

Mayor & Council Meeting Minutes

Community Center, 22 Snug Harbor Avenue, Highlands

Wednesday, March 20th 2019 – 7:00 p.m.

Other Business

Administrator's Report

Police Chief's Report

Engineers' Report

Public Comments:

Adjourn

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

The Meeting was called to order at 7:01pm.

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. Time maybe allotted for public comment at this meeting. Each speaker may be allotted a limited time when recognized by the presiding officer. Individuals wishing to address the Council shall be recognized by the presiding officer and shall give their name, address, and the group, if any, they represent. Although the Council encourages public participation, it reserves the right, through its presiding officer, to terminate remarks to and/or by any individual not in keeping with the conduct of a proper and efficient meeting. The Council will not, during the public portion of this meeting, discuss matters involving employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or discipling of any specific or prospective or current employee.

Call to Order
 Meeting Statement

Roll Call

 X Councilmember Braswell
 X Councilmember Broullon
 X Councilmember Mazzola
 X Councilmember Ryan
 X Mayor O’Neil

Also Present:

 X Andrew Ball, Borough Attorney
 X Bonnie Brookes, Clerk
 X Brian Chabarek, Borough Attorney
 X Kim Gonzales, Borough Administrator
 X Rosa Pace, Deputy Clerk
 Doug Rohmeyer, CME Associates

Executive Session

Attorney-Client Privilege: Redevelopment Amendment
 OPMA
 OPRA

Motion to Approve Resolution to Enter into Executive Session:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA			X			
RYAN		X	X			
O’NEIL			X			

The Resolution to enter executive session was properly approved.

Council entered Executive Session at 7:03pm.

Council exited Executive Session at 8:03pm.

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

REGULAR MEETING:

Council returned to Public Session at 8:11pm.

Call to Order

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. Time maybe allotted for public comment at this meeting. Each speaker may be allotted a limited time when recognized by the presiding officer. Individuals wishing to address the Council shall be recognized by the presiding officer and shall give their name, address, and the group, if any, they represent. Although the Council encourages public participation, it reserves the right, through its presiding officer, to terminate remarks to and/or by any individual not in keeping with the conduct of a proper and efficient meeting. The Council will not, during the public portion of this meeting, discuss matters involving employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or discipling of any specific or prospective or current employee.

Pledge of Allegiance was led by Mayor O’Neil.

Mayor O’Neil asked for a moment of silence be observed for John and Barbara Grogan.

Roll Call

- X Councilmember Braswell
- X Councilmember Broullon
- X Councilmember Mazzola
- X Councilmember Ryan
- X Mayor O’Neil

Also Present:

- X Andrew Ball, Borough Attorney
- X Bonnie Brookes, Clerk
- X Brian Chabarek, Borough Attorney
- X Kim Gonzales, Borough Administrator
- X Rosa Pace, Deputy Clerk
- X Doug Rohmeyer, CME Associates

Resolution & Swearing In

R-19-095 Authorize the Promotion of Police Sergeant

Motion to Approve Resolution 19-095:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O’NEIL			X			

Resolution 19-095 was properly approved.

Lt. William Siegel was sworn in by Mayor O’Neil.

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

Minutes

March 6th 2019

Motion to Approve March 6th 2019 Minutes:

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

The March 6th 2019 Minutes were properly approved.

Consent Agenda

- R-19-096 Approve Payment of the Bills
- R-19-097 Amend Resolution Authorizing the Disposal of Surplus Property
- R-19-098 Authorize Self-Examination of Budget Resolution
- R-19-099 Appoint Part-Time Police Communications Operator
- R-19-100 Appoint Part-Time School Crossing Guard

Motion to Approve the Consent Agenda:

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

The consent agenda was properly approved.

Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, March 20th 2019 – 7:00 p.m.

O-19-06 Amend Chapter 17 Establishing a Business Improvement District

Open the meeting to the public on Ordinance 19-06 only.

Name: Kim Skorka

Address: Shore Drive

Stated that she was displeased with the changes to the membership structure and the bidding threshold amount. She noted that she would like to have the amount they receive decreased and questioned if quarterly reports would be posted on the website.

Name: Jay Cosgrove

Address: HBP President – Bahrs Landing

Thanked the Council for their time and commitment. He noted that negativity towards the Highlands Business Partnership (HBP) is taking up too much of the Council's time and explained why he stepped up to be the President. Mr. Cosgrove suggested that it may be a better idea to extend the ordinance and allow the HBP to run to the end of the year instead of September 30th. He stated that his goal is to make it as easy as possible on the Council and have them comfortable what is going on with the HBP.

Name: Gert Sofman

Address: HBP Member – Gert's Snacks

She stated that she believes that the ordinance was written poorly, quoting parts of the ordinance and questioning its intent. Ms. Sofman inquired what the Council was hoping to accomplish. She also noted that she believes it should be for a full year instead of only nine months.

