

**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
Wednesday, November 13, 2019– Meeting Minutes**

**This meeting of November 13, 2019, is called pursuant to the provisions of the Open Public Meetings Law and was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on November 8, 2019. The meeting notice has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.**

**CABLE FRANCHISE PUBLIC FORUM 6:00 PM**

Call to Order

Flag Salute

Roll Call

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

Councilmember Mazzola was absent

Also in attendance were Administrator Kim Gonzales, Borough Attorneys Brian Chabarek, Esq. and Andrew Ball, Esq., Borough Engineer Douglas Rohrmeyer, P.E., Municipal Clerk Matthew Conlon

MR. CONLON: This public hearing of November 13, 2019 is called pursuant to the provisions of the Open Public Meetings Law and was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on November 8, 2019. The meeting notice has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.

MR. CHABAREK: Just for the members of the public who have arrived and are aware, cable franchises, in New Jersey, are subject to State law and regulations. Franchise agreements, in the Municipality, are subject to renewal of every 15 years. Cable franchises are not exclusive. That means any company can apply and be granted the ability to operate at any time and not just at the conclusion of a prior franchise.

The Boro of Highlands has a franchise with Comcast nearing its expiration date February 2021. This places the Boro in what is called the ascertain phase where it reviews the cable operator's performance and ensures it has been complying with various legal requirements prior to its renewal. So far to date, the Boro has retained written complaints filed against Comcast and has conducted a survey of the residents on their satisfaction with Comcast service. The next step is to conduct this public hearing through receive public comment and questions.

Not every issue can be regulated by franchise agreements. For example, rates, in general, cannot be set by the Municipality, though there are certain exceptions for the possibility of seeking reduced rates for the elderly and disabled customers. There are Federal and statutory regulations that set forth the factors that are considered, some of which include, but aren't limited to, the quality of the operator service, including signal quality, response to consumer complaints and billing practices. Any regional community cable-related needs, any uniquely local cable-related needs. Performance of substantial compliance with material terms and conditions of the existing franchise.

Currently, the Boro does receive a benefit with respect to its current agreement in the sense that they do receive payment of a franchise fee of two percent of all of the gross revenues. All of the terms in the current agreement are set forth in Chapter 20 in the Borough code. Additionally, one outlet of cable is provided at no cost to the Borough to school, police and fire.

At this stage, the municipal report which summarizes this ascertainment phase is due February 4th 2020, because that is the current franchise agreement expires February 4, 2021. That February 4th 2020 date will conclude the ascertainment periods. Once the report is issued that concludes the ascertainment phase and Comcast will be given 90 days to file for legal consent which is now the municipal phase and then there will be the determination of whether to issue final Ordinance approving your application for removal which is subject to approval by the office of cable television. So, that is why we are here today and the public can present any comment and evidence they want to the governing body about Comcast services. There also was one submission received by the Boro clerk before that he will read into the record after anyone speaks.

MS. KAEMMERER: Tina K-A-E-M-M-E-R-E-R. I'm wondering if people thought it was at 6:30 instead of 6:00.

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MS. RYAN: It was on the website. The Agenda was published and it said, specifically, 6:00. Somebody made a comment. I saw, you know, the Bible called Facebook that they said at 6:00 they were having this hearing and at 6:30 was the workshop.

MS. KAEMMERER: I'm surprised, quite frankly, that there aren't more people here so I am glad to be here. For some reason, I thought it might have been at 6:30 on the website with the committee meeting. But in any case, I guess I will put in a comment about Comcast. I mean, have we looked into any other options as far as, you know, cable services for our community or is it really just, you know, all we are dealing with is Comcast? Because my only experience here is that Comcast is fair when we have bad weather. Sometimes they don't always serve us well, like it kind of glitches out. And I've got Verizon, which is probably worse than the Comcast and my beef with Verizon, obviously, is that they don't have Fios in our community, so they have really very rudimentary, you know, basic services. So I am just wondering, have we considered or have we gotten any information about other, you know, providers that we might want to consider or what are our options, if there are any?

MS. BROULLON: No other cable provider came to the Borough.

MS. KAEMMERER: Are there other providers within the near vicinity? Does Atlantic Highlands have a greater myriad of providers than we do? So they are kind of in the same boat.

ADMINISTRATOR: No. For the most part, most municipalities have more than one provider. Verizon Fios will come into Town and put some line in. I know probably because you are in the Hills, they stopped putting the Fios lines in, the fiber optic lines.

MS. KAEMMERER: We don't have that, right.

ADMINISTRATOR: We do where the Borough building is. We do. We have Fios.

MS. KAEMMERER: You do.

ADMINISTRATOR: We have Fios.

MS. BROULLON: Just to clarify, cable and Fios are not the same.

MS. KAEMMERER: Totally different. I understand. That is true, thank you.

ADMINISTRATOR: That is why.

MS. KAEMMERER: I am sorry.

MS. BROULLON: It is a different technology.

MS. KAEMMERER: It's totally different. So basically it's Comcast is what we are talking about.

MR. CHABAREK: Non-exclusive. Any other cable company can come here.

MS. KAEMMERER: Okay. Thank you.

Councilmember Mazzola entered the Meeting at 6:05

MR. CONLON: (Reading the email from Tuesday November 12 at 8:45 a.m.) Ms. Carol Bucco 330 Shore Drive. We have been stuck with Comcast for many, many years now and the residents don't seem to have many choices. I think the Borough should get some comparisons from several cable providers, rather than force all residents to use Comcast. Comcast has raised the cost nearly every month this year with no additional services or unwanted services and they virtually have a monopoly here, as we cannot connect with any other cable services. People should be able to choose what services they want without having to be forced to pay for what they don't want. I request for the clerk and counsel comparison or at least open it up so all citizens make their own choice. I never could understand why we are locked into Comcast. Many years ago, the Government broke up the telephone monopoly. I don't understand why it cannot be done with Comcast.

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MR. Conlon: That is the end of the statement.

MS. RYAN: I wish we could do that, but they don't want it done. We are open to whoever wants to come in here. I think we would always have a choice. Anybody that has spoken to me on my cellphone knows you can't hear me half the time, unless I am sitting on one side of the chair and I have Verizon for cellphone service. It just depends. I would love to have Verizon Fios.

