

**Borough of Highlands
Mayor & Council
Regular Meeting
February 18, 2015**

Mayor Nolan called the meeting to order at 7:03 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
Also Present: Debby Dailey, Deputy Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Tax Collector
Bruce Padula, Borough Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution

Mayor Nolan 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:**
- 2. Contract: UFCW Union Contract**
- 3. Real Estate:**
- 4. Personnel Matters: Municipal Judge Position**
- 5. Investigation:**
- 6. Attorney-Client Privilege: Special Consultant-Clam Plant Bid Specs
Honey Suckle Lodge Flood Rating
Special Professional Services-CDBG**

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, 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

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(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 Ms. 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.

Mayor Nolan called the Regular Meeting to order at 8:08 p.m.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

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Proclamation - Craig Marshall

Mayor Nolan explained that Craig Marshall was our liaison for the Community Recovery Plan. He passed away on February 12th, 2015. Mayor Nolan read the Proclamation into the record.

**Borough of Highlands, New Jersey
Proclamation Honoring
~~ Mr. Craig Marshall ~~**

WHEREAS, in addition to the devastation caused by Superstorm Sandy there was a need to implement a community recovery planning effort; and

WHEREAS, Mr. Craig Marshall, a Community Recovery Assistance Specialist was employed by FEMA and was assigned to lead and assist with the Borough of Highlands Community Recovery Plan; and

WHEREAS, Mr. Craig Marshall has made a lasting contribution to the Borough of Highlands while serving in his capacity through his leadership, professionalism, and friendship; and

WHEREAS, throughout his 2 years of involvement, Mr. Marshall's extraordinary efforts and guidance were exemplary and worthy of special notice; and

WHEREAS, during his tenure working in the borough, Mr. Marshall showed great pride and did whatever was necessary to assure that the recovery needs of Highlands was well documented and for the benefit of all; and

WHEREAS, it is with great sadness that we acknowledge the passing of Mr. Craig Marshall on February 12, 2015.

NOW, THEREFORE be it resolved that I, Frank L. Nolan, Mayor of Highlands, New Jersey, on behalf of the Borough Council, borough staff and residents of our community wish to extend our personal condolences to the family and associates of Mr. Craig Marshall as we will always remember the contributions he made to the borough.

Swearing in of Gary Fillipone, Jr as Police Officer:

Mayor Nolan swore in Gary Fillipone, Jr. as a Highlands Police Officer.

**R-15-57
RESOLUTION APPOINTING GARY FILIPONE, JR. AS
PROBATIONARY POLICE OFFICERS IN THE BOROUGH
OF HIGHLANDS**

WHEREAS, the Borough of Highlands has a need to hire additional police officer; and

WHEREAS, the Chief of Police has recommended appointing Gary Filipone, Jr. as probationary Police Officers within the Borough, subject to successfully completing the appropriate background, medical and psychological tests.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough Highlands, that Gary Filippone, Jr. is hereby appointed as Probationary Police Officers in the Borough of Highlands, subject to successful completion of the appropriate background, medical and psychological tests.

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CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA YES <input checked="" type="checkbox"/> NO						

Consent Agenda:

Mayor Nolan asked if anyone had questions or items pulled from consent agenda.

There were none.

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

**RESOLUTION No. R-15-56
BOROUGH OF HIGHLANDS
NJEIFP LOAN NO. S340901-03-1**

WHEREAS, the Borough of Highlands intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Borough's Stormwater System Improvements Project:

The proposed improvements include construction of a new stormwater pump station and backup generator, and replacement of existing and installation of new drainage piping and structures throughout the Borough to redirect flow from high elevation upland areas away from the low lying areas of the Borough and to increase drainage system capacity to alleviate flooding and sediment pollution concerns.

NOW, THEREFORE BE IT RESOLVED, that Carolyn Cummins, Borough Clerk, be authorized to act as the Authorized Representative to represent the Borough in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224

I do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Borough of Highlands at a meeting duly held on February 18th, 2015.

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

NAYES: None

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ABSTAIN: None
ABSENT: None

**R-15-58
RESOLUTION APPROVING C-2 LICENSED OPERATOR
CONTRACT WITH BARRY LEESER**

WHEREAS, the Borough previously retained Barry Leeser as its C2 operator; and

NOW, THEREFORE, BE IS RESOLVED by the governing body of the Borough of Highlands that the Borough hereby approves the attached contract for C2 licensed operator for all facilities within the Borough until such time as the Borough consummates any shared service agreement with Atlantic, at which time, the duties contained in any such Shared Services Agreement shall be removed from Mr. Leeser, along with any accompanying compensation provided by this Resolution. The Borough Administrator is hereby authorized to execute attached agreement for \$15,000 a year salary.

