

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, August 21, 2019 – Meeting Minutes**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Call to Order
Pledge of Allegiance

Roll Call

Council Member Braswell, Councilmember Broullon, Councilmember Mazzola and Council President Ryan and Mayor O'Neil were all Present
Also in attendance were Administrator Gonzales, Engineer Rohmeyer, Attorney Chabarek and Attorney Ball and Chief Burton.

WORKSHOP 6:30 PM

Council discussed the Pros and Cons of establishing an ordinance requiring identification cards issued by the Borough for employees of Licensed Plenary Retail Consumption Establishments.

- Council President Ryan indicated she would like to see the Identification Cards for those who serve as Alcohol and work in Plenary Retail Consumption Establishments to have a police issued identification card in order to work in those places of business
- Administrator Gonzales explained that council could determine by the Ordinance who would be required to get an identification card, that it would not have to be all employees (e.g. busboys) unless Council wanted that implemented. The Borough wants to install a system or procedure to ensure that background checks are being performed in accordance with the Laws and Regulations of the Alcohol Beverage Control Commission. Presently the system is that for the mercantile license and the Alcohol Beverage Control License only the owner needs a background check and only needs to ask employees if they have a criminal history and have them fill out a form.
- Councilmember Braswell questioned the need for the Cards indicating that the Borough had such an ordinance which was repealed.
- Mayor O'Neil indicated that because business owners are required to have the background check then people working for those businesses performing the same function should also be required to have the background check.
- Councilmember Braswell spoke to letting the matter rest upon the employer and not the Borough
- Councilmember Mazzola spoke to eliminating problems before they arise by having the pre-employment background check eliminate potential problems at the outset
- Councilmember Braswell indicated he would like to hear input from Chief of Police Burton
- Administrator Gonzales believes that it would make it easier for establishments to have people with cards working because prior to hiring employees, clearances would be done and assist them in planning for future needs. Also, cards would allow one person to work at multiple establishments within the Borough
- Administrator Gonzales explained that cards could be for whatever term the Council decided

Council discussed Costs and Estimates for the Grand Tour Concrete Improvements

-Borough Engineer Douglass Rohmeyer, PE of CME Associates presented to Council
Engineer Rohmeyer explained that New Jersey Natural Gas has completed gas line upgrades and per Borough ordinance they are required to repave the street upon completion. Prior to repaving the street the Borough is contemplating installing 600 plus linear feet of curbage and concrete improvements to address water run off issues on Grand Tour and Chestnut streets. Construction cost estimates are \$100,000.
Administrator Gonzales explained that no bonding would be required and that this is entirely capital funded from tax dollars.

EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

Matters of Personnel:	Dispatch - County
Attorney Client Privilege:	Cable Franchise Renewal
	Business Certificate of Occupancy
	Captain's Cove Marina

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

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NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public is excluded from this meeting.

Motion by: Mayor O'Neil

Second by: Council President Ryan

All in favor (Councilmembers Braswell, Broullon, Mazzola, Ryan and Mayor O'Neil)

None opposed

Council Entered Executive Session at 7:03 PM

EXECUTIVE SESSION: 7:00PM

Matters of Personnel: Dispatch - County

Attorney Client Privilege: Cable Franchise Renewal

Business Certificate of Occupancy

Captain's Cove Marina

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

Council Exited Executive Session at 8:15 PM

REGULAR MEETING: 8:00PM

Call to Order

Roll Call

Council Member Braswell, Councilmember Broullon, Councilmember Mazzola and Council President Ryan and Mayor O'Neil were all Present

Pledge of Allegiance

PUBLIC HEARING ON GRANT IMPROVEMENTS FOR HUDDY PARK

Mr. Drew Pavlick, PE of CME Associates introduced himself and the project to the public and briefly explains the purpose of the grant.