MS. KRAEMMERER: Ditto.

MS. RYAN: We agree with her, but we can't do anything about it. Doug, did you have a question?

MR. ROHMEYER: Not at this time.

MR. CONLON: Does anybody else want to be heard or do we have a motion to adjourn the hearing?

MAYOR: What time is it?

MS. KRAEMMERER: Six-twenty.

MAYOR: Let it run some time, unless somebody else comes in.

MS. RYAN: If you have questions about the Comcast franchise, now is your time to ask.

AUDIENCE MEMBER: I am just here to observe.

MS. KRAEMMERER: So if we are stuck with Comcast, do we have any option to negotiate anything with them as far as the quality of the service, you know, or --

ADMINISTRATOR: Quality?

MS. KRAEMMERER: Sometimes the service is poor, you know?

ADMINISTRATOR: At reception?

AUDIENCE MEMBER: Yeah, at reception.

MS. RYAN: We did have that survey. Carolyn, when was that?

MS. BROULLON: Yeah.

ADMINISTRATOR: If there is a problem maybe with response times for people to call to come out, that is something we could address. But a franchise agreement, what it does is, um, there is different things that you might want to ask for in a franchise agreement.

MS. KRAEMMERER: Do we get any kind of price differential, relatively speaking, or for our community?

ADMINISTRATOR: I think you are comparable. I think, when we first got the documentation and compared it to other towns, we compared.

MS. KAEMMERER: So it is all comparable.

ADMINISTRATOR: Yeah, yeah.

MS. KAEMMERER: I am trying to use the time effectively.

ADMINISTRATOR: Yeah, I think it is great. Carolyn did the survey and you take that bulk of that survey and what you really want to see and what you have and you present that.

MS. KAEMMERER: What did you glean out of the survey?

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MS. BROULLON: It was surprisingly positive. It was neck and neck for the those that liked it, you know, that were positive about it and that were negative about it. There were no statistical findings that people were significantly dissatisfied nor satisfied.

MS. KAEMMERER: So it was kind of neutral.

MS. BROULLON: Middle of the road.

MS. KAEMMERER: Okay. Nothing extraordinarily.

MS. BROULLON: Nothing extraordinarily have popped out. A lot of cut the cord. People are using various streaming or the Fire stick and they are expanding more and more. So for the people that are cutting the cable cord, they still have internet, but they are not necessarily having cable television.

MS. KAEMMERER: Right. Right. When we are talking about Comcast, we are talking about the whole --

MS. BROULLON: No. Just the cable television. Not the internet. So a lot of those complaints about not having connectivity and things like that with regards to internet, they are really not going to look at those comments. We are submitting everything, but those are not really germane to what the survey was about which is just about cable television service.

MS. KAEMMERER: I see. I didn't understand that either, actually.

MR. CHABAREK: Also, with the quality of the service, one of the factors in the United States code that I cited was quality of operative services, including signal quality. If that is an overriding theme, that would be put into the record.

MS. KAEMMERER: Okay. Do you take the comments and the Community's comments and then codify them and give them back to Comcast, and say, you know, we are pretty happy with you guys or we are kind of happy, but you could really improve an XYZ or that kind of thing?

MS. BROULLON: That is what will be in the report.

MS. KAEMMERER: Okay. Thank you.

MAYOR: Move to close public portion.

MS. RYAN: I will second.

Motion to Adjourn the Ascertainment Hearing

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

WORKSHOP MEETING 6:30 pm

Call to Order

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Pledge of Allegiance

Roll Call

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

Also in attendance were Administrator Kim Gonzales, Borough Attorney Brian Chabarek, Esq., Borough Engineer Douglas Rohrmeyer, P.E., and Municipal Clerk Matthew Conlon

Administrator Gonzales discussed a Girl Scout Gold Award Program which would provide free water fountains at multiple locations in the Borough. Ms. Orianna Nolan would facilitate the program with the guidance of Administrator Gonzales to raise the funds, acquire the fountains and install the fountains.

Administrator Gonzales explained that a large part of the burden would fall on Ms. Nolan.

Ms. Orianna Nolan gave a presentation regarding her desire to fund and acquire several sustainable water fountains for the Borough as part of her Girl Scout Gold Award Program Project. Ms. Nolan noted that over the summer she noted that there were not water bottle or hydration stations at the Borough parks to provide water to residents and visitors.

Ms. Nolan described the fountains as having a water bottle refilling station, a water fountain and a pet bowl station.

Ms. Nolan indicated that each fountain would cost about \$5,000 and that the funds had to be raised through donations and fund raisers. Ms. Nolan indicated she would like to have the fountains installed by next November.

Council asked several questions about costs, maintenance. Councilmember Braswell inquired about what the fountains were made of and Ms. Nolan indicated they were made of stainless steel.

An unidentified resident indicated that a dog washing event would be a good fundraiser.

Councilmember Mazzola offered to donate her time to assist in the project.

Administrator Gonzales indicated that the Borough's endorsement and assistance would be addressed by Resolution during the Regular Meeting later that night.

Mayor O'Neil indicated that a local vender might be able to provide materials as a donation. Mayor O'Neil asked if these were refrigerated units. Ms. Nolan indicated that she would find out.

Mayor O'Neil asked if a contractor could donate time to install them. Ms. Nolan indicated they could.

Council thanked Ms. Nolan for her presentation.

