

**Mayor and Council
Minutes
Community Center,
22 Snug Harbor Avenue, Highlands
Wednesday, May 3, 2017
7:00 p.m.**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council 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. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

Litigation: NJ Natural Gas
Attorney-Client Privilege: Substandard Housing
Bay Pointe at Highlands Condominium Association
Captain's Cove Marina
Contract Negotiation- South Bay Pump Station

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

ROLL CALL:

Present: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil

Absent:

Also Present: Brian Geoghegan, Borough Administrator
Elizabeth Merkel, Acting Deputy Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO
Dale Leubner, Zoning Officer

Proclamation Presentation –

Presentation- Street Smart NJ Campaign

Approval of Minutes: April 6, 2017 - Regular Meeting

Public Comments on Consent Agenda

Consent Agenda

R-17-102 - Appointing Deputy Emergency Management Coordinators

R-17-105 - Payment of Bills

Public Comments on Resolutions

Resolutions

R 17-103 - Issuance of a Conditional Mercantile License for Captain's Cove Marina for 2017

R 17-104 - Adopting Green Purchasing Policy

R-17-106 - Resolution Awarding Contract for Professional Engineering Services for Rip Rap Mitigation Program - South Bay Pump Station

Ordinances: Introduction

Ordinances: Public Hearing/Possible Adoption

O 17-11 - Amending the Borough Code by Adding Registration Fees for Summer Rec Program

Other Business:

Duckbill Schedule

Housing Authority Sewer Charges

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**Borough Calendar
Storm-Water System Improvements**

Public Comments:

Adjourn:

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ROLL CALL:

Present: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil

Absent:

Also Present: Brian Geoghegan, Borough Administrator
Elizabeth Merkel, Acting Deputy Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO
Dale Leubner, Zoning Officer

Proclamation Presentation – Don Manrodt

Mayor O'Neil read a proclamation regarding the passing of Mr. Donald Manrodt, a beloved member of the community.

Presentation- Street Smart NJ Campaign – Police Officer Rob Burton

Officer Burton presented Keith Camus from the North Jersey Transportation Planning Authority, Lisa Lee from Easy Ride, the StreetSmart NJ Campaign, a program regarding distracted driving/pedestrian safety.

Approval of Minutes: April 6, 2017 - Regular Meeting (Not approved)

Consent Agenda

R-17-102 - Appointing Deputy Emergency Management Coordinators (Mayoral Appointment)

(Moved to Other Business)

R-17-105 - Payment of Bills

One line item is removed to be voted on separately – SKI01 SkillPath Seminars 17-00427 Admin Assistant Class S Brown \$199

Council Member Broullon motioned to approve the Payment of Bills with the (?) that the grant money services line item be moved to the appropriate portion of the budget which is Grant Writing Services. This was seconded by Council Member Card.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

R-17-105 Payment of Bills has been properly approved.

SKI01 SkillPath Seminars 17-00427 Admin Assistant Class S Brown \$199

Mayor O'Neil stated he doesn't think it's good policy to send a temporary employee to training class.

Council Member Broullon stated that after a discussion with the borough administrator, the person holding this temporary position would remain with the borough for the rest of the year and this training would be beneficial to the borough.

A motion to approve this approve this was offered by Council Member Card and was seconded by Council Member D'Arrigo.

ROLL CALL:

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AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo (3)
NAY: Mrs. Wells, Mayor O'Neil (1)
ABSENT: None (0)
ABSTAIN: None (0)

This line item has been properly approved.

Public Comments on Resolutions

Mayor O'Neil opened the public portion to comments on the resolutions

Greg Wells of Bayside Drive asked about the amount of the bond for R-17-103 Issuance of a Conditional Mercantile License for Captain's Cove Marina for 2017 and how that compares to other bonds.

Fred Rosiak of 9 Marine Place described the bulkhead and stated that he didn't consider the amount of the bond reasonable.

Mayor O'Neil closed the public portion of the resolutions.

Resolutions

R 17-103 - Issuance of a Conditional Mercantile License for Captain's Cove Marina for 2017

A motion to approve this resolution was offered by Mayor O'Neil and seconded by Council Member Wells.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

R-17-103 has been properly approved.

R 17-104 - Adopting Green Purchasing Policy

A motion to approve this resolution was offered by Council Member Broullon and seconded by Council Member Wells.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

R-17-104 has been properly approved.

R-17-106 - Awarding Contract for Professional Engineering Services for Rip Rap Mitigation Program - South Bay Pump Station

Brian Chabarek explained that this was to award a contract to C & E Associates in the amount of \$11,500.

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A motion to approve this resolution was offered by Council Member Broullon and seconded by Council Member Wells.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

R-17-106 has been properly approved.

Ordinances: Public Hearing/Possible Adoption

O 17-11 - Amending the Borough Code by Adding Registration Fees for Summer Rec Program

Mayor O'Neil opened the floor to public comments on this ordinance.

Carol Bucco of 330 Shore Drive offered her observations and opinions on the staff hiring, the program cost, meals provided, and resident participation and ability to pay for this program. Mrs. Bucco also commented that she felt that council members had family members working at the recreation center, they should excuse themselves from voting on this issue.

Greg Wells of 246 of Bayside Drive stated that he felt that the \$35 fee was reasonable made more of a commitment from the parents. He also felt that with these controls in place, the number of staff could be reduced. He feels that attendance requirements need to be put in place. He stated that this program is not supposed to be a drop-in daycare.