Mr. Pavlick: The grant is through the Monmouth County Open Space Grant Program and is to be used for financial assistance to the borough for acquisition, maintaining and creation of a park for open space. This grant will match funding up to \$250,000. This year the Borough is eligible for Huddy Park Improvements. Some of the improvements we suggest are replacing the existing gazebo with a larger, partly steel structure, benches, redeveloping the playground, adding ADA equipment, re designing plantings in the form of bushes, etc. and removing the fence from around the park adding a gateway arch and events signage. The cost renovations is estimated to be \$500,000 so we will be asking for the full grant amount. This public hearing is to authorize CME to apply to the County for this grant. Improvements include a 30' steel gazebo, replacing playground equipment including resurfacing and ADA equipment, tables, benches and garbage cans. Eliminating the split rail fence bordering the park, landscaping through.

Sheila Brown of Grand Tour: Will there be benches inside the gazebo?

Mr. Pavlick: We can add benches but it's more of an open gazebo.

Sheila Brown: So there won't be seats?

Mr. Braswell: The benches in the gazebo are not part of the gazebo. They were put there later.

Mayor O'Neil: it's a 30' diameter, correct?

Mr. Pavlick: Yes, the estimate on the gazebo is \$65,000 but can be modified based on actual funding.

Ms. Mazzola: we need to be clear that many of these items can be modified depending on if we are awarded the grant and the actual funding. This can be modified but we need to be able to apply for this grant.

Ms. Valinoti of Valley Avenue: Around the outside of the gazebo, will there still be plantings?

Ms. Gonzales: Yes, and the Garden Club has already submitted their comments and suggestions.

John Caruso of 22 Gravelly Point Rd: Consider moving the gazebo to the shore drive side of the park.

Ms. Mazzola: Would that be an obstruction for drivers, it's a big structure.

John Caruso: We can have electricity installed and have concerts there. We have them at the other park during the year and we could stage them in the gazebo on the Shore drive side of the park and open up the rest of the park.

Chris Francy of 36 5th Street: You're taking down the split rail fence and replacing it with...what?

Mayor O'Neil, Ms. Mazzola: Nothing

Mr. Francy: I wonder if that makes sense.

Ms. Mazzola: that is what the open space Committee recommended because it is a small park that will appear larger with no fencing.

Mr. Francy: Jones Creek fence to the outside. It seems to be much further inside the park. So you're obscuring the fencing of Jones Creek? There is no fence around the playground.

Ms. Gonzales: It can always be placed.

Mr. Francy: I understand but this is a plan....The walkways are what?

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Mr. Pavlik: Concrete.

Mr. Francy: Which is kind of more rustic.

Ms. Mazzola: This can be totally modified but this is to apply for the grant.

Mr. Francy: I understand but these things tend to become concrete. I just don't think you should apply with a drawing which is really not what we want.

Mayor O'Neil: that's why we're here. That's why we're having a public portion to discuss this.

Mr. Francy: The entry way sign arc ...it looks like the Atlantic Highlands sign and I think we want to be different.

Ms. Mazzola: I also want to remind the public that there is a deadline. Mr. Pavlik can you tell them what the deadline is.

Mr. Pavlick: the deadline is September 19th.

Gentleman of 10 Central Ave: this is a very small park and it looks like we're losing a lot of space with the arch in place. I would like to see the location reversed to be in the park area itself. It seems like we're losing too much space.

Brief discussion regarding hiding Jones Creek and the parking area beyond that with plantings behind the playground.

Gina of 164 Linden Avenue – I am not in favor of a bigger gazebo. It's a very small park and I really like the idea that it is cozy. I am in favor of something more rustic and with the plantings it has a lot of charm.

Steve Solop of 205 Bay Avenue: I don't see where the bike racks are going. There is a problem there now with the bike shop close by.

Mr. Pavlick: there are two, one at the corner of Water Witch and Bay and the other in the opposite corner.

Gentleman of 10 Central Avenue: Split rail fence should be in the park because the children can run out of the park.