**EXECUTIVE SESSION 7:00 PM**

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**EXECUTIVE SESSION**

**BE IT RESOLVED** that the following portion of this meeting shall not be open to the public,

**BE FURTHER RESOLVED** that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Pending or Anticipated Litigation: **Caruso**
2. Attorney/Client Privilege: - **Alcoholic Beverage Control Identification Cards**

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Captain’s Cove  
Redevelopment  
Seastreak  
Union Contracts

3. Contract Negotiations:

**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.

Motion to Adjourn the Workshop and Enter Executive Session

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

Council Entered Executive Session at 7:01 PM  
Council Exited Executive Session at 8:08 PM

**REGULAR MEETING: 8:00PM (8:15 PM)**

**Call to Order**

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**Flag Salute**

Mayor Nolan requested that Ms. Arianna Nolan lead the Flag Salute

**Roll Call**

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

Also in attendance were Attorney Chabarek, Police Chief Burton, Chief Financial Officer DeBlasio, Engineer Rohrmeyer and Clerk Conlon

**Proclamations**

A proclamation honoring. Mr. Tom Phillips in recognition of his film “Unclaimed Remains”  
Mayor O’Neil read the following Proclamation into the record:

“THE BOROUGH OF HIGHLANDS PROCLAMATION  
HONORING MR. TOM PHILLIPS

WHEREAS, Highlands, New Jersey has sent its sons and daughters in harm’s way in defense of our Great Nation; and  
WHEREAS, It is the right of every Veteran to be accorded full Military honors when they depart this world in recognition of their service on behalf of a grateful nation; and  
WHEREAS, it has been determined that some of those who have returned to us, after placing themselves in mortal peril in defense of our freedoms; have remained unclaimed with no one to tend to their arrangements when they have departed this life; and  
WHEREAS, Mr. Tom Phillips has cast a light upon this deficiency, and brought credit to those who have worked to remedy this error through his film “Unclaimed Remains;” and  
WHEREAS, among those who were among the “unclaimed” was Highlands’ own, United States Army Private Donald Sutton, Who tragically died in 1978 and remained unclaimed for Nearly forty years;  
NOW, THEREFORE BE IT PROCLAIMED, That the Mayor and Council of the Borough of Highlands proclaim their recognition of Mr. Tom Phillips for his award winning filmmaking and extend their deepest gratitude for documenting and contributing to the efforts in bringing Highlands’ son Private Donald Sutton to proper rest with the military honors.

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Done this Thirteenth Day of November, Two Thousand Nineteen under the hand of Mayor Richard O' Neil, Members of Borough Council Rosemary Ryan, Council President, Kenneth Braswell, Carolyn Broullon and Linda Mazzola"

Mr. Phillips made remarks regarding his film "Unclaimed Remains" and how the film tracks a group of veterans who have buried more than seventy veterans who were abandoned at funeral homes or left otherwise unclaimed. These included the remains of Private Donald Sutton, a Highlands Veteran who was buried by the program.

**Ordinances**

**Public Hearing and Final Adoption**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE 0-19-19  
AN ORDINANCE CREATING CHAPTER 2-49 OF BOROUGH CODE TO ESTABLISH THE  
BOROUGH OF HIGHLANDS ECONOMIC DEVELOPMENT REVIEW BOARD**

**WHEREAS**, the governing body of the Borough of Highlands wishes to create the Economic Development Review Board, which is an advisory committee that shall serve as a liaison between the governing body and existing and potential businesses within the Borough, and to assist in the development of plans, programs, and strategies to encourage economic growth.

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

**SECTION I.**

Borough Code Section 2-49 "Economic Development Review Board" shall be created as follows:

**2-49 ECONOMIC DEVELOPMENT REVIEW BOARD**

**2-49.1 Establishment.**

The Borough of Highlands Economic Development Review Board is hereby established as an advisory committee to the Borough of Highlands Governing Body.

**2-49.2 Purpose.**

The general purposes for the Economic Development Review Board shall include but not be limited to:

- a. Stimulating economic growth for both new economic development and the retention of existing businesses;
- b. Advising the governing body and providing recommendations in addressing the economic development needs of the Borough;
- c. Serve as a liaison between the Borough's government and both existing and prospective businesses.

**2-49.3 Appointment of Members; terms.**

The Economic Development Officer and the Borough Administrator shall be members of the Economic Development Review Board. The Chair of the Economic Development Review Board shall be the Economic Development Officer. If no Economic Development Officer is appointed, then the Borough Administrator shall act as Chair.

The remaining members of the Review Board shall be: (1) the Mayor or his or her designee, and (2) the Governing Body member appointed as Class III member of the Land Use Board.

**2-49.4 Duties and responsibilities.**

Duties and responsibilities of the Economic Development Review Board shall include, but not be limited to, the following:

- a. Development of plans, programs and strategies to encourage the expansion and strengthening of existing business and commercial enterprises in the Borough, consistent with the best interests of the Borough as a whole and conforming to the Borough's Master Plan.
- b. Development of plans, programs and strategies for attracting new business and commercial enterprises to the Borough which are in the best interests of the Borough as a whole and conforming to the Borough's Master Plan.
- c. To actively promote and seek businesses which are financially sound, environmentally clean and have good growth potential.

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- d. The investigation, analysis and submission of an annual report to the Borough Mayor and Council and Borough Administrator on any obstacles to the expansion of the commercial tax base of the Borough.
- e. Making of recommendations to the Mayor and Council and Borough Administrator regarding any ways or means by which the Borough can assist in meeting the needs of any developments deemed appropriate.
- f. To consult and communicate with the governing body, Land Use Board and other Borough departments concerning land use issues that may have an impact upon development in the Borough as it affects economic growth issues and consumer convenience. This may also include recommendations concerning changes to land use and zoning regulations that could impact economic growth.
- g. To assist the Borough Administrator in the research and preparation of applications for grants or funding which foster economic development.
- h. To create an information guide to assist businesses interested in relocating to the Borough.
- i. Consult with existing business and commercial enterprises within the Borough.
- j. Consult with prospective businesses seeking to establish themselves within the Borough.
- k. Consult with County, State, and other municipal entities regarding business development.
- l. Any other studies and/or presentations deemed necessary by the Mayor and Council and Borough Administrator relating to the further economic growth and development of the Borough.

**2-49.5 Compensation; reimbursement of expenses.**

Members of the Economic Development Review Board shall serve without compensation, except that the Borough may reimburse members for incurring legitimate out-of-pocket expenses in the discharge of Economic Development Review Board duties and responsibilities such as the development of presentation and marketing materials, flyers, brochures and correspondence. Members of the Economic Development Review Board must first receive the approval of the Borough Administrator or, in his or her absence, the Borough's Chief Municipal Finance Officer before any out-of-pocket expenses (such as travel mileage) are incurred. If approved, and following such expenditure, Economic Development Review Board members shall certify and complete an official Borough voucher, providing a full description and itemization of their expenses.

**2-49.6 Meetings.**

The Economic Development Review Board shall meet at least bi-annually. Additional meetings of the Economic Development Review Board may be scheduled by the Chair at his/her discretion.

