

# BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

171 BAY AVENUE  
07732  
COUNTY OF MONMOUTH  
PHONE: 732-872-1224  
FAX: 732-872-0670  
WWW.HIGHLANDSNJ.US



HISTORIC "TWIN LIGHTS"

FRANK L. NOLAN  
MAYOR  
TIM HILL  
ADMINISTRATOR  
CAROLYN M. CUMMINS  
BOROUGH CLERK

## MAYOR AND COUNCIL REGULAR/WORK SHOP MEETING WEDNESDAY, MARCH 2, 2016 7:00 P.M.

**Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands**

Call to Order  
Meeting Statement  
Roll Call  
Executive Session Resolution

**EXECUTIVE SESSION:** 7:00 p.m.

Litigation:

**Contract Negotiation: Review of Tilt Up Demo RFP's/ DEP Permits, Holman Frenia Allison Audit Contract, D-BIZ Loan Contracts Auth Cost for Design, Regional Health Commission Contract**

**Real Estate: Waterwitch Beach Association Property, Municipal Facility Update**

**Personnel: Summer Seasonal Help/Life Guard & Maintenance,**

Investigation:

**Attorney-Client Communications: Landlord Registration, Internal Correspondence, Boro Cell Phones, Police Body Camera's, Vehicles and GPS**

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Call to Order  
Pledge of Allegiance  
Roll Call

**REGULAR MEETING:** 8:00 p.m.

**Public Portion – Resolutions & POB**

**Consent Agenda:**

1. R-16-68 Resolution Approving Shared Services Agreement for Sewer Operations
2. R-16-70 Resolution Authorizing RFP – Real Estate Attorney
3. R-16-71 Resolution Authorizing RFP for Architect
4. R-16-73 Resolution Authorizing Receipt of Bids for Installation of W/S Lines
5. R-16-74 Resolution Forming a Communications Committee
6. R-16-75 Resolution Approving Contract w/ Dynamic Testing
7. R-16-76 Resolution Approving Raffle Licenses
8. R-16-77 Resolution Approving Extended Premises Permit for Claddagh
9. R-16-78 Resolution Approving Social Affairs Permit for Fire Dept.
10. R-16-79 Resolution Appointing Recycling Coord & Auth Tonnage Grant App
11. R-16-80 Resolution Clarifying Auditor
12. R-16-81 Resolution Approving Change Order #3 Defino - \$0.00
13. R-16-82 Resolution Authorizing Ferry License Renewal for Seastreak
14. Payment of Bills – Complete Copy Available for Public to View at Borough Clerks Office and or on the website [www.highlandsnj.us](http://www.highlandsnj.us)
15. Regular Minutes – February 3, 2016

**Other Resolutions:**

1. R-16-69 Resolution Authorizing Purchase of Two Police Vehicles
2. R-16-72 Resolution Awarding Professional Engineering Services

**Ordinances: Introduction & Schedule P.H. Date for April 6, 2016**

1. O-16-4 Zoning Ordinance Amendment Amending Section 21-55
2. O-16-5 Zoning Ordinance Amendment Amending O-16-1
3. O-16-6 Snow Removal Ordinance
4. O-16-7 Bond Ordinance – Construction of New Boro Hall Phase I
5. O-16-8 Cat Ordinance Amendment

**Ordinances: Public Hearing & Adoption**

1. O-16-2 Borough Clerk Duties Ordinance Amendment

**Committee Reports:**

1. Finance
2. Public Safety  
Fire Department  
First Aide
3. Administration
4. Board of Education
5. Highlands Business Partnership
6. Shared Services

**Other Business:**

1. First Aide
2. Public Safety
3. Girl Scout Project
4. Review of T & M Cost Estimate for Assessment of DPW
5. Request to Install Bus Stop Shelter
6. Borough Cell Phones
7. Tilt Up Project Update

**PUBLIC PORTION:**

**Adjourn:**

2/26/2016 3:16 PM

**NOTE: Formal Action May Be Taken on Any and All Agenda Items**

HIGHLANDS.NJ.US

:

**R-16-68**  
**RESOLUTION APPROVING SHARED SERVICE AGREEMENT**  
**BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF**  
**ATLANTIC HIGHLANDS FOR SEWER OPERATION SERVICES**  
**FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2017**