Ms. Gonzales: I believe the Open Space Committee considered that and agreed to shrubbery.

Mayor O'Neil asks for any other questions or comments.

Peg Solop of Bay Avenue: The town owns the property on Hwy 36 right? How big is that compared to the park.

Ms. Gonzales: It is smaller and there are plans for that area also but right now it is being used as a staging area. There are plans almost ready for that area.

Mayor O'Neil: I think we need to go back to the drawing board about the size of that gazebo.

Ms. Mazzola: The Open Space Committee will be holding a discussion on this next week. We have been having many more events in town and think that is something that will continue.

Mr. Caruso: 30 feet doesn't seem like 30 feet if it is placed on the side.

Mayor O'Neil: everything discussed here tonight will be taken into consideration when the plans are finalized.

Mrs. Brown: I would like to see other plans beside this.

Mr. Pavlick: If it's ok with the governing body I think we should develop two concepts. One based on the input and another concept with a reconfiguration of the amenities itself which draws away from that central core area.

Ms. Mazzola repeats that the Open Space Committee will meet here next Wednesday at 7:00 p.m. and all are welcome.

There being no other questions or comments Mayor O'Neil closes the public hearing

A motion to Vote on R-19-208 was offered by Councilmember Broullon

The motion was seconded by Councilmember Mazzola

R-19-208

**RESOLUTION AUTHORIZING PARTICIPATION IN THE MONMOUTH COUNTY
MUNICIPAL OPEN SPACE GRANT PROGRAM FOR 2019 GRANT FUNDING FOR THE
RENOVATION OF HUDDY PARK**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Highlands desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the improvements to Huddy Park at Bay Avenue and Waterwitch Avenue, Block 95, Lot 1; and

WHEREAS, the total cost of the project including all matching funds is \$506,270.50; and

WHEREAS, the Borough of Highlands is the owner and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS THAT:

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1. Kim Gonzales, the Borough Administrator, or her successor is authorized to (a) make and application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Highlands is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Kim Gonzales, Borough Administrator, or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA		X	X			
RYAN			X			
O'NEIL			X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-208**

I, Matthew Conlon, RMC, 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 August 21, 2019

Report of the Borough Administrator Kim Gonzales

Administrator Gonzales spoke with regard to the demolition of the Old Borough Hall at 171 Bay Avenue and invited attendees to come claim a brick from the site when the demolition was completed. The buildings on the new Borough Hall site will be demolished after 171 Bay.

Mrs. Gonzales next discussed a meeting with NJDOT and other entities to discuss issues with Monmouth Hills and outflow onto Highway 36. She indicated that Monmouth Hills has been asked to come up with an internal solution.

Mrs. Gonzales next discussed two grants for which the Borough was bidding out two projects, One grant is from the NJDOT and the other is from CDBG.

Ms. Gonzales discussed updating the Historic Pump Station building in raising the generator and updating the machinery while preserving the historic quality of the building.

Ms. Gonzales discussed comparative worksheets for FEMA reimbursement from emergency outlays and Hurricane Sandy outlays and combining funding sources to maximize money for projects granted to the Borough.

Report of the Chief of Police Robert Burton

Chief Burton discussed the change over from the current Borough Nine One One System to the County system on September 9, 2019 at 10 AM. Chief Burton explained that at that date and time calls to Highlands Police Department will be routed to county dispatch. Chief Burton further explained that there would be no delay or interruption in service, it would just be a different person answering the phone. Chief Burton noted the tremendous upgrade to the radio system which will allow Highlands Police Department to communicate directly by radio with surrounding municipalities.

Report of the Borough Engineer Douglas Rohrmeyer

Engineer Rohrmeyer spoke on the Valley street project and getting the remainder of the money from the NJDOT grant. Mr. Rohrmeyer next spoke with regard to the CDBG contract and setting dates for the Cornwell and John Street project and the Shore, Second and Cedar Street project. Engineer Rohrmeyer next updated the status on the Grand Tour street repaving and squeezing in the concrete work ahead of the repaving. Finally Engineer Rohrmeyer spoke to working with DPW on the pump station repairs.