**2-49.7 Limitation of duties.**

Other than the duties and responsibilities enumerated above, the Economic Development Review Board shall not have the power to enter into contracts, create debt or take property by condemnation or eminent domain. Furthermore, no member of the Economic Development Review Board shall receive or accept any fees, compensation or other goods of value from any corporation, partnership, professional firm, vendor or merchant engaging in any transactions with the Economic Development Review Board.

**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.

Mayor O'Neil asked if there were any public comments on Ordinance O-19-19. There were none. Mayor O'Neil indicated that this Ordinance was being considered in light of the development that Highlands is undergoing post Hurricane Sandy.

Mayor O'Neil called for a Roll Call Vote



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Motion to Introduce Ordinance 19-19:

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

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 October 16, 2019.

Public Hearing and Final Adoption Ordinance 19-19

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

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 November 13, 2019.

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE 19-20  
An Ordinance Amending Chapter 10, Section 10-13 of the Borough Code to Update “Vacant Structure Licensing and the Vacant Property Registration Process”

WHEREAS, Chapter 10 of the Borough Code, Section 10-13 entitled “Vacant Structure Licensing and Vacant Property Registration Process” regulates the registration, maintenance, and insurance requirements of vacant properties in the Borough of Highlands; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the Borough to revise Section 10-13 to clarify the registration requirements and update the registration fees associated with such vacant properties.

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

SECTION I.

Borough Code Section 10-13 “Vacant Structure Licensing and Vacant Property Registration Process” shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***.)

10-13.1 Definitions.

*Municipal officer* shall mean the Administrator or designee as may be designated by the Administrator in writing.

*Owner* shall include any private title holder, any agent of a private title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Municipal Officer of the Borough of Highlands to have authority to act with respect to the property. This section exempts any municipal, county or state owner of a vacant building or structure.

*Vacant property* shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair and rehabilitation, including but not limited to, any property meeting the definition of vacant property in N.J.S.A. 55:19-80, et seq., provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owners for sale or rental, shall not be deemed a vacant property for purposes of this section.

10-13.2 Registration Required.

a. Effective January 1, 2015, the owners an any vacant property, as defined herein shall, within thirty (30) days after the building becomes vacant or within thirty (30) days after assuming ownership of the vacant

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property, whichever is later; or within ten (10) days of receipt of notice by the municipality, file a registration statement for such vacant property with the Municipal Officer on forms provided for that purpose by the Municipal Officer along with any fee required by this section. ~~*Failure to receive notice by the municipality shall not constitute grounds for failing to register the property. The municipality or Municipal Officer are not required to provide notice to any Owner of vacant property. The lack of such notice shall not relieve an Owner of the registration requirements of this section, and shall not constitute a defense to any violation of this section.*~~

- b. Each property having a separate tax block and lot number shall be registered separately.
- c. The registration shall include the information required under subsection 10-13.4 of this section, the insurance certificate required by subsection 10-13.7 of this section, as well as any additional information that the Municipal Officer may reasonably require.
- d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building or structure remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in subsection 10-13.5 of this section for each vacant property registered.
- e. The Municipal Officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the Municipal Officer in which case the initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.
- f.
  1. Any owner of vacant property who submits plans to the Municipal Officer that completely rehabilitate or restore the property to productive use and occupancy within the twelve (12) month period following the date of the initial property registration shall be exempt from payment of the registration fee if the Municipal Officer deems that the rehabilitation or restoration project may be complete in that twelve (12) month period, but shall comply with all other provisions of this section. In the event that the property has not been restored to productive use and occupancy at the end of the twelve (12) month period, the owner shall be liable for any fee waived. The Municipal Officer may extend the waiver of the registration fee for not more than one (1) additional year in response to a written request by the owner where the Municipal Officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve (12) month period.
  2. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property is subject to this section and is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, marketing or other conditions that project may require more than one (1) year for realization, the Municipal Officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the Municipal Officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the Municipal Officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.
- g. The Owner shall notify the Municipal Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Officer for such purpose.
- h. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Owner or Owners of the building.

**10-13.3 Access to Property.**

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or designated agent.

**10-13.4 Registration Statement; Contents; Designation of Agent; Failure to Register Vacant Property.**

- a. The registration statement shall include (i) the name, street address, email address and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners at the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (ii) the name, street address, email address, and telephone number of the firm or individual responsible to maintain the property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons.
- b. An owner who is a natural person may designate him or herself as agent or as the individual responsible for maintaining the property.

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c. By designating an authorized agent under the provision of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding and administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Municipal Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

**10-13.5 Fees.**

a. The registration and renewal fee for each building or structure shall be as follows:

Initial Registration	<del>\$250.00</del> <u>\$500.00</u> or pro-rated amount per subsection 10-13.2 of this section. <u><i>If not paid within six (6) months of the date required by Section 10-13.2, the registration fee shall increase to \$1,000.00.</i></u>
First Renewal	<del>\$400.00</del> <u>\$1,500.00</u>
Second Renewal	<del>\$750.00</del> <u>\$3,000.00</u>
Any Subsequent Renewal	<del>\$1,000.00 or 5% of assessed value, whichever is higher.</del> <u>\$5,000.00</u>

b. At least 50 percent of all fee income resulting from the application of this section shall be deposited in a trust fund that shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to, code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and/or promote further productive reuse of properties.

**10-13.6 Maintenance of Property.**

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within thirty (30) days of the structure becoming vacant or thirty (30) days of the owner taking title to the property shall:

1. Enclose and secure the structure as provided in the applicable code of the Borough of Highlands or as set forth in rules and regulations adopted by the Municipal Officer to supplement those codes;
2. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash and debris;
3. Post a sign affixed to the structure with the name, address, and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address, and telephone number of the entity responsible for the maintenance of the property, which may be the same as the authorized agent. The sign shall be at least 8" x 24" in dimension, shall include the words "to report problems with this building, call ...", and shall be placed in a location where it is clearly legible from the nearest public street sidewalk; and
4. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

**10-13.7 Insurance Requirements.**

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within thirty (30) days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed an invalid registration.

**10-13.8 On-Line Complaint Procedure.**

The Borough of Highlands shall establish an on-line procedure by which citizens can provide the Municipal Officer with information on unkempt or unregistered properties that may be subject to this section through electronic means.