WHEREAS, the Borough's Shared Service Agreement with the Borough of Atlantic Highlands to provide sewer operational services to the Borough of Highlands has expired; and

WHEREAS, the Borough of Highlands wishes to renew the shared services agreement with the Borough of Atlantic Highlands to provide sewer operational services to the Borough of Highlands for calendar years 2016 and 2017.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Borough hereby approves the attached shared services agreement with the Borough of Atlantic Highlands for sewer operational services for the calendar years 2016 and 2017 and the Mayor and Borough Clerk are hereby authorized to execute agreement.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

DATE: March 2, 2016

\_\_\_\_\_  
Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-68 adopted by the Governing Body of the Borough of Highlands at a meeting held on March 2, 2016.

\_\_\_\_\_  
Borough Clerk/Deputy Clerk

**BOROUGH OF HIGHLANDS**

**R-16-69**

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2016 POLICE  
INCEPTOR SUV'S FOR THE POLICE DEPARTMENT FROM BEYER FORD  
CRANFORD CO OP #47-CPCPS FOR THE BOROUGH OF HIGHLANDS  
POLICE DEPARTMENT**

**WHEREAS**, the BOROUGH OF HIGHLANDS wishes to purchase TWO (2) 2016 Ford Inceptor SUV's under Cranford Co-Op #47-CPCPS for the Borough of Highlands Police Department; and

**WHEREAS**, BEYER FORD having an address at 170 Ridgedale Avenue, Morristown, NJ 07960 has been awarded Cranford Co-Op #47-CPCPS for purposes of selling said automobiles; and

**WHEREAS**, the Borough of Highlands wishes to purchase from Beyer Ford under Cranford Co-Op #47-CPCPS the aforesaid vehicles for amount of \$33,022.75 and \$34,817.75 through MCIA15 funding.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands, County of Monmouth and State of New Jersey as follows:

1. A contract is hereby approved for Beyer Ford, pursuant to Cranford Co-Op #47-CPCPS in the amount of \$ 67,840.50 through MCIA15 for the purchase of two (2) 2016 Ford Inceptor SUV's vehicles in accordance with the bid quotation received from Beyer Ford.
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds to fund the said contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

This Resolution is conditioned upon the following:

- A. To the extent required, execution of a contract approved by the Director of Law which is signed by the Mayor and Borough Clerk.
- B. Issuance of a Certificate of Availability of Funds as aforesaid.

No contract shall be considered awarded unless, and until, the above requirements are executed.

**RESOLUTION R-16-70  
RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS (RFP)  
FOR REAL ESTATE ATTONEY**

**WHEREAS**, the Borough of Highlands desires to seek proposals for a Real Estate Attorney; and

**WHEREAS**, it is deemed in the best interests of the Borough of Highlands that proposals be obtained through a Request for Proposals process

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands, that the Borough Attorney is hereby authorized to prepare an RFP for a Real Estate Attorney.

**BE IT FURTHER RESOLVED** that the authorization is hereby granted for the advertisement and receipt of RFP's for a Real Estate Attorney is hereby authorized.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

**Date: MARCH 2, 2016**

\_\_\_\_\_  
**Carolyn Cummins  
Borough Clerk**

**CERTIFICATION**

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Highlands at a Regular Meeting held on the 2nd<sup>d</sup> day of March.

\_\_\_\_\_  
Borough Clerk

**RESOLUTION R-16-71  
RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS (RFP)  
FOR AN ARCHITECT**

**WHEREAS**, the Borough of Highlands desires to seek proposals for Professional Architect; and

**WHEREAS**, it is deemed in the best interests of the Borough of Highlands that proposals be obtained through a Request for Proposals process

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands, that the Borough Engineer is hereby authorized to prepare an RFP for an Architect.

**BE IT FURTHER RESOLVED** that the authorization is hereby granted for the advertisement and receipt of RFP's for Licensed Professional Architect is hereby authorized.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

**Date: MARCH 2, 2016**

\_\_\_\_\_  
**Carolyn Cummins  
Borough Clerk**

**CERTIFICATION**

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Highlands at a Regular Meeting held on the 2nd day of March.