Consent Agenda Resolutions

Councilmember Braswell made a motion to remove R-19-209 from the Consent Agenda.

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Councilmember Broullon seconded the motion to remove R-19-209 from the Consent Agenda. All voted in favor, none were opposed. R-19-209 was removed from the Consent Agenda.

Consent Agenda:

1. R-19-210 Approve request to Waive Alcohol Ban at Community Center
2. R-19-211 Authorize Participation in Clean Ocean Action 34th Annual Beach Sweep
3. R-19-212 Refund Damage Deposit for use of Community Center
4. R-19-213 HBP Request for Social Affair Liquor License for Oktober Fest (10/5/19)
5. R-19-214 Extend Noise Ordinance for Proving Ground on Labor Day
6. R-19-215 Designating Disabled Parking Space

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL			X			

ROLL CALL VOTE TO APPROVE THE
CONSENT AGENDA
(Resolutions 210, 211, 212, 213, 214, 215)

I, Matthew Conlon, RMC, 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 August 21, 2019

CONSENT AGENDA RESOLUTIONS

R-19-210

RESOLUTION APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN FOR COMMUNITY CENTER RENTAL

WHEREAS, the Borough of Highlands has received an application for rental of the Community Center from Lucia Clawson of Middletown, NJ seeking to host a party; and

WHEREAS, Ms. Clawson requested a waiver of the alcohol prohibition in order to serve alcohol to the guests at the Party; and

WHEREAS, Mrs. Clawson has obtained the necessary insurance coverage required to allow alcohol at the private event.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that Lucia Clawson's request for a waiver of the alcohol prohibition is approved for the private event to be hosted on September 07, 2019;

BE IT FURTHER RESOLVED, that as a condition of this approval the applicant has provided the Borough Clerk with a certificate of insurance coverage naming the Borough of Highlands as an additional insured, subject to the Borough Administrator's review and approval.

R-19-211

RESOLUTION AUTHORIZING THE BOROUGH'S PARTICIPATION IN THE CLEAN OCEAN ACTION 34TH ANNUAL FALL BEACH SWEEPS

WHEREAS, the 34th Annual Fall Beach Sweeps will take place on Saturday, October 26, 2019 from 9:00 a.m. to 12:30 p.m.; and

WHEREAS, the Beach Sweeps program originated in 1985 with 72 volunteers at one location – Sandy Hook and thanks to many, the Beach Sweeps has expanded to 70 locations, including the Borough of Highlands and welcoming thousands of volunteers to participate; and

WHEREAS, the Borough's participation is an integral component for the success of this program as the data collected by our citizen scientists turns a one-day event into a legacy of information to combat litter and other sources of pollution by identifying and monitoring trends; and

WHEREAS, the information within our Beach Sweeps Report helps find solutions to keep beaches clean and healthy for citizens and marine life and to help create federal, state and local programs and laws to reduce litter in the environment; and

WHEREAS, the success of the Beach Sweeps program illustrates the public's support for a clean ocean as well as the power of citizen action and the ultimate goal of the program is to have naturally clean beaches.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body that it hereby authorizes the Borough's participation in the 34th Annual Fall Beach Sweeps Program on Saturday, October 26, 2019 from 9:00 a.m. to 12:30 p.m.