Ms. Sofman listed some of the things that a Business Improvement District can do that the Borough cannot including having access to certain grants. She explained that HBP was able to get the businesses grants after Sandy and obtained the sidewalk grant. Ms. Sofman noted the importance of spending their money at Borough businesses and commented how the HBP assisted her business after Sandy. She pointed out that the Borough residents are concerned how the money is being spent when it is not their money, it is the BID's money raised through their taxes. Ms. Sofman questioned if the Council was trying to get rid of the BID or the HBP. Councilmember Broullon explained that the HBP is a private 501c3 organization which cannot be desolved by the Council but merely no longer names of as the BID manager. Ms. Sofman stated that having the BOD ran by residents would be taxation without representation.

Name: Art Gallagher

Address: Linden Avenue

Questioned if it had been worked out who would run the BID after which the Mayor O'Neil confirmed it hadn't. Mayor O'Neil explained that this deadline was to encourage a dialog between the HBP and the Council. He noted that this situation has given the Borough a black eye. Mr. Gallagher encouraged the Borough not to act without a plan. Mayor O'Neil stated that he hoped to have things worked out with the HBP by September 30th.

Councilmember Ryan stated that there is a Neighborhood Preservation grant that the Borough can apply for which would be able to assist in figuring out what is right for the Borough. She acknowledged all the things the HBP has done but noted it might just be time for a change. Mr. Gallagher noted that the new President is a major change. Mayor O'Neil stated that is it the same people at the meetings for and against

Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, March 20th 2019 – 7:00 p.m.

the HBP, but the Borough should be concerned about the ones who have not been here. He also noted that he agrees with buying local and having the businesses be represented.

Name: Chris Francy

Address: Fifth Street

Stated that the central motivation from this is the unhappiness and disagreements about the HBP and encouraged the Mayor not to allow comments on this topic. Mayor O'Neil stated that although he does not agree, they have the right to say it. Mr. Francy commented that they are wasting time at meetings which Mayor O'Neil discussed with him. Mayor O'Neil noted his belief that they can come up with a solution that would make everyone happy. Councilmember Broullon noted that this meeting was not the end of the discussion and that everyone must work together prior to the deadline. Councilmember Ryan acknowledged the amount of work the HBP does for their small budget. Mr. Francy stated that six months was not enough time for the changes.

Name: David Baker

Address: HBP Member – Seafarer

Stated that he just joined the HBP Board and noted that he appreciates all the Council does. He recommended an ad hoc committee to find common ground and work together. Mr. Baker stated that he would not be in business in the Borough if it was not for the HBP.

Mayor O'Neil stated that he believes it is everyone's duty to better this Borough and noted how working all together for this because it will raise the Borough up.

Name: Nancy Burton

Address: HBP Member – In the Garden

Noted the assessment that she pays annually and noted that she welcomes the changes in the ordinance. She asked that the HBP be granted their full budget until the end of the year. Ms. Burton also noted that as an association the HBP needs to figure out where they want to be in the long term and asked the Council to work with them.

Name: Angus McDougald

Address: Shrewsbury Avenue

Explained that he has traditionally been anti-BID but has recognized all the HBP does. He noted that it would be unprofessional to cut their budget with six months' notice and if there was anything criminal then the Council would shut it down. Mr. McDougald expressed that it would cost the Borough more to do what the HBP does if they shut the BID down. He inquired that the Borough wanted from the HBP. Mayor explained that he would like some changes to improve on what they have. Mr. McDougald stated that the HBP and Council should have an annual town-hall forum. He also noted that the Borough is rewarding a group of people who are attacking the HBP. Mayor O'Neil stated that that are including the recommendations of the Borough Auditor. Mr. McDougald stated that only approving the HBP is an embarrassment to the Borough. He noted that this is the businesses money, not the residents. He also recommended that the HBP make it easier for people to leave the BID.

Name: Joan Wickland

Address: Valley Avenue

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

Noted that she was an original member of the HBP and noted that she is no longer a business owner. She asked that the vote be postponed allowing the Council and HBP to meet and work this out. She agreed that everyone must work together to raise the Borough and thanked the HBP and Council for all their dedication.

Mayor O’Neil closed the meeting to the public.

Motion to Adopt Ordinance 19-06:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON				X		
MAZZOLA		X	X			
RYAN			X			
O’NEIL	X		X			

Ordinance 19-06 was properly adopted.

Resolutions

R-19-101 Adopt HBP Budget for 2019

Ms. Brookes read the entire amended HBP budget into the record as required by State Statue. Mayor O’Neil opened to the public on Resolution 19-101.

Name: Claudette D’Arrigo

Address: Sea Drift Avenue

Asked that her prepared statement be put verbatim into the minutes. Ms. D’Arrigo provided a history as her time as a Councilmember regarding the HBP including requests for documents, ordinances and resolutions previously passed in connection with their tax dollars, and requests to discuss this issue in executive session. She stated that the Council agreed to complete an audit of the HBP’s books and has yet to see the results of this audit. She stated that the residents and businessowners deserve answers and access to documents.