\_\_\_\_\_  
Borough Clerk

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-16-72**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional Engineering services for the construction of a new borough hall phase I, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$ \_\_\_\_\_ plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated \_\_\_\_\_, and

**WHEREAS**, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M 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 T&M Associates from making any reportable contributions through the term of the contract, and

**WHEREAS**, T & M 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 contingent upon the adoption of the Bond Ordinance O -16-7:

I hereby certify funds are available as follows:

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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. Robert Keady, P.E. T & M Associates are hereby retained to provide professional engineering as described above for an amount not to exceed \$\_\_\_\_\_ plus reimbursable expenses.
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 | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

Date: March 2, 2015

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**CAROLYN CUMMINS, BOROUGH CLERK**

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held March 2, 2015.

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**BOROUGH CLERK/DEPUTY CLERK**

**RESOLUTION R-16-73  
RESOLUTION AUTHORIZING ADVERTISEMENT AND RECEIPT OF BIDS  
FOR INSTALLATION OF WATER AND SEWER LINES FOR MUNICIPAL TRAILERS**

**WHEREAS**, the Borough of Highlands desires to advertise for the receipt of Bids for the installation of water and sewer lines for the two municipal trailers.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands, that the Purchasing Agent is hereby authorized to prepare Bid Specs for an installation of water and sewer lines at the two municipal trailers.

**BE IT FURTHER RESOLVED** that the Purchasing Agent is hereby authorized to advertise for the receipt of bids.

|                                    | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------------|------------|----------|-----|-----|---------|--------|
| BROULLON                           |            |          |     |     |         |        |
| CARD                               |            |          |     |     |         |        |
| D'ARRIGO                           |            |          |     |     |         |        |
| WELLS                              |            |          |     |     |         |        |
| NOLAN                              |            |          |     |     |         |        |
|                                    |            |          |     |     |         |        |
|                                    |            |          |     |     |         |        |
| ON CONSENT AGENDA      YES      NO |            |          |     |     |         |        |

**Date:                    MARCH 2, 2016**

\_\_\_\_\_  
**Carolyn Cummins**  
**Borough Clerk**

**CERTIFICATION**

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Highlands at a Regular Meeting held on the 2nd day of March.

\_\_\_\_\_  
Borough Clerk

**R-16-74**

**RESOLUTION AUTHORIZING RECEIPT OF APPLICATION TO BE PART OF  
A TEMPORARY COMMUNICATIONS COMMITTEE**

**WHEREAS**, the Governing Body of the Borough of Highlands desires to form a Temporary Communications Committee that would advise the Governing Body as to email, website, social media, re-branding and providing a consistent message by and for Highlands; and

**WHEREAS**, this committee would consist of five to nine resident members to streamline our messages to residents, businesses and investors; and

**WHEREAS**, appointments to committee will be appointed by the Mayor with the advice and consent of the Council.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that a temporary Communications Committee is hereby created and the Borough will solicit applicants to submit applications to be appointed for a period to expire December 31, 2016.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
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| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES |     | NO      |        |

DATE: March 2, 2016

\_\_\_\_\_  
Carolyn Cummins, Borough Clerk

**R-16-75**

**RESOLUTION APPROVING CONTRACT AGREEMENT WITH DYNAMIC TESTING SERVICES FOR RANDOM DRUG AND ALCOHOL TESTING SERVICES**

**WHEREAS**, the Borough of Highlands is in need of continuing to have testing services provided to certain Borough employees holding a CDL License; and

**WHEREAS**, services will be provided at the following rates:

- DOT 5 Panel Urine Drug Screen: \$45.00
- Breath Alcohol with Confirmation: \$35.00
- Split Specimen Testing: \$230.00
- Post Accident & Resonable Suspicion Testing \$200.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Borough Clerk be and is hereby authorized to execute contract agreement with Dynamic Testing Services, 230 Main St, Ste C, Toms River, NJ 08753 This contract is to provide services for the period of April 1, 2016 to March 31, 2019.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES |     | NO      |        |

**DATE: March 2, 2016**

\_\_\_\_\_  
**CAROLYN CUMMINS, BOROUGH CLERK**

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on March 2, 2016.