Ray Goddard of 200 Portland Road stated that there are people who cannot afford to pay the \$35 fee for this program. Mr. Goddard offered the solution that he would sponsor children for this program. He said that saying "only \$35" was insulting as there are children in the community that go to bed hungry. Mr. Goddard said that he would be part of the solution and organize those who would volunteer to sponsor children for this program.

Maryanne Fiel of 300 Shore Drive stated that she is the board president of Highlands Elementary and the 66% is as accurate as it can be. Mrs. Fiel stated that many of the children come to school hungry and unable to function. She suggested that instead of using the school numbers for this program that the median income of the families that utilize this summer program be used as a guide for the fee for this program. Mrs. Fiel also stated that charging a fee for this program is not going to fix the problem. She asked where the fees are going and if those costs were going to enhance the programs.

Council Member D'Arrigo stated that the fees go towards administrative cost.

Mrs. Fiel continued to say that if the program is based on family income and certain families qualify for a grant or subsidized fees, she would support a more inclusive program like that.

Mayor O'Neil stated that the cost of the program isn't offsetting any taxes and asked what benefit it was to the tax payers. He stated that improving the program should be the answer and that was the job of the recreation committee.

Council Member D'Arrigo stated that was a job for a recreation director. Ms. D'Arrigo stated that the borough community center does not have a recreation director but an associate that runs the program but should not be expected to do the work of a recreation director without the proper background.

Council Member Wells commented that at the last meeting, it was stated that the fee was going towards making a more robust program but now the fees are going towards administrative costs. Mrs. Wells stated that some of these issues should have come to light during meetings of subcommittees.

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Council Member Wells stated that the fees should have been discussed to get the opinions of the parents on the committees.

Eileen Campbell of (?) stated that she thinks this ordinance should be tabled until next year since there are so many questions. Ms. Campbell said that last week she was told that the fee was a deterrent so kids would come and now she is being told that it is administration costs. Ms. Campbell doubted that the \$35 fee would lower tax rates. She stated that the community center is being rented out and asked if that was bringing money in. She stated some of the reason kids did not come to the rec center such as summer school and the lack of lifeguards. Ms. Campbell said that there are so many questions that need to be answered, she felt this ordinance should be tabled.

Nancy (?) of (?) felt that this ordinance should be tabled until next year and there should be discussions about this. She felt the fee should be smaller and should be introduced gradually. And people should be informed.

Mike Mullins of Miller Street asked if there is going to be a reduced fee for residents receiving.

Council Member Broullon read a portion of the ordinance saying, "The determination as to entry to the program, as well as required fees, shall be made by the director of recreation and/or the borough administrator."

Council Member D'Arrigo stated that an application would be filed with the borough administrator if there is a need to have the fee waived, it would be based on the economic needs of that individual family or the needs of the individual. She stated that it is the way it is done in other areas and there are no lower fees in the county.

Council Member Card said he researched this and found that a precedence was set by the former administrator as he would offer reduced fees for families in need.

Mary Saltzman of Snug Harbor stated that she is so frustrated with this conversation because the communication between everyone is so off. Ms. Saltzman commented that she didn't understand why people are so upset about this one detail when someone is trying to get things under control. She told council that they need to communicate. Ms. Saltzman questioned the ability of council to make multimillion dollar decisions when they can't come to a decision on a \$35 fee. She also expressed concern as to why Council Member Card is no longer on the committees that make decisions regarding flood mitigation. She felt he had experience in this area. Ms. Saltzman strongly urged council to communicate better.

Mayor O'Neil stated that this ordinance will carry and the driving force behind it the resentment of one individual who is angry that people don't pay for this. Mayor O'Neil felt that we should help those that need it. He stated that the \$35 fee isn't making difference. He stated that it's the program that needs to be more attractive.

Mary Saltzman stated that the fee made a difference in the overall picture because it sent the message that things are being systemized. She stated she was informed that the kids wouldn't be legally allowed to swim with the lifeguards.

Mayor O'Neil agreed and stated that this should add real value to the program and help bring in the kids.

Pat (?) of (?) stated that this is not Claudette organizing the rec center; this is a vendetta against the person that runs it. She stated that Claudette is trying to get rid of this person. She stated that the money is going into a general fund for the borough, not towards the rec center.

Council Member Card stated that this was going into a general trust for the community center and it would have to be spent on rec programs.

She stated that the rec center cannot raise money. That money goes into a general account. She remarked that the recreation committee meetings minutes are not online. She stated that it would be

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different if the money was going to the programs, towards field trips. She asked the borough administrator his opinion. She asked if he would be willing to allow families that couldn't afford it to still go to the summer camps.

Brian Geoghegan, borough administrator, stated that he would have to ask council what parameters they would want setup.

The speaker stated that the ordinance should be tabled until next year. She spoke about how much the children of Highlands enjoy the town. She though the charge for this program was a disservice to the children. She spoke about the NJ standards for summer camps.

Mayor O'Neil closed the public portion.

Council Member Broullon moved to approve this ordinance with some personal comments about growing up poor and relating to Highlands and how much it has to offer. Ms. Broullon also offered to sponsor ten kids for this program. This was seconded by Council Member Card.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, (3)
NAY: Mrs. Wells, Mayor O'Neil (2)
ABSENT: None (0)
ABSTAIN: None (0)

O-17-11 has been properly approved.

Other Business:

R-17-102 - Appointing Deputy Emergency Management Coordinators (Mayoral Appointment)

This appointment has been approved by Mayor O'Neil.