**10-13.9 Violations and Penalties.**

a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$250.00 and not more than \$1,000.00 for each offense. Every day that

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a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within thirty (30) days after a building becomes vacant property or within thirty (30) days after assuming ownership of a vacant property, whichever is later; or within ten (10) days of receipt of notice by the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of subsections 10-13.6 or 10-13.7 of this section, or such other matters as may be established by the rules and regulations of the Municipal Officer shall be deemed to be violations of this section.

**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.

Mayor O’Neil asked if there were any comments from the public.

Mr. Chris Francy of 5<sup>th</sup> Street. Mr. Francy stated that this was a welcome and needed ordinance but indicated he believed the fees were too small. Mr. Francy asked how the Borough was determining the property was vacant.

Administrator Gonzales indicated that through complaints, utilities, and other means Code Enforcement could determine vacancies.

Councilmember Mazzola commented that the fees were researched thoroughly and these are the highest fees in the Bayshore area.

Motion to Introduce Ordinance 19-20:

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

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 October 16, 2019.

Public Hearing and Final Adoption Ordinance 19-20

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

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 November 13, 2019.

**Ordinances**  
**Introduction and First Reading**

**CAPITAL ORDINANCE NO. O-19-22**

**CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, AND APPROPRIATING \$250,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the “Borough”) has determined to provide for the acquisition of various capital equipment, and

**WHEREAS**, the Borough has available \$250,000 in the Borough’s Capital Improvement Fund.

**NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:**

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough. For the improvements or purposes described in Section 2, there is hereby appropriated \$250,000, said sum being inclusive of \$250,000 from the Borough’s Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of the acquisition of various capital equipment, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

Section 3. The 2019 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$20,000 for legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied to direct payment of the cost of the improvements within the appropriation herein authorized.

Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 7. This ordinance shall take effect as provided by law.

**Motion to Introduce Ordinance 19-22:**

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

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 November 13, 2019.

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**AN ORDINANCE ADDING SECTION 6-6 OF THE  
BOROUGH CODE TO ESTABLISH IDENTIFICATION CARD REQUIREMENTS FOR  
EMPLOYEES SERVING ALCOHOL**

**WHEREAS**, Chapter VI of the Borough Code entitled Alcoholic Beverage Control regulates the sale and transportation of alcoholic beverages in the Borough of Highlands, in accordance with the applicable State Statutes and the Rules and Regulations of the State Director of Alcoholic Beverage Control; and

**WHEREAS**, N.J.S.A. 33:1-24 authorizes municipal authorities to “to do, perform, take and adopt all other acts, procedures and methods designed to insure the fair, impartial, stringent and comprehensive administration” with respect to alcoholic beverages; and

**WHEREAS**, the governing body of the Borough of Highlands has determined that it is in the best interest of the Borough to add Section 6-6 to provide identification card requirements for employees who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages.

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

**SECTION I.**

Borough Code Section 6-6 “Identification Cards” shall be added as follows:

**6-6 IDENTIFICATION CARDS.**

**6-6.1 Identification Cards.**

All persons, corporations, partnerships or other entities applying for an initial or renewal of alcoholic beverage sale and/or distribution licenses in the Borough of Highlands shall be required to obtain identification cards for all persons who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages during the course of duties required by the licensee. All applicants shall apply to the Highlands Police Department for an identification card within ten days from the initial application for or renewal of the alcoholic beverage sale or distribution license, or within ten days of the employment of any employee connected with the licensed premises, or within ten days of the effective date of this Section if employed at that time. The fee for the issuance of an identification card shall be twenty (\$20.00) dollars.

**6-6.2 Fingerprinting and Photographing Requirements.**

It shall be the responsibility of the licensee to ensure that all persons who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages have fingerprints and photographs taken by the Highlands Police Department to perform a criminal background investigation.

**6-6.3 Identification Cards; On File; Expiration Date.**

The Borough of Highlands Police Department shall furnish to the licensee and to all persons who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages an identification card demonstrating compliance with the provisions of this section. A copy of this card shall be on file on the licensed premises and shall be exhibited upon demand at any time requested by any law enforcement officer or official of the Borough of Highlands. If any individual is employed by multiple licensed establishments in the Borough, he or she shall obtain a duplicate identification card for each such establishment; duplicate identification cards shall be available for a fee of five (\$5.00) dollars. Such identification card shall expire two years from the date of issue, at which time new photographs shall be taken by the Highlands Police Department and a new fee therefor paid by the licensee. Every licensee and all persons who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages shall make application for liquor sale or distribution identification cards within ten days of employment or association with the licensed entity, or within ten days of the effective date of this Section if employed at that time, and shall secure the identification card as provided for in this section.

**6-6.4 Information on Employees to be Submitted to Police.**

In addition to fingerprinting and photographing, all persons who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages shall, in addition, provide the Highlands Police Department with the following information:

- a. Name and description of the applicant and permanent home address and full local address.
- b. Name and address of the licensed employer.
- c. The applicant’s date of birth and social security number.
- d. Such other information as may be required by the Borough of Highlands Police Department.

**6-6.5 Notification of Police of Changes Regarding Employees.**

Every licensee shall be responsible for notifying the Highlands Police Department of any change of employment or association of any holder of an identification card from the Highlands Police Department, and shall forthwith report to said police department the employment or association of all persons who sell, serve, solicit the sale of, mix, process, or prepare alcoholic beverages who may hereinafter be associated with the said licensed premises.

**6-6.6 Violations and Penalties.**

Any licensee violating the provisions of this section shall, upon conviction thereof, forfeit and pay a fine of one hundred (\$100.00) dollars for the first offense, two hundred fifty (\$250.00) dollars for a second offense, and five hundred (\$500.00) dollars for a third offense. A licensee convicted of a fourth or

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subsequent offense shall forfeit and pay a fine of not less than five hundred (\$500.00) dollars and not exceeding two thousand (\$2,000.00) dollars. Each and every nonconformance with this section shall be construed as a separate and distinct violation thereof.

6-6.7 Display of State Penalties.

Each licensed premises shall be required to display in a prominent place, visible to the public, a statement setting forth the penalties for driving while intoxicated, refusal to submit to breath tests and possession of an open container of an alcoholic beverage in a motor vehicle as is provided in Title 39 of the New Jersey Statutes.

