

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

REGULAR MEETING:

The Meeting was called to order at 7:03 pm

Meeting Statement

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, and termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific or prospective or current employee.

Roll Call

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

Also Present:

 X Andrew Ball, Borough Attorney
 X Brian Chabarek, Borough Attorney
 Kim Gonzales, Borough Administer

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege: Advisory Committees
 Telecommunications Licensing
 Contract Negotiations: Monmouth County Regional Health Commission No. 1

Motion to Approve the 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 into Executive Session was properly approved.

Council entered Executive Session at 7:05pm.

Council exited Executive Session at 7:53 pm.

REGULAR MEETING:

Council returned to Public Session at 8:00pm.

Meeting Statement

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, and termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific or prospective or current employee.

Pledge of Allegiance

Led by Mayor O’Neil.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

Roll Call

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

Also Present:

- Bonnie Brookes, Borough Clerk
- Brian Chabarek, Borough Attorney
- Kim Gonzales, Borough Administrator

Approval of Minutes

March 20th 2019

Motion to Approve the March 20th 2019 Minutes:

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

The March 20th 2019 Minutes were properly approved.

April 3rd 2019

Motion to Approve the April 3rd 2019 Minutes:

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

The April 3rd 2019 Minutes were properly approved.

Consent Agenda

- R-19-116 Approve Payment of the Bills
- R-19-117 Authorize Refund of Taxes
- R-19-118 Approve Request for Waiver of Alcohol Ban at the Community Center
- R-19-119 Approve Request for Waiver of Alcohol Ban at the Community Center
- R-19-120 Cancel Tax Balance
- R-19-121 2019 Tonnage Grant
- R-19-122 Permit One Hour Extension of Noise Ordinance Restriction on June 7th 2019 for Bonfire
- ~~R-19-123 Approve Waiver of Peddler & Vendor License Limits, Time Restrictions & Fees for Borough Events~~

Motion to Remove Resolution 19-123 from the Consent Agenda:

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

Resolution 19-123 was properly removed from the Consent Agenda.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

Motion to Approve the Consent Agenda:

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

The Consent Agenda was properly approved.

Resolutions

R-19-123 Approve Waiver of Peddler & Vendor License Limits, Time Restrictions & Fees for Borough Events

Councilmember Braswell stated that he had no issue with the time or number but does have a issue with the fees to which Councilmember Broullon agreed. Ms. Gonzales explained the need for the waiver.

Motion to Approve Resolution 19-123:

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

Resolution 19-123 has been properly approved.

R-19-124 Approve Waiver of Alcohol Ban for Park Fest at Veterans' Park

Councilmember Mazzola stated that she believed that Park Fest should be able to provide exposure to the Borough businesses and not take business away from them. Councilmember Ryan expressed concern over keeping the alcohol in the allowed area and preventing underage drinking. Councilmember Braswell noted his concern for children being exposed to it while being a family event. Ms. Gonzales pointed out that it was a BYOB event.

Motion to Approve Resolution 19-124:

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

Resolution 19-124 **FAILED** to be approved.

R-19-125 Approve Waiver of Alcohol Ban for Bonfire at Community Center & Snug Harbor Beach

Councilmember Braswell stated that his thoughts are the same as the previous resolution and Councilmember Broullon agreed. Mayor O'Neil commented that we should not pick and choose what the Council is waiving, and if the Borough doesn't allow alcohol the Highlands Business Partnership (HBP) shouldn't have it either and noted several issues he had. Councilmember Mazzola stated that as a Borough we should decide to allow it or not allow it. Councilmember Ryan pointed out that it would be easier to police at the Bonfire as it is one location.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

Motion to Approve Resolution 19-125:

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

Resolution 19-125 has been properly approved.

R-19-126 Award Non-Fair & Open Contract to Maser Engineering for Bayside Drive Slope Analysis

Motion to Approve Resolution 19-126:

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

Resolution 19-126 has been properly approved.