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

**RECAP OF PAYMENT OF BILLS
02/18/2015**

CURRENT:		\$	98,285.49
Payroll	(02/15/2015)	\$	113,366.65
Manual Checks		\$	84,700.27
Voided Checks		\$	
SEWER ACCOUNT:		\$	79,279.15
Payroll	(02/15/2015)	\$	3,423.54
Manual Checks		\$	2,050.00
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	1,568.00
Payroll	(02/15/2015)	\$	200.00

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Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	
Payroll	(02/15/2015)	\$	1,091.33
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
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 February 4th , 2015 minutes for approval, seconded by Ms. Kane 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-15-59 – Resolution – Prof. Engineering Services – Shrewsbury/North Street:

Ms. Dailey read the title of R-15-59.

Mayor Nolan asked Mr. Leubner to explain.

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Mr. Leubner explained that this is combining the work needed on both streets into one project.

Mayor Nolan asked Mr. Leubner to notify Mr. Hill with a timeline in order to notify the public.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-15-59
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

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

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$112,550.00 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated February 18, 2015 and

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

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2015 Municipal Budget:

I hereby certify funds are available as follows:

Current Fund:

Patrick DeBlasio, Chief Financial Officer

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

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. Robert Keady, P.E. T & M Associates are hereby retained to provide professional engineering as described above for an amount not to exceed \$112,550.00 plus reimbursable expenses.

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2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

R-15-60 – Resolution – Appt. P/T Dispatcher – Martin Hawley, Jr.:

Mayor Nolan read the title of R-15-60.

**R-15-60
RESOLUTION APPOINTING
PROVISIONAL PART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, there is a need within the Police Department to appoint one part- time Police Communications Operator; and

WHEREAS, it is the recommendation of the Chief of Police that Martin Hawley, Jr. be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Martin Hawley, Jr is hereby appointed as a part-time provisional Police Communications Operator effective February 6, 2015.

BE IT FURTHER RESOLVED that said provisional appointments be compensated at an hourly rate of \$9.50 per hour.

	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-15-61 – Resolution – Auth. Advertise for Clam Plant Management and Consultant:

Mayor Nolan read the title of R-15-61.

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Mr. Padula explained that this resolution is authorizing us to issue and RFP to hire a consultant to help us negotiate the Clam Plant Lease.

R-15-61

RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO ADVERTISE FOR AND ACCEPT COMPETITIVE PROPOSALS FOR CLAM DEPURATION PLANT OPERATION, MANAGEMENT, AND BUSINESS CONSULTANCY SERVICES

WHEREAS, the Borough of Highlands is the owner of a clam depuration plant, which supports the local clamming industry, commonly known as the James T. White Clam Depuration Plant (“the Plant”); and

WHEREAS, the Borough currently leases the Plant to the Baymen’s Protective Association which utilizes a third-party to operate the Plant; and

WHEREAS, the lease for the Plant expires on August 15, 2015; and

WHEREAS, in order to determine appropriate lease terms for a proposed lease of the Plant, the Borough wishes to hire a consultant for clam depuration plant operation, management, and business consultancy services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1(k), the Borough has requested approval from the Director of the Division of Local Government Services (“LGS”) to utilize competitive contracting in lieu of publicly bidding for the procurement of the aforementioned services; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough of Highlands to advertise for and accept competitive proposals pursuant to N.J.S.A. 40A:11-4.1 et seq. for clam depuration plant operation, management, and business consultancy services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey that upon receipt of approval from “LGS” the Borough is hereby authorized to advertise for and accept competitive proposals for clam depuration plant operation, management, and business consultancy services; and

BE IT FURTHER RESOLVED that the Borough Administrator and Borough Attorney are hereby authorized to approve specifications for clam depuration plant operation, management, and business consultancy services; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise for competitive proposals for clam depuration plant operation, management, and business consultancy services; and

BE IT FURTHER RESOLVED, that all Borough officials including, but not limited to the Mayor, the Borough Administrator and the Borough Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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

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R-15-62 – Resolution – Prof. Engineering Services – Shore Drive:

Ms. Dailey read the title of R-15-62

Mr. Leubner explained the resolution to extend the funding so we can complete this summer.

