

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
January 7, 2015**

Ms. Kane called the meeting to order at 7:06 p.m.

Mrs. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Work Shop/Regular Meeting of the Mayor & Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan

**Late Arrival:** Mayor Nolan – arrived at 7:07 p.m.

**Also Present:** Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Sal Alfieri, Borough Attorney

Dustin Glass, Borough Attorney

Dale Leubner, Borough Engineer

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**Executive Session Resolution**

Ms. Kane offered the following Resolution and moved its adoption:

**RESOLUTION  
EXECUTIVE SESSION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1. Litigation:** Bayview Condo Agreement, Street Scape RFP's, Grant Writer, FEMA Special Services Consultant
- 2. Contract:**
- 3. Real Estate:** Clam Plant Lease, Sale of Borough Land 72/2
- 4. Personnel Matters:** Municipal Judge Position
- 5. Investigation:**
- 6. Attorney-Client Privilege:** Request for Documents-Chief Blewett  
Special Counsel  
Street Sweeper Bid Review of Objections

**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; and

**BE IT FURTHER RESOLVED** that no portion of this meeting shall be electronically recorded unless otherwise stated; and

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

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection,

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rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. **Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.**
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the publics interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

**BE IT FURTHER RESOLVED** that action may be taken after the executive session.

Seconded by Mr. Redmond and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting to order at 8:09 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance.

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Ms. Ryan, Mayor Nolan**

**NAYS: None**

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**ABSENT: Mr. Redmond**  
**ABSTAIN: None**

**Russell Card – Highlands Historical Society Statement:**

Russell Card thanked Mayor and Council for allowing him to read his statement with updates.

Mr. Card spoke of the twinlights exhibit and hours of operation.

Mayor Nolan asked for a moment of silence.

Ms. Kane explained that we lost Judge Locascio and a fire department member, Howard Paranto. She asked for a moment of silence to remember them and for their service to our town.

**Consent Agenda:**

Mayor Nolan asked if anyone at the table had questions or would like a resolution pulled.

Ms. Kane stated that we need to remove Howard Paranto from Resolution R-15-12. She will also abstain from Resolution R-15-25.

**R-15-01  
RESOLUTION AMENDING R-14-240A  
RESOLUTION SETTING THE SCHEDULE FOR  
MEETINGS OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2015**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following schedule is hereby designed as the official Meeting Calendar of the Governing Body for the year 2015. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where official action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

**DATE**

**WORKSHOP/REGULAR MEEETINGS**

January 7, 2015 HES  
February 4, 2015 HES  
March 4, 2015 HES  
April 1, 2015 HES  
May 6, 2015 HES  
June 3, 2015 HES  
No 1<sup>st</sup> Wednesday Meeting  
No 1st Wednesday Meeting  
September 2, 2015 HES  
October 7, 2015 HES  
November 4, 2015 HES  
December 2, 2015 HES

**REGULAR MEETINGS**

January 21, 2014 HES  
February 18, 2014 HES  
March 18, 2014 HES  
April 15, 2015 HES  
May 20, 2015 HES  
June 17, 2015 HES  
July 15, 2015 HES  
August 19, 2015 HES  
**September 16, 2015 HES**  
October 21, 2015 HES  
No 3<sup>rd</sup> Wednesday Meeting  
December 16, 2015 HES

**BE IT FURTHER RESOLVED** that all meetings will be held at the Highlands Elementary School located at 360 Navesink, Highlands, NJ at 7:00 p.m. for Executive Session and at 8:00 p.m. for Business Meetings; and

**BE IT FURTHER RESOLVED** that all Meetings shall have a General Public Portion as required by law.

3	P R O D U C E D	U N D E R	S T A T E M E N T	A D O P T E D	A B S T A I N E D	O T H E R
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CARD			x			
KANE			x			
REDMOND		x				
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA	x	YES	NO			

**R-15-03  
RESOLUTION ACCEPTING TFY 2013 AUDIT  
BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the calendar year ending December 31, 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the governing body: and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

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**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES		NO

**R-15-08**

RESOLUTION AMENDING R-14-261

**Highlands Business Partnership  
2015 Events Calendar**

- Sunday      January 25      Beef & Brew Pre-Super Bowl Bash  
St. Patrick’s Parade Fundraiser
  
- Sunday      February 22      Chili Cook-Off St. Patrick’s Parade Fundraiser
  
- Saturday    March 14      Highlands Guinness Run Fundraiser
  
- Saturday    March 21      St. Patrick’s Day Parade, Bay Avenue 2PM
  
- Sunday      May 24      Seaport Craft Show, Huddy Park 10AM-5PM

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- Sunday April 26 Angels Fun Run (Pending DOT's approval)
- ~~Saturday June 28 Taste of Highlands, Noon-6PM~~
- Saturday June 27 Taste of Highlands, Noon – 6PM
- Saturdays July - October Farmer's Market, Huddy Park 8:30AM
- Thurs-Sun July 30 – Aug 2 Clamfest, Huddy Park
  - Thursday 6-10PM
  - Friday 6-11PM
  - Saturday 12-11PM
  - Sunday 12-8PM
- Sunday September 27 Twin Lights Bike Ride, Huddy Park 7AM
- Saturday October 3 Oktoberfest, Veterans Park 2-9PM
- Sunday October 4 Rain date
- Friday December 4 Tree Lighting, Huddy Park 6PM
- Saturday December 5 Rain date
- Saturday December 19 Holiday Lights Contest

This approval is contingent upon the adoption of an Ordinance Renewing Highlands Business District.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES	NO		

**R-15-11  
RESOLUTION APPOINTING TEMPORARY WINTER SEASONAL EMPLOYEES  
FOR THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough has the need for temporary winter seasonal employees to work with the DPW in assisting with snow removal; and

**WHEREAS**, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

**WHEREAS**, the positions listed will be included in the 2015 Temporary Municipal Budget under Casual Labor .

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following winter seasonal temporary appointments on a call by call basis be and hereby are approved:

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<b>DPW</b>	<b>Position</b>	<b>Name</b>	<b>Hrly. Rate</b>
Snow Removal		Richard O'Neil	\$16.00
Snow Removal		William O'Neil	\$16.00
Snow Removal		Brian Burton	\$16.00
Snow Removal		Billy Caizza	\$16.00
Snow Removal		Joseph Misita	\$16.00

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD						
KANE						
REDMOND						
RYAN						
NOLAN						
ON CONSENT AGENDA			YES	NO		

**R-15-12  
RESOLUTION APPOINTING FIRE POLICE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following persons be and hereby are appointed Fire Police for the year 2015:

- Chief – Edward Sulkowski
- Tom Snow
- Charles Roemmele
- Christopher Creighton
- John McKay
- Robert Capano
- Ozzie Sickles
- William S. Pape
- Patrick Mason

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES	NO	

**R-15-13  
RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE  
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FLOOD  
HAZARD RISK REDUCTION AND RESILIENCY GRANT PROGRAM**

**WHEREAS**, the Borough of Highlands has been advised by the State of New Jersey Department of Environmental Protection that the Borough is eligible to apply to the Flood Hazard Risk Reduction and Resiliency Grant Program; and

**WHEREAS**, the Borough of Highlands developed and submitted an application to the Flood Hazard Risk Reduction and Resiliency Grant Program on December 15, 2014 to enable the implementation of critical

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stormwater system improvements to benefit residents in downtown Highlands and act as a catalyst for revitalizing the existing downtown business district; and

**WHEREAS**, the Borough of Highlands is the sole applicant for this \$5,832,800 project, and will remain responsible for the maintenance of the property to be improved after the completion of construction; and

**WHEREAS**, the governing body of the Borough of Highlands is committed to completing all environmental and historical reviews necessary to enable the development of this project; and

**WHEREAS**, the Borough of Highlands encourages the New Jersey Department of Environmental Protection to favorably review this grant application, and as necessary upon award, remains committed to further exploring alternative financing options which would enable this important project to come to fruition; and

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Highlands that the submission of this application is approved, and that Mr. Timothy Hill as the Borough Administrator is authorized to enter into a grant agreement upon the approval of funds through the execution of all necessary documents and certifications for participation in this grant program.

Approved:

\_\_\_\_\_  
Borough Administrator – Timothy Hill

\_\_\_\_\_  
Carolyn Cummins - Borough Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES	NO		

**R-15-25**

**RESOLUTION APPROVING LIST OF VOLUNTEER FIRE DEPARTMENT MEMBERS WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2013**

**WHEREAS**, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough’s volunteer Fire Department company and First Aid Squad; and

**WHEREAS**, the Highlands Fire Department and the Highlands First Aid Squad are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

**WHEREAS**, the Highlands Fire Department has submitted certified list of qualified volunteers for the year 2013; and

**WHEREAS**, the Highlands Fire Department list has been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the list and found it to be accurate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, that the certified list provided by the Highlands Fire Department of qualified volunteers for the year 2013 is hereby approved and payment is subject to final review and approval of the Chief Financial Officer.



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	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE					x	
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES	NO		

Mayor Nolan offered the following resolution and moved on its adoption:

Borough of Highlands

County of Monmouth

R-15-26

RESOLUTION

2015 Temporary Municipal Budget

**WHEREAS**, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2015 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided: and

**WHEREAS**, the date of this resolution is within the first thirty days of January 2015: and

**WHEREAS**, the total appropriations in the 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance is the sum of:

2014 Municipal Budget	\$9,574,825.17
2014 Sewer Utility Budget	\$1,385,765.00

**WHEREAS**, 26.25% of the total appropriations in the 2014 budget, exclusive of any appropriations made for interest and debt

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redemption charges, capital improvement fund and public assistance in said 2014 budget is the sum of:

2014 Municipal Budget	\$2,513,391.61
2014 Sewer Utility Budget	\$363,763.31

**WHEREAS, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey that the temporary appropriations be made and a certified copy of this resolution be transmitted to the Borough Chief Financial Officer for his records:

**2015 TEMPORARY APPROPRIATIONS:**

**MUNICIPAL BUDGET**

Department	Other		Total
	Salaries	Expenses	
"IN CAPS"			
General Government:			
Borough Council	3,250.00	16,962.50	20,212.50
Borough Clerk	16,125.00	9,650.00	25,775.00
Borough Administrator	25,051.25	1,000.00	26,051.25
Central Services	7,440.00	9,250.00	16,690.00
Financial Administration	30,293.75	4,775.00	35,068.75
Audit		33,900.00	33,900.00
Assessment of Taxes	6,358.75	12,051.25	18,410.00
Collection of Taxes	14,500.00	2,626.25	17,126.25
Legal Services		160,000.00	160,000.00
Municipal Prosecutor		4,537.50	4,537.50
Engineering Services		110,000.00	110,000.00
Public Buildings & Grounds	4,850.00	20,000.00	24,850.00