\_\_\_\_\_  
**BOROUGH CLERK/DEPUTY CLERK**

**R-16-76  
RESOLUTION  
APPROVING RAFFLE LICENSE APPLICATIONS**

**WHEREAS**, the Highlands Elementary School PTO has submitted a Raffle License Application No. RA1317-16-04 for a drawing to be held on April 8, 2016; and

**WHEREAS**, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-16-05 for a drawing to be held on April 9, 2016.

**WHEREAS**, all paperwork appears to be in order.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands does hereby approve Raffle License Applications RA#1317-16-04 and RA#1317-16-05 and the Borough Clerk is authorized to sign off on licenses.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES |     | NO      |        |

**DATE: March 2, 2016**

\_\_\_\_\_  
**CAROLYN CUMMINS, BOROUGH CLERK**

I hereby certify this to be a true copy of the Resolution adopted by the Mayor and Council of the Borough of Highlands on March 2, 2016.

\_\_\_\_\_  
**BOROUGH CLERK/DEPUTY CLERK**

**R-16-77**  
**RESOLUTION APPROVING PETITION TO EXTEND LICENSED PREMISES**  
**FOR CLADDAGH OF HIGHLANDS**

**WHEREAS**, the Claddagh of Highlands, LLC located at 297 Bay Ave has filed an application for a petition to extend licensed premises for an event to be held on March 19, 2016 with no rain date.; and

**WHEREAS**, the application has been reviewed and approved by the Chief of Police.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor & Council of the Borough of Highlands does hereby approve the application for a petition to extend licensed premises Permit for the Claddagh of Highlands, LLC located at 297 Bay Ave for an event to be held on March 19, 2016 with no rain date.

|                                | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--------------------------------|------------|----------|-----|-----|---------|--------|
| BROULLON                       |            |          |     |     |         |        |
| CARD                           |            |          |     |     |         |        |
| D'ARRIGO                       |            |          |     |     |         |        |
| WELLS                          |            |          |     |     |         |        |
| NOLAN                          |            |          |     |     |         |        |
|                                |            |          |     |     |         |        |
|                                |            |          |     |     |         |        |
| ON CONSENT AGENDA    YES    NO |            |          |     |     |         |        |

**DATE:            March 2, 2016**

\_\_\_\_\_  
**Carolyn Cummins, Borough Clerk**

I hereby certify this to be a true copy of Resolution R-16-77 adopted by the Governing Body of the Borough of Highlands at its meeting held on March 2, 2016.

\_\_\_\_\_  
**BOROUGH CLERK/DEPUTY CLERK**

**R-16-78**  
**RESOLUTION APPROVING SOCIAL AFFAIR PERMIT**

**WHEREAS**, the Highlands Fire Department has filed an application for a Social Affairs Permit for an event to be held on April 9, 2015 at Highlands Fire House with a rain date of \_\_\_\_\_; and

**WHEREAS**, the submitted application forms are complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Police Department.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor & Council of the Borough of Highlands do hereby approves a Social Affair Permit for the Highlands Fire Department for an event to be held on April 9, 2016 with a rain date of \_\_\_\_\_.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

**DATE: March 2, 2016**

\_\_\_\_\_  
**Carolyn Cummins, Borough Clerk**

I hereby certify this to be a true copy of Resolution R-16-78 adopted by the Governing Body of the Borough of Highlands at its meeting held on March 2, 2016.

\_\_\_\_\_  
**BOROUGH CLERK/DEPUTY CLERK**

**R-16-79  
RESOLUTION  
APPOINTING RECYCLING COORDINATOR  
& AUTHORIZING TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act. P.L. 1987, c 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop, new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands the Borough hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection Office of Recycling and designates Adam Hubeny, Recycling Coordinator to ensure that the said application is properly filed.

