

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

Ms. Kane 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, Ms. Ryan
Absent: Mr. Redmond, Mayor Nolan
Also Present: Carolyn Cummins, Municipal Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Tax Collector
Bruce Padula, Borough Attorney
Dale Leubner, Borough Engineer
Rob Keady, Borough Engineer

Executive Session Resolution

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

**RESOLUTION
EXECUTIVE SESSION**

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

- 1. Litigation:**
- 2. Contract: Ameri Health Presentation**
- 3. Real Estate: Discuss Potential Property Location for Municipal Buildings**
- 4. Personnel Matters: Municipal Judge Position**
- 5. Investigation:**
- 6. Attorney-Client Privilege: FEMA P.W. Work Sheets**

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,

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discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.

5. **Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.**

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law

7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the publics interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).

9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Ms. Kane called the Regular Meeting to order at 8:07 p.m.

Ms. Kane asked all to stand for the Pledge of Allegiance.

ROLL CALL:

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

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Consent Agenda:

Mrs. Cummins stated that there is a correction on the consent agenda in the public packets. Resolution R-15-86 was mis-numbered and should be R-15-87.

Mr. Card requested the payment of bills to be pulled.

Ms. Ryan offered a motion to approve the Consent Agenda with the removal of the Payment of Bills, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

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

R-15-77

**RESOLUTION AUTHORIZING CERTAIN
MUNICIPAL OFFICIALS TO APPLY FOR NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS – COMMUNITY DEVELOPMENT BLCOK GRANT (CDBG)**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, and State of New Jersey, as follows;

- 1) Mayor Frank Nolan, Timothy Hill, Business Administrator and Patrick J. DeBlasio, Chief Finance Officer, are authorized to apply to the State of New Jersey Department of Community Affairs, a Subrecipient Agreement Implementing Grants under the Community Development Block Grant (“CDBG”) Disaster Recovery Program through the Essential Services Grant Program, whereby the Borough of Highlands will apply for funds from the state and federal governments to fund essential services and offset the loss of tax ratables and other revenue as a result of “Superstorm Sandy”.
- 2) A certified copy of this resolution shall be provided by the Office of the Borough Clerk to the Department of Community Affairs.

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

R-15-80

**RESOLUTION AMENDING R-14-210
FORM 1B**

WHEREAS, the Governing Body of the Borough of Highlands adopted Resolution R-14-210 on October 1, 2015 for the Fiscal Grant for July 2014 through June 2019 for a total amount of \$4125.00 which has since been reduced by the grant

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WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Highlands Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Highlands Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following amended dollar amounts:

1. The Highlands Council does hereby authorize submission of a strategic plan for the Highlands Municipal Alliance grant for fiscal year July 2014 – June 2019 in the amount of:

DEDR	\$ <u>3435.00</u>
Cash Match	\$ <u>858.75 (Highlands \$429.38/Atl. Highlands (\$429.39))</u>
In-Kind	\$ <u>2576.25</u>

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

APPROVED: _____
(Name), Mayor

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

**R-15-81
RESOLUTION AUTHORIZING THE REMOVAL OF A DISABLED PARKING SPACE
DESIGNATION**

WHEREAS, a removal of a designated Disabled Parking Designation has been requested to be removed by the Chief of Police because the Designee no longer resides at designated location at 72A Seadrift Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the request for the removal of a designated disabled parking for Ms. Lisa Dantangelo (P1082579) located at 72A Seadrift Avenue is hereby approved and the DPW is hereby instructed to remove signage.

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CARD		x	x			
KANE			x			
REDMOND						x
RYAN	x		x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**R-15-82
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
66	11	2012 & 2013	\$7,368.72	Singer, Moshe & & Schorr, Shraga
100	27.06	2012 Tax Apeel	\$7,388.14	Brrach Eichler, LLC & Shore Landing LLC

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

**R-15-83
RESOLUTION ACCEPTING RESIGNATION
OF EMPLOYEE**

WHEREAS, Melissa Festa, Recreation Leader has submitted her letter of resignation effective March 31, 2015.

NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation from Melissa Festa and thanks her for her years of service.

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CARD		x	x			
KANE			x			
REDMOND						x
RYAN	x		x			
NOLAN						x
ON CONSENT AGENDA		x	YES		NO	

**R-15-84
RESOLUTION
APPROVING RAFFLE LICENSES**

WHEREAS, the Henry Hudson Regional School PTO has submitted a Raffle License Application No. RA1317-15-09; and

WHEREAS, all paperwork appears to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands does hereby approve Raffle License Application RA#1317-15-09 and the Borough Clerk is authorized to sign off on licenses.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-15-86

**A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO ACCEPT
ROBERT BURTON'S BID FOR THE SURPLUS PROPERTY LOCATED AT
BLOCK 72, LOT 2.**

WHEREAS, N.J.S.A. 40A:12-13(a) authorizes a governmental unit to sell any real property, not needed for public use by open public sale at auction to the highest bidder after the required advertisements; and

WHEREAS, the Borough is the owner of real property identified as Block 72, Lot 2 ("the Property") on the Official Tax Map of the Borough of Highlands; and

WHEREAS, on Friday, February 27, 2015 the Borough conducted an Auction for the property identified as Block 72, Lot 2; and

WHEREAS, at the aforesaid Auction, Robert Burton ("Burton") offered the highest bid for Block 72, Lot 2; and

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WHEREAS, the Borough wishes to accept Burton’s bid in the amount of \$15,250.00.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, in the State of New Jersey that the Borough of Highlands shall accept Robert Burton’s bid of \$15,250.00 for the real property identified as Block 72, Lot 2 and authorizes the preparation of a contract for sale and quitclaim deed to transfer the subject property; and

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Administrator are authorized to execute the contract for sale, quitclaim deed, and any other documents to effectuate the transfer of the property.