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Municipal Land Use Law:

Planning Board	1,500.00	6,156.25	7,656.25
Zoning Board of Adustment	1,500.00	6,443.75	7,943.75
Shade Tree Commission		250.00	250.00
Environmental Commission		250.00	250.00

Insurance:

Group Insurance		500,000.00	500,000.00
Other		125,000.00	125,000.00
Workers Compensation		150,000.00	150,000.00
Unemployment		0.00	0.00

Public Safety:

Fire		16,850.00	16,850.00
Police	445,500.00	21,516.50	467,016.50
Dispatch	41,000.00	375.00	41,375.00
First Aid		7,500.00	7,500.00
911 Telecommunications		3,488.29	3,488.29
Emergency Management	968.75	5,000.00	5,968.75

Municipal Court	4,881.25	2,477.50	7,358.75
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Public Defender	1,225.00		1,225.00
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Streets and Roads:

Road Repair & Maintenance	44,500.00	13,750.00	58,250.00
Snow Removal	13,750.00	25,000.00	38,750.00

Health & Welfare:

Regional Health Commission		20,000.00	20,000.00
Dog Control		5,000.00	5,000.00

P.E.O.S.H.A.		1,125.00	1,125.00
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Recreation & Education:

Beachfront Maintenance	3,300.00	3,237.50	6,537.50
Parks & Playgrounds		3,112.50	3,112.50
Public Events		750.00	750.00
Community Center	25,750.00	6,250.00	32,000.00
Uniform Fire Safety Act	6,850.00	1,175.00	8,025.00
Code Enforcement Officer	11,250.00	6,275.00	17,525.00
Code - Substandard Housing		10,000.00	10,000.00
Sanitation	525.00	12,587.50	13,112.50
Sanitation - Contractual Service		100,000.00	100,000.00
Monmouth County Reclamation Center		49,750.00	49,750.00
Mechanical Garage		1,000.00	1,000.00
Condomium Services		7,000.00	7,000.00
Construction Code Official	23,750.00	5,800.00	29,550.00
Accumulated Leave		8,000.00	8,000.00
Utilities:			
Electricity		15,000.00	15,000.00
Street Lighting		13,500.00	13,500.00
Telephone		8,000.00	8,000.00
Water		2,875.00	2,875.00
Gasoline-Fuel		18,750.00	18,750.00
Natural Gas		10,000.00	10,000.00
Telecommunications		8,050.00	8,050.00

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Fire Hydrants		15,250.00	15,250.00
Deferred Charges:			
PERS		0.00	0.00
Social Security System		29,550.00	29,550.00
PFRS		0.00	0.00
DCRP		1,250.00	1,250.00
 TOTAL INSIDE "CAP"	 738,656.25	 1,627,559.79	 2,366,216.04
 "OUTSIDE CAPS"			
 LOSAP		 11,250.00	 11,250.00
 Recycling Tax		 2,250.00	 2,250.00
Stormwater Management		9,250.00	9,250.00
Interlocal:			
Atlantic Highlands			
Garage		22,625.00	22,625.00
Municipal Court		18,012.50	18,012.50
Grants:			
Alliance Grant		25,000.00	25,000.00
 TOTAL OUTSIDE "CAP"	 0.00	 77,137.50	 77,137.50
 SUB-TOTAL APPROPRIATIONS	 738,656.25	 1,704,697.29	 2,443,353.54

Statutory Additions:

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Capital Improvement Fund:		25,000.00	25,000.00
Deferred Charge-SEN		91,897.50	91,897.50
Payment of Bond Principal		383,000.00	383,000.00
Interest on Bonds		254,000.00	254,000.00
Payment of Note Principal		0.00	0.00
Interest on Notes		109,873.05	109,873.05
Lease Purchase			
Principal		50,000.00	50,000.00
Interest		14,300.00	14,300.00
 SUB-TOTAL STATUTORY ADDITIONS	0.00	928,070.55	928,070.55
 TOTAL TEMPORARY MUNICIPAL BUDGET		738,656.25	2,632,767.84
3,371,424.09			

SEWER UTILITY:

Other

	Salaries	Expenses	Total
Operating:			19,951.25
Sewer Operator-Atlantic Highlands			288,209.50
			308,160.75
 Statutory Expenditures:			
Group Insurance			6,000.00
PERS			1,806.25
Social Security System			1,527.50
Workers Compensation			6,750.00
Unemployment Insurance			225.00
Insurance-Other			5,112.50
 Sub-Total			19,951.25
			326,490.00
			346,441.25

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Statutory Additions:

Payment of Bond Principal		100,000.00	100,000.00
Interest on Bonds		184,759.76	184,759.76
Principal/ Interest on Notes/Loans		121,530.96	121,530.96
 Total Statutory Additions	0.00	406,290.72	406,290.72
 Total Sewer Utility Budget	19,951.25	732,780.72	752,731.97

Seconded by Mr. Redmond and adopted on the following roll call vote:

**ROLL CALL:**

**AYES Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAYES None**

**ABSENT None**

**ABSTAIN None**

**R-15-27  
RESOLUTION ADOPTING DEFERRED COMPENSATION PLAN**

**WHEREAS**, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Highlands (hereinafter referred to as "Employer"), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

**WHEREAS**, in 2014 the Employer adopted a DEFERRED COMPENSATION PLAN provided by AXA-Equitable and assigned the plan identifier (66-PD- Equitable-053107) Borough of Highlands by the Division of Local Government Services; and is hereby adopted and signed by the employer

**WHEREAS**, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

**WHEREAS**, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and Service Agreement

**WHEREAS**, the Employer solicited written proposals from two or more contractors including AXA Equitable and Valic for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5.37;

**WHEREAS**, the following contractors submitted written proposals:  
AXA Equitable Life Insurance Company (hereinafter referred to as "AXA Equitable) and Valic  
and

**WHEREAS**, the Borough of Highlands reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

**WHEREAS**, it was deemed that AXA Equitable has the ability to: (1) maintain complete records

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of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands that the Purchasing Agent is hereby authorized to execute the Service Agreement (bearing the identifier: 88-SAEquitable-080813 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services.

**BE IT FURTHER RESOLVED** that the Purchasing Agent is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

**BE IT FURTHER RESOLVED** that the Borough of Highlands is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no. 104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United states public law no.107-16) , and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES		NO

**RECAP OF PAYMENT OF BILLS  
01/07/2015**

<b>CURRENT:</b>		\$	62,566.33
Payroll	( 12/30/2014)	\$	248,663.78
Manual Checks		\$	4,559.13
Voided Checks		\$	
 <b>SEWER ACCOUNT:</b>		\$	15,328.14
Payroll	(12/30/2014)	\$	6,820.83
Manual Checks		\$	
Voided Checks		\$	



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<b>CAPITAL/GENERAL</b>	\$	
<b>CAPITAL-MANUAL CHECKS</b>	\$	
Voided Checks	\$	
<b>WATER CAPITAL ACCOUNT</b>	\$	
<b>TRUST FUND</b>	\$	9,551.67
Payroll (12/30/2014)	\$	2,625.00
Manual Checks	\$	
Voided Checks	\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>	\$	
<b>DOG FUND</b>	\$	
<b>GRANT FUND</b>	\$	78.77
Payroll (12/30/2014)	\$	2,182.66
Manual Checks	\$	
Voided Checks	\$	
<b>DEVELOPER'S TRUST</b>	\$	
Manual Checks	\$	
Voided Checks	\$	

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN  
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE		x	x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES	NO	

**Minutes Approved on Consent Agenda:**

Mayor Nolan offered a motion to approve the December 3<sup>rd</sup> and December 10<sup>th</sup>, 2015 minutes for approval, seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Card, Mr. Redmond, Ms. Ryan, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

-----  
**Other Resolutions:**

**R-15-02 – Resolution Appointing Zoning Board Alt #2 Member**

**Borough of Highlands  
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Mrs. Cummins read the title of Resolution R-15-02.

**R--15-02  
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF  
ADJUSTMENT**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

1. John Booth

Alternate #2 Member for an unexpired term  
Effective Jan 1, 2015 Term to expire  
12/31/16

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x				
KANE	x	x				
REDMOND		x				
RYAN		x				
NOLAN	x	x				
ON CONSENT AGENDA			YES	x	NO	

**R-15-04 – Resolution Awarding Professional Planning for Master Plan**

Mrs. Cummins read the title of Resolution R-15-02.

Mayor Nolan offered a motion to table R-15-04, seconded by Mr. Card and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan,, Mayor Nolan  
**NAYS:** None  
**ABSENT:** None  
**ABSTAIN:** None

**R-15-05 – Resolution Approving Municipal Service Agreement w/Bayview Condo**

Mrs. Cummins read the title of R-15-05.

Mayor Nolan offered a motion to carry Resolution R-15-05 to the next meeting, seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan,, Mayor Nolan  
**NAYS:** None  
**ABSENT:** None  
**ABSTAIN:** None

**R-15-06 – Resolution Appoint Public Defender**

Mrs. Cummins read the title of R-15-06.

**R-15-06  
RESOLUTION  
AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

**Borough of Highlands  
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**WHEREAS**, the Borough of Highlands is in need of a Municipal Public Defender pursuant to Public Law 1997 C.256; and

**WHEREAS**, pursuant to Ordinance 98-02 the Municipal Public Defender shall be paid an annual salary of not less than \$1,500.00, which shall be apportioned pro rata for the portion of the year in which the Public Defender serves; and

**WHEREAS**, the Municipal Public Defender shall only be required to attend Court when his clients are listed on the calendar; and

**WHEREAS**, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands as follows:

1. Tom Smith, Esq. is hereby appointed Public Defender for the (1) one year term to expire December 31, 2015.
2. The appointment is made without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

**BE IT FURTHER RESOLVED** that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE	x		x			
REDMOND			x			
RYAN			x			
NOLAN		x	x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-07 – Resolution Authorizing 2015 Agreement w/SPCA**

Mrs. Cummins read the title of R-15-07.