Council Member Card questioned this appointment. Mr. Card stated that the appointees have employment that may preclude they ability to be in the borough if an emergency were to take place. He felt that the appointment may put the community at risk.

Duckbill Schedule

Council Member Wells commented on this meeting with the borough administrator, zoning official and the DPW supervisor. They discussed the duckbill schedule and which to prioritize. The DPW supervisor identified five major repairs (Jackson Street, Veteran's Park, Cedar, the bridge – Hillside, and the bulkhead by the community center). Mrs. Wells stated that this could be repaired by the end of the year.

Council Member Wells requested monthly updates on the progress from the borough administrator.

Mr. Geoghegan stated that Mr. Leubner will be working on an engineering report on Valley Street from Bay Avenue out to the water.

Council Member Card also gave an update as to the condition of some of the bulkhead.

Mayor O'Neil stated that comments that came from the council table about being in possession of duckbills were incorrect and that there was no direction until now.

Council Member Card stated that he may have misunderstood the value of the duckbills that were in the DPW yard.

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Housing Authority Sewer Charges

Ray Goddard of 200 Portland Road stated that they submit a flat budget based on the previous year's actual costs. Stated that they have reduced the expense every year over the last twenty years. They had a cut last year and the budget was 88% of what was needed. This year the cut will be an additional 6%. Mr. Goddard asked council to figure a way to give some relief to the Housing Authority. He pointed out that the cost for quarterly sewerage is the same for 600 square feet as it is for 6000 square feet. This needs to be cut for our senior citizens.

Mr. Goddard stated that they have an A+++ rating. He asked council to review this and to give them a 50% reduction from \$140 quarterly to \$70 per quarter, per unit at Ptak Towers for 18 months. Mr. Goddard gave a deadline of July.

Borough Calendar

Council Member Broullon stated that she knows this is late but we wanted to get as much information to the residents as possible. This is coming soon.

Mayor O'Neil asked about getting the Recycling Center hours changed.

Public Comments:

Mayor O'Neil opened the public comments portion.

Chris Francy of 36 Fifth Street stated that Mr. Goddard's statements about the sewer charges opened the discussion for everyone. Mr. Francy commented on potable water and the ability to create sewer charges based on usage.

Mayor O'Neil pointed out that square footage is not the same as usage.

Greg Wells of 246 of Bayside Drive asked if the tax assessments showed the number of bathrooms.

Carol Bucco of 330 Shore Drive said that she has a lot of questions regarding the rec center. She said that there is a charge of \$35 to use the rec center for one meeting, maybe two meetings a year. Mrs. Bucco stated that she did some investigations and someone paid \$35 to use the rec center and used it for a profit. Mrs. Bucco stated that it clearly says the community center may not be used for a profit. Mrs. Bucco said it was rented to someone who charged \$40 per person to teach yoga. Mrs. Bucco contacted the HBP to see if they were okay with it.

Council Member Wells stated that it was the same fee that was charged for an art class that also charged a fee. There was a basketball camp that was run and a profit was made. Mrs. Wells took exception to the singling out of certain people.

Mrs. Bucco stated that the minutes are screwed up and the ordinances contradict each other.

(Several other lapping conversations occur at this time.)

Mayor O'Neil adjourned the meeting.

Adjourn:

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APPROVAL OF MINUTES:

Motion: Approve Minutes of May 03, 2017, **Moved** by Councilmember Broullon, **Seconded** by Councilmember Wells.

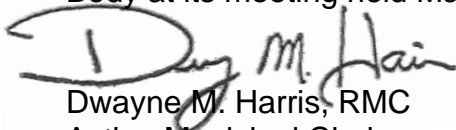
Vote: Motion carried by roll call vote (**summary:** Yes = 3; No = 1; Abstain = 1).

Yes: Councilmembers: Broullon, D'Arrigo, Wells

No: Councilmember Card

Abstain: Mayor O'Neil

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be the action of the Governing Body at its meeting held May 17, 2017.



Dwayne M. Harris, RMC
Acting Municipal Clerk

PROCLAMATION

Borough of Highlands

Office of Mayor

WHEREAS, on behalf of the Borough of Highlands, I wish to record our deep sorrow over the passing of Mr. Donald Manrodt on April 28 2017, and;

WHEREAS, Mr. Donald Manrodt was a beloved father, friend, and community volunteer, and;

WHEREAS, He spent his adult life in the Borough of Highlands, and;

WHEREAS, Mr. Manrodt was an active and well respected individual who was a Veteran of United States Army and served during the Korean War who was often credited with single-handedly managing the Veterans of Foreign Wars Post #6902;

WHEREAS, His life was dedicated to the best interests of the community and his family, while serving on the Borough of Highlands Council from 1988 through 1993, and was an active proponent of Veteran's rights and benefits;

WHEREAS, The Borough of Highlands along with Donald Mandrodt's family are blessed to have known him and been a part of his life, and;

NOW, THEREFORE, I, Rick O'Neil, Mayor of the Borough of Highlands, on behalf of the entire Borough Council, in recognition of Donald Mandrodt's many contributions to our Borough and its veterans, do hereby express our deep appreciation for his dedication to the progress of this community and extend to his family our sincere sympathy upon his passing and hereby order all Borough flags to be flown at half-staff in recognition of his service.