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

Minutes Approved on Consent Agenda:

Ms. Ryan offered a motion to approve the February 18th, 2015 Regular and Executive Minutes, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

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

Payment of Bills:

Mr. Card stated that there are still a lot of expenses for the Fire Department water damage. He asked when this work will be completed.

Ms. Kane stating that they are hoping soon. The electrician is working in there now. All of the work is covered by insurance.

Mr. Card asked if the electrical work is covered by insurance.

Ms. Kane will get verification on that.

Mr. Card offered a motion to approve the Payment of Bills, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

Other Resolutions:

R-15-65 – Resolution – Appointing Municipal Judge:

Mrs. Cummins read the title of R-15-65.

Ms. Kane explained that this resolution will be tabled tonight due to Mayor Nolan and Mr. Redmond’s absence.

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Mr. Card offered a motion to table R-15-65, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Ms. Kane, Ms. Ryan

NAY: None

ABSENT: Mr. Redmond, Mayor Nolan

ABSTAIN: None

R-15-75 – Resolution – Authorizing Application to Local Finance Board:

Mrs. Cummins read the title of R-15-75.

R-15-75

**RESOLUTION OF THE BOROUGH OF HIGHLANDS, IN
THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING THE MAKING OF AN APPLICATION TO
THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.
40A:2-51 AND N.J.S.A. 40A:2-55 IN CONNECTION WITH
THE ISSUANCE OF NOT TO EXCEED \$2,600,000
AGGREGATE PRINCIPAL AMOUNT OF GENERAL
OBLIGATION REFUNDING BONDS TO THE MONMOUTH
COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), on December 4, 2008, previously issued \$3,373,000 aggregate principal amount of General Obligation Bonds, consisting of general capital general obligation bonds (the "2008 General Capital Bonds") and sewer general obligation bonds (the "2008 Sewer Bonds" and together with the 2008 General Capital Bonds, the "2008 Bonds") to the Monmouth County Improvement Authority (the "MCIA") in connection with the Borough's participation in the 2008 Pooled Governmental Loan Program (the "MCIA Loan Program"), which 2008 Bonds were issued to (i) memorialize the Borough's loan through the MCIA Loan Program, and (ii) permanently finance the costs of various Borough projects; and

WHEREAS, the Borough has been informed by the MCIA that a portion of the 2008 Bonds are eligible for refunding through the MCIA and that such a refunding will achieve debt service savings for the Borough; and

WHEREAS, the Borough Council now desires to authorize the MCIA to make application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board"), requesting the Local Finance Board's approval of a refunding bond ordinance authorizing (i) the refunding of \$2,046,000 aggregate principal amount of the 2008 Bonds, consisting of \$1,928,000 aggregate principal amount of 2008 General Capital Bonds and \$118,000 aggregate principal amount of 2008 Sewer Bonds; and (ii) the issuance of General Obligation Refunding Bonds in the aggregate principal amount not to exceed \$2,600,000 to the MCIA (collectively, the "Refunding"); and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish the Refunding;
- (b) said Refunding is for the health, wealth, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said Refunding are not unreasonable or exorbitant;

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(d) the Refunding is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

SECTION 1. The preparation and submission of the application to the Local Finance Board for the Refunding (the "Application") by the MCIA is hereby approved. The Borough Bond Counsel, John M. Cantalupo of Archer & Greiner P.C. ("Bond Counsel") and Borough Auditor, Fallon & Larsen LLP ("Borough Auditor") and other officials, officers and professionals of the Borough, including but not limited to, the Mayor, the Borough Administrator, the Borough Chief Financial Officer, the Borough Clerk and the Borough Attorney (collectively, the "Borough Officials"), are each hereby authorized and directed, to represent the Borough in matters pertaining thereto.

SECTION 2. The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

SECTION 3. The Borough Clerk is hereby directed to file a certified copy of this resolution with the Local Finance Board and to forward a certified copy of this resolution to the MCIA to supplement the Application therewith.

SECTION 4. The Borough Administrator or the Borough Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the Refunding not determined by this or a subsequent resolution, all in consultation with Bond Counsel and the Borough Auditor, and the manual or facsimile signature of the Borough Administrator or the Borough Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Borough Officials and any other Borough representatives, including but not limited to, Bond Counsel and the Borough Auditor, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to consummate the transaction contemplated by the Refunding and the Borough's participation in the MCIA refunding loan program and any and all such actions or inactions taken by the aforesaid Borough Officials, including Bond Counsel and the Borough Auditor heretofore are hereby ratified and confirmed.

SECTION 5. This resolution shall take effect immediately.