**BE IT FURTHER RESOLVED** that Adam Hubeny be appointed Recycling Coordinator and that he be compensated an annual fee of \$250.00

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES |     | NO      |        |



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
R-16-80  
RESOLUTIONS CLARIFYING THE APPOINTMENT OF  
HOLMAN FRENIA ALLISON, PC TO CONDUCT THE  
BOROUGH'S YEAR END 2015 AUDIT**

WHEREAS, by Resolution R-16-50 provided for the appointment of Holman Frenia Allison, P.C. as the Borough's auditor for calendar year 2016; and

WHEREAS, it was the intent of the Borough that Holman Frenia Allison, P.C. conduct the Borough's year end 2015 audit; and

WHEREAS, Resolution R-15-20, adopted on January 7, 2015, appointed Fallon & Larson for a one-year period from January 1, 2015 through December 31, 2015; and

WHEREAS, that appointment was made pursuant to N.J.S.A. 40A:11-5(1)(a)(i), which provides for an exception to public bidding for professional services, such as that of auditor; and

WHEREAS, contracts for professional services can only be awarded for a period of twelve (12) months; therefore, any work performed by Fallon & Larson beyond December 31, 2015 is not permitted by law.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that Holman Frenia Allison, P.C. shall be the Borough's auditor for the period January 1, 2016 through December 31, 2016 and shall conduct the Borough's year end 2015 audit; and

BE IT FURTHER RESOLVED that any agreements and resolutions to the contrary are hereby rescinded and null and void; and

BE IT FURTHER RESOLVED that the Borough's prior auditor, Fallon & Larson, shall be compensated a reasonable fee for any work performed for the Borough's year end 2015 audit.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES |     | NO      |        |

**R-16-81**  
**RESOLUTION APPROVING CHANGE ORDER #3**  
**DEFINO CONTRACTING COMPANY**  
**\$0.00 INCREASE OR DECREASE**  
**BAY AVENUE AND SHORE DRIVE STREETScape IMPROVEMENTS PROJECT**

**WHEREAS**, Resolution R-15-159 was adopted on July 23, 2015 awarding a contract to DeFino Contracting Company for the Bay Ave and Shore Drive Streetscape Project as follows:

|          |                  |                     |
|----------|------------------|---------------------|
| R-15-159 | July 23, 2015    | \$1,273,000.00      |
| R-15-229 | December 2, 2015 | \$ 23.00 – Increase |
| R-16-60  | February 3, 2016 | \$ -\$19.00         |

**WHEREAS**, change order # 3 dated February 4, 2016 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Reductions Items 36, 37 and 41 have been reduced to reflect the current as-built quantities and Extra Items 35 and 39 to reflect current as-built quantity) which results in a reduction amount of \$19,400 and an additional amount of \$19,400 for a total amount of \$0.00,

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that change order #3 changing the original contract amount by \$0.00 is hereby authorized for the Bay Avenue and Shore Drive Streetscape Project. The contract amount hereby remains at \$1,272,909.00.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

**Date: March 2, 2016**

-----  
**CAROLYN CUMMINS, BOROUGH CLERK**

I hereby certify this to be a true copy of Resolution R-16-81 adopted by the Governing Body of the Borough of Highlands on March 2, 2016.

**R-16-82  
RESOLUTION  
APPROVING THE 2016 RENEWAL OF FERRY LICENSE  
FOR SEASTREAL FERRY  
AT 326 SHORE DRIVE**

**WHEREAS**, Seastreak has submitted the required fees for the renewal of the Ferry License for 2016, to operate a ferry service at one location within the Borough of Highlands; and

**WHEREAS**, the ferry location is located at 326 Shore Drive; and

**WHEREAS**, the Borough requires at least one million dollars in liability insurance be provided.

**WHEREAS**, Seastreak has also submitted a copy of the Certificate of Liability Insurance and it has been reviewed by the Borough Attorney and found to be sufficient.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Ferry License for Seastreak to operate at 326 Shore Drive is hereby renewed for the calendar year 2016; and

**BE IT FURTHER RESOLVED**, and the Borough Clerk is hereby authorized to issue the proper licenses for the operation of ferry service.

|                   | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|------------|----------|-----|-----|---------|--------|
| BROULLON          |            |          |     |     |         |        |
| CARD              |            |          |     |     |         |        |
| D'ARRIGO          |            |          |     |     |         |        |
| WELLS             |            |          |     |     |         |        |
| NOLAN             |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
|                   |            |          |     |     |         |        |
| ON CONSENT AGENDA |            |          | YES | NO  |         |        |

**DATE: March 2, 2016**

\_\_\_\_\_  
**Carolyn Cummins, Borough Clerk**

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on March 2, 2016.