*In witness, whereof I set my hand and
Cause the seal of this Borough to be affixed.*

Mayor _____

This 3rd Day of May 2017.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-102

RESOLUTION APPOINTING CHARLIE WELLS AND DAVE PARKER TO POSITION OF DEPUTY EMERGENCY MANAGEMENT COORDINATORS

Appointment with the approval of the Mayor

WHEREAS, by way of Resolution R-17-97, Patrick Mason was appointed to serve as the Office of Emergency Management Coordinator for the Borough of Highlands, due to a vacancy created, for the unexpired term through December 31, 2018; and

WHEREAS, in accordance with N.J.S.A. App.A:9-40-3, each municipal disaster control director shall appoint a deputy municipal disaster control director with the approval of the Mayor; and

WHEREAS, in accordance with Directive No. 102 issued by the State Office of Emergency Management, each emergency management coordinator shall appoint one and may appoint more than one Deputy Emergency Management Coordinators with the approval of the Mayor; and

WHEREAS, the Borough's Emergency Management Coordinator has appointed Charlie Wells and Dave Parker to serve as the Borough's Deputy Emergency Management Coordinators and the Mayor has approved the said appointments.

NOW, THEREFORE, BE IT RESOLVED, that Charlie Wells and Dave Parker be and are hereby appointed to serve as the Deputy Emergency Management Coordinators for the Borough of Highlands for the aforesaid unexpired term which expires December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-103

RESOLUTION REGARDING THE ISSUANCE OF A CONDITIONAL MERCANTILE LICENSE FOR THE YEAR 2017 FOR CAPTAIN'S COVE MARINA

WHEREAS, Captain's Cove Marina submitted a Mercantile License Application for the year 2017 wherein the applicant identified the type of business as a marina with a description consisting of boat storage; and

WHEREAS, by way of correspondence dated February 21, 2017, the Borough Administrator denied the aforesaid application; and

WHEREAS, in accordance with the aforesaid denial of the Mercantile License Application, the applicant was advised that based on the condition of the property at issue that the applicant had failed to comply with Borough Code, Chapter 4-9.5(c); and

WHEREAS, in accordance with Borough Code, Chapter 4-9.4(b), the applicant submitted correspondence dated March 6, 2017, wherein an appeal of the notice of disapproval was submitted to the Borough Council; and

WHEREAS, in accordance with the said appeal, a hearing was conducted before the governing body on March 15, 2017 wherein testimony was taken and exhibits were marked; and

WHEREAS, subsequent to the aforesaid hearing, Captain's Cove Marina submitted a proposed schedule for the repair of the bulkhead at issue; and

WHEREAS, in accordance with Resolution R-17-87, on April 6, 2017, the governing body of the Borough of Highlands issued a temporary conditional Mercantile License for a period of thirty (30) days in order to allow the applicant and the Borough to memorialize the form of an Agreement regarding among other things, the repair of the bulkhead and the posting of a performance bond; and

WHEREAS, after due consideration of the applicant's appeal of the denial of a Mercantile License Application for the year 2017 as well as the proposed schedule for the repair of the bulkhead at issue, the governing body has determined that it is in the best interests of the Borough to issue a Conditional Mercantile License subject to certain conditions and the execution of an Agreement by the Applicant; and

WHEREAS, the said Agreement shall require that the applicant immediately commence repairs on the bulkhead at issue and provide weekly updates as to the ongoing repairs to the Borough Administrator; and

WHEREAS, the said Agreement shall also require that Captain's Cove Marina post a Performance Bond with the Borough for the aforesaid repairs, which will not be released until such time as the repairs have been completed in a satisfactory manner to the Borough; and

WHEREAS, the said Agreement shall also require that Captain's Cove Marina post an escrow with the Borough in order to allow for a review of the detailed plans setting forth the repairs to the bulkhead at issue as well as for the conducting of inspections by the Borough Engineer; and

WHEREAS, the said Agreement shall also permit the Borough to deem an area of the bulkhead at issue in need of emergent repair, due to its affecting the public health, safety and welfare of the residents of the Borough which will require that Captain's Cove Marina mobilize any and all necessary equipment and commence repairs within a defined period of time of receiving such notification; and

WHEREAS, the said Agreement shall also require that should it become necessary for Captain's Cove Marina to access the deadmen, which support the aforesaid bulkhead located within the Borough's roadway, that Captain's Cove Marina shall comply with any and all legal requirements, including but not limited to, Borough Code, Chapter 8.2 concerning Excavations in the Public Streets, which includes the securing of a permit, payment of the necessary fees, the posting of any and all necessary bond(s), the furnishing of proof of insurance, and complying with all rules and regulations contained therein, including but not limited to, rules and regulations concerning the restoration of the surface; and

WHEREAS, the said Agreement shall also require that Captain's Cove Marina defend, indemnify and hold the Borough harmless from any and all claims which may arise out of the Borough's issuance of the said Mercantile License or arising out of the use of the Marina during the period of time in which the Mercantile License is effective; and

WHEREAS, the said Agreement shall also set forth that the aforesaid Conditional Mercantile License is subject to revocation, in accordance with N.J.S.A. 40:52-2 et. seq., should Captain's Cove fail to comply with the terms of the Agreement being entered into or fail to comply with the schedule of repairs being represented to the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, that a Conditional Mercantile License for the Year 2017 is hereby approved for the Captains' Cove Marina, subject to the applicant executing an Agreement containing the aforesaid terms and requirements, with the express understanding that the said Conditional Mercantile License is subject to revocation in accordance with N.J.S.A. 40:52-2 et seq. should Captain's Cove Marina fail to comply with the requirements contained in the said Agreement and/or fail to comply with the schedule of repairs being represented to the Borough

BE IT FURTHER RESOLVED, that the Mayor be and is hereby authorized to execute an Agreement with Captain's Cove Marina setting forth the above noted requirements.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be filed in the Municipal Clerk's Office and a copy transmitted to the Applicant, the Code Enforcement Officer for the Borough of Highlands as well as and any other necessary parties.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-104

RESOLUTION ADOPTING ENVIRONMENTALLY PREFERABLE PURCHASING POLICY (GREEN PURCHASING POLICY)

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interests of the Borough to adopt a Green Purchasing policy which allows for environmentally preferable purchasing whenever practicable and cost-effective which is set forth below.