**R-15-07  
RESOLUTION AUTHORIZING  
SERVICE AGREEMENT  
WITH THE MONMOUTH COUNTY SPCA  
FOR THE CALENDAR YEAR 2015**

**Borough of Highlands  
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**WHEREAS**, the Borough of Highlands has a need for providing housing services for stray animals in the Borough of Highlands; and

**WHEREAS**, the Borough currently uses the Monmouth County SPCA as a drop off site to be used by our Animal Control Officer to drop off stray animals at the following rates:

- Canines - \$300.00
- Felines - \$275.00
- Small Exotics - \$40.00
- Wildlife - \$25.00

; and

**WHEREAS**, the Borough's current service agreement expired on December 31, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Monmouth County SPCA is hereby approved holding facility for stray animals for the January 1, 2015 through December 31, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-09 – Resolution Awarding Professional Grant Writing Services**

Mrs. Cummins read the title R-15-09.

Mayor Nolan offered a motion to carry R-15-09 to the February 4<sup>th</sup> meeting, seconded by Mr. Card and all were in favor on the following roll call vote:

**ROLL CALL:**

- AYES:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan., Mayor Nolan
- NAYS:** None
- ABSENT:** None
- ABSTAIN:** None

**R-15-10 – Resolution Appointing Council President**

Mrs. Cummins read the title of R-15-10.

**R-15-10  
RESOLUTION  
APPOINTING COUNCIL PRESIDENT  
FOR THE CALENDAR YEAR 2015**

**BE IT RESOLVED** that Rebecca Kane be appointed Council President for the one (1) year term to expire December 31, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		

**Borough of Highlands  
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KANE			x			
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	<input checked="" type="checkbox"/>	NO	

**R-15-14 – Resolution Appointing Borough Attorney & Awarding Contract**

Mrs. Cummins read the title of R-15-14.

**R-15-14  
RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR  
YEAR 2015 &  
AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES**

**WHEREAS**, the Borough of Highlands has a need for professional general legal services from a Municipal Attorney; and

**WHEREAS**, the Borough has gone through the fair and open process, advertised on its website and in the Asbury Park Press on December 10, 2014, the solicitation for receipt of proposals from professional grant writers for said services and (1) proposal was received; and documented on December 23, 2014; and

**WHEREAS**, the Borough has reviewed all proposals received and it was determined that Bruce Padula, Esq. of the law firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC, satisfies the requisites contained in the request for proposals to be considered for professional services that the Borough may require during the contract year; and

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

**WHEREAS**, the law office of Cleary, Giacobbe, Alfieri & Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Cleary, Giacobbe, Alfieri & Jacobs, LLC 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 provide prohibit the law office Cleary, Giacobbe, Alfieri & Jacobs, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Law Office of Cleary, Giacobbe, Alfieri & Jacobs, LLC has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

**WHEREAS**, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 for an amount not to exceed \$66,000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2015 through December 31, 2015 at rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$120 per hour for litigation and \$150 per hour for labor for services not included in the monthly retainer.

**WHEREAS**, this contract is to be awarded for the price not to exceed \$5,500 per month as provided in the proposal with the certification of funds being provided by the Chief Financial Officer contingent upon the adoption of the 2015 municipal budget.

Account: Mayor & Council - Other

\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

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

1. That Bruce Padula, Esq. from the firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC, Matawan, NJ is hereby retained to provide professional legal services for an amount not to exceed \$5,500 per month for a 12 month period to expire December 31, 2015.
2. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-15 – Resolution Appointing Clean Communities Coordinator**

Mrs. Cummins read the title of R-15-15.

**R-15-15  
RESOLUTION  
APPOINTING CLEAN COMMUNITIES COORDINATOR  
FOR THE CALENDAR YEAR 2015**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Diane McKeveny be and hereby is appointed Clean Communities Coordinator for the one (1) year term to expire December 31, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-16 – Resolution Appointing Finance Chair**

Mrs. Cummins read the title of R-15-16.

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**R-15-16  
RESOLUTION APPOINTING  
FINANCE COMMITTEE COUNCIL MEMBERS**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Mayor Frank Nolan and Councilwoman Becky Kane be and is appointed Finance Committee Cochairman's for a one year term to expire on December 31, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
KANE			x			
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-17- Resolution Appointing Bond Counsel**

Mrs. Cummins read the title of R-15-17.

**R-15-17  
RESOLUTION APPROVING PROFESSIONAL BOND COUNSEL SERVICES AND  
AWARDING A NON-FAIR AND OPEN CONTRACT**

**WHEREAS**, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of Archer & Greiner, PC is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2015 through December 31, 2015. All rates based on the services utilized are provided for in the contract between Archer & Greiner, PC and the Borough of Highlands; and

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

**WHEREAS**, the law office of Archer & Greiner, PC has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Archer & Greiner, LLC 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 provide prohibit the law office Archer & Greiner, PC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Law Office of Archer & Greiner, PC has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

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**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 2015 budget.

:

Legal  
Sewer Utility  
Various Bond Ordinances

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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. The firm of Archer & Greiner, PC is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$20,000 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 authorized to sign the 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
CARD		x	x			
KANE			x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-18- Resolution Appointing Labor Attorney & Awarding Contract**

Mrs. Cummins read the title of R-15-18.

**R-15-18**

**RESOLUTION PROFESSIONAL LABOR COUNSEL SERVICES  
AS A NON-FAIR AND OPEN CONTRACT TO  
CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC**

**WHEREAS**, the Borough of Highlands has a need for professional labor counsel services as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5; and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and Bruce Padula, Esq., of the law firm of CLEARY, GIACOBBE, ALFIERI & JACOBS , LLC is so recognized; and



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

**WHEREAS**, this contract is to be awarded at an hourly rate of \$150 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2015 through December 31, 2015. All rates based on the services utilized are provided for in the contract between CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC and the Borough of Highlands; and

**WHEREAS**, the firm of CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC 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 the firm of CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC 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 contingent upon adequate funding being provided in the 2015 adopted budget.

Current Fund Legal = \$20,000

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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:**

5. That Bruce Padula, Esq. of the firm of CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC is hereby retained to provide professional labor counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expense for the period of January 1, 2015 through December 31, 2015.
6. 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 authorized to sign the contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.
9. The attached contract is hereby approved and the Mayor and Borough Clerk area hereby authorized to execute contract.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
KANE			x			
REDMOND		x	x			
RYAN			x			

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NOLAN	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
ON CONSENT AGENDA		YES	<input checked="" type="checkbox"/>	NO		

**R-15-19- Resolution Awarding Professional Legal Services – Tax Appeals**

Mrs. Cummins read the title of R-15-19.

**R-15-19**

**RESOLUTION APPOINTING THE ARNETTE LAW FIRM, LLC  
AS PROFESSIONAL LEGAL COUNSEL  
THROUGH THE NON-FAIR AND OPEN PROCESS**

**WHEREAS**, the Borough of Highlands has a need for professional legal counsel services for tax appeal and tax litigation matters and special litigation matters: and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of Arnette Law Firm, LLC of Red Bank, NJ 07701 is so recognized; and

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

**WHEREAS**, this contract is to be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 through December 31, 2015 at an hourly rate of \$115.00 per hour for the period January 1, 2015 through December 31, 2015 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands. All rates based on the services utilized are provided for in the contract between Arnette Law Firm, LLC and the Borough of Highlands; and

**WHEREAS**, the Firm, Arnette Law Firm, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm, Arnette Law Firm, LLC 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 the Arnette Law Firm, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Arnette Law Firm, LLC 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 2015 Municipal Budget

Current Fund Legal = \$15,000

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Patrick DeBlasio, Chief Financial Officer

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**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. That Scott Arnette, Esq., of Arnette Law Firm, LLC is hereby appointed and retained to provide professional legal counsel services as described above through December 31, 2015.
2. That Scott Arnette, Esq., of the Arnette Law Firm, LLC is hereby retained at an hourly rate of \$115.00 per hour for the period January 1, 2015 through December 31, 2015 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
- 3 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 authorized to sign the contract.
- 4 A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
- 5 The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE		x	x			
REDMOND			x			
RYAN			x			
NOLAN	x		X			
ON CONSENT AGENDA			YES	x	NO	

**R-15-20 – Resolution Awarding Professional Auditing Contract**  
Mrs. Cummins read the title of R-15-20.

**R-15-20  
RESOLUTION APPOINTING MUNICIPAL AUDITOR FOR THE CALENDAR YEAR  
2015 &  
AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT  
FOR PROFESSIONAL AUDITING SERVICES**

**WHEREAS**, the Borough of Highlands has a need for professional auditing services for the calendar year 2015; and

**WHEREAS**, the Borough has gone through the fair and open process, advertised on its website and in the Asbury Park Press on December 10, 2014, the solicitation for receipt of proposals from professional grant writers for said services and the following (3) three proposals were received; and documented on December 23, 2014; and

**Holman Frenia Allison, PC  
Samuel Klein & Company  
Fallon & Larsen LLP**

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**WHEREAS**, the Borough has reviewed all proposals received and it was determined that the firm of Fallon & Larsen, LLP, satisfies the requisites contained in the request for proposals to be considered for professional services that the Borough may require during the contract year; and

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

**WHEREAS**, the office of Fallon & Larsen, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that the Auditing Office of Fallon & Larsen, LLP 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 provide prohibit the auditing office Fallon & Larsen, LLP from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of Fallon & Larsen, LLP has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

**WHEREAS**, this contract is awarded as a fair and open contract pursuant to the firm of Larsen & Fallon for an amount not to exceed \$60,400 plus reimbursable expenses for Professional auditing services provided to the Borough for the period of January 1, 2015 through December 31, 2015 in the amount not to be exceeded \$60,400.

**WHEREAS**, this contract is to be awarded for the price not to exceed \$60,400 as provided in the proposal with the certification of funds being provided by the Chief Financial Officer contingent upon the adoption of the 2015 municipal budget.

Account # \_\_\_\_\_

\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

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

1. That the firm of Fallon & Larsen, LLP, 1390 Route #36, Suite 102, Hazlet, NJ is hereby retained to provide professional auditing services for an amount not to exceed \$60,400 for a 12 month period to expire December 31, 2015.
2. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE	x		x			
REDMOND			x			
RYAN			x			

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NOLAN		x	x			
ON CONSENT AGENDA		YES	x	NO		

**R-15-21- Resolution Appointing Community Development Reps**

Mrs. Cummins read the title of R-15-21.

**R-15-21  
RESOLUTION APPOINTING  
COMMUNITY DEVELOPMENT REPRESENTATIVES**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Mayor Frank Nolan be appointed Community Development Representative for the Borough of Highlands for a one year term to expire December 31, 2015.

**BE IT FURTHER RESOLVED**, that Tim Hill, Administrator be appointed Alternate Community Development Representative for the Borough of Highlands for a one year term to expire on December 31, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA		YES	x	NO		

**R-15-22 – Resolution Appointing Members to the Environmental Commission**

Mrs. Cummins read the title of R-15-22.