Mr. Card stated that this was delayed due to the Bollerman Project with their heavy equipment.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-15-62
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional Engineering services for the Shore Drive Phase II Improvements project as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$48,330.00 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated February 18, 2015 and

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

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2015 Municipal Budget:

I hereby certify funds are available as follows:

Current Fund:

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. Robert Keady, P.E. T & M Associates are hereby retained to provide professional engineering as described above for an amount not to exceed \$48,330.00 plus reimbursable expenses.

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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 hereby authorized to sign said 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.

	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-15-63 – Resolution – Auth. Amendment to the 2015 Temporary Budget:

Ms. Dailey read the title of R-15-63.

Mr. DeBlasio explained that we do not have an adopted budget for 2015. We operate off of a temporary budget. It’s a normal course of business to increase the budget.

Resolution R-15-63

AUTHORIZING AMENDMENT TO THE 2015 TEMPORARY

BUDGET

WHEREAS, The Revised Statutes of New Jersey 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2015;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2015 and the adoption of the Local Budget for the Borough of Highlands, County of Monmouth and State of New Jersey for the fiscal Year 2015:

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
20-100	Administration	\$ 25,051.25	\$ 1,000.00
20-110	Mayor and Council	3,250.00	16,962.50
20-120	Municipal Clerk	16,125.00	9,650.00
20-130	Finance	30,293.75	4,775.00
20-135	Annual Audit		0.00
20-145	Tax Collection	14,500.00	2,626.25
20-150	Assessment of Taxes	6,358.75	12,051.25
20-152	Central Services	7,440.00	9,250.00
20-155	Legal Services and Costs		15,000.00
20-165	Engineering Services & Costs		40,000.00
21-180	Planning Board	1,500.00	6,156.25

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21-185 Zoning Board of Adjustment	1,500.00	6,443.75
21-190 Affordable Housing	0.00	0.00
22-195 Construction Official	23,750.00	5,800.00
22-200 Code Enforcement	11,250.00	6,275.00
22-201 Code Substandard Housing		10,000.00
23-210 Insurance-Other		0.00
23-215 Workers Compensation Insurance		0.00
23-220 Medical-Surgical Insurance		500,000.00
23-230 Unemployment Compensation		0.00
25-240 Police	445,500.00	21,516.50
25-250 Police Dispatch	41,000.00	375.00
25-251 911 Telecommunications		3,488.29
25-252 Emergency Management	968.75	5,000.00
25-260 First Aid Contribution		7,500.00
25-262 PEOSHA		1,125.00
25-263 Fire Department		16,850.00
25-265 Uniform Fire Safety	6,850.00	1,175.00
25-275 Municipal Prosecutor	4,537.50	
26-290 Streets & Roads	44,500.00	13,750.00
26-292 Snow Removal	13,750.00	25,000.00
26-294 Stormwater Management		9,250.00
26-300 Mechanical Garage		1,000.00
26-305 Sanitation	525.00	12,587.50
26-306 Sanitation-Contractual		100,000.00
26-308 Recycling Tax		2,250.00
26-309 Monmouth County Reclamation		49,750.00
26-310 Public Building & Grounds	4,850.00	20,000.00
26-312 Shade Tree Commission		250.00
26-325 Condo Services Act		7,000.00
27-335 Environmental Health		0.00
27-337 Monmouth County Regional Health		20,000.00
27-340 Dog Control		5,000.00
27-350 Substance Abuse		
28-360 Community Center	25,750.00	6,250.00
28-375 Parks & Playgrounds		3,112.50
28-376 Beachfront Maintenance	3,300.00	3,237.50
28-385 Public Events		750.00
29-390 Library		
30-415 Accumulated Time	8,000.00	
30-420 LOSAP		11,250.00
31-430 Utilities-Electric		15,000.00
31-435 Street Lighting		13,500.00
31-440 Telephone		8,000.00
31-445 Utilities-Water		2,875.00
31-446 Utilities-Natural Gas		10,000.00
31-450 Telecommunications		8,050.00
31-460 Utilities-Fuel		18,750.00
31-463 Utilities-Fire Hydrants		15,250.00
36-471 Public Employees Retirement System		101,130.00
36-472 Social Security System		29,550.00
36-475 Police & Fire Retirement		315,979.00
36-477 DCRP		1,250.00
41-714 Matching Funds for Grants		
42-490 Shared Agreement-Court		18,012.50
42-717 Interlocal-A.H.-Garage		22,625.00
43-490 Municipal Court	4,881.25	2,477.50
43-495 Public Defender	1,225.00	
44-901 Capital Improvement		0.00
45-910 Debt Service		100,000.00
		0.00
TOTALS	<u>\$746,656.25</u>	<u>\$1,668,706.29</u>

SEWER UTILITY

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<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
55-501	Operating	\$ 19,951.25	\$ 288,209.50
55-502	Shared Service-Operator		75,000.00
55-502	Insurances		17,862.50
55-502	Bond Principal		55,000.00
55-502	PERS		5,693.75
TOTALS		<u>\$ 19,951.25</u>	<u>\$ 441,765.75</u>

	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-15-64 – Resolution – Approving a Memorandum of Agreement – UFCW :
Ms. Dailey read the title of R-15-64.

