE GRANT FOR 2017
FORM 1B**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough of Highlands Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough of Highlands Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Highlands Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough of Highlands Council does hereby authorize submission of a strategic plan for the Highlands and Atlantic Highlands Municipal Alliance grant for fiscal year 2017 in the amount of:

DEDR	\$31,960.00
Cash Match	\$ 7,990.00
In-Kind	\$23,970.00

2. The Borough of Highlands Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Frank L. Nolan, Mayor

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

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

R-15-245

RESOLUTION APPROVING RIGHT-OF-WAY USE TO VERIZON WIRELESS

WHEREAS, New York SMSA Limited Partnership, d/b/a Verizon Wireless (“Verizon”), is a provider of commercial mobile services subject to the regulations of the New Jersey Board of Public Utilities (“BPU”) and the Federal Communications Commission (“FCC”), which authorize Verizon to provide local exchange and interexchange telecommunications services; and

WHEREAS, the BPU recognizes Verizon as a local exchange carrier that provides local telephone and associated services in its service territory in New Jersey through a telecommunications network that it owns and operates; and

WHEREAS, Verizon has represented that it has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon may jointly use such poles erected within the public right-of-way in the Borough of Highlands (the “Borough”); and

WHEREAS, Verizon proposes to provide telecommunications services in accordance with the Order and the rules and regulations of the FCC and the BPU; and

WHEREAS, Verizon intends to access and use the Borough’s public rights-of-way to locate, place, attach, install, operate and/or maintain telecommunication facilities on existing utility poles as well as new and/or existing underground conduit systems in Borough of Beach Haven’s public rights-of-way; and

WHEREAS, N.J.S.A. 48:3-19 requires Verizon to obtain the consent of the Borough for the use of any existing utility poles; and

WHEREAS, pursuant to such authority granted by the BPU and FCC, Verizon may locate, place, attach, install, operate and maintain facilities with public rights-of-way for purposes of providing telecommunications services; and

WHEREAS, the existing utility poles are owned and maintained by private telecommunications and utility providers; and

WHEREAS, Verizon shall obtain the permission of the owner(s) of said existing utility poles and provide proof of said consent and/or license to the Borough before any work is commenced; and

WHEREAS, N.J.S.A. 54:30A-124(A) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipt fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

WHEREAS, it is the best interest of the Borough and its residents for the Borough to grant consent to Verizon to occupy and access said public rights-of-way within the Borough for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands that Verizon is hereby granted a non-exclusive use of public rights-of-ways for the purposes of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the Borough’s Rights-of-Way Agreement with Verizon; and

BE IT FURTHER RESOLVED that the Borough Administrator and the Borough Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution; and

BE IT FURTHER RESOLVED that once executed the referenced Rights-of-Way Agreement with Verizon shall be kept on file by the Borough Clerk; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to:

1. Bruce W. Padula, Esq., Borough Attorney
2. Timothy Hill, Borough Administrator

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

**R-15-246
RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT
VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

Whereas, the Borough of Highlands, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Borough of Highlands has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Borough of Highlands intends to enter into contracts with kenwood State Contract Vendor, 83927, through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Now, Therefore, Be It Resolved, that the Borough of Highlands authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

Be It Further Resolved, that the governing body of the Borough of Highlands pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Borough of Highlands and the Referenced State Contract Vendors shall be from December 28, 2015.

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

**R-15-247
RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT
VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

Whereas, the Borough of Highlands, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Borough of Highlands has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Borough of Highlands intends to enter into contracts with SHI Contract Vendor, 89851 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Now, Therefore, Be It Resolved, that the Borough of Highlands authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

Be It Further Resolved, that the governing body of the Borough of Highlands pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Borough of Highlands and the Referenced State Contract Vendors shall be from December 28, 2015.

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

R-15-248

**Resolution Approving a Memorandum of Agreement
Between the Borough of Highlands and PBA LOCAL 48**

Whereas, the Borough and the PBA (Union) agreed to the terms of a successor collective negotiations agreement; and

Whereas, those terms have been incorporated into a memorandum of Agreement (“MOA”); and

Whereas, the Borough wishes to approve those terms and incorporate them into a successor collective negotiation agreement.

Now therefore, be it resolved that the Borough approved the terms of the “MOA” and directs Labor Counsel to prepare a successor collective negotiations agreement incorporating those terms.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute said Memorandum of Agreement.

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			X			
REDMOND			X			
RYAN						X
WELLS		X	X			
NOLAN	X		X			
ON CONSENT AGENDA <u> x </u> YES NO						

**RECAP OF PAYMENT OF BILLS
12/28/2015**

CURRENT:		\$	222,454.34
Payroll	(12/15/2015)	\$	245,174.52
Manual Checks		\$	54,302.22
Voided Checks		\$	
SEWER ACCOUNT:		\$	7,583.91
Payroll	(12/15/2015)	\$	7,103.58
Manual Checks		\$	62,480.68
Voided Checks		\$	
CAPITAL/GENERAL		\$	44,520.81
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	26,872.50
Payroll	(12/15/2015)	\$	1,725.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	303,450.95
Payroll	(12/15/2015)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Voided Checks
\$

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK’S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

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

Minutes Approved on Consent Agenda:
 Mayor Nolan offered a motion to approve the December 2nd, 2015 Executive and Regular Minutes, seconded by Mrs. Wells and all were in favor on the following roll call vote:

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

Other Resolutions:

R-15-249 – Resolution Appointing Temporary DPW Seasonal Employees:
 Mrs. Cummins read the title of Resolution R-15-249.