**Mayors Appointments w/ Consent of Council**

**R-15-22  
APPOINTING ENVIRONMENTAL COMMISSION**

**BE IT RESOLVED** that the following listed persons be appointed to the Highlands Environmental Commission:

Chris Francy - Regular Member 3 year term to expire 12/31/2017

Melissa McAleer - Regular Member 3 year term to expire 12/31/2017

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Peter Mullen -Regular Member 3 year term to expire 12/31/17  
Doug Card -Regular Member 3 year term to expire 12/31/17

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE		x	x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-23 – Resolution Appointing Shade Tree Commission Members**

Mrs. Cummins read the title of R-15-23.

Mayor Nolan stated that we will advertise for the fifth member.

**Mayors Appointments with Consent of Council**

**R-15-23  
RESOLUTION APPOINTING MEMBERS  
OF THE SHADE TREE COMMISSION**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Shade Tree Commission:

Mike Kovic	Member
Suzanne Eckhart	Member
Tony Sloan	Member
Arnie Fuog	Member
_____	Member

**BE IT FURTHER RESOLVED** that all appointments shall be for the term of 1 year with an expiration date of December 31, 2015.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
KANE			x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**R-15-24 – Resolution Awarding Animal Control Contract**

Mrs. Cummins read the title of R-15-24.

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R-15-24**

**RESOLUTION APPROVING ANIMAL CONTROL SERVICES CONTRACT  
FOR THE PERIOD OF JANUARY 1, 2015 THROUGH DECEMBER 31, 2015**

**WHEREAS**, the Borough of Highlands has a need to provide Animal Control Services to the Borough; and

**WHEREAS**, Kerry Gowan, a Licensed Animal Control Officer is so qualified to provided Animal Control Services to the Borough of Highlands; and

**WHEREAS**, Kerry Gowan will provide Animal Control Services to the Borough at a rate of \$30.00 per animal control response.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Mayor & Council that Kerry Gowan is hereby awarded a contract to provide Professional Animal Control Services to the Borough of Highlands for the period of January 1, 2015 through December 31, 2015 and the Borough Administrator is hereby authorized to execute attached agreement.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
KANE			x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES		x	NO

**R-15-28 – Resolution Appointing Open Space Committee Members**

Mrs. Cummins read the title of R-15-28.

**Mayors Appointments with Consent of Council**

**R-15-28  
RESOLUTION APPOINTING MEMBERS  
OF THE OPEN SPACE COMMITTEE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Open Space Committee:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Rebecca Kane</li> <li>2. Nancy Burton</li> <li>3. Laurie Salka</li> </ol> | <p>Council Representative Member<br/>1 year term expiring 12/31/15<br/>Regular Member 3 year term<br/>to expire 12/31/17<br/>Regular Member 3 year term<br/>to expire 12/31/17</p> |
|---|--|

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
KANE			x			
REDMOND		x	x			
RYAN			x			

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NOLAN	x		x			
ON CONSENT AGENDA		YES	x	NO		

**R-15-29 – Resolution Authorizing Refund of Tax Overpayment**

Mrs. Cummins read the title of R-15-29.

**R-15-29  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls 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 taxes, and

WHEREAS, the Tax Collector 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 Tax Collector is authorized to immediately refund and pay the overpayment of taxes 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>
Re: incorrect parcel				
11.08	12	2013 & 2014	\$6,070.68	Corelogic
Re: over payment				
86	3	2012	\$1,721.35	Robert & Cynthia Davis
103	28	2014	\$1,226.57	Chase - Incorrect Parcel

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA		YES	x	NO		

**R-15-30 – Resolution Releasing Performance Guarantees**

Mrs. Cummins read the title of R-15-30.

**R-15-30  
Releasing Performance Guarantees**



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**WHEREAS**, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Highlands (**hereinafter** referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”);and

**WHEREAS**, in 2014 the Employer adopted a DEFERRED COMPENSATION PLAN provided by AXA-Equitable and assigned the plan identifier (66-PD- Equitable-053107) Borough of Highlands by the Division of Local Government Services; and is hereby adopted and signed by the employer

**WHEREAS**, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

**WHEREAS**, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and Service Agreement

**WHEREAS**, the Employer solicited written proposals from two or more contractors including AXA Equitable and Valic for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5.37;

**WHEREAS**, the following contractors submitted written proposals:  
AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable) and Valic  
And

**WHEREAS**, the Borough of Highlands reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

**WHEREAS**, it was deemed that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands that the Purchasing Agent is hereby authorized to execute the Service Agreement (bearing the identifier: 88-SAEquitable-080813 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services.

**BE IT FURTHER RESOLVED** that the Purchasing Agent is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

**BE IT FURTHER RESOLVED** that the Borough of Highlands is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no. 104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United states public law no.107-16) , and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457.The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

KANE			x			
REDMOND			x			
RYAN			x			
NOLAN			x			
	INTRODUCED	SECONDED			ABSTAIN	ABSENT
ON CONSENT	AGENDA	AYE	YES	NO	ABSTAIN	ABSENT
CARD		x	x			

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**Ordinances: Introduction & Set Public Hearing Date for February 18, 2015:**

**O-14-33 – Bungalow Colony Ordinance – Review PB Comments & Intro :**

Mrs. Cummins read the title of O-14-33. This was reviewed by the Planning Board.

Sal Alfieri stated that once this is introduced, you have to refer it to the Planning Board formally.

Mayor Nolan offered a motion and moved on the introduction as amended and that this be scheduled for public hearing on February 18, 2015 at 8:00 PM:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
ORDINANCE NO. O-14-33**

**AN ORDINANCE AMENDING § 21-86 OF THE BOROUGH CODE EXEMPTING  
EXISTING BUNGALOW COLONIES FROM CERTAIN BULK AND AREA  
REQUIREMENTS, DEFINING BUNGALOW COLONY AND REQUIRING  
CERTIFICATES OF OCCUPANCY FOR SEASONAL RENTALS**

**WHEREAS**, N.J.S.A. 40:55D-1, et seq. authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

**WHEREAS**, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

**WHEREAS**, the Borough Engineer has recommended that the Borough Code be amended to exempt existing bungalow colonies from certain bulk and area requirements; and

**WHEREAS**, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-86 to provide for the within changes; and

**WHEREAS**, at its meeting on November 13, 2014, the Planning Board recommended additional changes to this Ordinance; and

**WHEREAS**, at its meeting on December 3, 2014, the governing body reviewed the Planning Board report and desires to incorporate the changes recommended by the Planning Board.

**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 86, Subsection A(4), “Single Family Residence”, of the Borough Code shall be amended to provide as follows

4. Bulk and Area Requirements.

a. Single-family dwellings shall meet the requirements shown in Schedule I.\*

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- b. Existing bungalow colonies shall meet the following requirements:
- (1) Density shall not exceed the number of units existing at the time of the adoption of this ordinance, as shown on existing Borough Tax Maps and/or other tax records.
  - (2) Any Application for expansion of an individual dwelling unit, either vertically or horizontally, ~~shall require an application for a site plan for the entire property~~ shall meet the following standards:
    - (a) Every unit shall have associated with it a minimum yard requirement around the perimeter of the unit and attached accessory structures of three (3) feet. Structures shall be located no closer together than the sum of the yard requirements, that is, six (6) feet. Detached accessory structures are prohibited in the minimum required yard area.
    - (b) Each unit shall have associated with it a minimum of one (1) parking space, located on site, either adjacent to the individual unit or in a common parking area.
    - (c) Total building coverage shall not exceed thirty-five (35%) of the total lot area and total lot coverage shall not exceed seventy-five (75%) except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.
    - (d) Building height shall not exceed twenty (20) feet.
    - (e) Shall require an application for a site plan for the entire property except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28. Notwithstanding, no site plan application shall be required for any application filed to elevate a structure for flood mitigation in accordance with the provisions of this Code.
  - (3) Bungalow colonies shall not be subject to the provisions of Section 21-98F below.

**Section 2.** Section 10-5.2 of the Code of the Borough of Highlands shall be amended as follows:

No person shall rent, lease or allow any person to live in or occupy as a tenant, any room, dwelling, apartment or the like except if the same is part of a motel or hotel unless a certificate of occupancy is obtained from the inspector after an inspection certifying that the room, dwelling, apartment or the like is fit for human habitation and is in compliance with all applicable Federal and State laws and borough ordinances.

Notwithstanding anything to the contrary contained herein, no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, except where otherwise required by this Code, State law or regulation.

Notwithstanding anything to the contrary contained herein, including, but not limited to the aforementioned provision that no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of

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**occupancy inspection requirement more than once every three months, or four times in any given calendar year, seasonal rentals shall obtain a certificate of occupancy upon each change in occupancy. "Seasonal Rental" means use or rental for a term of not more than 125 consecutive days for residential purposes by a person having a permanent place of residence elsewhere. "Seasonal rental" does not mean use or rental of living quarters for seasonal, temporary or migrant farm workers in connection with any work or place where work is being performed.**

A certificate of occupancy shall be required of all new construction, new rental situations or rental situations or sales or resales. The said certificate of occupancy shall apply only to the tenancy for which it is issued. In the event that the rental unit has been inspected as new construction or a sale or resale of an existing structure and a certificate of occupancy issued, then a subsequent inspection for a rental certificate of occupancy and the receipt of a rental certificate of occupancy shall not be required so long as the unit is rented within 30 days of the issuance of the certificate of occupancy for new construction, sale or resale, and the owner complies with the application provisions of subsection 10-5.3. The inspector shall prepare appropriate application forms for such a certificate of occupancy, which shall be available to applicants at the office of the inspector. (Ord. No. O-70-10 § 2; Ord. No. O-84-10 §§ 5, 7; Ord. No. O-00-06; Ord. No. O-07-20)

**Section 3. 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 4. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5. EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan and introduced as amended on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**  
**NAY: None**  
**ABSENT: None**  
**ABSTAIN: None**

**O-15-1 – Noise Ordinance**

Mrs. Cummins read the title of O-15-1 on for introduction and setting of a public hearing date of February 18, 2015.

Mr. Card asked if he was okay with the ordinance.

Chief Blewett stated that the ordinance is okay.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of February 18, 2015

**O-15-1**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**AN ORDINANCE REPLACING SECTION 3-2 OF THE BOROUGH CODE, "NOISE,"  
IN ITS ENTIRETY**

**WHEREAS**, the Borough of Highlands finds that it is necessary, for proper enforcement, to revise its noise ordinance in its entirety.