Mr. Padula stated that this is the Supervisor’s Union. We negotiated a memorandum of agreement. He briefly explained the agreement. It is a 4 year contract, 2% increase and freezes longevity.

**R-15-64
Resolution Approving a Memorandum of Agreement
Between the Borough of Highlands and UFCW**

Whereas, the Borough and the UFCW (Union) agreed to the terms of a successor collective negotiations agreement; and

Whereas, those terms have been incorporated into a memorandum of Agreement (“MOA”); and

Whereas, the Borough wishes to approve those terms and incorporate them into a successor collective negotiation agreement.

Now therefore, be it resolved that the Borough approved the terms of the “MOA” and directs Labor Counsel to prepare a successor collective negotiations agreement incorporating those terms.

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

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RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA		YES		x	NO	

Ordinances: Introduction & Set Public Hearing Date of March 18th, 2015:

O-15-7 –Ordinance Accepting Easements:

Ms. Dailey read the title of O-15-7 on for introduction and setting of a public hearing date for March 18, 2015.

Mayor Nolan offered a motion and moved on the introduction and setting of a public hearing date of March 18, 2015 at 8:00 P.M.

Borough of Highlands

County of Monmouth

**O-15-7AN ORDINANCE ACCEPTING A DEED OF SITE TRIANGLE EASEMENT
AND STORMWATER EASEMENT FOR BLOCK 101, LOT 27.02 FROM PULTE
HOMES OF N.J.**

WHEREAS, N.J.S.A. 40A:12-14, authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; 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 mixed-use development on real property, including upon Block 101, Lot 27.02; and

WHEREAS, Navesink was, at the time it received Final Site Plan Approval, the owner of Block 101, Lot 27.02; and

WHEREAS, Navesink subsequently transferred ownership of Block 101, Lot 27.02 to Pulte Homes of NJ (“Pulte”), which will be developing Block 101, Lot 27.02 in accordance with Final Site Plan Approval granted to Navesink; and

WHEREAS, Resolution No. PB#2013-3 required Navesink and/or the appropriate owner of real property to convey certain deeds and easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, Pulte, the owner of the subject real property, desires to convey to the Borough the following easements over a portion of Block 101, Lot 27.02:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer;

WHEREAS, the Governing Body has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer; and

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NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

(1) The Borough hereby accepts the following deeds and easements, in a form acceptable to the Borough Attorney and Borough Engineer, from Pulte Homes of N.J.:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02

(2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to accept and execute the deeds and easements on behalf of the Borough. The fully-executed deeds and easements shall be recorded, as appropriate.

(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.

(4) REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

(5) EFFECTIVE DATE. This Ordinance shall take effect after final passage 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

O-15-8 –Ordinance Accepting Easements:

Ms. Dailey read the title of O-15-8 on for introduction and setting of a public hearing date for March 18, 2015.

Mayor Nolan offered a motion and moved on the introduction and setting of a public hearing date of March 18, 2015 at 8:00 P.M.

**Borough of Highlands
County of Monmouth
O-15-8**

AN ORDINANCE ACCEPTING VARIOUS DEEDS AND EASEMENTS FROM SANDY HOOK DEVELOPERS, LLC FOR BLOCK 101, LOT 27.03

WHEREAS, N.J.S.A. 40A:12-14, authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; 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 on real property, including upon Block 101, Lot 27.03; and

WHEREAS, Sandy Hook Developers, LLC (“Sandy Hook”) is the owner of Block 101, Lot 27.03; and

WHEREAS, Resolution No. PB#2013-3 required Sandy Hook to convey certain deeds and easements to the Borough, as a condition of approval; and

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WHEREAS, in connection with said Board approval, Sandy Hook, the owner of the property, desires to convey to the Borough the following easements over a portion of Block 101, Lot 27.03:

- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer;

WHEREAS, the Governing Body has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer; and

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

(1) The Borough hereby accepts the following deeds and easements, in a form acceptable to the Borough Attorney and Borough Engineer, from Sandy Hook:

- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

(2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to accept and execute the deeds and easements on behalf of the Borough. The fully-executed deeds and easements shall be recorded, as appropriate.