R-19-212

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REFUNDING DAMAGE DEPOSIT ON RD WILSON COMMUNITY CENTER RENTAL

WHEREAS, the following named persons have submitted a damage deposit of \$100 when they rented the RD Wilson Community Center for personal purposes; and
WHEREAS, a deposit of \$100.00 against possible damages is required; and
WHEREAS, the following persons have requested that their deposits be returned; and
WHEREAS, the Recreation Leader has verified that there were no damages resulting from the rentals;
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following refunds be approved:

- | | | |
|--|--|--|
| 1. Allison Basile
13 Beach Blvd.
Highlands, NJ 07732 | 2. Colleen Franklin
10 Avenue B
Atlantic Highlands, NJ 07716 | 3. Betty O'Donnell
274 Navesink Avenue
Highlands, NJ 07732 |
|--|--|--|

R-19-213

RESOLUTION APPROVING REQUEST FROM HBP FOR SOCIAL AFFAIR PERMIT TO SERVE ALCOHOLIC BEVERAGES AT THE OKTOBERFEST ON OCTOBER 05, 2019

WHEREAS, has requested a Special Affair Liquor License to serve Alcoholic Beverages at the Annual Oktober Fest on October 05, 2019 (rain date October 06, 2019); and
WHEREAS, the HBP has submitted the proper application to the State of New Jersey Alcoholic Beverage Control; and
WHEREAS, the Municipal Clerk must report to approval or denial of this Governing Body to the State of NJ ABC;
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the request for a Special Affair Liquor License to serve Alcoholic Beverages at the Annual Oktober Fest on October 05, 2019 is hereby approved.

R-19-214

RESOLUTION PERMITTING EXTENSION OF NOISE ORDINANCE RESTRICTIONS ON SEPTEMBER 1, 2019 FOR LABOR DAY SUNDAY FOR THE PROVING GROUND

WHEREAS, the Borough of Highlands has adopted ordinances pursuant to its general police powers to control noise within the Borough; and
WHEREAS, Borough Code, Chapter 3-2 et. seq., regulates noise and sets forth the enforcement mechanism pertaining to the same; and
WHEREAS, Borough Code, Chapter 3-2.2 et. seq., sets forth prohibited noise which shall be unlawful during nighttime hours; and
WHEREAS, Borough Code, Chapter 3-2.1(f) sets forth, in part, that nighttime hours shall mean 9:00 p.m. through 7:00 a.m., Sunday through Thursday; and
WHEREAS, a request has been made that the noise ordinance be extended for one (1) hour to 10:00 p.m. on September 1, 2019 to allow for an additional hour of music with the following day being a legal holiday; and
WHEREAS, the governing body has determined that it would be appropriate, proper and in the best interests of the Borough to allow for this limited exemption for the Proving Ground on September 1, 2019.
NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body that the request made to extend the nighttime hours established by the Noise Ordinance in Chapter 3, Section 2.1(f) of the Borough Code is hereby granted, wherein the nighttime hours established by the aforesaid Borough Code are hereby extended for a period of one (1) hour, until 10:00 p.m. on September 1, 2019 for the Proving Ground; and
BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to transmit a certified copy of this Resolution to the Chief of Police and the Code Enforcement Officer for the Borough of Highlands.

R-19-215

RESOLUTION DESIGNATING DISABLED PARKING SPACE

WHEREAS, N.J.S.A. 39:4-197.5 provides that a municipality may, by resolution, establish restricted parking spaces in front of residences for use by persons who have been issued special disability identification cards by the Division of Motor Vehicles pursuant to N.J.S.A. 39:4-205 when using a motor vehicle displaying same; and
WHEREAS, upon recommendation from the Chief of Police, the governing body has determined that it is in the public interest to designate a disabled parking space as follows.
NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body, that a designated disabled parking space and sign shall be installed on the southern side of Thompson Street closest to Portland Road as acceptable by State law.