Mr. Hill explained that these individuals have expressed interest in being on the list for this year.

**R-15-249
RESOLUTION APPOINTING TEMPORARY WINTER SEASONAL
EMPLOYEES FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need for temporary, on-call winter seasonal employees to work with the DPW in assisting with snow removal; and

WHEREAS, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

WHEREAS, the positions listed will be paid at an hourly rate of \$16.00 per hour and are included in the 2016 Municipal Budget under Casual Labor.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following winter seasonal temporary appointments are approved:

Brian Burton
Edward Linsky

William O’Neil
Jorgi Craig

Joseph Misita

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

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

Ordinances: 2nd Reading, Public Hearing and Adoption:

O-15-24 – Ordinance Amending Code Enforcement to F/T & Salary Ordinance:

Mrs. Cummins read the title of O-15-24 on for 2nd reading and public hearing. This ordinance was published in the December 11th edition of the Asbury Park Press and may now open the public hearing.

Mayor Nolan opened the public hearing.

Kim Skorka asked if there are any benchmarks to see if fulltime is working.

Mr. Hill gave a brief breakdown of Code Enforcement for the month of December. There were 153 inspections completed in December, 134 were failed inspections, 9 violations corrected and 17 summonses were issued.

Mayor Nolan stated that Code Enforcement is part of Mr. Hill’s committee report.

Mrs. Wells added that she has received positive feedback from residents.

Greg Wells spoke of an online survey. He stated that any comments made on it would be anonymous. He added that the Code Enforcement Officer is aware of the survey.

Council and public continued to discuss violators and people are not being targeted. Residents are given enough time to fix the problems.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-15-24 on for final reading and adoption.

Mayor Nolan offered a motion and moved on the adoption of the following ordinance:

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

O-15-24

**AN ORDINANCE AMENDING SECTION 2-12.2 OF THE
BOROUGH CODE OF THE BOROUGH OF HIGHLANDS TO
ESTABLISH A FULL-TIME CODE ENFORCEMENT POSITION
AND AMENDING THE BOROUGH’S SALARY ORDINANCE TO
PROVIDE A MAXIMUM ANNUAL SALARY OF \$70,000.00 FOR
THE POSITION OF CODE ENFORCEMENT OFFICER**

WHEREAS, Section 2-12.2 of the Borough Code establishes the position of Code Enforcement Officer as a part-time position; and

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

WHEREAS, the governing body finds that it is necessary to establish a full-time Code Enforcement Position.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE. Section 2-12.2 of the Code of the Borough of Highlands shall be amended to read as follows (underscores represents additions and strikethroughs represent deletions):

2-12.2 Code Enforcement Officer.

Within the department of buildings and housing there shall be a code enforcement officer.

It shall be the duty of the code enforcement officer to enforce all the ordinances of the borough pertaining to land and buildings, including but not limited to the zoning ordinance, the standard of living ordinance and all such duties as may from time to time be assigned to the officer by the governing body~~mayor and council~~.

The code enforcement officer shall be appointed by the mayor, with the advice and consent of the council for the term of one year, and until his successor shall have been appointed and qualified.

The code enforcement officer ~~shall~~ may be a part-time or full-time position.

The hours constituting such ~~part-time~~ services shall be as hereinafter fixed by resolution of the governing body~~mayor and council~~ of the borough.

The annual salary for a ~~part-time~~ the code enforcement officer shall be established by resolution of the governing body, consistent with the Borough's salary ordinance,~~not exceed the sum of six thousand (\$6,000.00) dollars per annum.~~

SECTION TWO. The Borough's current salary ordinance, O-13-24, shall be amended to provide a maximum annual salary of \$70,000.00 for the position of Code Enforcement Officer.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION FOUR. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FIVE. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication *nunc pro tunc* October 1, 2015.

Seconded by Mrs. Wells and adopted on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Mr. Redmond, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: Ms. Ryan
ABSTAIN: None

O-15-25– Ordinance Amending Clerk Salary Ordinance:

Mrs. Cummins read the title of O-15-25 on for 2nd reading and public hearing. This ordinance was published in the December 11th edition of the Asbury Park Press and may now open the public hearing.

Mayor Nolan opened the public hearing.

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Kim Skorka stated that she thought this was to move stipends into the Clerk's salary.

Mr. Padula stated that a resolution at the last meeting moving the stipends was done at the last meeting. This just amends the salary ordinance.

Kim Skorka continued to express her concerns about moving the stipends.

Mr. Card stated that he has a problem with the language.

Mr. Padula stated that the bottom range of the salary is not being changed. It would not affect future hires. This just changes the top of the range.