ADOPTED: March 18, 2015

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

R-15-76 – Resolution - Awarding:

Mrs. Cummins read the title of R-15-76.

Council briefly discussed.

Mr. Card stated that he is going to vote no. He feels that it's time for a change.

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Ms. Kane stated that she will be voting yes because this has been thru the process numerous times.

Ms. Ryan explained that she is disappointed. She thought there would be changes. But she will vote yes.

R-15-76

RESOLUTION AUTHORIZING THE AWARD OF A “FAIR AND OPEN” CONTRACT RFP – PROFESSIONAL PLANNING SERVICES FORE THE PREPARATION OF A MASTER PLAN REEXAMINATION AND A NEW MASTER PLAN

WHEREAS, the Borough of Highlands has a need for professional engineering/planning services for preparation of a Master Plan Reexamination and a new Master Plan; and

WHEREAS, the Borough has through the fair and open process, advertised on its website and in the Asbury Park Press on November 19, 2014, the solicitation for receipt of proposals from professional engineering/planning firms for said services and (1) one proposal was received; and documented on December 5, 2014; and

WHEREAS, the Borough has through the fair and open process, advertised for a second time on its website and in the Asbury Park Press on February 4, 2015, the solicitation for receipt of proposals from professional engineering/planning firms for said services and (3) three proposals were received; and

Maser Consulting:	\$49,965.00
Heyer, Gruel & Association:	\$50,000.00
T & M Association	\$48,900.00

WHEREAS, the Borough has reviewed the proposal received and it was determined that T & M Associates, 11 Tindall Road, Middletown, NJ , satisfies the requisites contained in the request for proposals to be considered for professional services that the Borough may require during the contract year; and

WHEREAS, this contract is to be awarded for the price not to exceed \$48,900.00as provided in the proposal with the certification of funds being provided by the Chief Financial Officer

Account: Bond Ordinance O-14-11

Patrick DeBlasio, Chief Financial Officer

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

1. The firm of T & M Associates is hereby retained to provide professional engineering/planning services for an amount not to exceed \$48,900.00.
2. The contract is awarded through the fair and open process as a Professional Service in accordance with NJSA 19:44A-20.5 et seq. and in accordance with NJSA 40A:11-5(1) (a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract /proposal shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

10	RODUCED	ONDED	E	Y	STAIN	SENT
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CARD				x		
KANE		x	x			
REDMOND						x
RYAN	x		x			
NOLAN						x
ON CONSENT AGENDA		YES	x	NO		

R-15-79 – Resolution – Approving Temporary Budget:

Mrs. Cummins read the title of R-15-79.

R-15-79
**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>
20-110	Mayor and Council		\$ 17,000.00
27-337	Monmouth County Regional Health		25,000.00
42-717	Interlocal Mechanic		31,750.00
43-490	Municipal Court		38,975.00
	TOTALS	00.00	\$112,725.00

SEWER UTILITY

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
55-502	Shared Service-Operator		58,140.75
55-502	Social Security	00.00	3,000.00
	TOTALS	\$ 00.00	\$61,140.75

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

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R-15-85 – Resolution Concerning Group Medical Insurance:

Mrs. Cummins read the title of R-15-85.

Ms. Kane stated that this was a significant savings to the Borough and employees.

Ms. Ryan explained that there was a presentation tonight and it is a significant savings to both. She will be voting yes.

R-15-85

**THE BOROUGH OF HIGHLANDS
A RESOLUTION CONCERNING
GROUP MEDICAL INSURANCE**

Per the recommendation of its employee benefits consultant, Brown & Brown Benefit Advisors, the Borough Highlands hereby resolves, effective June 1, 2015, to accept the proposal dated December 11 2014 from AmeriHealth Insurance Company of New Jersey to replace the State Health Benefits Program (SHBP) as the Municipal’s group medical and prescription drug insurance carrier.

The AmeriHealth proposal includes a written guarantee of “equal to or better than” benefits, and a commitment from AmeriHealth to emulate all SHBP product platforms currently selected by our employees, including NJ Direct 10, NJ Direct 15, and additional product platforms.

The Borough acknowledges that the AmeriHealth proposal is underwritten via the Public Employer Trust.

All appropriate Municipal staff members are authorized to take such action and affect such documentation as necessary to implement this resolution.

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

R-15-87 – Resolution Approving Retirement of Municipal Employee:

Mrs. Cummins read the title of R-15-87.

**R-15-87
RESOLUTION ACCEPTING RETIRMENT
OF EMPLOYEE**

WHEREAS, Wayne O’Neil, Equipment Operator has submitted his letter of retirement effective September 30, 2015.

NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the retirement from Wayne O’ Neil effective September 30, 2015.

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

R-15-88 – Resolution Appointing T&M Engineer as Consultant for FEMA Reimbursement Services:

Mrs. Cummins stated that we are adding this resolution onto the agenda tonight.

Mrs. Cummins read the title of R-15-88.

Mrs. Cummins read the resolution into the record.

Ms. Kane explained that this will close the gap on getting our Project Worksheets done.

**R-15-88
RESOLUTION APPOINTING T & M
AS SPECIAL ENGINEERING CONSULTANT FOR FEMA
REIMBURSEMENT SERVICES**

WHEREAS, T & M has demonstrated experience in providing engineering consulting services for the purposes of FEMA reimbursement.

THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands appoints T & M Associates engineering for special FEMA reimbursement engineering consultant at an amount not to exceed \$25,000.00

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

Introduction of 2015 & Setting of a Public Hearing Date of May 6th:

R-15-78 – Resolution- Introduction of 2015 Municipal Budget and setting of a public hearing date.

Mrs. Cummins read the title of R-15-78.

Mr. DeBlasio explained that we are introducing the budget and will send to the State. We are applying for the CDBG Essential Grant for approximately \$1.1 million or more. This will help offset any surplus.

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INSERT R-15-78

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Ordinances: Introduction & Set Public Hearing Date of April 1st:

O-15-12 –Ordinance Refunding Bonds:

Mrs. Cummins read the title of O-15-12 on for introduction and setting of a public hearing date for April 1, 2015.

Ms. Kane offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 1st, 2015 at 8:00 P.M.

O-15-12

**REFUNDING BOND ORDINANCE AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$2,600,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION
REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS,
IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY (THE “MCIA”) FOR THE PURPOSE OF
REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY
THE BOROUGH TO THE MCIA**

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the “Local Bond Law”), on December 4, 2008, the Borough of Highlands, in the County of Monmouth, State of New Jersey (the “Borough”), had previously issued \$3,373,000 aggregate principal amount of General Obligations Bonds, consisting of general capital general obligation bonds (the “2008 General Capital Bonds”) and sewer general obligation bonds (the “2008 Sewer Bonds” and together with the 2008 General Capital Bonds, the “2008 Bonds”) to the Monmouth County Improvement Authority (the “MCIA”) in connection with the MCIA’s 2008 Pooled Governmental Loan Program; and

WHEREAS, \$1,928,000 of such 2008 General Capital Bonds dated December 4, 2008 (the “2008 Refunded General Capital Bonds”) are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable, and \$118,000 of such 2008 Sewer Bonds dated December 4, 2008 (the “2008 Refunded Sewer Bonds” and together with the 2008 Refunded General Capital Bonds, the “Refunded Bonds”) are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable; and

WHEREAS, the MCIA and the Borough have determined that refunding bonds can be issued to defease or refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate a debt service savings to the Borough; and

WHEREAS, the Borough has determined to provide for the defeasance or refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,600,000 to the MCIA, as provided in this refunding bond ordinance.

NOW, THEREFORE, 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. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the Borough hereby designated as General Obligation Refunding Bonds (the “Refunding Bonds”) are hereby authorized to be issued to the MCIA in an aggregate principal amount not to exceed \$2,600,000. The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

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Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) defeasing or refunding the principal amount of Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or defeasance, as applicable, and the redemption price thereof, if applicable, and (ii) paying the cost of the issuance relating to the Refunding Bonds, including printing, advertising, accounting, financial and legal expenses, rating agency fees, underwriter's discount, bond insurance premium of credit enhancement fees, if any, and MCIA costs of issuance, which may include any of the foregoing set forth in this Section 2(a)(ii).

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. 40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed \$75,000. Such amount is included in the maximum authorized principal amount set forth in Section 1 hereof.

(c) The Refunded Bonds shall be defeased or called for redemption, as applicable, prior to maturity thereof as provided in the Refunded Bond certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust by the MCIA to provide for the payment and retirement of the Refunded Bonds. Any moneys held in trust by the MCIA may be invested in accordance with law.

Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Borough adopted prior to the issuance of the Refunding Bonds.

Section 4. The Borough Council hereby delegates to the Chief Financial Officer or Business Administrator of the Borough the power to sell the Refunding Bonds at private sale to the MCIA, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations.

Section 5. The Borough Council hereby authorizes and delegates to the Chief Financial Officer or the Business Administrator, in consultation with Archer & Greiner P.C., Red Bank, New Jersey ("Bond Counsel") and Fallon and Larsen LLP, Hazlet, New Jersey (the "Borough Auditor"), the authority to negotiate and execute on behalf of the Borough any document for the purchase and sale of the Refunding Bonds to the MCIA.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined pursuant to a resolution of the Borough, or the performance or determination thereof shall be delegated by resolution of the Borough to an official or officer of the Borough, Bond Counsel or the Borough Auditor.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with (i) the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Borough required by N.J.S.A. 40A:2-55, and (ii) the MCIA.

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 Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Borough Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with a Notice of Pending Bond Ordinance, at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Borough Clerk is further

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directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 10. After final adoption of this refunding bond ordinance by the Borough Council, the Borough Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with a Bond Ordinance Statement (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Borough Council hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to effect a debt service savings to the Borough.

Section 13. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the 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 and notes provided for in this bond ordinance and the said bonds and notes authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 14. The Chief Financial Officer of the Borough is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the Borough Bond Counsel and the Auditor, and the manual or facsimile signature of the Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, the Borough Administrator, the Chief Financial Officer of the Borough, the Borough Clerk and any other Borough official, officer or professional, including but not limited to, Bond Counsel and the Auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including, if applicable, the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Bond Counsel and the Auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

Section 15. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided herein and the Local Bond Law, but, if applicable, not prior to the time that the consent of the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

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

ROLL CALL:

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

O-15-13 –Ordinance to Exceed Budget Limit & Establish a CAP Bank:

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Mrs. Cummins read the title of O-15-13 on for introduction and setting of a public hearing date for April 1, 2015.