(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.

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

(5) **EFFECTIVE DATE**. This Ordinance shall take effect after final passage 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

O-15-9 –Ordinance Accepting Easements:

Ms. Dailey read the title of O-15-9 on for introduction and setting of a public hearing date for March 18, 2015.

Mayor Nolan offered a motion and moved on the introduction and setting of a public hearing date of March 18, 2015 at 8:00 P.M.

**Borough of Highlands
County of Monmouth
O-15-9**

**AN ORDINANCE ACCEPTING A SANITARY SEWER EASEMENT FOR BLOCK 1,
LOT 9.01 FROM THE CHARLES G. SCATURRO IRREVOCABLE TRUST, ROSARIO**

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SCATURRO IRREVOCABLE TRUST, CHARLES PAUL SCATURRO IRREVOCABLE TRUST, AND PAUL SCATURRO IRREVOCABLE TRUST

WHEREAS, N.J.S.A. 40A:12-14, authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, on or about May 10, 2012, memorialized in Resolution No. PB#2012-5, the Borough of Highlands Planning Board granted Minor Site Plan, Lot Consolidation, and Variance/Design Waiver Approval to the application of Charles G. Scaturro Irrevocable Trust, Rosario Scaturro Irrevocable Trust, Charles Paul Scaturro Irrevocable Trust and the Paul Scaturro Irrevocable Trust (together known as “the Applicants”); and

WHEREAS, Resolution No. PB#2012-5 required the Applicants to convey certain easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, the Applicants desire to convey to the Borough the following easements over a portion of Block 1, Lot 9.01:

- Sanitary Sewer Easement for Block 1, Lot 9.01

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to accept the easement in a form acceptable to the Borough Attorney and the Engineer; and

WHEREAS, the Governing Body has determined that it would be appropriate for the Borough to accept the easement in a form acceptable to the Borough Attorney and the Engineer; and

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

(1) The Borough hereby accepts the following easement, in a form acceptable to the Borough Attorney and Borough Engineer, from the Applicants:

- Sanitary Sewer Easement for Block 1, Lot 9.01

(2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to accept and execute the easement on behalf of the Borough. The fully-executed easement shall be recorded, as appropriate.

(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.

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

(5) **EFFECTIVE DATE**. This Ordinance shall take effect after final passage 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: 2nd Reading, Public Hearing & Adoption:

O-14-33 – Bungalow Colony Ordinance – Review PB Comments, P.H. & Adoption:

Ms. Dailey read the title of Ordinance O-14-33 on for 2nd Reading and Public Hearing.

Mayor Nolan opened the public hearing.

Arnie Fuog of Valley Avenue asked what this is changing.

Mr. Leubner explained that it's not changing anything. It's separating the bungalow houses. We have two types of bungalow housing at Honey Suckle and Gravelly Point.

Arnie Fuog asked about parking.

Mr. Leubner is will be the same as it is now.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-33 on for 3rd and final reading and adoption.

Mayor Nolan offered the following Ordinance and moved on its final reading and adoption and authorized its publication according to law:

**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**

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

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.*
 - b. Existing bungalow colonies shall meet the following requirements:

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- (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.
- (3) Bungalow colonies shall not be subject to the provisions of Section 21-98F below.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

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

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

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O-15-1 – Noise Ordinance

Ms. Dailey read the title of Ordinance O-15-1 on for 2nd Reading and Public Hearing.

Mr. Redmond requested that this ordinance be tabled for tonight. He would like to put it on the first meeting in March. He feels that there are changes to be made, such as in the time frame, hours for the week. He also spoke of the 100' rule is to be changed from 200' rule.

Mr. Card agreed with the time frame. He does not agree with change of the 100' rule.

Mayor and Council continued to discuss.

Ms. Ryan is waiting for report from Steve Szeleski.

Mr. Redmond offered a motion to table Ordinance O-15-1 to the March 4th meeting, seconded by Mayor Nolan and all were in favor on the following roll call vote:

ROLL CALL:

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

NAY: Mr. Card

ABSENT: None

ABSTAIN: None

O-15-2 – Vacancy Ordinance

Ms. Dailey read the title of Ordinance O-15-2 on for 2nd Reading and Public Hearing. This was published in the January 16th edition of the Two River Times and may now open the public hearing.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-15-2 on for 3rd and final reading and adoption.

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

**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

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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

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.