1.0 ENVIRONMENTALLY PREFERABLE PURCHASING (GREEN PURCHASING POLICY)

1.1 STATEMENT OF THE POLICY

It is the policy & practice of the Borough of Highlands to:

- Institute practices that reduce waste by increasing product efficiency and effectiveness, and
- Purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable, and
- Purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, are lead-free and mercury-free, and use wood from sustainably harvested forests (FSC) when & where possible.

1.2 PURPOSE & OBJECTIVES OF THE POLICY

The goal of this policy is to encourage and increase the use of environmentally preferable products and services in the Borough of Highlands. By including environmental considerations in purchasing decisions, the Borough of Highlands can promote practices that improve public health, conserve natural resources, and reward environmentally conscious manufacturers, while remaining fiscally responsible.

The policy objectives are to:

- Conserve natural resources,
- Minimize environmental impacts such as pollution and use of water and energy,
- Eliminate or reduce toxics that create hazards to workers and our community,
- Support strong recycling markets,
- Reduce materials that are routinely land filled or disposed of,
- Increase the use and availability of environmentally preferable products that protect the environment,
- Identify environmentally preferable products & associated distribution systems,
- Reward manufacturers & vendors with contracts that reduce environmental impacts in their production & distribution systems or services,
- Collect & maintain up-to-date information regarding manufacturers,

- vendors and other sources for locating/ordering environmentally preferable products,
- Create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals.

1.3 **RESEARCH, EVALUATION & IMPLEMENTATION OF THE POLICY**

The Borough of Highlands Purchasing Agent and members of the Green Team, which shall be composed of representatives from various Borough of Highlands departments/divisions, commissions/committees and volunteer organizations shall research, evaluate, and implement the environmental purchasing objectives. The Green Team Committee shall focus its research, evaluation and the implementation of the Green Policy in the following areas:

- Recycled Content Products (e.g. paper products, playground/recreation equipment, toner/printer cartridges, motor oils & lubricants, furniture, carpets & flooring materials, matting, plastic/composite lumber/building materials, trash bags, parking stops, ceiling tiles, etc...)
- Less Harmful & Non-toxic Materials & Processes (e.g. janitorial/cleaning products, pest management chemicals, phosphates, paint, solvents, fuels & lubricants, etc...)
- Energy & Water Efficient Products & Processes (e.g. solar applications, energy efficient lighting, energy star appliances, water saving devices, vehicles & motorized equipment, etc...)
- Natural Resource & Landscaping Management (e.g. integrated pest and vegetation management, drought tolerant/indigence plants & shrubs, recycled mulches & natural composts, etc...)
- Renewable Products (e.g. FSC certified forests products, renewable energy resources, etc...)
- Disposal & Pollution Reduction (e.g. integrated waste management, duplex copies, retread tires, reusable holiday trees, recycling programs for used ceiling tiles & flooring materials, etc...)
- Packaging (e.g. bulk packaging, reusable boxes, recycled packing materials, shipping pallets, etc...)
- Green Building Program (e.g. using recycled products in the construction and renovation, disposal of building materials in an environmentally sensitive manner, designing and renovating for energy and resource conservation)

The Committee is aware that the evaluation and implementation phases of the project will require changes in awareness, behaviors, practices and operating procedures. To the extent possible, it is the Committee's intention to have a participative process as it researches, evaluates and implements the policy recommendations. It is also the Committee's intention to meet annually after implementation to monitor and evaluate the Borough of Highlands progress in this area.

1.4 **SPECIFICATIONS**

1.4.1 **Source Reduction**

- * To the extent practicable the Borough of Highlands shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or overall workplace quality.
- * To the extent practicable the Borough of Highlands shall purchase remanufactured products such as toner/printer cartridges, retread tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.
- * To the extent practicable the Borough of Highlands shall require all

equipment bought after the adoption of this policy to be compatible with source reduction goals as referred to in the policy, when & where practicable.

- * All buyers shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes the evaluation of the total costs expected during the lifetime of the product, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.
- * Products that are durable, long lasting, reusable or refillable shall be preferred whenever available & practicable.
 - * To the extent practicable the Borough of Highlands requests vendors to eliminate excess packaging or to utilize the minimum amount necessary for product protection, to the greatest extent practicable.
 - * Packaging that is reusable, recyclable or compostable shall be preferred, when suitable uses and programs readily exist.
 - * Vendors shall be encouraged to take back and reuse wooden pallets and other shipping and packaging materials when & where practicable.
 - * Suppliers of electronic equipment, including but not limited to computers, monitors, printers, fax machines and photocopiers, shall be required to take back the equipment for reuse or environmentally safe recycling when the Borough of Highlands discards or replaces such equipment, whenever & where practicable.
 - * To the extent practicable the Borough of Highlands shall consider provisions in contracts with suppliers of non-electronic equipment that require suppliers to take back equipment for reuse or environmentally safe recycling when the Borough of Highlands discards or replaces such equipment, whenever practicable.
 - * All documents shall be printed and photocopied on both sides (duplex) to reduce the use and purchase of photocopy paper, whenever & where practicable.