Mr. DeBlasio explained that this is standard procedure. It enables us to increase the CAP to 3.5% if needed.

Mr. Card offered the following ordinance and moved on its introduction and setting of a public hearing date of April 1, 2015 at 8:00 P.M.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, NEW JERSEY
O-15-13
CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$138,737.83 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$242,791.20, and that the CY 2015 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

ROLL CALL:

AYE: Mr. Card, Ms. Kane, Ms. Ryan

NAY: None

ABSENT: Mr. Redmond, Mayor Nolan

ABSTAIN: None

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O-15-14 –Ordinance Amending BID Ordinance:

Mrs. Cummins read the title of O-15-14 on for introduction and setting of a public hearing date for April 1, 2015.

Mr. Padula stated that CVS and QuikChek were four lots and they are now two lots. We just had to change the ordinance.

Ms. Kane offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 1, 2015 at 8:00 P.M.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

O-15-14

**AN ORDINANCE AMENDING “SCHEDULE A” OF CHAPTER 17-2 OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS TO
AMEND THE LIST OF PARCELS WITHIN THE BUSINESS IMPROVEMENT
DISTRICT TO ACCOUNT FOR THE COMBINING OF CERTAIN PARCELS AS A
RESULT OF THE REDEVELOPMENT OF BLOCK 108, LOTS 1, 2.01, 2.02 AND 2.03
(440-470 NAVESINK AVENUE)**

WHEREAS, the Borough of Highlands previously adopted and renewed an ordinance, codified in Chapter 17 of its Borough Code, establishing a business improvement district (“BID”) within the Borough; and

WHEREAS, parcels within the BID have been consolidated as a result of redevelopment, which requires an amendment to the list of parcels contained within the BID as codified in Schedule A of § 17-2 of the Borough Code; and

WHEREAS, these parcels consist of Block 108, Lots 1, 2.01, 2.02 and 2.03; and

WHEREAS, as a result of the redevelopment and construction of QuickCheck located at 440-450 State Highway 36 (also known as Navesink Ave.), Block 108, Lots 1 and 2.01 were combined to form Block 108, Lot 1.01, effective February 5, 2015 (the “QuickCheck Property”); and

WHEREAS, a Lot Consolidation Deed, dated March 28, 2012, was recorded on March 28, 2012 regarding the QuickCheck Property; and

WHEREAS, as a result of the redevelopment and construction of CVS located at 470 State Highway 36 (also known as Navesink Ave.), Block 108, Lots 2.02 and 2.03 will be combined to form Block 108, Lot 2.04 (the “CVS Property”); and

WHEREAS, a Lot Consolidation Deed, dated May 29, 2014, was recorded on June 3, 2014 regarding the CVS Property; and

WHEREAS, the Borough wishes to amend Schedule A of § 17-2, as of the effective dates of the consolidation of the aforementioned block and lots.

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

Block	Lot	Class	Property Location
108	1	4A	440 NAVESINK AVENUE
108	2.01	4A	450 HWY 36

SECTION ONE: Chapter XVII, Schedule A, of the Revised Borough Code of the Borough of Highlands shall be amended to delete all references to the following:

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SECTION TWO: Chapter XVII, Schedule A, of the Revised Borough Code of the Borough of Highlands shall be amended to include the following:

Block	Lot	Class	Property Location
108	1.01	4A	450 STATE HIGHWAY 36, also known as 450 NAVESINK AVE.

SECTION THREE: Chapter XVII, Schedule A, of the Revised Borough Code of the Borough of Highlands shall be amended to delete all references to the following:

Block	Lot	Class	Property Location
108	2.02	4A	HIGHWAY 36 HIGHLANDS
108	2.03	4A	470 HIGHWAY 36

SECTION FOUR: Chapter XVII, Schedule A, of the Revised Borough Code of the Borough of Highlands shall be amended to include the following:

Block	Lot	Class	Property Location
108	2.04	4A	470 STATE HIGHWAY 36, also known as 470 NAVESINK AVE.

SECTION FIVE. 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 SIX. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION SEVEN. Effective. Sections One and Two of this Ordinance shall take effect after final passage and publication as provided by law, *nunc pro tunc* to March 28, 2012. Sections Three and Four of this Ordinance shall take effect after final passage and publication as provided by law, *nunc pro tunc* to June 3, 2014. Sections Five, Six and Seven of this Ordinance shall take effect upon final passage and publication as provided by law.

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

ROLL CALL:

AYES: Mr. Card, Ms. Kane, Ms. Ryan

NAY: None

ABSENT: Mr. Redmond, Mayor Nolan

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing & Adoption:

O-15-7 – Ordinance Approving Pulte Homes Easements

Tabled.

O-15-8 – Ordinance Accepting Easement from Sandy Hook Developer

Tabled.

O-15-9 – Ordinance Accepting Easement from Scaturro

Mrs. Cummins read the title of Ordinance O-15-9 on for 2nd reading and public hearing. This was published in the February 27th, 2015 edition of the Two River Times and may now be open to the public.

Ms. Kane opened the public hearing.