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

O-15-3 – BID Ordinance

Ms. Dailey read the title of Ordinance O-15-3 on for 2nd Reading and Public Hearing. This was published in the January 16th edition of the Two River Times and may now open the public hearing.

Mayor Nolan opened the public hearing.

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There were no questions from the public.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-15-3 on for 3rd and final reading and adoption.

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

**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**

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.

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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)

***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

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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 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

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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.

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

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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 1st 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 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

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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)

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)**

Block	Lot	Qual Class	Property Location
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

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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)
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

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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
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

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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
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.

30		DUCE	DED				
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CARD		x	x			
KANE			x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	<u>x</u>	NO	

O-15-5 – Easement Ordinance

Ms. Dailey read the title of Ordinance O-15-5 on for 2nd Reading and Public Hearing. This was published in the January 30th edition of the Two River Times and may now open the public hearing.

Arnie Fuog of Valley Street asked how many developers.

Mayor Nolan explained that it's two separate.

There were no further questions.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-15-5 on for 3rd and final reading and adoption.

Ms. Kane offered the following Ordinance pass final reading and moved on its adoption:

**O-15-5
Borough of Highlands
County of Monmouth**

AN ORDINANCE ACCEPTING VARIOUS DEEDS AND EASEMENTS FROM NAVESINK CAPITAL PARTNERS, LLC AND SANDY HOOK DEVELOPERS, LLC FOR BLOCK 101, LOT 27.02 AND LOT 27.03

WHEREAS, N.J.S.A. 40A:12-14, authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; 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 on real property, including upon Block 101, Lot 27.02 and Lot 27.03; and

WHEREAS, Navesink is the owner of Block 101, Lot 27.02 and Sandy Hook Developers, LLC (“Sandy Hook”) is the owner of Block 101, Lot 27.03; and

WHEREAS, Resolution No. PB#2013-3 required Navesink and Sandy Hook to convey certain deeds and easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, Navesink and Sandy Hook, the owners of the property, desire to convey to the Borough the following easements over a portion of Block 101, Lot 27.02 and Lot 27.03:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02
- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03

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- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer;

WHEREAS, the Governing Body has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer; and

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

(1) The Borough hereby accepts the following deeds and easements, in a form acceptable to the Borough Attorney and Borough Engineer, from Navesink and Sandy Hook:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02
- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

(2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to accept and execute the deeds and easements on behalf of the Borough. The fully-executed deeds and easements shall be recorded, as appropriate.

(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.

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

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

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

O-15-6 – Bond Ordinance

Ms. Dailey read the title of Ordinance O-15-6 on for 2nd Reading and Public Hearing. This was published in the February 7th edition of the Asbury Park Press and may now open the public hearing.

Mr. DeBlasio stated that this enables the town to do projects explained by Mr. Leubner and authorizes the funding.

Mayor Nolan opened the public hearing.

Carolyn Broullon of Miller Street asked what the projects are.

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Mr. Leubner explained that it is for Shrewsbury Avenue, Shore Drive and North Street Pump Station.

Stacy Pritchard of 130 Bay Avenue asked about the storm valves.

Mr. Leubner explained that the North Street Pump valves because it's a new pump, new valves will be installed.

Stacy Pritchard asked if this will address other broken valves in town.

Mr. Leubner explained that this will not. Other projects will address that.

There were no further questions.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-15-6 on for 3rd and final reading and adoption.

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

**BOROUGH OF HIGHLANDS
BOND ORDINANCE NUMBER O-15-6**

BOND ORDINANCE PROVIDING VARIOUS 2015 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,386,000 THEREFOR (INCLUDING GRANTS IN THE AGGREGATE AMOUNT OF \$588,077) AND AUTHORIZING THE ISSUANCE OF \$782,830 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,386,000, which sum includes \$210,000 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation for the improvement or purpose set for in Section 3(a)(i) herein, \$200,000 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation for the improvement or purpose set for in Section 3(a)(ii)