**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 beginning on January 1, 2020.

**Motion to Introduce Ordinance 19-23:**

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

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 November 13, 2019.

**Resolutions**

**Consent Agenda Resolutions**

**Consent Agenda:**

1. R-19-269A A Resolution Authorizing the Payment of Bills
2. R-19-270A A Resolution Supporting the Monmouth County Raritan Sandy Hook Bay Coastal Resilience Planning Study
3. R-19-271A A Resolution Authorizing the Refund of a Sewer Bill Overpayment
4. R-19-272 A Resolution In Support of a Girl Scout Gold Award Project Proposal
5. R-19-273 A Resolution Authorizing Submission of a Strategic Plan for the Highlands and Atlantic Highlands Municipal Alliance Grant for Fiscal Year 2021 for the Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020-June 2025
6. R-19-274 A Resolution Authorizing Execution of a Transportation Agreement with the County of Monmouth for the Special Citizens Area Transportation System (SCAT)

**RESOLUTION 19-269A  
AUTHORIZING BILLS LIST**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated November 13, 2019, which totals as follows:

Current Fund	\$ 1,426,130.01
Sewer Account	\$ 42,283.59
Capital Fund	\$ 396,768.60
Trust-Other	\$ 68,159.84
Federal/State Grants	\$ 4,372.15
Total	\$ 1,937,714.19

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$1,806,718.59 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

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is posted on the borough website at [www.highlandsborough.org](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.

**RESOLUTION 19-270A**

**A RESOLUTION SUPPORTING THE MONMOUTH COUNTY RARITAN/SANDY HOOK BAY COASTAL RESILIENCE PLANNING STUDY**

**WHEREAS**, the County of Monmouth, Naval Weapons Station Earle, and the communities within the Military Influence Area worked together to prepare a Joint Land Use Study that was completed in December 2017; and

**WHEREAS**, this Joint Land Use Study was the first of its kind nationally to include coastal resilience as a major component; and

**WHEREAS**, the study resulted in 9 resilience recommendations including 1) Coordinate efforts for naturalized beach erosion/shoreline protection projects protecting both Navy and community waterfronts, 2) Develop a Marsh & Dune Restoration Plan, in coordination with partners to determine public facilities that could be suitable locations; and 3) Investigate potential joint stormwater management improvement projects; and

**WHEREAS**, the County of Monmouth received a grant from the federal Department of Defense, Office of Economic Adjustment to continue their work with NWS Earle and the Bayshore communities to develop a coastal resilience plan; and

**WHEREAS**, the County Division of Planning, as the lead county agency for this study, invited the coastal communities, various county, state and federal agencies, academic institutions and non-governmental organizations to serve on a Technical Advisory Committee to review and select 10-12 potential public sites for resilience projects for which concept plans would be drafted; and

**WHEREAS**, among the 11 sites selected, 1 is within the Borough of Highlands; and

**WHEREAS**, the project team met with municipal representatives to review the concept plan and give additional insight and input into the plan development.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Highlands recognizes the need to continue to increase resilience to sea level rise and coastal storms; and

**BE IT FURTHER RESOLVED**, that the governing body supports the concept plans drafted through the Monmouth County Raritan/Sandy Hook Bay Coastal Resilience Planning Study for the site(s) within its municipal boundaries.

**RESOLUTION 19-271A**

**A Resolution Authorizing the Refund of a Sewer Bill Overpayment**

**WHEREAS**, the Finance Officer of the Borough of Highlands has reviewed the accounts and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of sewer bills; and

**WHEREAS**, the Finance Officer recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Finance Officer is authorized to immediately refund and pay the overpayment of sewer payment to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
101	27.02	2019	\$738.58	Craig Schoenrock

**RESOLUTION 19-272**

**A Resolution in Support of Girl Scout Gold Award Project Proposal**

**WHEREAS**, Orianna Nolan has submitted a Girl Scout Gold Award Project Proposal seeking to plan, organize, fundraise for, and ultimately install water fountains for public use in the Borough of Highlands; and

**WHEREAS**, the Project proposes to reduce the use of plastic bottles, promote recycling throughout the community, and provide clean water to the residents and visitors of the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Borough declares its support for Orianna Nolan's Girl Scout Gold Award Project Proposal; and

**BE IT FURTHER RESOLVED** that Borough officials shall, when possible, meet with Orianna to assist with the logistics of implementing her proposal.



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RESOLUTION 19-273

A Resolution Authorizing Submission of a Strategic Plan for the Highlands and Atlantic Highlands  
Municipal Alliance Grant for Fiscal Year 2021 for the Governor’s Council on Alcoholism and Drug  
Abuse Fiscal Grant Cycle July 2020-June 2025

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 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 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 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 Council does hereby authorize submission of a strategic plan for the Highlands and Atlantic Highlands Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ <u>14,063.00</u>
Cash Match	\$ <u>3,516.00</u>
In-Kind	\$ <u>10,547.00</u>

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

APPROVED: \_\_\_\_\_  
(Name), Mayor/Head of Governing Body

CERTIFICATION

I, Matthew Conlon, Municipal Clerk of the Borough of Highlands, County of Monmouth, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 13<sup>th</sup> day of November , 2019

\_\_\_\_\_  
Matthew Conlon, Municipal Clerk

RESOLUTION 19-274

A Resolution Authorizing Execution of a Transportation Agreement with the County of Monmouth  
for the Special Citizens Area Transportation System (SCAT)

**WHEREAS** the Board of Chosen Freeholders of the County of Monmouth has established the Special Citizens Area Transportation System (hereinafter referred to as SCAT); and,

**WHEREAS** the Borough of Highlands has requested that the County provide services to eligible residents; and,

**WHEREAS**, it is necessary to set forth the responsibilities of both parties in a written agreement outlining the mutual covenants and conditions for consideration;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands in the County of Monmouth State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute the 2020 Transportation Agreement with the County of Monmouth.