There were no questions.

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Ms. Kane closed the public hearing.

Mrs. Cummins read the title of O-15-9 on for 3rd and final reading and adoption.

Ms. Ryan 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
O-15-9**

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

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

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

ROLL CALL:

AYES: Mr. Card, Ms. Kane, Ms. Ryan

NAY: None

ABSENT: Mr. Redmond, Mayor Nolan

ABSTAIN: None

O-15-10 – Ordinance – Noise Ordinance

Mrs. Cummins read the title of Ordinance O-15-10 on for 2nd reading and public hearing. This was published in the March 9th, 2015 edition of the Asbury Park Press and may now be open to the public.

Ms. Kane opened the public hearing.

Rita Jacoby of Havana asked about an extension on the noise ordinance to 11:00 p.m. on Fridays and Saturdays instead of 10:00 p.m.

Mr. Card stated that we adjusted it. It is a fair compromise.

Jeroline Furey of 115 Linden Avenue asked the council if they want people to come to the town. Closing early is not good for businesses.

Discussion continued about hours.

Jeroline Furey stated that this is a seasonal area. We need to bring people into the town.

Mr. Card stated that it is for outside music. It was extended by one hour. This is a compromise. This is a complaint driven ordinance. If you comply there will not be a problem. He suggested that she speak with the Highlands Business Partnership about advertising the town.

Stacey Pritcher of 130 Bay Avenue said she is happy with the ordinance. She lived next to the Tap House and they never violated the noise ordinance. They were mindful of the neighbors.

Barbara Ianucci of 28 Shrewsbury Avenue feels the ordinance is very reasonable. She does not want the ordinance delayed.

Kim Skorka of 315 Shore Drive wants this ordinance past tonight. She feels that music will make the town successful. We need to attract people to come to this town.

Melissa Pederson of Bay Street stated that this has been going on for months. She said that Off the Hook has live music and they comply.

Chief Joe Blewett stated that he, Mr. Card, Mr. Redmond and Steve Szulecki spent a lot of time on this. This is the best we could come up with. We need to pass it and talk about changing hours later.

Mr. Card stated that we are going to have training for the ordinance. We will invite businesses to attend. We have a State recognized expert to help up.

Jeroline Furey spoke about Chilangoes and the extended permits to use their parking lot.

Ms. Kane stated that we will vote and have Chief Blewett give reports on how it is working.

Dan Shields of Windansea agrees with the ordinance.

Chief Blewett stated that there is a grace period in the ordinance.

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There were no further questions.

Ms. Kane closed the public hearing.

Mrs. Cummins read the title of O-15-10 on for 3rd and final reading and adoption.

Ms. Ryan offered the following ordinance pass final reading and moved on its adoption:

O-15-10

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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

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

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

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

3-2 NOISE.

3-2.1 Declaration of findings and definitions.

- a. Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life;
- b. A substantial body of science and technology exists by which excessive sound may be substantially abated;
- c. The people have a right to an environment free from excessive sound;
- d. It is the policy of the Borough to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life; and,
- e. This ordinance shall apply to the control of excessive sound originating from sources within the Borough.
- f. The following definitions shall apply to this Section:
 - i. "Daytime Hours" are defined as 7AM-9PM Sunday through Thursday and 7AM-10PM Friday, Saturday and Legal Holidays.
 - ii. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.
 - iii. "Nighttime Hours" are defined as 9PM-7AM Sunday through Thursday and 10PM-7AM Friday, Saturday and Legal Holidays.
 - iv. "Speech interference" occurs when the noise from the noise-generating source under investigation results in the need for persons engaged in conversation with one another, at a distance of approximately 2 feet from one another, to rise their voice level to be fully heard by the other person when conversing at or within the property line of the complainant.

3-2.2 Prohibited Noise.

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

- a. During nighttime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is plainly audible at a distance of one hundred (100) feet beyond the property line of the noise-generating property.
- b. During daytime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is deemed to be unreasonable by the Borough Code Enforcement Officer or Borough Police Officer. In determining whether a noise is unreasonable the following factors should be considered.
 1. Intensity of the noise
 2. Intensity of the background noise (i.e., ambient sound level when no or minimal noise is emanating from the source under investigation)
 3. Duration of the noise (i.e., period of time it is in operation)
 4. Frequency of the noise (i.e., how often it occurs per hour, per day, per week, etc.)
 5. To what degree the noise is in the control of the owner or other responsible party (e.g., can the volume of an amplifier or similar device be lowered or is the noise level inherent to the activity)
 6. Proximity of the noise source to residential properties
 7. Time of the day the noise occurs
 8. Number and frequency of complaints concerning the noise-generating property
 9. Whether the noise is audible inside the complainant's residence or business
 10. Whether the noise interferes with sleep, conversation, or repose
- c. When an officer can hear plainly audible music or other sound at a distance of one hundred (100) feet beyond the property line of the noise-generating property during nighttime hours, or any unreasonable sound at or within a complainant's property during daytime hours, there is a violation of this section and the violator is subject to the penalties of this chapter.

3-2.3 Partial Enumeration of Prohibited Noise.

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

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

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Saturday and Sunday, except in the case of urgent matters and in the interest of public safety and health.

3-2.4 Exceptions.