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herein and \$178,077 as the amount of a grant received or expected to be received from the County of Monmouth for the improvement or purpose set for in Section 3(a)(iii) (collectively, the "Grants") and \$15,093 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,386,000 appropriation not provided for by application hereunder of the Grants or said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$782,830 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$782,830 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
i. Various Improvements to Shrewsbury Avenue, including but not limited to, as applicable, milling, paving, joint stabilization, construction, reconstruction and resurfacing the roadway, the repairing and/or installation of curbs, sidewalks, culverts and driveway aprons, the acquisition and installation of various signage and various equipment, drainage work, roadway painting, landscaping and aesthetic improvements; and	\$363,000 (including a \$210,000 grant received or expected to be received from the New Jersey Department of Transportation)	\$153,000	\$0 (no down payment is required pursuant to N.J.S.A. 40A:2-11(c))	20 years
ii. Various Improvements to Shore Drive, including but not limited to, as applicable, milling, paving, joint stabilization, construction, reconstruction and resurfacing the roadway, the repairing and/or installation of curbs, sidewalks, culverts and driveway aprons, the acquisition and installation of various signage and various equipment, drainage work, roadway painting, landscaping and aesthetic	\$528,000 (including a \$200,000 grant received or expected to be received from the New Jersey Department of Transportation)	\$328,000	\$0 (no down payment is required pursuant to N.J.S.A. 40A:2-11(c))	20 years

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<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
improvements; and				
iii. North Street Pump Station Inflow Pipe Replacement, including but not limited to, as applicable, the replacement of the inflow pipe from Bay Avenue to the North Street Pump Station and milling, paving, joint stabilization, construction, reconstruction and resurfacing the roadway, the repairing and/or installation of curbs, sidewalks, culverts and driveway aprons, the acquisition and installation of various signage and various equipment, drainage work, roadway painting, landscaping and aesthetic improvements.	\$495,000 (including a \$178,077 Community Development Block Grant received or expected to be received from the County of Monmouth)	\$301,830	\$15,093	20 years
TOTALS	<u>\$1,386,000</u>	<u>\$782,830</u>	<u>\$15,093</u>	

(b) The above improvements and purposes set forth in Section 3(a) shall also include, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration and all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$782,830.

(d) The aggregate estimated cost of said improvements or purposes is \$1,386,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grants in the aggregate amount of \$588,077 and the aggregate down payments for said purposes in the amount of \$15,093.

SECTION 4. Except for the Grants, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the

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issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

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

SECTION 6. The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$782,830 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$277,200 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to payor reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond Law.

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

Other Business:

Borough Engineer's Status Report

Mr. Leubner read thru his report.

The following is the status of various projects in which we are involved as Borough Engineer:

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Capital Improvement Projects

1. Stormwater System Improvements:

- We have requested to be included in the 2015 EIT funding cycle at this time.
- As authorized, we are finalizing the plans, reviewing the plans to current codes and standards, reviewing for potential conflicts between the potential Army Corps project and supplemental drainage pipe from Route 36.
- Potential chamber sizing concerns to accommodate pipe from the Waterwitch Avenue and Linden Avenue drainage project.
- We have updated the Army Corps permit for submission.
- We met with the Council Subcommittee as requested regarding the Tier IV requirements and potential impacts.
- We have completed our comparison between the diesel-driven pumps and the electrical pumps and provided the subcommittee with our findings.
- The Governing Body has chosen the electrical option for the pumps.
- Design has been authorized and has commenced. Plans will be submitted to the NJDEP the first week in March as required for the EIT loan.
- Construction is scheduled to commence later this year. Start date will vary based upon grant success or utilizing EIT loan.

2. The Replacement of the North Street Stormwater Pumpstation: The station was lost during Hurricane Sandy.

- Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
- Draft plans have been submitted to the Governing Body for review.
- Awaiting further direction from the Governing Body with regards to the overall size of the station.
- Access agreements are required from the adjacent property owners for construction purposes.
- Pumping Services repaired and installed the existing pump to operate the station.
- Plans will have to be revised to include Tier IV requirements similar to those requirements for the Snug Harbor Pumpstation.
- Final project design has been authorized and has commenced.
- Construction is anticipated to commence later this year.

3. The Replacement of the Bay Street Retaining Wall: This project will replace the failing retaining wall on Bay Street along the frontage of house #8.

Bid Opening: October 31, 2014
Award: December 3, 2014
Contractor: Berto Construction Incorporated
Amount: \$271,303.00

- Pre-construction meeting held on January 21, 2015.
- Wall replacement to commence late February/early March barring unforeseen circumstances.
- Curbing along the east side of the roadway to be added to this Contract.
- Test-pits were excavated and the gas/water services have to be relocated to avoid interference with the panels.
- Once the weather and site conditions are more conducive, services will be relocated and construction will commence.

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4. **The Waterwitch Avenue & Linden Avenue Drainage Project:** The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.
 - Design is progressing to completion.
 - Project scope has been reduced as proposed to and discussed with Mayor and Council.
 - Anticipated cost savings to be between \$400,000 and \$500,000 based on the alternate design.
 - Replacement of failed pipe from the Waterwitch Avenue/Shore Drive intersection through Huddy Park to Jones Creek will be added to this project as requested by the Governing Body.
 - Plans will be submitted to the NJDOT and Monmouth County for review in the next two weeks.
 - Project to be advertised this spring and advanced to construction late spring/early summer.