	INTRODUCED	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 269A, 270A, 271A, 272, 273, 274)

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 November 13, 2019

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Resolutions

- 1. R-19-275 A Resolution Increasing the Contract Amount for Professional Planning Services to Address Required Items with Regard to the Borough’s Affordable Housing Obligations
- 2. R-19-276 A Resolution Authorizing the Execution of a Shared Services Agreement Between the Borough of Highlands and the Plainfield Municipal Utilities Authority for Video Inspection, Cleaning and Repair of Sewer Lines and Reporting Services
- 3. R-19-277 A Resolution Authorizing the Award of a Non Fair and Open Contract for Professional Services in Connection with the Borough’s Affordable Housing Obligations
- 4. R-19-278 A Resolution Appointing the Designated Administrative Agent For the Borough of Highlands
- 5. R-19-279 A Resolution Authorizing the Purchase of a Police Vehicle

RESOLUTION 19-275

A Resolution Increasing the Contract Amount for Professional Planning Services to Address Required Items with Regard to the Borough’s Affordable Housing Obligations

WHEREAS, by way of Resolution 19-222, the Borough retained the firm of Heyer, Gruel & Associates to provide professional planning services with regard to the Borough’s affordable housing obligations; and

WHEREAS, by way of correspondence dated October 22, 2019, Heyer, Gruel & Associates submitted a proposal requesting an increase in the contract amount by an additional \$6,000 for the remainder of 2019 in order to work towards finalizing the requirements of the Borough’s housing obligations.

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: 9-01-20-155-000-251

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Contract awarded to Heyer, Gruel & Associates to provide professional planning services with regard to the Borough’s affordable housing obligations be and is hereby increased to an amount not to exceed \$23,000.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to publish notice of this award as required by law.

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

R-19-275  
This is a Certified True copy of the Original  
Resolution on file in the Municipal Clerk’s Office.  
DATE OF VOTE: 11/13/2019

RESOLUTION 19-276

A Resolution Authorizing the Execution of a Shared Services Agreement Between the Borough of Highlands and the Plainfield Municipal Utilities Authority for Video Inspection, Cleaning and Repair of Sewer Lines and Reporting Services

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, in accordance with the Municipal and County Utilities Authorities Law N.J.S.A. 40:14B-1 et. seq., the Plainfield Municipal Utilities Authority (“Authority”) is authorized to provide sewerage and solid waste services, both within and outside the municipal boundaries of the City of Plainfield; and

WHEREAS, the Authority and the Borough wish to enter into an agreement, whereby the Authority will inspect the Borough’s sewer lines through the use of video equipment, provide the Borough with a

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report of its findings and video of the inspection for sewer lines designated by the Municipality, and clean and repair certain designated sewer sections of obstructions; and

**WHEREAS**, such services to be provided by the Authority shall include (1) the video inspection of sewer lines designated by the Borough, (2) the provision of a formal report to the Borough of its findings and video of the inspection of sewer lines and manhole sections designated by the Borough; (3) the cleaning of certain designated sewer lines and manhole sections of obstructions, and (4) the repair and sealing of sewer mains; and

**WHEREAS**, the Borough shall pay the Plainfield Municipal Utilities Authority a service fee based on a fee schedule provided by the Authority, for those services provided as designated by the Borough; and

**WHEREAS**, the term of the aforesaid Shared Services Agreement will be for a period of one (1) year.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that the Mayor is hereby authorized to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for the aforesaid provision of video inspection, cleaning and repair of sewer lines and reporting services, wherein the term of the Agreement will be for a period of one (1) year.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to the Chief Financial Officer and the Borough of Highlands Administrator.

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

R-19-276  
This is a Certified True copy of the Original  
Resolution on file in the Municipal Clerk's Office.  
DATE OF VOTE: 11/13/2019

Matthew Conlon, RMC, Municipal Clerk

**RESOLUTION 19-277**

**A Resolution Authorizing the Award of a Non Fair and Open Contract for Professional Services in Connection with the Borough's Affordable Housing Obligations**

**WHEREAS**, the Borough of Highlands has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide for the realistic opportunity for the development of its fair share of the regional need for very low, low and moderate-income housing; and

**WHEREAS**, the Borough's Housing Element and Fair Share Plan will create the realistic opportunity for the development of housing units affordable to and intended for occupancy solely by qualified very low, low and moderate-income households; and

**WHEREAS**, the Borough has prepared an Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq. as amended and supplemented and the New Jersey Fair Housing Act; and

**WHEREAS**, the Affordable Housing Ordinance sets forth the duties of the Administrative Agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units to be administered by an Administrative Agent acting on behalf of the municipality; and

**WHEREAS**, in light of the foregoing, the Borough of Highlands has a need for professional services to serve as the Administrative Agent in connection with the Borough's Affordable Housing Obligations; and

**WHEREAS**, such professional services can only be provided by licensed professionals and the firm of Community Grants, Planning & Housing is so recognized; and

**WHEREAS**, Community Grants, Planning & Housing has set forth its proposed services in a written proposal dated November 5, 2019; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain Community Grants, Planning & Housing for the aforesaid professional services as set forth in its proposal dated November 5, 2019; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$6,500 for a period of twelve (12) months for the professional services as stated in Community Grants, Planning & Housing's proposal dated November 5, 2019; and

**WHEREAS**, Community Grants, Planning & Housing has completed and submitted a Business Entity Disclosure Certification which certifies that it 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

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prohibit Community Grants, Planning & Housing from making any reportable contributions through the term of the contract; and

**WHEREAS**, Community Grants, Planning & Housing 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:  
Account # 9-01-22-201-000-225

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. Community Grants, Planning & Housing is hereby retained to provide professional services as described above in their proposal dated November 5, 2019, for an amount not to exceed \$6,500 for a period of twelve (12) months.
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.

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

R-19-277  
This is a Certified True copy of the Original  
Resolution on file in the Municipal Clerk’s Office.  
DATE OF VOTE: 11/13/2019

Matthew Conlon, RMC, Municipal Clerk

**RESOLUTION 19-278**  
**A Resolution Appointing the Designated Administrative Agent**  
**for the Borough of Highlands**

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.,) the Borough of Highlands is implementing a program to provide affordable housing units to very-low, low- and moderate-income households within the Borough; and

**WHEREAS**, the Borough has prepared an Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act; and

**WHEREAS**, the Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et. seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Borough of Highlands has selected Community Grants, Planning & Housing to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Borough.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey, that the Borough of Highlands hereby appoints Community Grants, Planning & Housing as its designated Administrative Agent.