Carolyn Broullon questioned if Civil Service would recommend the lower salary.

Mr. Padula stated that he would recommend changing the job description if that is the concern.

Discussion continued.

Mrs. Wells stated that the job description can be change in January. This is only to change the salary ordinance.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-15-25 on for final reading and adoption.

Mr. Redmond offered the following Ordinance pass final reading and moved on its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-15-25
AN ORDINANCE AMENDING ORDINANCE O-13-34, "AN
ORDINANCE ESTABLISHING SALARIES AND FIXING
THE COMPENSATION OF CERTAIN BOROUGH
EMPLOYEES OF THE BOROUGH OF HIGHLANDS FOR
2013" TO ESTABLISH A MAXIMUM SALARY RANGE FOR
THE POSITION OF MUNICIPAL CLERK OF \$70,240.00.**

WHEREAS, the Borough has adopted a salary ordinance, O-13-24, which establishes a minimum and maximum salary for positions within the Borough; and

WHEREAS, the governing body finds that it is necessary to amend the maximum salary range of the position of Borough Clerk, but does not actually amend the Clerk's salary.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE. The Borough's current salary ordinance, O-13-24, shall be amended to provide a maximum annual salary of \$70,240.00 for the position of Municipal Clerk.

SECTION TWO. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication *nunc pro tunc* November 1, 2015.

Seconded by Mrs. Wells and adopted on the following roll call vote:

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

ROLL CALL:

AYE: Mr. Redmond, Mrs. Wells, Mayor Nolan
NAY: Mr. Card
ABSENT: Ms. Ryan
ABSTAIN: None

Other Business:

Borough Engineers Status Report

Report submitted to the council and clerk. Copies were available to the public. No engineers were present.

INSERT ENGINEERS REPORT

Planning Board Request for Additional Time to Comment on Zone Change Request

Mayor Nolan offered a motion to give the Planning Board additional time to give their recommendations on the Zone Change Request, seconded by Mrs. Wells and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Mr. Redmond, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: Ms. Ryan
ABSTAIN: None

Engineers Request for Additional Funds

Mrs. Cummins stated that we received a letter from Dale Leubner dated December 10th requesting additional funds for \$6,665.47 for various public projects.

Mr. Card stated that he spoke with Dale Leubner regarding this request and his is ok with it.

Mayor Nolan offered a motion to table the request for additional funds for T&M Engineers for various public projects in the amount of \$6,665.47 until the January 20th, 2016 meeting, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Mr. Redmond, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: Ms. Ryan
ABSTAIN: None

Clam Plant Lease

Mr. Padula stated that there have been on-going negotiations and communications their attorney. They have sent a letter requesting an extension on their lease until March 31, 2016 to continue the negotiations process.

Mayor Nolan explained the history leading to this. They lack transparency regarding giving the council information. He will vote no on this extension. He further stated that he is requesting that this be add this to our January 20th meeting to discuss the lease and RFP's.

Mr. Redmond stated that none of these clams are sold in Highlands. They never gave us an exact number of clams that were brought in. They said they are down 25% from 22 million to 17 million. They have met several times but they have not brought anything back to the table. He agrees that we should send out if nothing is brought back by January 20th.

Mr. Card added that there is no spirit of cooperation. He supports putting out to bid on January 20th.

**Borough of Highlands
Mayor & Council
Regular/Work Shop Meeting
December 28, 2015**

Mrs. Wells stated feels that we have done our due diligence. We need to put in the RFP what we need.

Brief discussion continued.

Mr. Card said that we should not be afraid of threats of a lawsuit.

Mayor Nolan offered a motion to go out to bid and have an RFP prepared for the January 20th meeting, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSENT: Ms. Ryan

ABSTAIN: None

Public Portion:

Kim Skorka of 315 Shore Drive asked if the Council could hold the Executive Session in the Library. She questioned what the next step would be regarding homes with orange stickers.

Mr. Hill explained that some of the homes have been identified thru the DCA Program. Each home has different violations and the process.

Mr. Hill was directed to get a breakdown of the process.

Greg Wells asked if the list could be emailed to him. He will provide the details on surveys so they will understand the process.

Mr. Card did ask Mr. Mercado for a report without disclosing names and addresses. This will explain where he is with various homes.

Greg Wells questioned an item on the payment of bills. He asked if a \$900 Snow blower is necessary.

Mr. Hill replied yes and further explained.

Greg Wells then questioned the Comcast bill of \$140 per month and for what location.

Mr. Hill explained that we pay Comcast various charges for different facilities and further explained.

Greg Wells questioned cell phone reimbursement.

Mayor Nolan explained that some use their own phone.

Carolyn Broullon stated that a January 6th meeting date is listed on the website and needs to be removed.

Mrs. Cummins stated that a schedule has not been posted for 2016 and will have it removed.

There were no further questions.

Mayor Nolan offered a motion to adjourn, seconded by Mrs. Wells and all were in favor.

The Meeting adjourned at 8:51 p.m.

Debby Dailey, Deputy Clerk