5. **Community Center ADA Walkway:** Preliminary project documents have been sent to the Borough Administrator for review. Upon approval, we will complete the project design specifications and advertise the project.

6. **NJEDA Streetscape Project:** This project adds streetscape improvements behind the curblines plus crosswalks through both downtown business districts.
 - Preliminary design has commenced.
 - Survey has been delayed due to snow cover. Once street gutters and sidewalks are clear, survey will commence.

Grants and Loans

1. **Monmouth County Community Development Block Grant:** The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on prior discussions with the County.

2. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project. A project deadline has been granted to July 2015 to award a construction contract or forfeit the funding.

3. **FY 2014 NJDOT Local Aid Applications:** As requested, T&M Associates prepared and submitted a Local Aid application for consideration for Shrewsbury Avenue from Bay Avenue to Miller Street. The Borough has been advised that the NJDOT will be funding \$210,000 towards this project.

4. **FY 2015 NJDOT Local Aid Applications:** We submitted an application for Miller Street between Shore Drive and Bay Avenue as requested by the Governing Body.

Public Portion:

Stacy Pritchard of 130 Bay Avenue asked when we can see resolutions posted with agendas.

Mayor Nolan stated that they will answer in two weeks.

Mr. Hill was directed to look into this and have an answer at the next meeting.

Stacy Pritchard asked why the public portion in the beginning of the meeting was voted down.

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Mayor Nolan stated that it was done away with because it was excessive.

Mr. Redmond wanted it at the beginning and not hold it at the end of the meeting.

Stacy Pritchard spoke of R-14-220 disclaimer. When will it be removed?

Mayor Nolan responded that it has not been discussed by the council.

Rite Jacobi of Havana said she is ok with most of the ordinance. She would like to have music time extended on Friday and Saturday to 11:00. Some portions of the ordinance will also hurt marina noises. She stated that the ordinance will need more exclusion.

Mayor Nolan stated that there will be another meeting with the liaisons. That is the time to bring that up.

Mr. Card will speak with her after the meeting. He further spoke of their expert who is helping them.

Mayor Nolan recommended that she attends that meeting.

Ara of the Claddagh commented on O-15-4. He feels that the 100' rule is a problem for them. They do try to contain the noise. The 200' rule would be easier for them.

Mayor Nolan recommended that he also attends the meeting. He also stated that the governing body is pro-business. If someone is flagrantly abusing the ordinance, they should be fined.

Melissa Pederson of Bay Street asked if we have the council has a response time for emails received by residents.

Mr. Padula stated that there isn't one.

Mr. Card feels we should respond in a timely matter.

Carolyn Broullon of 12 Miller Street asked if there was an update on the Windansea permits.

Mr. Hill stated that an application is pending to go before the Planning Board. The Construction Department is working with all businesses. The Windansea was give guidance to pursue the Planning Board process.

Mr. Card asked what the consequences would be for not going before the Planning Board.

Mr. Hill stated if they are operating that is not conducive then there will be ramifications. We need to get them thru the process.

Mr. Leubner stated that there is a big fine. He will get Carolyn Broullon the information.

Mr. Card stated that it's an ongoing process. Mr. Hill, Mr. Leubner and the Building Department have been speaking with them.

Claudette D'Arrigio of 12 Seadrift Avenue stated that she OPRA'd various phone bills of Council, and Borough Hall to see the alleged 3 hours spent doing borough work by council. She has different numbers for Ms. Kane.

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Ms. Kane explained that she has different numbers.

Claudette D'Arrigio feels that it's deceptive. She cannot find the 2-3 hours. She would like R-14-220 taken off the books.

Mr. Hill said that it was time spent administratively, not just on the phone. He further explained that since the resolution has been introduced, he has received very little complaints about social media.

Claudette D'Arrigio continued to express her disapproval of the resolution.

Mr. Padula explained that the resolution is just for someone who is sitting in a position with the Borough.

Mr. Hill explained that he has been contacted by six municipalities. They do not feel it's unconstitutional. Since the resolution, he has not been bombarded with complaints regarding comments.

Council continued discussion.

Mayor Nolan stated that we can tighten up the language.

Ms. Ryan stated that she feels the language should be changed. She will start a discussion with the residents and will report back to the council.

There were no further questions.

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

The Meeting adjourned at 9:17 p.m.

Debby Dailey, Deputy Clerk