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Resolutions

R-19-209

RENEWAL OF LIQUOR LICENSES FOR FOR THE 2019-2020 TERM

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,
 WHEREAS, renewal application shave been filed or submitted through POSSE ABC portal as directed by the ABC; and,
 WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,
 WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and
 NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2019-2020 term ending on June 30th 2020, is hereby authorized:

License Number	Licensee	Establishment
1317-33-024	Kelly’s Pub and Grub	128 Bay Avenue
1317-32-009	Grala, Inc.	Chubby Pickle

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O’NEIL			X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-209**

I, Matthew Conlon, RMC, 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 August 21, 2019

R-19-216

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated August 21, 2019, which totals as follows:

Current Fund	\$ 1,406,763.42
	,004743.39
Sewer Account	\$ 42,621.19
Capital Fund	\$ 134,665.43
Trust-Other	\$ 42,744.37
Federal/State Grants	\$ 19,080.07
Total	\$ 1,645,874.48

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$1,645,874.48 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

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BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL		X	X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-216**

I, Matthew Conlon, RMC, 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 August 21, 2019

R-19-217 was pulled from consideration prior to the meeting of council

R-19-218

RESOLUTION APPOINTING SPECIAL COUNSEL WITH REGARD TO LITIGATION

WHEREAS, the Borough of Highlands requires special counsel to defend allegations contained in a litigation matter filed by John and Nichole Caruso in the Monmouth County Superior Court, Docket No. MON-L-1838-19; and

WHEREAS, this contract is awarded to Richard A. Gantner, Esq., of the law firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC; and

WHEREAS, the law firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$5,000.00 per year without prior approval of the Governing Body for the aforesaid Professional Legal Services provided at an hourly rate of \$150 per hour; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

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

1. Richard A. Gantner, Esq. of the law firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$5,000.00.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON	X		X			
MAZZOLA			X			
RYAN			X			
O'NEIL		X	X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-218**

I, Matthew Conlon, RMC, 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 August 21, 2019

R-19-219

RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR THE IMPROVEMENTS TO CORNWELL STREET AND JOHN STREET PROJECT

WHEREAS, by way of Resolution 19-203, duly adopted July 17, 2019, the Borough authorized the Project Engineer, CME Associates, to solicit bids for the improvements to Cornwell Street and John Street project; and

WHEREAS, two (2) proposals were received for the aforesaid improvements to Cornwell Street and John Street and reviewed by the Project Engineer; and

WHEREAS, the following bids were received:

Contractor	Bid Price
James R. Ientile, Inc.	\$697,671.00

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Underground Utilities

\$839,063.50

WHEREAS, James R. Ientile, Inc. appears to be the lowest responsible bidder for the aforesaid Proposal; and

WHEREAS, the Project Engineer, CME Associates, has made the recommendation that James R. Ientile, Inc. be awarded the project, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as submission of the required bonds and insurance certificates for the project; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

C-04-19-101-000-201 \$570,000.00
C-06-18-000-000-201 \$ 91,071.64
C-04-18-101-000-201 \$ 36,599.36

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body that the Contract for the improvements to Cornwell Street and John Street is hereby awarded to James R. Ientile, Inc. in the amount of \$697,671.00, subject to the submission of the required bonds and insurance certificates for the project.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA		X	X			
RYAN			X			
O'NEIL			X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-219**

I, Matthew Conlon, RMC, 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 August 21, 2019

R-19-220

RESOLUTION AUTHORIZING ADVERTISEMENT FOR THE SOLICITATION OF BIDS FOR THE IMPROVEMENTS TO SHORE DRIVE, 2nd STREET AND CEDAR STREET

WHEREAS, the Borough of Highlands wishes to advertise for the receipt of bids for the improvements to Shore Drive, 2nd Street and Cedar Street; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough Engineer and Purchasing Agent be and are hereby authorized to prepare specifications to solicit bids for the improvements to Shore Drive, 2nd Street and Cedar Street.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Highlands that the Borough Clerk, Borough Administrator and Purchasing Agent be and are hereby authorized to advertise for the receipt of bids for the improvements to Shore Drive, 2nd Street and Cedar Street.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL	X		X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-220**

I, Matthew Conlon, RMC, 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 August 21, 2019