R-19-127 Authorize Shared Service Agreement with Sea Bright for the provision of Lifeguard Operations

Motion to Approve Resolution 19-127:

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

Resolution 19-127 has been properly approved.

R-19-128 Appointing Licensed C2 Operator & Alternate C3 Operator for Sewer Operation Services

Motion to Approve Resolution 19-128:

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

Resolution 19-128 has been properly approved.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

R-19-129 Appoint Temporary Part-Time Aid for Recreational Department

Motion to Approve Resolution 19-129:

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

Resolution 19-129 has been properly approved.

Ordinances: Introduction & First Reading

O-19-09 Requiring Citizens be in Good Standing to Serve on a Borough Committee

Motion to Introduce Ordinance 19-09:

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

Ordinance 19-09 has been properly introduced. The public hearing will be held on May 1st 2019.

O-19-10 Telecommunications Licensing Provisions for Facilities in Rights of Way

Motion to Introduce Ordinance 19-10:

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

Ordinance 19-10 has been properly introduced. The public hearing will be held on May 1st 2019.

Ordinance: Second Reading & Public Hearing

O-19-08 Authorize Extension of Time to Adopt District Management Corp. Budget for 2019

Mayor O'Neil opened the meeting to the public on Ordinance 19-08.

Name: Claudette D'Arrigo

Address: Sea Drift Avenue

Thanked the Council for hiring Mr. Moore but noted her disappointed in the discrepancies in the HBP's budget and OPRA responses among other things. She stated it was wrong to push this ordinance through.

Name: Steve Solop

Address: Bay Avenue

Stated that the Council adopted the same event calendar, they don't follow the ordinance, and noted that it is the same people always benefiting in this "money grab".

Mayor O'Neil closed the meeting to the public.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

Motion to Adopt Ordinance 19-08:

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

Ordinance 19-08 has been properly adopted.

Other Business

Comcast Survey

Mr. Chabarek stated that the franchise agreement expires in 2021 and explained the renewal process. He noted that there would be a survey for residents on the satisfaction with the current service. Councilmember Broullon stated that the survey would be available online and on paper.

Captain's Cove Mercantile Status Update

Ms. Gonzales stated that Fred Rosak, owner of Captain's Cove asked to speak at tonight's meeting.

Mr. Rosak thanked the Council for continually indulging him over the past year. He stated that he would like to review the agreement he has with the Borough concerning the repairs that are needed. He explained that the problem is with these repairs is you don't know what you need to do until you get in there. Ms. Rosak explained that he has repaired more then what was asked of him in the agreement for three sections. He noted that the forth section is being worked on now and will be complete in ten (10) business days. Mr. Rosak asked if he completed the forth section would be allowed to have his mercantile license back.

Mr. Chabarek explained that it could not be guaranteed, as the Borough Engineer needs to inspect the property and sign off that all required work was completed. The Council agreed that the repairs need to be completed and inspected prior to Mr. Rosak getting his license back.

Name: Nick Cacuzzio

Address: Cheerful Place

Stated that he entered into a contact with Mr. Rosak to purchase his property. He stated that he planned to keep the property a marina and asked for a list of the repairs that need to be completed. Mr. Cacuzzo stated that the repairs would take a year and asked for a "summer mercantile license" to operate this summer.

Mayor O'Neil stated that Mr. Rosak stated that the repairs could be done in ten days and that he should do them. Ms. Gonzales noted that she could have the marina inspected in twenty days and would set it up.

Mr. Cacuzzio asked again for a temporary mercantile license.

Mr. Chabarek explained that this has been an ongoing issue for over three years and that Mr. Cacuzzio is not the current property owner and the Council needs to discuss this matter with the owner.

Name: Russ Chalack

Address: Huddy Avenue

Noted that this is a public matter and inquired as to by the Borough Engineer did not provide Mr. Rosak with sealed plans. He noted that Mr. Rosak's docks and bulkhead are in good shape.

Mayor O'Neil confirmed once the repairs are done and the work is satisfactory inspected, Mr. Rosak will receive his mercantile back.