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

**SECTION ONE:** Section 3-2, "Noise," of the Revised General Ordinance of the Borough of Highlands shall be repealed and replaced with the following:

**3-2 NOISE.**

**3-2.1 Declaration of findings and definitions.**

- a. Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life;
- b. A substantial body of science and technology exists by which excessive sound may be substantially abated;
- c. The people have a right to an environment free from excessive sound;
- d. It is the policy of the Borough to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life; and,
- e. This ordinance shall apply to the control of excessive sound originating from sources within the Borough.
- f. The following definitions shall apply to this Section:

i. "Daytime Hours" are defined as 7AM-8PM Sunday through Thursday and 7AM-10PM Friday, Saturday and Legal Holidays.

ii. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.

iii. "Nighttime Hours" are defined as 8PM-7AM Sunday through Thursday and 10PM-7AM Friday, Saturday and Legal Holidays.

iv. "Speech interference" occurs when the noise from the noise-generating source under investigation results in the need for persons engaged in conversation with one another, at a distance of approximately 2 feet from one another, to rise their voice level to be fully heard by the other person when conversing at or within the property line of the complainant.

**3-2.2 Prohibited Noise.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unreasonable sound or any sound which annoys or disturbs the peace, quiet or safety of others, as follows:

- a. During nighttime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is plainly audible at a distance of one hundred (100) feet beyond the property line of the noise-generating property.
- b. During daytime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is deemed to be unreasonable by the Borough Code Enforcement Officer or Borough Police Officer. In determining whether a noise is unreasonable the following factors should be considered.
  - 1. Intensity of the noise
  - 2. Intensity of the background noise (i.e., ambient sound level when no or minimal noise is emanating from the source under investigation)

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3. Duration of the noise (i.e., period of time it is in operation)
  4. Frequency of the noise (i.e., how often it occurs per hour, per day, per week, etc.)
  5. To what degree the noise is in the control of the owner or other responsible party (e.g., can the volume of an amplifier or similar device be lowered or is the noise level inherent to the activity)
  6. Proximity of the noise source to residential properties
  7. Time of the day the noise occurs
  8. Number and frequency of complaints concerning the noise-generating property
  9. Whether the noise is audible inside the complainant's residence or business
  10. Whether the noise interferes with sleep, conversation, or repose
- c. When an officer can hear plainly audible music or other sound at a distance of one hundred (100) feet beyond the property line of the noise-generating property during nighttime hours, or any unreasonable sound at or within a complainant's property during daytime hours, there is a violation of this section and the violator is subject to the penalties of this chapter.

### **3-2.3 Partial Enumeration of Prohibited Noise.**

The following activities, among others, are declared unreasonably loud, disturbing and unnecessary noise in violation of this chapter:

- a. The sounding of a horn or signaling device on an automobile, motorcycle or other motorized vehicle, except as a warning of danger, and then only for such period of time as is reasonably necessary for giving such warning;
- b. The use, operation or playing of any loudspeakers, amplifiers, instrument, or other machines or devices for the producing of sound which is cast upon a public street for the purpose of commercial advertising or attracting the attention of the public;
- c. The shouting of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood;
- d. The keeping of any animal or bird which by causing frequent or long-continued noise, such as barking or jabbering, shall disturb the peace, quiet and comfort of neighboring inhabitants; and,
- e. Creating an audible noise, which results in a complaint, beyond the property line of a property under construction or renovation including activities, such as, erection, excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday, except in the case of urgent matters and in the interest of public safety and health.

### **3-2.4 Exceptions.**

The provisions of this chapter shall not apply to:

- a. Any public works projects for construction deemed to be in the public's welfare, safety and for the public good and only with prior approval from the Governing Body.
- b. Sounds created by any government agency by the use of public warning devices.
- c. Sound and vibration emitted for the purpose of alerting people in an emergency or in the performance of the response to an emergency.
- d. Sounds connected with any authorized carnival, fair, exhibition, parade or community celebration or from any municipally sponsored celebration, event, activity or individually sponsored event where a permit or other relevant permission has been obtained from the Governing Body.
- e. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized by the Governing Body.

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- f. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.
- g. Noise from domestic power tools, used for routine maintenance, such as, lawn mowers, leaf blowers and similar equipment when operated between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they are equipped with a muffler, if so equipped by the manufacturer, and are properly maintained so to not produce excessive noise.
- h. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler, if so equipped by the manufacturer, for the purpose of snow removal.
- ~~i. The unamplified human voice engaged at conversational levels shall be exempt from this provision if such sound is not plainly audible beyond 100 feet or does not infringe on the legitimate rights of others. Raised vocal effort, such as shouting, yelling or screaming, with intent to cause public inconvenience, annoyance or alarm or recklessly causing a risk thereof or that serves no legitimate purpose, when audible at distances greater than 100 feet, is prima facie evidence of a violation of this section and the violator is subject to the penalties of this chapter. This shall not apply to spontaneous utterances such as laughter, exclamations of warning, or sporting events.~~
- i. Outdoor music, either live or recorded, when operated during the months of May through October and between the hours of 11:00 a.m. and 8:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 11:00 a.m. and 10:00 p.m. on Friday and Saturday when such outdoor music is operated in a reasonable manner and at a reasonable sound level. Music which is plainly audible inside a complainant's property, with all windows and doors closed, or music which interferes with conversation (i.e., speech interference) at the property line of the complainant is considered to be unreasonably loud and in violation of this section and the violator is subject to the penalties of this chapter. Establishments which operate with a liquor license and have been found to be responsible for unreasonable noise, as defined herein, may be subject to additional sanctions from the Borough's Alcohol Beverage Control Board which may include restrictions to their liquor license to minimize the likelihood of subsequent violations of this chapter.
- j. Nothing herein contained shall be construed to apply to church bells or chimes, or to sounds typically generated by vehicles engaged in the residential sale of ice cream.
- k. Sounds emanating from any youth sporting event sponsored by an organized community organization, the Borough, or any school or school district.

**3-2.5 Violations and Penalties.**

- a. Any person found guilty of violating any of the foregoing provisions concerning plainly audible noise, unreasonable noise or unnecessary noise shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars for an initial violation. For a second violation, the fine shall not exceed five hundred (\$500.00) dollars. For a third violation, the fine shall not exceed seven hundred and fifty (\$750.00) dollars. For a fourth violation, the fine shall not exceed one thousand (\$1000.00) dollars. For a fifth violation, the fine shall not exceed fifteen hundred (\$1500.00) dollars. For a sixth violation, the fine shall not exceed two thousand (\$2,000.00) dollars as well as for any violation thereafter. Additionally, when an offender is found to be a repetitious offender, the offender shall be subject to not more than 30 days imprisonment in the county jail for each subsequent offense. A repeat offender shall be defined as an individual who has violated the statute more than three times within a four-week period of time.
- b. Each day that this chapter is violated shall constitute a separate offense.

**3-2.6 Severability.**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**3-2A RESERVED.**

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

**SECTION FIVE. Effective.** This Ordinance shall take effect after final passage and publication as provided by law.

**Seconded by Mr. Card and introduced on the following roll call vote:**

**ROLL CALL:**

**AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAY: None**

**ABSENT: None**

**ABSTAIN: None**

**O-15-2 – Ordinance Concerning Vacancies on Council:**

Mrs. Cummins read the title of O-15-2 on for introduction and setting of a public hearing date of February 18th, 2015.

**Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of February 18<sup>th</sup>, 2015 at 8:00 PM**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
O-15-2**

**AN ORDINANCE UPDATING BOROUGH CODE SECTION 2-3.2  
CONCERNING THE MANNER IN WHICH VACANCIES ON THE BOROUGH  
COUNCIL ARE FILLED.**

**WHEREAS**, the Borough of Highlands (hereinafter referred to as “Borough”) is a Faulkner Act municipality governed by the Small Municipality (Plan C) form of New Jersey municipal government; and

**WHEREAS**, the Borough’s governing body consists of a mayor and four council members, who are elected on an at-large basis in non-partisan elections; and

**WHEREAS**, Borough ordinance 2-3.2 currently provides that council vacancies shall be filled in the manner provided by the “Municipal Governing Body Vacancy Law,” N.J.S. 40:45B-1 et seq.; and

**WHEREAS**, the Municipal Governing Body Vacancy Law was repealed by L. 1979, c. 83, § 1; and

**WHEREAS**, the Borough Code should accurately reflect the law governing the procedure for filling vacant seats on the Borough Council; and

**WHEREAS**, the relevant law now governing the procedure for filling vacancies on the Borough Council is the “Municipal Vacancy Law,” N.J.S.A. 40A:16-1 et seq.; and

**WHEREAS**, an amendment to the Code of the Borough is required in order to modify the section that sets forth the appropriate law governing the procedure for filling vacancies on the Borough Council; and

**WHEREAS**, the Borough wishes to amend Section 2-3.2, “Vacancies” to establish that vacant council seats will be filled pursuant to the Municipal Vacancy Law; and



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

**SECTION ONE.** Borough Code Section 2-3.2 “Vacancies,” shall be amended to provide as follows:

Vacancies shall be filled in the manner provided by the “Municipal Vacancy Law,” N.J.S.A. 40A:16-1 to -23.

**SECTION TWO.** The first sentence of Borough Code Section 2-3.1 “Composition, Election, Term” shall be amended to read:

The council shall consist of the mayor and four councilpersons.

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

**SECTION FIVE. Effective.** This Ordinance shall take effect after final passage and publication as provided by law.

Seconded by Ms. Ryan and introduced on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**  
**NAY: None**  
**ABSENT: None**  
**ABSTAIN: None**

**O-15-3 – Ordinance Reenacting the BID:**

Mrs. Cummins read the title of O-15-3 on for introduction and setting of a public hearing date of February 18<sup>th</sup>, 2015.

**Mayor Nolan Offered the following Ordinance and moved on its introduction and setting of a public hearing date for February 18, 2015 at 8:00 PM:**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**O-15- 3**

**AN ORDINANCE REPLACING ORDINANCE O-11-9 AND RE-ENACTING CHAPTER  
17 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
HIGHLANDS THAT ESTABLISHED A BUSINESS IMPROVEMENT DISTRICT  
WITHIN THE BOROUGH OF HIGHLANDS**

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**WHEREAS**, the Borough of Highlands, by Ordinance O-11-9 and codified in Chapter XVII of the Code of the Borough of Highlands, established a business improvement district, which Ordinance expired on December 31, 2014; and

**WHEREAS**, the Borough of Highlands finds that it is in its best interest to renew Ordinance O-11-9 for an additional three-year period.