Mr. Chabarek noted that the Borough is not obligated to put her statement into the record, explained attorney client privilege, and noted that it was not an audit but rather a meeting with the auditor. Mayor O’Neil confirmed that he misspoke, and it was not an audit. Mr. Chabarek noted that things discussed at that meting were included in this ordinance.

Name: Kim Skorka

Address: Shore Drive

Questioned if the Council is basing their vote on anything more then the two-page budget the HBP provided. She stated that is a very broad budget and no justification was provided for the increase. Ms. Skorka noted that she ran the numbers and they do not need the increase.

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

Name: Karen Taylor Burke

Address: HBP Auditor

Stated that she was a resident for fifteen (15) years and provided a list of her qualifications. She provided a history of the HBP’s annual audit and noted the stringent regulations that are followed for the audit. Ms. Taylor Burke noted the ways that they were impressed with the HBP and explained how all recommendations provided were immediately implemented. She noted that the volunteer hours by the members is overwhelming, the HBP is well run, and commended their ability to do all they do. Ms. Taylor Burke stated that she would not risk her integrity to hide anything for the HBP. Mayor O’Neil stated that all the HBP’s records are on file in their office.

Mayor O’Neil closed the meeting to the public.

Motion to Approve Resolution 19-101:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON				X		
MAZZOLA				X		
RYAN		X	X			
O’NEIL	X		X			

Resolution 19-101 was NOT properly approved.

R-19-103 Appoint Economic Development Officer for 2019 & Authorize Award of a Non-Fair & Open Contract for Professional Economic Development Services

Motion to Approve Resolution 19-103:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O’NEIL	X		X			

Resolution 19-103 was properly approved.

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

R-19-104 Authorize Advertisement of RFPs for Private Collection Agency Services for Municipal Court Debt

Motion to Approve Resolution 19-104:

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

Resolution 19-104 was properly approved.

Ordinances: Second Reading, Public Hearing & Possible Adoption

O-19-04 Amend Chapter 8-2 of Borough Code, Excavation in the Public Streets

Mayor O'Neil opened the meeting to the public on Ordinance 19-04. With no one from the public wishing to comment, Mayor O'Neil closed the meeting to the public.

Motion to Adopt Ordinance 19-04:

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

Ordinance 19-04 was properly adopted.

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

O-19-05 Amend Chapter 11 Concerning the Uniform Fire Code

Mayor O’Neil opened the meeting to the public on Ordinance 19-05. With no one from the public wishing to comment, Mayor O’Neil closed the meeting to the public.

Motion to Adopt Ordinance 19-05:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O’NEIL	X		X			

Ordinance 19-05 was properly adopted.

O-19-07 Exceed Municipal Budget Appropriation Limits & Establish a CAP Bank

Mayor O’Neil opened the meeting to the public on Ordinance 19-07. With no one from the public wishing to comment, Mayor O’Neil closed the meeting to the public.

Motion to Adopt Ordinance 19-07:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O’NEIL	X		X			

Ordinance 19-07 was properly adopted.

Other Business

Administrator’s Report

Ms. Gonzales provided an update on various projects, grants, and upcoming Borough events.

Engineer’s Report

Mr. Rohmeyer reported on the Valley Street project and provided the Council an update on the status of that project. He also discussed the Community Development Block Grant which the Borough is awaiting authorization to go out to bid.

Councilmember Broullon asked if the vote could be retaken for Resolution 19-101 and Mr. Chabarek explained why they could not.

Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

Open the meeting to the Public for Comment

Name: Tina Kaemmerer

Address: Linden Avenue

Questioned if the Economic Development Officer would be working with the HBP. Ms. Gonzales stated that he would be working with her and the local businesses. She stated that she hopes the Borough will be getting more positive press in the future.

Name: Mike Cannon

Address: Central Avenue

Stated that he looked for the RFP for the Economic Development Officer on the Borough website and it had been removed. Ms. Gonzales stated that she would send him a copy.

Name: Art Gallagher

Address: Linden Avenue

Stated he would not be reporting on tonight’s meeting since it is a black eye for the Borough. Mr. Gallagher stated that Mr. Moore had many conflicts of interest with other municipalities and should not be working for the Borough even though he is very competent. He noted that this position should have been posted on the New Jersey League of Municipalities website and placed in the Asbury Park Press.

Name: Chris Francy

Address: Fifth Street

Stated that the vote tonight does not allow the HBP to spend money or have the St. Patrick’s Day Parade since they need to pay the pipers.

The meeting was closed to the public.

Motion to Adjourn the meeting:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN			X			
O’NEIL	X		X			

The meeting was adjourned at 10:01pm.

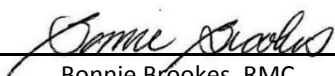
Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 Wednesday, March 20th 2019 – 7:00 p.m.

Motion to Approve the March 20th 2019 Minutes:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			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 April 17, 2019. WITNESS my hand this 18th day of April 2019.

Mayor: 
 Richard W. O'Neil

Clerk: 
 Bonnie Brookes, RMC