Administrator's Report

Ms. Gonzales informed the residents the Borough was awarded a \$225,000 grant from the NJ Department of Transportation for the Cornwell drainage project. She explained the Borough's status with receiving the final amount number from Super Storm Sandy. Ms. Gonzales provided updates for other projects including Waterwitch Sanitary Sewer, the new Borough hall, and Portland Road. She also listed upcoming Borough events.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

Police Chief's Report

Chief Burton noted that April 27th was Operation Take Back for prescription drugs. He stated that there are numerous projects, majority of which are utility upgrades, occurring in the Borough and stated that the police are doing their best with signage for all the detours.

Public Comments:

Mayor O'Neil opened the meeting to the public.

Name: Tina Kaemmerer

Address: Linden Avenue

Pointed out to the Council in high winds the trees on the Linden Avenue jug handle look at risk to fall. Ms. Gonzales stated that the trees are on State property and that she would make some calls.

Ms. Kaemmerer commended Mayor O'Neil and Councilmember Mazzola for wanting everyone to have a say and standing their ground at the March 20th 2019 meeting.

Name: Trish Rivera

Address: Waterwitch Avenue

Inquired when the Waterwitch project would start and Ms. Gonzales stated that there was no date yet. Ms. Rivera asked if this project involved the bulkhead and Ms. Gonzales informed her that it was part of another project. Ms. Rivera also inquired the status of correcting the Route 36 runoff and Ms. Gonzales provided her an update.

Ms. Rivera asked why the municipal lot by Scuba and the Beast was paved noting that was not the best choice of materials, if all the trees removed from Portland Road had the proper permits, and if the committee liaisons could provide reports at the meetings.

Name: Brian Thomas

Address: Huddy Avenue

Noted that the removal of the mercantile license from Captain's Cove was a hardship not only to the owner but also the clamers. He stated that Mr. Rosak spent a lot of money on the marina and it was the previous owners did not upkeep the property. Mr. Thomas stated that the marina has been there for a long time and hopes it continues to be there. Mayor O'Neil stated that Mr. Rosak has to comply with the Engineer's report to get the mercantile license back.

Name: Brian Cobb

Address: Recreation Place

Stated that in his twenty-five years of being in the Borough, he and the marina have been through a lot. He stated that he wants the property to stay a marina, in addition to being an asset, not a liability. Mr. Cobb asked that the Council please work with Mr. Rosak. Mayor O'Neil pointed out that the ball was in Mr. Rosak's court and they had worked with him for a long time before getting to this point. Councilmember Braswell stated that the Council must listen to their professionals so there is no liability on the Borough. Councilmember Mazzola stated that there are other people in the area that are negatively impacted by the marina.

Ms. Gonzales stated that the NJ Department of Environmental Protection informed the Borough that the marina cannot be filled in for homes since it is considered "water's edge".

Name: Bob (Unknown)

Address: Huddy Avenue

Shared fond memories of growing up in Highlands and was happy to be back. He explained the sewer issues that an Upstate New York town was having and how they solved them.

Mayor O'Neil closed the meeting to the public.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, April 17, 2019 – 7:00 p.m.**

Motion to Adjourn the meeting:

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

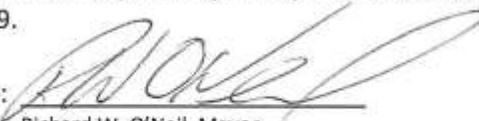
The meeting was adjourned at 9:46pm.

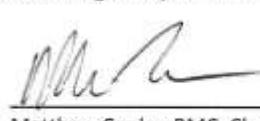
Approval of the Minutes

A motion to approve the Minutes of April 17th 2019 was made by Councilmember Ryan and seconded by Mazzola.

AYE: Councilmembers Braswell, Broullon, Mazzola, Ryan & Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

I, Bonnie Brookes, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be the action of the Governing Body at its meeting held June 19th 2019.

Approve: 
 Richard W. O'Neil, Mayor

Attest: 
 Matthew Conlon RMC, Clerk