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

**SECTION ONE:** Chapter XVII of the Revised Borough Code of the Borough of Highlands shall be readopted as follows (underscores represent additions; strikethroughs represent deletions):

**CHAPTER XVII BUSINESS IMPROVEMENT DISTRICT\***

**17-1 DEFINITIONS.**

*Business Improvement District* (sometimes also referred to as "District" or "Special Improvement District") shall mean an area within the Borough of Highlands, designated by this chapter, as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.

*District Management Corporation* shall mean "Business Improvement District of Highlands, New Jersey, Inc. (also referred to as "management corporation"), an entity incorporated pursuant to Title 15A of the New Jersey Statutes, and designated by municipal ordinance to receive funds collected by a special assessment within the Business Improvement District, as authorized by this chapter and any amendatory supplementary ordinances.  
(Ord. No. O-11-9)

**17-2 FINDINGS.**

The Mayor and Council find and declare:

a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this chapter\*\*, will benefit from being designated as a Business Improvement District.

\*\*Editor's Note: Schedule A, referred to herein, may be found at the end of this chapter.

b. The rental apartments containing five (5) or more units on the attached Schedule A as Class 4C are hereby included within the Special Improvement District as established by this chapter, provided, however, that no assessment shall be collected from Shore Landings, L.L.C. unless the decision of the Superior court, Law Division in Shore Landings v. Borough of Highlands is modified or reversed by appeal or agreement.

All the properties included on Schedule A as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this chapter.

c. That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

d. That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this chapter and to exercise the powers given to it by this chapter.

e. That it is in the best interests of the municipality and the public to create a Business Improvement District and to designate a District Management Corporation.

f. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.  
(Ord. No. O-11-9)

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\*Editor's Note: Schedule A, referred to herein, may be found at the end of this chapter.

**17-3 CREATION OF DISTRICT.**

a. There is hereby created and designated within the Borough of Highlands a Business Improvement District to be known as the Highlands Business Improvement District consisting of the properties designated and listed on Schedule "A" by tax lot and block number and street addresses. The Business Improvement District shall be subject to special assessments on all affected property within the District which assessment shall be imposed by the Borough of Highlands for the purposes of promoting the economic and general welfare of the District.

b. All business properties within the Business Improvement District, including all private, nonresidential assessed properties, are deemed included in the assessing provisions of this chapter and are expressly subject to potential assessment made for Business Improvement District purposes.

c. All properties within the Business Improvement District that are tax-exempt or are used exclusively for residential purposes, are deemed excluded from the assessing provisions of this chapter and are expressly exempt from any assessment made for Business Improvement District purposes.

(Ord. No. O-11-9)

**17-4 APPEAL OF PROPERTY OWNER FROM INCLUSION IN THE DISTRICT.**

Any owner of property included within the Business Improvement District and subject to the assessing provisions of this chapter, may appeal to the Tax Assessor of the Borough of Highlands, requesting to be excluded from the District and from any assessment provisions of this chapter.

This appeal is only as to whether or not a property should be included within the District under the standards set forth in Section 17-3 of this chapter. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in the usual manner to the Monmouth County Board of Taxation or to the Tax Court.

This appeal seeking exclusion from the District and any assessment provisions of this chapter, shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference, the Assessor shall file a report and recommendation with the Governing Body. The Governing Body shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

(Ord. No. O-11-9)

**17-5 ASSESSMENTS.**

a. *Maintenance of District.* Annual operation and maintenance costs relating to services peculiar to the District, as distinguished from services normally provided by the Borough, will provide benefits primarily to the properties included within the District rather than to the Borough as an entirety. These annual costs shall be assessed and taxed to the benefited properties pursuant to the provisions of this chapter and N.J.S.A. 40:56-65, et seq.

b. *Development, Construction or Acquisition Costs.* All costs of development, construction and acquisition relating to improvements to the District shall be financed and assessed to properties especially benefited thereby. The Borough may, by separate ordinance, or by amendment to this chapter, provide that improvements and facilities hereinafter acquired or developed shall be operated and maintained and the costs assessed to the benefited properties.

(Ord. No. O-11-9)

**17-6 DESIGNATED DISTRICT MANAGEMENT CORPORATION.**

The nonprofit corporation, Highlands Business Partnership, Inc., is hereby designated as the District Management Corporation for the District. This Management Corporation shall conduct

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its business in accordance with the Open Public Meetings Law, and all of its operations shall be subject to the Open Public Records Act (OPRA). This Corporation shall have no power of condemnation or eminent domain.

To comply with the provisions of OPRA, the Corporation shall maintain its records at the Highlands Borough Hall and regularly file copies of the minutes of its meetings with the Borough Clerk so the minutes shall be conveniently available to the public for inspection. (Ord. No. O-11-9)

**17-7 POWERS OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.**

The District Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this chapter and the District, including, but not limited to:

a. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meeting Law; shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of twenty-one (21) members. As to the membership of the Board of Directors it shall include (1) a member of the Governing Body selected by the Governing Body; (2) a member of the Borough Planning Board selected by the Governing Body; (3) one (1) resident of the Borough who shall not be an owner or occupant of commercial property within the District. All of these appointments shall serve at the pleasure of the appointing authority.

Additionally the Board of Directors shall consist of one (1) nonvoting member appointed from bodies such as:

1. Northern Monmouth Area Chamber of Commerce
2. Gateway National Park
3. Twin Lights Historic State Park
4. Not named

b. The members appointed by these bodies shall serve at the pleasure of the appointing body. The remaining fourteen (14) members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The Mayor and Council will designate the BID Steering Committee members to carry on the duties of the nonprofit corporation, to include securing corporate and nonprofit status and creation of bylaws, form a nominating and election committee, utilize technical assistance of the League of Women Voters. The BID Committee shall not expend or commit any District Management Corporation funds without a simple majority vote of BID Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the chapter (this chapter was adopted May 5, 1999 by Ordinance No. O-99-06). Said elections will be for a term of three (3) years, except, however, at the first election five (5) members shall be elected for one (1) year; four (4) members shall be elected for two (2) years and five (5) members shall be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term.

c. The Designated District Management Corporation shall also:

1. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.
2. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
3. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.

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4. Administer and manage its own funds and accounts and pay its own obligations.
  5. Borrow money from private lenders for periods not to exceed one hundred eight (180) days and from governmental entities for that or longer periods.
  6. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
  7. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
  8. Accept, purchase, rehabilitate, sell, lease or manage property in the District.
  9. Enforce the conditions of any loan, grant, sale or lease made by the corporation.
  10. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
  11. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough of Highlands.
  12. Publicize the District and the businesses included within the District boundaries.
  13. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.
  14. Organize special events in the District.
  15. Provide special parking arrangements for the District.
  16. Provide temporary decorative lighting in the District.
- (Ord. No. O-11-9)

**17-8 ANNUAL BUDGET, HEARING AND ASSESSMENTS.**

- a. The fiscal year of the District and of the management corporation shall be the calendar year. The first budget has been approved by the Mayor and Council. Hereafter, beginning December 1, 1999, the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council. The budget shall be processed and adopted by the Borough on or before April 1<sup>st</sup> of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84.
- b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Business Improvement District together with the following:
  1. The amount of such costs to be charged against the general funds of the municipality, if any.
  2. The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the year.
  3. The amount of costs, if any, to be specially assessed against properties in the District.
- c. Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget, the Municipal Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties, and the names of the ten (10) current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the Municipal Clerk and be there available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least ten (10) days after a notice of hearing has

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been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Governing Body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Municipal Clerk shall forthwith certify a copy of the assessment roll, with such changes, if any to the Monmouth County Tax Board.

d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Business Improvement District and the furnishing of any other local improvement which benefits properties within the District. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of the Business Improvement District, mean costs of annual improvements; and all other costs, including planning costs, incurred or to be incurred in connection with annual improvements to and operation and maintenance of the District.

e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Business Improvement District, shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintain a Business Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, it in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

f. The Mayor and Council shall pay over funds to the management corporation quarterly on the first day of March, June, September and December of each year.  
(Ord. No. O-11-9)

**17-9 ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.**

The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the Governing Body within four (4) months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of filing of the audit with the Mayor and Council. (Ord. No. O-11-9)

**17-10 ANNUAL REPORT TO MUNICIPALITY.**

The district management corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk of the Borough. (Ord. No. O-11-9)

**17-11 MUNICIPAL POWERS RETAINED.**

Notwithstanding the creation of a Business Improvement District, the Borough of Highlands expressly retains all its powers and authority over the area designed as within the Business Improvement District. No improvements or modifications shall be made to any public property without the prior formal approval of the Borough Governing Body. (Ord. No. O-11-9)

**17-12 SEVERABILITY.**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions of the chapter and to this end the provisions of this chapter are severable. (Ord. No. O-11-9)

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**17-13 EFFECTIVE DATE.**

This chapter shall take effect immediately after passage and publication as required by law, nunc pro tunc January 1, 2015. This chapter shall expire in three (3) years unless reenacted by the Mayor and Council of the Borough of Highlands prior to December 31, 2017-2014. Upon the third anniversary of the Business Improvement District, the chapter will expire unless the Board of Directors recommends the continuation of the BID with the approval of the Mayor and Council.(Ord. No. O-11-9)

**17-14 DOWNTOWN BUSINESS IMPROVEMENT ZONE (D-B12).**

**17-14.1 Purpose.**

The purpose of this section is to (a) promote economic growth and employment within the business district and, in particular, the Business Improvement District; (b) foster and encourage self-help programs to enhance to local business climate; and (c) authorize, permit and facilitate the Business Improvement District and the Highlands Business Partnership to apply for and accept funds or loans from the State Department of Community Affairs for public improvements as contemplated by P.L. 1998, c. 115. (Ord. No. O-13-11)

**17-14.2 Zone Created.**

There is hereby created and designated within the Borough a Downtown Improvement Zone (“D-BIZ”) which shall be co-extensive with the Business Improvement District as defined by the Code of the Borough of Highlands, Section 17-3. (Ord. No. O-13-11)

**SCHEDULE A  
(Section 17-2)**

<b>Block</b>	<b>Lot</b>	<b>Qual Class</b>	<b>Property Location</b>
7	1	4C	44 SOUTH BAY AVENUE
8	1	4A	42 SOUTH BAY AVENUE/RIPAR
9	5	4A	PORTLAND & BRIDGE
9	7	1	1 SOUTH BAY AVENUE
11	18	4A	NEW RD & GRAND TOUR
14	1.01	4A	PORTLAND ROAD
20	1	4A	1 NAVESINK AVENUE
34	8	4A	1 WOODLAND STREET
35	17	4C	82 VALLEY AVENUE
38	3	4A	36 NAVESINK AVENUE
38	4	4A	30 NAVESINK AVENUE
38	5	4A	26 NAVESINK AVENUE
38	6	4A	22 NAVESINK AVENUE
38	8	4A	2 NAVESINK AVENUE
38.01	11.01	4A	1 BAY AVENUE
38.01	12	4A	15 BAY AVENUE
38.01	13	4A	19 BAY AVENUE
38.01	15.01	4A	23 BAY AVENUE
39	7.01	4A	34 BAY AVENUE
39	8	4A	26 BAY AVENUE (DOCK)