The provisions of this chapter shall not apply to:

- a. Any public works projects for construction deemed to be in the public's welfare, safety and for the public good and only with prior approval from the Governing Body.
- b. Sounds created by any government agency by the use of public warning devices.
- c. Sound and vibration emitted for the purpose of alerting people in an emergency or in the performance of the response to an emergency.
- d. Sounds connected with any authorized carnival, fair, exhibition, parade or community celebration or from any municipally sponsored celebration, event, activity or individually sponsored event where a permit or other relevant permission has been obtained from the Governing Body.
- e. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized by the Governing Body.
- f. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.
- g. Noise from domestic power tools, used for routine maintenance, such as, lawn mowers, leaf blowers and similar equipment when operated between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they are equipped with a muffler, if so equipped by the manufacturer, and are properly maintained so to not produce excessive noise.
- h. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler, if so equipped by the manufacturer, for the purpose of snow removal.
- i. Outdoor music, either live or recorded, when operated during the months of May through October and between the hours of 11:00 a.m. and 8:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 11:00 a.m. and 10:00 p.m. on Friday and Saturday when such outdoor music is operated in a reasonable manner and at a reasonable sound level. Music which is plainly audible inside a complainant's property, with all windows and doors closed, or music which interferes with conversation (i.e., speech interference) at the property line of the complainant is considered to be unreasonably loud and in violation of this section and the violator is subject to the penalties of this chapter. Establishments which operate with a liquor license and have been found to be responsible for unreasonable noise, as defined herein, may be subject to additional sanctions from the Borough's Alcohol Beverage Control Board which may include restrictions to their liquor license to minimize the likelihood of subsequent violations of this chapter.
- j. Nothing herein contained shall be construed to apply to church bells or chimes, or to sounds typically generated by vehicles engaged in the residential sale of ice cream.
- k. Sounds emanating from any youth sporting event sponsored by an organized community organization, the Borough, or any school or school district.

3-2.5 Violations and Penalties.

- a. Any person found guilty of violating any of the foregoing provisions concerning plainly audible noise, unreasonable noise or unnecessary noise shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars for an initial violation. For a second violation, the fine shall not exceed five hundred (\$500.00) dollars. For a third violation, the fine shall not exceed seven hundred and fifty (\$750.00) dollars. For a fourth violation, the fine shall not exceed one thousand (\$1000.00) dollars. For a fifth violation, the fine shall not exceed fifteen hundred (\$1500.00) dollars. For a sixth violation, the fine shall not exceed two thousand (\$2,000.00) dollars as well as for any violation thereafter. Additionally, when an offender is found to be a repetitious offender, the offender shall be

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subject to not more than 30 days imprisonment in the county jail for each subsequent offense. A repeat offender shall be defined as an individual who has violated the statute more than three times within a four-week period of time.

- b. Each day that this chapter is violated shall constitute a separate offense.

3-2.6 Severability.

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

3-2A RESERVED.

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

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

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

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

ROLL CALL:

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

O-15-11 – Ordinance Repealing O-15-5 Navesink Capital Easements

Mrs. Cummins read the title of Ordinance O-15-11 on for 2nd reading and public hearing. This was published in the March 9th, 2015 edition of the Asbury Park Press and may now be open to the public.

Ms. Kane opened the public hearing.

There were no questions.

Ms. Kane closed the public hearing.

Mrs. Cummins read the title of O-15-11 on for 3rd and final reading and adoption.

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

**Borough of Highlands
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O-15-11**

**AN ORDINANCE REPEALING ORDINANCE NUMBER O-15-5 ACCEPTING
VARIOUS DEEDS AND EASEMENTS FROM NAVESINK CAPITAL PARTNERS, LLC
AND SANDY HOOK DEVELOPERS, LLC**

WHEREAS, on February 18, 2015, the Governing Body of the Borough of Highlands adopted Ordinance No. O-15-5; and

WHEREAS, O-15-5 conveyed to the Borough various easements from Navesink Capital Partners, LLC and Sandy Hook Developers, LLC over a portion of Block 101, Lot 27.02 and Lot 27.03; and

WHEREAS, O-15-5 identified Navesink as the owner of Block 101, Lot 27.02; and

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WHEREAS, O-15-5 was incorrect at the time of its adoption because Navesink had sold Block 101, Lot 27.02 to Pulte Homes of NJ and therefore Navesink was no longer the owner of Block 101, Lot 27.02; and

WHEREAS, on February 18, 2015, the Borough introduced ordinances O-15-7 and O-15-8, which convey to the Borough various easements from Pulte Homes of NJ, the owner of Block 101, Lot 27.02, and from Sandy Hook Developers, LLC, the owner of Block 101, Lot 27.03; and

WHEREAS, Ordinances O-15-7 and O-15-8 will appropriately convey to the Borough the various easements, which would have been conveyed to the Borough by O-15-5; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough of Highlands to repeal O-15-5.

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

- (1) Ordinance O-15-5 is hereby repealed in its entirety.
- (2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to take such actions as may be necessary to effectuate the provisions of this Ordinance.
- (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 Mr. Card and adopted on the following roll call:

ROLL CALL:

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

Other Business:

Borough Engineers Status Report

Mr. Leubner read thru his report.