1.4.2 **Recycled Content Products**

- * All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines in the Agency's Comprehensive Procurement Guidelines, such as those for printing paper, photocopy paper, janitorial paper products, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous and non-paper office products, shall contain the highest post-consumer content practicable to the application, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.
 - * Photocopiers and printers purchased or leased by the Borough of Highlands shall be compatible with the use of recycled content and remanufactured products.
 - * To the extent practicable, the Borough of Highlands shall purchase re-refined lubricating and industrial oil for use in its vehicles and other motorized equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.

* When specifying asphalt concrete, aggregate base or Portland Cement Concrete for road construction projects, the Borough of Highlands shall utilize recycled, reusable or reground materials when & where practicable.

* To the extent practicable the Borough of Highlands shall specify and purchase recycled content transportation products, including signs, traffic cones, parking stops, delineators, channelizers and barricades, which shall contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Comprehensive Procurement Guidelines.

* All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper is recycled content of a minimum of thirty (30%) percent recycled post-consumer content. Whenever feasible, the statement should indicate the percentage of post-consumer recycled content that the paper contains.

1.4.3 Energy & Water Savings

* Where applicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

* When practicable, the Borough of Highlands shall replace inefficient interior lighting with energy-efficient equipment and bulbs.

* When practicable, the Borough of Highlands shall replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment and bulbs. Exterior lighting shall be minimized when and where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.

1.4 SPECIFICATIONS (CONTINUED)

1.4.3 Energy & Water Savings (Continued)

* All products purchased by the Borough of Highlands and for which the U.S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable and available. When Energy Star labels are not available, the Borough of Highlands shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

* To the extent practicable the Borough of Highlands shall purchase water-saving/conservation products. This includes, but is not limited to, high-performance fixtures such as toilets, low-flow faucets and aerators, and upgraded landscape irrigation systems.

1.4.4 Green Buildings & LEED IM Ratings

All building and renovations undertaken by the Borough of Highlands shall follow Green Building Practices for design, construction, and operation, where appropriate and practicable, as described in the LEED IM Rating System. Architects and engineers for procured for said work shall be required to have LEED certified

members on their staff assigned to the project when & where practicable.

1.4.5 Landscaping & Hardscaping

All landscape renovations, construction and maintenance performed by the Borough of Highlands, including workers and contractors providing landscaping services for the Borough of Highlands, shall employ sustainable landscape management techniques for design, construction and maintenance whenever & where possible, including, but not limited to, integrated pest management (IPM), grass recycling, drip irrigation, composting, and the procurement and use of mulch and compost that give preference to those products produced from regionally generated plant debris and/or food and sludge waste programs.

Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted to them, and perennials rather than annuals for color variations should be utilized. Native and drought-tolerant plants that require no or minimal watering once established are preferred over others when & where practicable.

Hardscapes and landscape structures constructed of recycled content materials are encouraged to be utilized. The Borough of Highlands shall limit the amount of impervious surfaces in the landscape, when & where practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

1.4 SPECIFICATIONS (CONTINUED)

1.4.6 Toxics & Pollution

To the extent practicable, the Borough of Highlands shall purchase, or require janitorial contractors to supply, industrial and institutional cleaning products that meet and/or exceed the Green Seal Certification Standards for environmental preferability and performance.

To the extent practicable, the Borough of Highlands shall purchase, or require janitorial contractors to supply, vacuum cleaners that meet the requirements of the Carpet and Rug Institute "Green Label" Testing Program — Vacuum Cleaner Criteria, are capable of capturing 96% of particulates 0.3 microns in size, and operate with a sound level less than 70dBA. Where possible and as applicable, other janitorial cleaning equipment shall be capable of capturing fine particulates, removing sufficient moisture so as to dry within twenty-four (24) hours, operate with a sound level less than 70dBA, and use high-efficiency, low-emissions engines.

The use of chlorofluorocarbon, Halon & Freon containing refrigerants, solvents and other products shall be phased out and new purchases of heating/ventilating/air conditioning, refrigeration, insulation and fire suppression systems shall not contain them.

All surfactants & detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.

When maintaining buildings and landscapes, the Borough of Highlands shall manage pest problems through prevention and physical, mechanical and biological controls. The Borough of

Highlands may either adopt and implement an organic pest management policy and practices or adopt and implement an Integrated Pest Management (IPM) policy and practices using the least toxic pest control method as a last resort.

When maintaining buildings, the Borough of Highlands shall utilize products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde or lead when practicable when purchasing materials such as paint, carpeting, flooring materials, adhesives, furniture, filing cabinetry, ceiling tiles, coving, moldings and casework.

To the extent practicable, the Borough of Highlands shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes, but is not limited to:

- Photocopier paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever & where possible and that possess a minimum of thirty (30%) percent recycled post-consumer waste content.
- Prohibiting purchase of products that use halogens, polyvinyl chloride (PVC), lead, phthalates and asbestos such as, but not limited to, office binders, chair/floor mats, casework, moldings, furniture, carpeting, flooring materials, ceiling tiles and medical supplies whenever & where practicable.

1.4.6 Toxics & Pollution (Continued)

To the extent practicable, the Borough of Highlands shall purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, Borough of Highlands shall give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.