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

R-19-278  
This is a Certified True copy of the Original  
Resolution on file in the Municipal Clerk's Office.  
DATE OF VOTE: 11/13/2019

Matthew Conlon, RMC, Municipal Clerk

RESOLUTION 19-279

AUTHORIZING PURCHASE OF A POLICE VEHICLE

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough 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 to replace a Dodge Charger, 4 Door Sedan police vehicle using Educational Services Commission of New Jersey Contract #A88729/T2776, from Hertrich Fleet Services, Inc.; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are available using budget #T 03 56 850 000 005 & 901 23 215 000 253 in the amount of \$21,759.80.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Highlands authorizes the purchase of a police vehicle for the Police Department in the amount of \$21,759.80.

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

This is a Certified True copy of the Original  
Resolution on file in the Municipal Clerk's Office.  
DATE OF VOTE: 11/13/2019

Matthew Conlon, RMC, Municipal Clerk

RESOLUTION 19-280

AUTHORIZING PURCHASE OF A FORD F550 WITH SANDER AND PLOW

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough 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 to replace a truck sold at auction; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds are available in the amount not to exceed \$70,000.

C-04-18-101-000-202 \$11,236; T-03-56-855-000-000 \$20,000; 9-01-26-310-000-296 \$7,000;  
9-01-26-292-000-294 \$4,500; 9-01-26-290-000-296 \$7,500; 9-05-55-502-000-296 \$5,000;  
9-05-55-502-000-294 \$5,000; 9-05-55-502-000-183 \$10,000

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Highlands authorizes the purchase of a Ford F550 with sander and plow in an amount not to exceed \$70,000.

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

R-19-280  
This is a Certified True copy of the Original  
Resolution on file in the Municipal Clerk's Office.  
DATE OF VOTE: 11/13/2019

**Approval of Minutes**

Approval of the Minutes of the October 2, 2019  
Approval of Minutes from September 18, 2019

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

**Department Reports**

**Borough Administrator Kim Gonzales**

Ms. Gonzales explained that the Chief of Police would be absent this evening and would not be making a report. Gonazales made comment to Capital Ordinance O-19-22 the Capital Ordianance. She explained this Ordinance was to acquire Capital Equipment for the Department of Public Works, including a Dump Truck with Plow and Sander and other capital equipment.

**Borough Engineer Doug Rohrmeyer, P.E.**

Douglas Rohrmeyer, P.E. – The Engineer stated they are closing out the CDBG project. Up on Grand Tour, the work likewise is complete ; however the natural gas contractor had some work to complete. Friday and next week would complete the paving on Grand Tour.

On Cornwall and John, the sanitary sewer and drain line are completed. Most of the concrete on John is done and next to be finished will be Cornwall.

Cornwall and John should be done by December.

Council President Ryan commented on how considerate and efficient the contactors are.

Mayor O'Neil asked Ms. Gonzales to comment on recent training and grants for Flood Mitigation.

Ms. Gonzales indicated she has been in training for flood mitigation for over a year and has brought to light several issues with Monmouth County and the Department of the Navy from NWS Earle. She indicated that they Navy and the County are going to endorse three applications for grant funding for further flood mitigation projects including areas of consideration surrounding Veteran's Park, they are also looking at the Jackson area to see if pumps can be installed. They are also considering Jones Creek and Monmouth Hills runoff. Ms. Gonzales indicated that being part of this committee with the County has been worth it considering the funding to complete projects being brought into the Borough. Ms. Gonzales also indicated there is Federal Funding through NWS Earle and they are looking at several projects in the town.

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Other Business

Council President Ryan commended Ms. Orianna Nolan for her presentation during the workshop and asked that she make a few comments during the regular meeting.

Ms. Nolan commented on her Girl Scout Gold Award Project to place water fountains in the Borough.

Councilmember Mazzola commented that CME Engineering received an award for their construction projects in the Borough and asked Engineer Rohrmeyer to explain.

Engineer Rohrmeyer explained that the New Jersey Society of Engineers honored CME for their construction management with regard to the Valley Street Improvements made in the Borough.

Mayor O’Neil commended CME on their work in the Borough.

Public Comment

Mayor O’Neil opened the public comment portion of the meeting.

**Ms. Jill Careri of Shore drive:** Ms. Careri stated that statistics showed that people have a higher survivability rate of surviving being hit by a car at lower speeds (under 25 MPH). Ms. Careri indicated that she would like to see enforcement to provide more safety to pedestrians in the Borough. She suggested radar signs, removable speed bumps and traffic cones to slow traffic.

**Kim Skorka of Shore Drive** Kim Skorka commended CME for bringing their projects in under budget. Ms. Skorka noted that at Shore and Waterwitch on a certain date and time there were a number of drivers who ran the stop sign, were driving distracted and committing other moving violations. Ms. Skorka indicated that pedestrians and bicycle traffic are up in the borough. Ms. Skorka indicated that she requested pedestrian crossing flashing signs in the borough in the past. She indicated that instead a flashing stop sign was installed. Ms. Skora restated her request for flashing pedestrian crossing signs. Ms. Skorka indicated there are a lot of “rolling stops” in highlands. Ms. Skorka reiterated a statement by Chief Burton in 2017 regarding the increase of pedestrian traffic in the Borough. Ms. Skorka indicated this was still an issue.

**Chris Francy of Fifth Street** Mr. Francy indicated that CME was successful because the contractor Underground Utilities was outstanding and made the job easier for CME.

**Steve Solop of Bay Avenue** Mr. Solop commended Ms. Gonzales for her report. Mr. Solop restated his request for more detailed police reports.

Motion to Adjourn

The business of the Borough being concluded a motion to adjourn was offered.

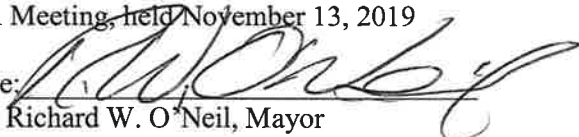
	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O’NEIL	X		X			

Vote on Motion to Adjourn

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 November 13, 2019

Council Adjourned at 9:03 PM

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 November 13, 2019

Approve:   
Richard W. O’Neil, Mayor

Attest   
Matthew Conlon, RMC, Borough Clerk