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

Capital Improvement Projects

1. Stormwater System Improvements:

- We have requested to be included in the 2015 EIT funding cycle at this time.
- Plans have been submitted to the NJDEP as required for the EIT loan.
- Permit applications are currently being revised for resubmission.
- 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.

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- 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.
- Access agreements are required from the adjacent property owners for construction purposes.
- 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.
- Shop drawings for the wall panels were rejected and were delayed in being resubmitted. Revised shop drawings are now approved.
- As of March 18, 2015, precast manufacturer needs approximately three (3) weeks to cast the panels.
- Wall replacement is tentatively scheduled to commence late April based upon precast manufacturer's schedule.
- Curbing along the east side of the roadway to be added to this Contract.

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 have been submitted to the NJDOT and Monmouth County for review.
- Plans will be revised based upon any comments received by the reviewing agencies.
- 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. Project involves a \$1.5 million grant from the NJEDA

- Preliminary design has commenced.
- Survey has resumed now that the snow is no longer present.
- Meeting to be scheduled and held with the affected business owners to present the proposed improvements.

7. The Resurfacing of Shore Drive Phase II: This project extends from Waterwitch Avenue to Locust Street. This project includes a \$200,000 grant from the NJDOT. A contract has to be awarded by July 2015 to avoid forfeiting the grant money.

- Design is underway.
- Project to be advertised in the spring with construction this summer.

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- 8. Shrewsbury Avenue Rehabilitation/North Street Stormsewer Inflow Pipe Replacement:** This project includes the entire length of Shrewsbury Avenue from Bay Avenue to Miller Street. It also includes replacing the stormsewer inflow pipe to the North Street Pumpstation from Bay Avenue to Shrewsbury Avenue and reconstructing the existing roadway. The projects have been combined due to proximity as well as anticipated better scheduling and pricing. This project includes a \$210,000 grant from the NJDOT for Shrewsbury Avenue as well as \$178,077.00 from the Monmouth County Community Development Block Grant program for North Street.
- Preliminary Design is underway.
 - Project to be advertised late spring/early summer with construction commencing this summer.

Grants and Loans

- 1. 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. If you have any questions or require additional information, please do not hesitate to call.

Mr. Leubner will coordinate a meeting with business affected by the Street Scape Project.

Ms. Kane would like to have Mr. Leubner do a presentation on the project at a council meeting.

R-14-220 – Discussion Possible Amendments

Ms. Ryan explained that she asked for input from the council. She is waiting to hear from two. We are not voting on anything, it is just for discussion.

Mr. Card would like documentation of improvements stated by Mr. Hill. He would like to see why this was written. It should be in the Employee Handbook.

Ms. Ryan would like to see a copy of the Employee Handbook.

Ms. Kane said she would change the 5th paragraph and then read it aloud. It is regarding volunteers.

Discussion at the table continued.

Ms. Ryan doesn't feel that this was necessary. She is waiting for Mr. Redmond and Mayor Nolan to give their input. We will carry to the next meeting.

NJ Recreation Trails Green Acre Program

Mr. Hill explained that we received notification that this grant is available. Our new Grant Writing Firm, Bruno Associates, did send notification to us as well and will review it to see if it is good for us.

Review of Website RFP

Ms. Ryan asked to table this to the next meeting.

Mr. Card inquired if Bruno Associates could do a presentation.

Mr. Hill will set it up.

Public Portion:

Dave Tauro of 46 Shrewsbury Avenue stated that not one clam from the clam plant goes to any of our local businesses. He gave out information packets to the council table. He feels that he can get the Clam Plant back up and running. He would like to come back and get the plant back to where it once was. He sold 31,000,000 in one year. He wants to see the Clam Plant succeed.

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Kim Skorka of 315 Shore Drive thanked the council on passing the Noise Ordinance. She also spoke of Resolution R-14-220. She feels that volunteers should be removed. She fears repercussions. She asked about the status of the rain barrel program and Veteran's Park.

Mr. Hill stated that the rain barrel program will be implemented this spring. Information will be on the website next week.

Mr. Card explained that the winter has slowed down work progress. He has been in touch with Tri-Bar and he hopes to get his work done in the next two to three weeks.

Chris Francy of Fifth Street asked for an update on the outside bar at Windansea.

Mr. Card responded that it is an issue that is being addressed.

Mr. Hill said that the construction, zoning and fire prevention are all working together on this.

Mr. Card said that this is not being taken lightly. We are moving forward on this.

Barbara Ianucci of 28 Shrewsbury Avenue feels that R-14-220 should be repealed. It should be in the employee handbook. She also thanked Dave Tauro. We should capitalize on the Clam Plant.

Ms. Ryan explained that the entire council is working on this.

Barbara Ianucci said Mayor Nolan stated that he would have a town hall meeting educating the public about the budget prior to May 6th.

Ms. Kane will let him know that this has been requested.

Stacey Pritchard of 130 Bay Avenue spoke about the rain barrel project. There is great interest in the community. She did an informal survey to see how many people would be interested in the project. She has received 45 responses from people that want to have a rain barrel. She feels we need to educate the community.

There were no further questions.

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

The Meeting adjourned at 9:10 p.m.

Debby Dailey, Deputy Clerk