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
O-16-2**

**AN ORDINANCE SUPPLEMENTING SECTION 2-5.7 OF  
THE CODE OF THE BOROUGH OF HIGHLANDS  
DESIGNATING THE DUTIES OF SECRETARY OF THE  
ZONING BOARD OF ADJUSTMENT AND PLANNING  
BOARD (OR ANY COMBINED LAND USE BOARD) TO  
THE BOROUGH CLERK**

WHEREAS, the Borough Clerk has performed the duties of secretary to the Zoning Board of Adjustment and the Planning Board; and

WHEREAS, the Clerk's salary is based, in part, on performing those duties; and

WHEREAS, the governing body wishes to formally include those duties in the Borough Code.

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

SECTION ONE: Section 2-5.7 of the Borough Code, "Other Laws and Ordinances," shall be supplemented as follows (additions are underscored):

In addition to such other functions, powers and duties as may be prescribed by ordinance, and subject to the supervision and direction of the mayor and council, the clerk shall:

- a. Perform all of the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes) and any other law or ordinance.
- b. Serve as registrar of dog licenses.
- c. Administer the provisions of borough ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the clerk.
- d. Perform the duties of Secretary of the Zoning Board of Adjustment and Planning Board, or combined Land Use Board, as the case may be.

e. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the mayor and council.

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

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

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**ORDINANCE O-16-4**

**AN ORDINANCE AMENDING SECTION 21-55 OF THE BOROUGH CODE TO ELIMINATE THE REQUIREMENT FOR SITE PLAN APPROVAL IF A BUILDING ADDITION DOES NOT REDUCE OFF-STREET PARKING, DOES NOT REQUIRE A VARIANCE NOR RESULT IN A VIOLATION OF THE BOROUGH'S CURRENT LAND USE ORDINANCES.**

**WHEREAS**, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; and

**WHEREAS**, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-124.5 to provide for the within changes; and

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

**NOTE:** All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***. Sections of Chapter 21 that will remain unchanged are shown in normal type.

**Section 1.** Chapter 21, Section 55, "Filing Procedures" (Paragraph 1, Line 6) shall be amended as follows:

**21-55 FILING PROCEDURES.**

An application for development shall be submitted (1) prior to the subdivision or resubdivision of land or (2) prior to the issuance of a building permit or certificate of occupancy for any development for which site plan approval is required. Application for subdivision or site plan, as the case may be, shall be submitted to and approved by the Planning Board in accordance with the requirements of this chapter. Site plan approval shall be required for any new building, any addition to an existing building **that reduces or requires additional off-street parking, adversely impacts drainage on surrounding properties, requires a variance and/or is otherwise inconsistent with the Borough's Land Use ordinances,** any change in use of an existing building, any off-street parking area or alteration of said parking area or any other site improvement. Application for

seasonal uses may either be included in a site plan application for the year-round use or be subject to an annual review for a temporary use permit. Application for detached one- or two-family dwelling unit buildings shall be exempt from site plan review and approval. For any application requiring site plan approval involving less than a ten (10%) percent increase in floor area and/or five (5) new parking spaces, the Planning Board may permit the submission of a minor site plan containing such information as will make it possible to determine whether or not such site plan meets all of the requirements of this chapter. The Planning Board may also permit the submission of a combined preliminary and final site plan application when, due to conditions relating to the nature of the development, separate preliminary and final site plan applications would not be necessary to meet the purposes of this chapter. In such instances, all procedures and requirements applicable to preliminary site plans, unless otherwise waived by the Planning Board, shall be followed.