To the extent practicable, the Borough of Highlands shall specify that desktop computers, notebooks and monitors purchased shall meet, at a minimum, all Electronic Product Environmental Assessment Tool (EPEAT) environmental criteria designated as "required" as contained in the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, whenever practicable.

When replacing vehicles, the Borough of Highlands shall consider less-polluting alternatives to diesel such as bio-based fuels, hybrids, electric batteries, and fuel cells, as may be available for the application.

1.4.7 Forest Conservation

To the extent practicable, the Borough of Highlands shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the Borough of Highlands shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council (FSC) certification.

To the extent practicable, the Borough of Highlands encourages the purchase or use of previously utilized and/or salvaged wood and wood products whenever practicable & where available.

1.4.8 Bio-Based Products

Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged whenever practicable and available.

Paper and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged whenever practicable.

Bio-based plastic products that are biodegradable and compostable, such as bags, film, food and beverage containers, and cutlery, are encouraged whenever practicable.

Compostable plastic products purchased shall meet American Society for Testing and Materials (ASTM) standards as found in ASTM D6400-04. Biodegradable plastics used as coatings on paper and other compostable substrates shall meet ASTM D6868-03 standards.

Proof of compliance with ASTM standards for compostable, biodegradable and degradable plastic products shall be provided by vendors of such products, upon request. One acceptable proof of compliance for compostable plastic products shall be the certification by the Biodegradable Products Institute (BPI).

1.5 PRIORITIES

The health & safety of workers & citizens is of the utmost importance and takes precedence over all other policies and practices.

To the extent practicable, the Borough of Highlands has made significant investments in developing a successful recycling system and recognizes that recycled content products are essential to the continuing viability of that recycling system and for the foundation of an environmentally sound production system. Therefore, to the greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio-based.

Nothing contained in this policy shall be construed as requiring a department, purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

Nothing contained in this policy shall be construed as requiring the Borough of Highlands, department, purchaser or contractor to take any action that conflicts with local, state or federal requirements.

1.6 IMPLEMENTATION OF THE POLICY

The Business Administrator, Purchasing Agent, CFO, Superintendent of Public Works and other responsible directors/managers shall implement this policy in coordination with other appropriate Borough of Highlands personnel.

As applicable, successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with New Jersey State Law, vendors shall be required to specify

the minimum or actual percentage of recovered and post-consumer material in their products, even when such percentages are zero.

Upon request, buyers making the selection from competitive bids shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this policy.

Vendors, contractors and grantees shall be encouraged to comply with applicable sections of this policy for products and services provided to the Borough of Highlands, where practicable.

1.7 **PROGRAM EVALUATION**

The Business Administrator, Purchasing Agent, CFO, the "Green Team" Committee and other positions responsible for implementing this policy, shall periodically meet and evaluate the success of this policy's implementation.

1.8 **DEFINITIONS**

"American Society for Testing & Materials" means ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.

"Bio-Based Products" means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

"Biodegradable Plastic" means the degradation of the plastic must occur as a result of the action of naturally occurring microorganisms.

"Biodegradable Products Institute" (BPI) is a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or D6868, based on testing in an approved laboratory.

"Buyer" means anyone authorized to purchase or contract for purchases on behalf of the Borough of Highlands or its subdivisions.

"The Carpet & Rug Institute" (CR1) is the national trade association representing the carpet and rug industry. CR1 has developed and administered the "Green Label" indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners.

"Chlorine Free" means products processed without chlorine or chlorine derivatives.

"Compostable Plastic" means plastic that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

"Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the Borough of Highlands or serves in a subcontracting capacity with the Borough of Highlands or with an entity having a contract with the Borough of Highlands for the provision of any goods or services.

"Degradable Plastic" means plastic that undergoes significant changes in its chemical structure under specific environmental conditions.

“Dioxins & Furans” are a group of chemical compounds that are classified as persistent, bio-accumulative, and toxic by the U.S. Environmental Protection Agency (EPA).

“Energy Star” means the U.S. EPA’s energy efficiency product labeling program.

“Energy Efficient Product” means a product that is in the upper twenty-five (25%) percent of energy efficiency for all similar products, or that is at least ten (10%) percent more efficient than the minimum level that meets Federal standards and guidelines.

“Electronic Product Environmental Assessment Tool” (EPEAT) is a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select desktop computers, notebooks and monitors based on their environmental attributes.

1.8 DEFINITIONS (CONTINUED)

“Federal Energy Management Program” is a program of the Department of Energy that issues a series of *Product Energy Efficiency Recommendations* that identify recommended efficiency levels for energy-using products.

“Forest Stewardship Council” (FSC) is a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

“Green Building Practices” means a whole-systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green Building Practices such as those described in the LEED IM Rating System, recognize the relationship between natural and built environments and seeks to minimize the use of energy, water, and other natural resources and provide a healthy productive environment.

“Green Seal” is an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA’s criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on certified products.

“Integrated Pest Management (IPM)” is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

“LEED IM Rating System” means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System, or other related LEED IM Rating System, approved by the U.S. Green Building Council and designed for rating new and existing commercial, institutional, and high-rise residential buildings.

“Organic Pest Management” prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of New Jersey Certified Organic Foods (NJOF).

“Post-consumer Material” means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.

“Practical” & “Practicable” mean whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

“Pre-consumer Material” means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Pre-consumer material does not include mill and manufacturing trim, scrap or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

“Recovered Material” means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and post-consumer material but does not include excess resources of the manufacturing process.