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R-19-221

RESOLUTION REJECTING BID RE: ANNUAL MAINTENANCE AND REPAIR OF SANITARY SEWER SYSTEM

WHEREAS, by way of Resolution 19-202, duly adopted July 17, 2019, the Borough authorized the Project Engineer, CME Associates, to solicit bids for the Annual Maintenance and Repair of Sanitary Sewer System; and

WHEREAS, one (1) proposal was received for the aforesaid Annual Maintenance and Repair of Sanitary Sewer Systems reviewed by the Project Engineer; and

WHEREAS, the following bid was received:

Contractor

J. Fletcher Creamer & Son

WHEREAS, the Project Engineer, CME Associates, has made the recommendation to reject the bid and return the bid security; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body, that the bid that was received in response to the aforesaid advertisement of bids be and is hereby rejected and the bid security will be returned to the bidder.

BE IT FURTHER RESOLVED, by the Borough of Highlands governing body that CME Associates be and is hereby directed to re-advertise and solicit bids for the Annual Maintenance and Repair of Sanitary Sewer System.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL		X	X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-221**

I, Matthew Conlon, RMC, 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 August 21, 2019

R-19-222

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR A LICENSED PLANNER TO PREPARE AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND SUPPORTING DOCUMENTS, A SPENDING PLAN, AFFIRMATIVE MARKETING PLAN AS WELL AS OTHER REQUIRED ITEMS

WHEREAS, by way of Resolution 16-168, duly adopted on August 17, 2016 and amended by way of Resolution 18-142, duly adopted on June 20, 2018, the Borough authorized Special Counsel representing the Borough with regard to the Fair Housing Act and Council on Affordable Regulations (COAH) to proceed with the filing of a Complaint in the Superior Court of New Jersey seeking a declaration of approval of the Borough's Housing Element and Fair Share Plan; and

WHEREAS, the aforesaid Complaint was filed in the Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-0012-17 captioned In the Matter of the Application of the Borough of Highlands (the "Mt. Laurel Litigation"); and

WHEREAS, the Court appointed Michael P. Bolan, P.P., AICP to serve as the Special Master in the Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

WHEREAS, the Fair Share Housing Center ("FSHC") is a Supreme Court designated interested party in the aforesaid Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

WHEREAS, by way of Resolution 19-174, duly adopted on June 19, 2019, the Borough Council of the Borough of Highlands authorized execution of a Settlement Agreement with the Fair Share Housing Center; and

WHEREAS, a fairness Hearing was held on August 9, 2019, wherein the Court approved the settlement agreement between the FSHC and the Borough in this matter; and

WHEREAS, in order to implement the terms of the settlement agreement there are a number of actions which the Borough must undertake based upon the Court Master's report; and

WHEREAS, in light of the above, the Borough is in need of Professional Planning Services from a licensed Professional in order to prepare an amended Housing Element and Fair Share Plan and supporting documents, a Spending Plan, an Affirmative Marketing Plan as well as other required items which is consistent with the above referenced settlement; and

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WHEREAS, in order to achieve the Borough’s objectives, Heyer, Gruel & Associates will prepare the aforesaid amended Housing Element and Fair Share Plan and supporting documents, the Spending Plan, the Affirmative Marketing Plan as well as assist with all of the other required items, as more specifically set forth in their proposal dated August 15, 2019, for a fee not to exceed \$17,000; and

WHEREAS, such professional planning services can only be provided by licensed professionals and the firm of Heyer, Gruel & Associates, 236 Broad Street, Red Bank, NJ 07701 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,000 for the aforesaid Professional Planning Services; and

WHEREAS, Heyer, Gruel & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Heyer, Gruel & Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Heyer, Gruel & Associates from making any reportable contributions through the term of the contract; and

WHEREAS, Heyer, Gruel & Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands:

I hereby certify that funds are available as follows:

9-01-21-180-000-251

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised:

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Highlands as follows:

1. Heyer, Gruel & Associates are hereby retained to provide professional planning services as described above for an amount not to exceed \$17,000.00.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA		X	X			
RYAN			X			
O’NEIL			X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-221**

I, Matthew Conlon, RMC, 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 August 21, 2019

R-19-223

AGREEMENT TO RENEW MEMBERSHIP IN THE MONMOUTH MUNICIPAL JOINT INSURANCE FUND (JIF)

WHEREAS, the **Monmouth Municipal Joint Insurance Fund** (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, Highlands is currently a member of said Fund; and

WHEREAS, effective December 312, 2019, said membership will expire unless earlier renewed; and

WHEREAS, the Mayor and Council of Highlands has resolved to renew said membership;

NOW, THEREFORE, it is agreed as follows:

1. Highlands hereby renews its membership in the Monmouth Municipal Joint Insurance Fund for a three (3) year period beginning January 1, 2020 and ending December 31, 2022*

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2. Highlands hereby ratifies and reaffirms the Indemnity and Trusts Agreement, Bylaws and other organizational and operational documents of the Monmouth Municipal Joint Insurance Fund as from time to time amended and altered by the department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. Highlands agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of Highlands, the Monmouth Municipal Joint Insurance Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of Highlands.
5. Executed this 21st day of August, 2019 as the lawful and binding act and deed of the _____, which execution has been duly authorized by public vote of the governing body.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			X			

**ROLL CALL VOTE TO APPROVE
RESOLUTION R-19-223**

I, Matthew Conlon, RMC, 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 August 21, 2019

Ordinances

**INTRODUCTION OF ORDINANCE O-19-14
THE PUBLIC HEARING DATE WAS SET FOR SEPTEMBER 4, 2019**

ORDINANCE 0-19-14

AN ORDINANCE DESIGNATING RESTRICTED PARKING IN FRONT OF RESIDENCE OCCUPIED BY PERSON WITH DISABILITIES

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

WHEREAS, Ordinance 18-03 governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, the Highlands Police Department has received an application for on-street resident parking for persons with disabilities, which has been reviewed and approved by the Chief of Police; and

WHEREAS, the governing body of the Borough of Highlands wishes to designate an appropriate space for resident parking for persons with disabilities in accordance with the recommendation of the Chief of Police.

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

SECTION I.

A parking space on the western side of South Bay Avenue at the curb line directly in front of 49 South Bay Avenue is hereby designated as a space for resident parking for persons with disabilities. This space shall be available to a resident of 47 South Bay Avenue. A sign shall be installed specifically identifying the parking space in accordance with Ordinance 18-03.

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

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

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Motion to Introduce Ordinance 19-18:

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

ROLL CALL VOTE TO INTRODUCE ORDINANCE O-19-14 AND SET THE PUBLIC HEARING DATE FOR SEPTEMBER 4, 2019

I, Matthew Conlon, RMC, 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 August 21, 2019.

Public Comment

Mr. Francy, 36 5th Street: Mr. Francy questioned why a check valve was being used for the Cornwell Street Project. His questions was answered by Engineer Rohrmeyer who indicated that the type of valve being used was appropriate for the area.

Mr. Solop, 205 Bay Avenue: Mr. Solop commented on the Highlands Business Partnership and raised what he perceived to be concerns ranging several issues.

Mr. Caruso, 24 Gravelly Point Road: Mr. Caruso commented on the infrastructure improvements occurring in the borough and commended the Borough on the improvements.

Mayor O'Neil asked if there was any further comment, seeing none, Public Comment was closed.

Motion to Adjourn

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

The business of the Borough being concluded

VOTE TO ADJOURN
ALL IN FAVOR, NONE OPPOSED

I, Matthew Conlon, RMC, 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 August 21, 2019

I, Matthew Conlon, RMC, 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 August 21, 2019

Approve: 
Richard W. O'Neil, Mayor

Attest 
Matthew Conlon, RMC, Borough Clerk