**Section 2. 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 3. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**O-16-5**

**AN ORDINANCE AMENDING ORDINANCE O-16-1,  
SPECIFICALLY BOROUGH CODE SECTION 21-17A.8, TO  
PROVIDE FOR THE STATUTORY MINIMUM NOTICE OF  
TEN (10) DAYS**

**WHEREAS**, the Borough adopted O-16-1, which combined the functions of the Planning Board and Zoning Board; and

**WHEREAS**, part of Section One of that Ordinance, codified at Section 21-17A.8 of the Borough Code, provides:

**§ 21-17A.8. Notice.** All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than 21 days prior to the next hearing date; and

**WHEREAS**, the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-12, "Notice of Applications," establishes *minimum* requirements for notice of applications, and reads, "Notice... shall be given *at least* 10 days prior to the date of the hearing" (emphasis added); and

**WHEREAS**, in an effort to provide added transparency to land use applications, O-16-01 provided for twenty-one (21) days notice; and

**WHEREAS**, counsel for the Planning Board requested that such notice requirement be reduced to the statutory minimum notice requirement of ten (10) days; and

**WHEREAS**, the governing body wishes to amend O-16-01 to conform to that request.

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

**SECTION ONE.** Ordinance O-16-01 and Borough Code Section 21-17A.8 shall be amended as follows (strikethrough represent deletions; underscore represents additions):

**§ 21-17A.8. Notice.** All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than ~~21~~ 10 days prior to the next hearing date; and

**SECTION TWO. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision



shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

**SECTION FOUR. EFFECTIVE DATE.** This Ordinance shall take effect after final passage and publication, *nunc pro tunc* February 8, 2016 or as soon thereafter as provided by law.

Seconded by \_\_\_\_\_ and adopted on the following roll call vote:

**ROLL CALL:**

**AYE:**

**NAY:**

**ABSENT:**

**ABSTAIN:**

# **ORDINANCE O-16-6**

## **SNOW REMOVAL ORDINANCE**

**THIS ORDINANCE WILL BE FORWARDED TO  
YOU EARLY NEXT WEEK.**

**CC**

**BOROUGH OF HIGHLANDS  
BOND ORDINANCE NUMBER O-16-7**

**BOND ORDINANCE PROVIDING FOR THE PRELIMINARY AND OTHER COSTS ASSOCIATED WITH THE CONSTRUCTION OF A NEW BOROUGH HALL – PHASE I, BY AND IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$3,000,000 (INCLUDING A \$1,200,000 REIMBURSEMENT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$3,000,000, said sum being inclusive of a reimbursement expected to be received from the Federal Emergency Management Agency in the amount of \$1,200,000 (the "FEMA Reimbursement") and a down payment in the amount of \$90,000 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,000,000 appropriation not provided for

principal amount not exceeding \$1,710,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are the Preliminary and Other Costs Associated with the Construction of a New Borough Hall – Phase I, such improvements shall include, but are not limited to, the acquisition and the payment of the purchase price of all or any portion of real property, a lawful public purpose, such real property currently anticipated to be the real property designated as Block 37, Lot 12.01 and Block 37, Lot 13 on the Official Tax Map of the Borough, and being commonly known as 159 Navesink Avenue, Highlands, New Jersey, and all improvements and buildings thereon (the “Property”), the demolition of all or any portion of the Property and debris removal and disposal associated therewith, environmental work, grading work, utility work, the construction of all or any portion of the New Borough Hall building and any other improvements on said Property, also including, but not limited to, surveying, title searches, engineering and design work, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,710,000.

(c) The estimated cost of said improvements or purposes is \$3,000,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the FEMA Reimbursement for said purpose in the amount of \$1,200,000 and the down payment for said purpose in the amount of \$90,000.

**SECTION 4.** Except for the FEMA Reimbursement, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a

Reimbursement, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is thirty (30) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,710,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$750,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Borough is hereby authorized to acquire the Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Administrator, Chief Financial Officer, Borough Attorney and the Borough Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Property.