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39	9	4A	24 BAY AVENUE
39	10	4A	18 BAY AVENUE
39	12	4A	12 BAY AVENUE
39	14	4A	2 BAY AVENUE
39	15	4A	2 SOUTH BAY AVENUE
40	11.02	2	EXTENSION OF FIRST ST
40	15.01	2	116 NAVESINK AVENUE
40	18.19	4A	MILLER STREET
41	8	4A	75 BAY AVENUE
41	9	4A	BAY AVENUE
42	10	4A	88 BAY AVENUE
42	13	4A	78 BAY AVENUE
42	15	2	68 BAY AVENUE
43	1	4A	18 SHREWSBURY AVENUE
45	4.01	4A	102 BAY AVENUE
46	1	4A	103-107 BAY AVENUE
46	2	4A	111 BAY AVENUE
46	3	4A	123 BAY AVENUE
46	7	2	143 BAY AVENUE
47	6	4A	132 BAY AVENUE
47	7	4A	130 BAY AVENUE
47	8	4A	128 BAY AVENUE
47	9	4A	126 BAY AVENUE
47	11	4A	122 BAY AVENUE
47	12	4A	120 BAY AVENUE
48	1	4C	45 CENTER STREET
48	7	4A	30 JACKSON STREET
50	1	4A	52 SHREWSBURY AVENUE
50	2	4A	52 SHREWSBURY AVENUE
50	4	4A	56 SHREWSBURY AVENUE
51	2	4A	3 CORNWALL STREET
52	2	4A	140 BAY AVENUE
53	2	4C	65 MILLER STREET
53	8	4A	157 BAY AVENUE
53	9	4A	151 BAY AVENUE
54	1	4A	150 BAY AVENUE
54	3.01	4A	146-148 BAY AVE
54	4	4A	144 BAY AVENUE
54	24.01	4A	11-13 MILLER STREET



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55	1	4A	70 SHREWSBURY AVENUE
55	4.01	4A	88 SHREWSBURY AVENUE
56	14	4C	18 FIFTH STREET
56	15	2	22-24 FIFTH STREET
56	16	2	26 FIFTH STREET
58	18	4A	190 BAY AVENUE
58	19	4A	188 BAY AVENUE
58	23.01	4A	182 BAY AVENUE
58	24	4A	170 BAY AVENUE
58	25	4A	168 BAY AVENUE
58	26	2	164 BAY AVENUE
59	9	4A	165 BAY AVENUE
60	7.01	4A	SHORE DRIVE
63	5	2	197 BAY AVENUE
63	7	2	205 BAY AVENUE
63	19.01	4A	231 BAY AVENUE
64	1	4A	196 BAY AVENUE
64	24	4A	214 BAY AVENUE
64	28.01	4A	208 BAY AVENUE
66	12	4A	62 FIFTH STREET
69	4.01	4A	242 BAY AVENUE
69	13	4A	ATLANTIC STREET
72	8	4A	FT OF ATLANTIC ST
72	9.012	4A	MARINA ON THE BAY
72	11.01	4A	270 BAY AVENUE
72	12	4A	272 BAY AVENUE
74	9	4A	277 BAY AVENUE
75	1	2	274-276 BAY AVENUE
81	10.01	4A	295 BAY AVENUE
82	1.01	4A	297-299 BAY AVENUE
82	5.01	2	83 HUDDY AVENUE
83	1	4A	300 BAY AVENUE
84	2.01	4A	MARINE PLACE
88	1.01	4A	311 BAY AVENUE
88	3	4A	71 WATERWITCH AVENUE
88	4.01	4A	67-69 WATERWITCH AVENUE
88	5	4A	321 BAY AVENUE
89	1	4A	310 BAY AVENUE

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96	3	2	409 BAY AVENUE
100	27	4A	326 SHORE DRIVE
100	27.06	4C	SHORE LANDING APARTMENTS
101	12.01	4A	348 SHORE DRIVE
101	14	4A	354 SHORE DRIVE
101	27	4A	WILLOW STREET
101	30	4A	LOCUST ST
105.107	1.1	4A	SHADOW LAWN TRAILER PARK
108	1	4A	440 NAVESINK AVENUE
108	2.01	4A	450 HWY 36
108	2.02	4A	HIGHWAY 36 HIGHLANDS
108	2.03	4A	470 HIGHWAY 36
114	1.01	4A	301 SHORE DRIVE
114	1.02	4A	SHORE DRIVE
116	11	4A	404 NAVESINK AVENUE
116	13	4A	410 NAVESINK AVENUE
116	14	4A	426 NAVESINK AVENUE
120	8.04	4A	254 NAVESINK AVENUE

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

Seconded by Ms. Kane and introduced on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAY: None**

**Absent: None**

**ABSTAIN: None**

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**Ordinances: Second Reading, Public Hearing & Adoption:**

**O-14-34 –Vacating Right of Way Easement:**

Mrs. Cummins read the title of O-14-34 on for 2<sup>nd</sup> reading and public hearing. This ordinance was published in the December 12<sup>th</sup>, 2014 edition of the Two River Times.

Mayor Nolan opened the public hearing.

Mr. Francy of 36 5<sup>th</sup> Street asked for an explanation of the ordinance.

Dustin Glass explained that this is from an easement that was granted to the dissolved Sewer Authority. It is no longer needed.

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There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-34 on for 3<sup>rd</sup> and final reading and adoption.

Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption:

**O-14- 34**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**ORDINANCE VACATING THE RIGHT-OF-WAY EASEMENT RESERVED TO  
ATLANTIC COAST ENTERPRISES AND CONVEYED TO THE ATLANTIC  
HIGHLANDS-HIGHLANDS REGIONAL SEWERARGE AUTHORITY OVER A  
PORTION OF LOCUST STREET**

**WHEREAS**, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(4), a municipality, by ordinance and at private sale, may “release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes;” and

**WHEREAS**, by Deed dated May 12, 1969 and recorded in the Monmouth County Clerk’s Office in Deed Book 3636, Page 456 on May 26, 1969, John J. Torox reserved to Atlantic Coast Enterprises a right-of-way easement (for a sanitary sewer) over a portion of Locust Street in the Borough of Highlands, County of Monmouth, State of New Jersey (“the Easement”); and

**WHEREAS**, by Deed dated March 25, 1971, and recorded in the Monmouth County Clerk’s Office in Deed Book 3728, Page 20 on March 30, 1971, Atlantic Coast Enterprises conveyed the Easement to the Atlantic Highlands-Highlands Regional Sewerage Authority (“AHHRSA”); and

**WHEREAS**, the AHHRSA has since been dissolved by concurrent action by the Borough of Highlands and the Borough of Atlantic Highlands; and

**WHEREAS**, the Borough of Highlands will now administer, govern, and regulate water and sewerage operations in the Borough of Highlands, which includes regulation and administration of the Easement; and

**WHEREAS**, on or about March 13, 2014, memorialized in Resolution No. PB#2013-3, the Borough of Highlands Planning Board granted Final Site plan Approval to Navesink Capital Partners, LLC (“Navesink”) to construct a residential development; and

**WHEREAS**, the Borough must extinguish the Easement in order for Navesink to proceed with its development as approved by the Borough of Highlands Planning Board; and

**WHEREAS**, Navesink will relocate the sanitary sewer in accordance with its development plans and in accordance with the final site plan approval granted by the Planning Board; and

**WHEREAS**, the Borough Engineer has determined that it would be appropriate for the Borough to extinguish the Easement and for new easements to be provided, as appropriate.

**WHEREAS**, the Governing Body has determined that it would be appropriate to vacate and release the Easement; and

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

**SECTION ONE.** The Borough hereby vacates and extinguishes any and all right, title and interest to the public in and to certain lands described as a portion of Locust Avenue to be vacated, and more fully described in the Deeds recorded with the Monmouth County Clerk's Office in Book 3636, Page 456 and Book 3728, Page 20, subject to all conditions set forth hereinabove. In the event Navesink does not comply with the terms of the Final Site Plan Approval, as approved by the Planning Board on March 13, 2014 and memorialized in Resolution No. PB#2013-3, this Ordinance shall be void *ab initio* upon adoption of an Ordinance rescinding this Ordinance.

**SECTION TWO.** The Borough Clerk, Mayor, his designee, and such Borough Professionals as are necessary, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing an Extinguishment of Easement in a form acceptable to the Borough Attorney.

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

**SECTION FIVE.** Effective. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**  
**NAY: None**  
**ABSENT: None**  
**ABSTAIN: None**

**O-14-35 –Ordinance Creating Vacant Property Registration Ordinance:**

Mrs. Cummins read the title of O-14-35 on for 2<sup>nd</sup> reading and public hearing. This ordinance was published in the December 12<sup>th</sup>, 2014 edition of the Two River Times.

Mayor Nolan opened the public hearing.

Barbara Ianucci of 28 Shrewsbury Avenue questioned the impact this would have to property owners.

Ms. Kane explained the process. We would be reimbursed.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-35 on for 3<sup>rd</sup> and final reading and adoption.

Mayor Nolan offered the following ordinance pass final reading and moved on its adoption:

**O-14-35**

**BOROUGH OF HIGHLANDS**

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COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING CHAPTER 10 “BUILDINGS AND HOUSING” OF THE  
BOROUGH CODE TO CREATE A VACANT PROPERTY REGISTRATION PROCESS**

**WHEREAS**, the Borough of Highlands regulates the maintenance of commercial and residential property within the Borough by and through Chapter X of the Borough Code, “Buildings and Housing;” and

**WHEREAS**, the Borough of Highlands contains many structures that are vacant in whole or in part; and

**WHEREAS**, in many cases, the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain or secure them to adequate standards, or restore them to productive use; and

**WHEREAS**, many of these structures are in violation of state and local housing and property maintenance codes; and

**WHEREAS**, the governing body finds that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, loss of property, tax revenues, accumulation of trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

**WHEREAS**, the Borough of Highlands incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to police calls, fire calls, and property inspections; and

**WHEREAS**, it is in the public interest for the Borough of Highlands to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough of Highlands; and

**WHEREAS**, it is in the interest of the Borough of Highlands to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures;

**NOW, THEREFORE BE IT ORDAINED** as follows:

**Section One.** The Borough Code, Article X, “Buildings and Housing” shall be amended and a new chapter, Chapter 10-13 shall hereinafter be adopted to provide as follows:

**10-13 VACANT STRUCTURE LICENSING AND VACANT PROPERTY  
REGISTRATION PROCESS.**

**10-13.1. Definitions.**

A. “Municipal Officer” shall mean the Administrator or Designee as may be designated by the Administrator in writing.

B. “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

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have authority to act with respect to the property. This Ordinance exempts any municipal, county or state owner of a vacant building or structure.