“Recycled Content” means the percentage of recovered material, including pre-consumer and post-consumer materials, in a product.

“Recycled Content Standard” means the minimum level of recovered material and/or post-consumer material necessary for products to qualify as “recycled products.”

“Recycled Product” means a product that meets the Borough of Highlands' recycled content policy objectives for post-consumer and recovered material.

“Remanufactured Product” means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.

“Reused Product” means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.

“Source Reduction” refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced packaging.

“U.S. EPA Guidelines” means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.

“Water-Saving Products” are those that are in the upper twenty-five (25%) percent of water conservation for all similar products, or at least ten (10%) percent more water-conserving than the minimum level that meets the Federal standards.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Borough hereby endorses and adopts the aforesaid Environmentally Preferable Purchasing (Green Purchasing Policy) to be utilized where practicable and cost-effective.



BOROUGH OF
HIGHLANDS COUNTY OF
MONMOUTH

RESOLUTION 17-105

RESOLUTION AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated February 24, 2017, which totals as follows:

Current Fund	\$166,178.20
Sewer Account	\$ 62,343.30
Capital Fund	\$ 36,625.00
Trust-Other	\$ 35,933.36
Federal/State Grants	\$ 329.64

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$301,409.50** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-106

RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR THE RIP RAP MITIGATION PROGRAM FOR THE SOUTH BAY PUMP STATION

WHEREAS, the Borough of Highlands has been approved by NJOEM and FEMA to mitigate the South Bay Pump Station in the Borough of Highlands; and,

WHEREAS, the Borough has a need for Professional Engineering Services which can only be provided by a licensed Professional; and

WHEREAS, the Borough of Highlands advertised for bids to serve as the Project Engineer for the RIP RAP Mitigation Program for the South Bay Pump Station; and

WHEREAS, the governing body of the Borough of Highlands has made the determination that it is in the best interest of the Borough to award the contract for the Project Engineer to perform the necessary work, including, but not limited to, completion of the DEP Permit as well as the design and survey of the South Bay Pump Station; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$ _____ for Professional Engineering Services as stated on the proposal submitted by _____ dated _____; and

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

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

WHEREAS, a certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands; and

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

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

1. _____ is hereby awarded the contract to serve as Project Engineer for the RIP RAP Mitigation Program for the South Bay Pump Station in the amount of \$ _____.
2. A copy of this Resolution as well as the contract/proposal shall be placed on file with the Clerk of the Borough of Highlands.
3. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 17-11

AN ORDINANCE AMENDING CHAPTER 2, SECTION 41 OF THE CODE OF THE BOROUGH OF HIGHLANDS BY THE ADDITION THERETO OF A NEW SECTION ENTITLED REGISTRATION FEES FOR SUMMER RECREATION PROGRAM

WHEREAS, the Borough of Highlands runs a Summer Recreation Program for children between the ages of six (6) and fourteen (14); and

WHEREAS, the governing body finds that it is in the best interest of the Borough to charge a registration fee for entry into the aforesaid summer program.

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

SECTION I. The provisions of Chapter 2, Section 41 are hereby modified and amended by the addition of a new section. Said Section, Chapter 2, Section 41A entitled "Registration Fee for Summer program", shall read as follows:

The Borough of Highlands runs a summer recreation program by and through the Recreation Department. In order to participate in the said recreation program registrants are required to properly complete a Registration Form. In conjunction with the completion of the said Registration Form, the following fees will be collected by the Borough:

Residents of the Borough and Non-Resident Employees of the Borough who submit their Registration Forms on or before June 15th of each year, shall pay a registration fee of \$35.00 for the first two (2) children and \$10.00 for each additional child;

Non-Residents of the Borough who submit their Registration Forms on or before June 15th of each year, shall pay a registration fee of \$50.00 for the first two (2) children and \$15.00 for each additional child;

Residents of the Borough and Non-Resident Employees of the Borough, who submit their Registration Forms after June 15th of each year, but at least one (1) week prior to the beginning of the program, shall pay a registration fee in the amount of \$50.00 for the first two (2) children and \$15.00 for each additional child;

Non-Residents of the Borough, who submit their Registration Forms after June 15th of each year, but at least one (1) week prior to the beginning of the program, shall pay a registration fee in the amount of \$75.00 for the first two (2) children and \$15.00 for each additional child.

Registrants who submit their Registration Forms after June 15th of each year up until one (1) week prior to the beginning of the Summer Program will be accepted into the program based upon availability. Registration Forms submitted later than one (1) week prior to the beginning of the Summer Program will not be accepted. Those Registration Forms submitted with the required fees which are not accepted into the program will have the fees refunded to the applicant. Proof of residency in the Borough shall be required. For purposes of this section, a resident is defined as a person having permanent domicile within the Borough of Highlands. A determination as to entry into the program and as to the required fees shall be made by the Director of the Recreation Department and/or the Borough Administrator or his/her designee.

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

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

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

Motion: Approve Ordinance 17-11, **moved** by Councilmember Card; **Seconded** by Councilmember D'Arrigo.

Vote: Motion carried by roll call vote (summary: Yes = 3; No = 2).

Yes: Councilmembers Broullon, Card, and D'Arrigo,

No: Councilmember Wells and Mayor O'Neil

Abstain: None

Public Hearing and possible Adoption will be May 03, 2017.

I, Dwayne M. Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Meeting, held April 19, 2017. WITNESS my hand this 20th day of April 2017.



Dwayne M. Harris, RMC
Acting Municipal Clerk