**SECTION 12.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 13.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING  
DATED: March 2, 2016

\_\_\_\_\_  
CAROLYN CUMMINS,  
Borough Clerk

ADOPTED ON SECOND READING  
DATED: March 16, 2016

\_\_\_\_\_  
CAROLYN CUMMINS,  
Borough Clerk

APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
FRANK NOLAN  
Mayor



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**0-16-8**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 5-16.3, "FERAL CAT COLONIES," OF THE  
CODE OF THE BOROUGH OF HIGHLANDS TO  
PROHIBIT FOOD LEFT OUTSIDE FOR FREE-ROAMING  
CATS AFTER 9:00 P.M. OR BEFORE 7:00 A.M. AND TO  
REQUIRE THE PROVISION OF LITTER BOXES BY  
FERAL CAT CAREGIVERS AND AMENDING THE TITLE  
OF SECTION 5-16.3 TO "FERAL CAT COLONY  
TRAP/NEUTER/RELEASE (TNR) PROGRAM"**

**WHEREAS**, the Borough of Highlands has enacted ordinances to provide for the managed care of feral cats, codified at Section 5-16 of the Code of the Borough of Highlands; and

**WHEREAS**, the Borough wishes to amend and supplement Section 15-16(d) to prohibit providing open containers of food for free-roaming cats after 9:00 p.m. or before 7:00 a.m. and to require feral cat caregivers to provide litter boxes for such cats under their care.

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

**SECTION ONE.** Section 5-16.3(d)(11) shall be amended to read as follows: "Taking reasonable steps to prevent cats from creating a nuisance in adjacent properties, which includes, but is not limited to, providing litter boxes for feral cats."

**SECTION TWO.** Section 5-16.3(d) shall be supplemented by the addition of a paragraph (12), which shall read: "Feral cat caregivers shall not leave open containers of food for such cats outdoors after 9:00 p.m. nor before 7:00 a.m."

**SECTION THREE.** Section 5-16.3 shall be amended to be entitled "Feral Cat Colony Trap/Neuter/Release (TNR) Program."

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

**SECTION SIX. EFFECTIVE DATE.** This Ordinance shall take effect after final passage and publication as provided by law.

**HIGHLANDS BUSINESS PARTNERSHIP, INC.**  
**District Management Corporation, Highlands Business Improvement District (BID)**  
**Post Office Box 375, Highlands, NJ 07732**  
**email: HBP@highlandsnj.com website: www.highlands.com**  
**Phone 732.291.4713 ~ Fax 732.872.1031**

## **March 2, 2016 – Council Report**

### **Marketing & Events**

**Chili Cook Off** – St. Patrick's Day Parade Fundraiser was held at Havana on February 21st. Irish Step Dancers and members from Richmond County Pipe Band provided entertainment. Co-Grand Marshals Joan Wicklund and Rosemary Ryan and Councilwoman Broullon were among the Official Judges of the contest. Chilangos, won Best Professional category, Nicholas Giunta of Middletown, won Best Amateur category and Highlands resident, Krista Phair won People's Choice. The proceeds were \$1,514.00.

**3<sup>rd</sup> Annual Guinness Run** – The 3<sup>rd</sup> Annual Guinness Run is March 12, 2PM at Claddagh Irish Pub. Registration is \$30.00 and includes a commemorative t-shirt, a Guinness Pint glass and access to the Post-Race Party at the Claddagh, with complimentary appetizers and Guinness Beer. The race will begin at the Claddagh, 297 Bay Avenue, where contestants will fill their cup and race to Miller St., and back to the finish line at the Claddagh. The contestant with the most liquid in their cup at the finish line wins the 1st Place trophy and \$100 in Bid Bucks. 2nd Place will receive a \$50 Bid Buck. Online registration can be found on [www.highlandsnj.com](http://www.highlandsnj.com).

**14<sup>th</sup> Annual St. Patrick's Day Parade** – Saturday, March 19, 2PM. We have 12 Pipe bands this year. We hope all the businesses will be competing in the float contest. We are using online registration in addition to printable forms, both of which can be found on [www.highlandsnj.com](http://www.highlandsnj.com).

**Visual Improvement** - We are currently implementing a paint reimbursement program following the Highlands design standards. We will be seeking the Council's support for a resolution in the near future. HBP is working with the Clean Community Team for a Spring Clean-Up plan. We are now accepting new applications for the Wayfinding Signs and the deadline is March 31<sup>st</sup>.

**Economic Development** - HBP is working with the Master Plan Sub-Committee for business recruitment and business retention. We are working with the Planning Liaison to implement a business friendly planning guide.

**New Business** - Younique Yoga has received their mercantile license and we have given them their welcome packet and completed the interview. We are currently preparing the press release and scheduling a Ribbon Cutting celebration.