C. "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 re-occupied 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 ordinance.

10-13.2.

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 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 Ordinance. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

B. Each property having a separate tax block and lot number shall be registered separately.

C. The registration shall include the information required under Section 10-13.4 of this Ordinance, the insurance certificate required by Section 10-13.7 of this Ordinance, 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 Section 10-13.5 of this Ordinance 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. i. 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 Ordinance. 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.

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ii. Where the Owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property is subject to this Ordinance 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.

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.

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.

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 Ordinance 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.

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10-13.5.

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

Initial Registration	\$250.00 or pro-rated amount per Sec. 10-13.2 of this Ordinance
First Renewal	\$400.00
Second Renewal	\$750.00
Any Subsequent Renewal	\$1,000.00 or 5% of assessed value, whichever is higher.

B. At least 50 percent of all fee income resulting from the application of this Ordinance 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.

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.

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



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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.

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 Ordinance through electronic means.

10-13.9.

A. Any person who violates any provision of this Ordinance 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 a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter 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 section 10-13.6 or 10-13.7 of this Ordinance, 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 Ordinance.

**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.

Seconded by Mr. Card and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAY: None**

**ABSTAIN: None**

**ABSENT: None**

**O-14-36 –Ordinance Prohibiting Parking on Portion of Twilight Terrace:**

Mrs. Cummins read the title of O-14-36 on for 2<sup>nd</sup> reading and public hearing. This ordinance was published in the December 12<sup>th</sup>, 2014 edition of the Two River Times.

Ms. Kane stated that some residents have questioned her on when this will start. She would like to send notifications to the affected areas.

Mayor Nolan added that if the ordinance passes tonight, we can add a copy of the ordinance with the notice.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

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Mrs. Cummins read the title of O-14-36 on for 3<sup>rd</sup> and final reading and adoption.

Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption:

**O-14-36**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING THE BOROUGH OF HIGHLANDS TO AMEND AND SUPPLEMENT SECTIONS 7-3.4 AND 7-4 OF THE BOROUGH CODE TO PROHIBIT PARKING ON TWINLIGHTS TERRACE AT THE INTERSECTION OF LIGHT HOUSE ROAD AND TWINLIGHTS TERRACE AND THE ENTIRE SOUTH SIDE OF TWINLIGHTS TERRACE AND TO DESIGNATE TWINLIGHTS TERRACE A ONE-WAY STREET FROM LIGHTHOUSE ROAD TOWARD SOUTH PEAK STREET**

**WHEREAS**, pursuant to N.J.S.A. 39:4-197, the Borough has the authority to pass an Ordinance, without the approval of the Commissioner of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, relating to the control of traffic in public streets, including the parking of vehicles on streets and portions thereof and the designation of a one-way street; and

**WHEREAS**, the Borough of Highlands previously allowed parking on Twinlights Terrace; and

**WHEREAS**, the Borough of Highlands additionally allowed motor vehicle traffic, in both directions, for the entire length of Twinlights Terrace; and

**WHEREAS**, the Borough wishes to amend Code Section 7-3.4 to prohibit parking on the on Twinlights Terrace from the intersection of Twinlights Terrace and Light House Road to a point 204 feet west of that intersection on Twinlights Terrace Road; and

**WHEREAS**, the Borough wishes to further amend Code Section 7-3.4 to prohibit parking on the entire south side of Twinlights Terrace; and

**WHEREAS**, the Borough wishes to also amend Code Section 7-4 to designate Twinlights Terrace a one-way street from Light House Road west toward South Peak Street; and

**WHEREAS**, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Sections 7-3.4 and 7.4 to amend the parking and driving restrictions on Twinlights Terrace; and

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

**SECTION ONE.** Borough Code Sections 7-3.4 “Parking Prohibited at All Times on Certain Streets” and 7.4 “One-Way Streets” shall be amended as follows:

*Schedule I, No Parking*

<i>Name of Street</i>	<i>Sides</i>	<i>Location intersection</i>
<i>Twinlights Terrace</i>	<i>North</i>	<i>From the intersection of Twinlights Terrace and Light House Road to a point 204 feet west</i>

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<i>Twinlights Terrace</i>	<i>South</i>	<i>Entire length.</i>
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*Schedule II, One Way Streets*

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
<i>Twinlights Terrace</i>	<i>West</i>	<i>Entire Length: Light House Road west toward South Peak Street</i>

**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.

Seconded by Mr. Redmond and adopted on the following roll call vote:

**ROLL CALL:**

**AYE:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan  
**NAY:** None  
**ABSENT:** None  
**ABSTAIN:** None

**O-14-37 –Ordinance Authorizing Construction Office to Accept Cert Checks:**

Mrs. Cummins read the title of O-14-37 on for 2<sup>nd</sup> reading and public hearing. This ordinance was published in the December 12<sup>th</sup>, 2014 edition of the Two River Times.

Mayor Nolan explained that this will help with personal checks bouncing.

Ms. Ryan asked if it has to be certified or do we give people a chance.

Mayor Nolan explained that it is for repeat offenders.

Mayor Nolan opened the public hearing.

Chris Francy of 36 Fifth Street spoke of if their checks bounce, the offender is now operating with invalid permits.

Carol Broullon of Miller Street said she never had a problem. She was always told ahead of time the amount of the permit before she picked it up.

Chris Francy spoke about eventually getting to using credit cards.

Mayor Nolan stated that we are working on it.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-37 on for 3<sup>rd</sup> and final reading and adoption.

**Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption:**

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COUNTY OF MONMOUTH**

**ORDINANCE NO. O-14-37**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE  
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY  
AUTHORIZING THE BOROUGH OF HIGHLANDS CONSTRUCTION  
OFFICE TO ACCEPT CERTIFIED CHECKS OR A MONEY ORDER IN  
LIEU OF A PERSONAL CHECK**

**WHEREAS**, the Uniform Construction Code (“UCC”) provides standards for municipal fees, but is silent on forms for payment of fees; and

**WHEREAS**, the Borough of Highlands Construction Office wishes to request payment for fees in the form of a Certified Check or Money Order, in lieu of a personal check, for those individuals whose previous payment of fees was returned to the Office for lack of funds;

**WHEREAS**, the Borough of Highlands Construction Office shall also recoup any and all funds associated with receipt of a returned check for insufficient funds from the individual responsible for such;

**WHEREAS**, the Governing Body of the Borough of Highlands find that it is appropriate and in its best interest to permit the Construction Office to request payment of fees via Certified Check or Money Order;

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

**Section 1.** Section 10-2, Fees, of the Borough Code, shall be amended to provide as follows:

E. Certified Check or Money Order

If, within the last twenty-four (24) months, an applicant has previously provided payment by check that was returned with insufficient funds, the Construction Code Official and/ or an agent of the Construction Code Official shall require a Certified Check or Money Order as payment for fees due and owing.

F. Any individual who provides the Construction Office with a check that is returned to the Office as insufficient funds shall be responsible to reimburse the Borough for any and all fees or penalties resulting from the insufficient funds.

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

**Section 4.** **REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.  
Adopted:

Seconded by Mr. Card and adopted on the following roll call vote:

**ROLL CALL:**

**AYE:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan

**NAY:** None

**ABSENT:** None

**ABSTAIN:** None

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**Letter of Support for 3<sup>rd</sup> Round Sandy Funding:**

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Ms. Ryan stated that there are two different REM programs coming out. One is a smaller one for low income. The second one is called the Official Third Round. We are in the comment period now. She is asking for a strongly worded letter about our situation in our town and how it was destroyed. The money has helped many people but we are asking them to make the process easier.

Mr. Hill will prepare the letter.

**Mayor's Appointment to Planning Board:**

Mayor Nolan stated that he is appointing Former Mayor Rick O'Neil.

Mayor Nolan hereby makes the following appointments to the Planning Board:

:

Richard O'Neil

Alternate #2 Member of the Planning Board

Two Year Term to expire 12/31/16

Seconded by Ms. Kane and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAY: None**

**ABSENT: None**

**ABSTAIN: None**

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**Public Portion:**

Chris Francy of 36 5<sup>th</sup> Street said that he attended the Third Round Funding. He is not sure we should support this program. He further explained. He does not feel that it is all good.

Chris Francy also spoke against using Millennium.

Ms. Ryan said that it is being addressed.

Chris Francy asked if the Flood Control Grant act is thru them.

Mr. Card said that it was initiated by them.

Barbara Ianucci of 28 Shrewsbury Avenue asked about the status on the budget and when it will be available to the public. She would like a special town meeting to review it.

Mayor Nolan explained that emails were set out today for a subcommittee meeting a week from tonight. We will put together a time line together and have a special meeting.

Carolyn Broullon of Miller Street spoke of the council addressing putting together a Green Team.

Mayor Nolan directed Mr. Hill to send out request for Green Team committee and have it for the next meeting.

Kim Skorka of 315 Shore Drive asked if committee reports will be at the next meeting.

Mayor Nolan said yes.

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Kim Skorka thanked Doug Card for voting no on some of the resolutions. She also asked about the resolution for seasonal employees, if it was advertised.

Mr. Hill stated that notice was posted at Borough Hall. He said we are still taking applications.

Kim Skorka asked about the status of the volunteer hour's reimbursement.

Mr. Hill explained that hours were reported and FEMA does have a cap on the amount of hours we can submit. He stated that our numbers were high.

Kim Skorka continued to question the process.

Kim Skorka spoke of R-15-01. There is only one meeting a month in July and August. She would like the council to consider having two meetings per month. There is still so much going on in town with Sandy.

Ms. Kane announced the Highlands Business Partnership will be holding their annual St. Patrick's Day Beef and Brew on January 25<sup>th</sup> from 3pm to 7pm at Off the Hook. The Grand Marshall's will be revealed that day.

Mayor Nolan said he would speak to the HBP president.

There were no further questions.

Mayor Nolan offered a motion to adjourn, seconded by Mr. Card and all were in favor.

The Meeting adjourned at 8:47 p.m.

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Debby Dailey, Deputy Clerk