

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Mayor Nolan called the Meeting to order at 7:05 pm.

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

ROLL CALL:

Present: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

Absent: None

**Also Present: Carolyn Cummins, Borough Clerk
Stephen Pfeffer, Chief Financial Officer
Michael Halfacre, Esq., Borough Attorney
Tim Hill, Acting Borough Administrator**

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

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

- 1.Litigation: Jennings vs. Borough of Highlands
Future Sanitation Accident**
- 2.Contract: Clam Plant Lease
Realty Appraisal Contract**
- 3.Real Estate:**
- 4. Personnel Matters: Tim Hill (Riced), Borough Administrator Position,
Wayne O'Neil (Riced)**

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. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
- 5. Deals with purchase, lease or acquisition of real property with public funds.**

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
8. Related to investigation of violations or possible violations of the law.
9. **Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
10. **Falls within the attorney-client privilege and confidentiality is required.**
11. **Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Franczy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Workshop Meeting back to order at 8:26 p.m.

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

ROLL CALL:

Present: Mr. Connelly, Mr. O'Neil, Mr. Franczy, Ms. Kane, Mayor Nolan
Absent: None

R-11-64 RESOLUTION PROMOTING POLICE OFFICER

Mrs. Cummins read the title of R-11-64, a resolution appointing Officer Robert Burton as Sergeant of the Borough of Highlands.

Mayor Nolan stated that Chief Blewett approached the council requesting to replace a retired Sergeant.

Mr. Connelly commented that a letter should have gone out to the public explaining this promotion to clear up any misconceptions.

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

**R-11-64
RESOLUTION APPOINTING OFFICER ROBERT BURTON
AS SERGEANT OF POLICE, BOROUGH OF HIGHLANDS,
COUNTY OF MONMOUTH**

WHEREAS, Police Sergeant Chris Creighton has submitted a request for retirement; and

WHEREAS, Mayor Nolan has made a recommendation to the Governing Body that Robert Burton be promoted to the position of Sergeant of the Highlands Police Department; and

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

WHEREAS, the Governing Body of the Borough of Highlands agrees that there is a need for such a promotion within the department; and

WHEREAS, the State of New Jersey Department of Personnel Examination has certified that Officer Burton is eligible for said appointment; and

WHEREAS, the Mayor and Council of the Borough of Highlands is confident in placing their full faith and trust in the ability of Robert Burton as Sergeant of the Police Department of the Borough of Highlands;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Officer Robert Burton is hereby appointed Sergeant of the Police Department of the Borough of Highlands, County of Monmouth, State of New Jersey effective immediately.

BE IT FURTHER RESOLVED that compensation for this promotion will be increased from current annual salary of \$94,259, plus \$1,000 Juvenile Office Stipend to \$98,899, plus \$1,000 juvenile office stipend.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: Mr. Connelly

Mr. O'Neil commented about Office in Charge pay, and supports Robert Burton, feels he deserves the job.

Mayor Nolan then swore in Robert Burton to Sergeant.

Consent Agenda Resolutions:

Mayor Nolan commented on the Ribbon Cutting Ceremony that was held on May 1st. Highlands Business Partnership did a phenomenal job.

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

**R-11-113
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>
91	1.01	2011	\$531.29	Ocean First Bank Hooper Avenue Toms River, NJ 08754

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

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-11-115
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATIONS HIGHLANDS BUSINESS PARTNERSHIP**

WHEREAS, the Highlands Business Partnership has submitted three Raffle License Applications for events to be held on two for August 7, 2011 and for May 29, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that three Raffle License Applications for the Highlands Business Partnership are hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
05/04/11**

CURRENT:		\$ 930,614.10
Payroll	(04/30/11)	\$ 107,137.46
Manual Checks		\$ 6,503.64
Voided Checks		\$
SEWER ACCOUNT:		\$ 34,999.77
Payroll	(04/30/11)	\$ 7,447.00
Manual Checks		\$
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 7,644.00
Payroll	(04/30/11)	\$ 5,450.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$ 13.80
GRANT FUND		\$
Payroll	(04/30/11)	\$
Manual Checks		\$
Voided Checks		\$

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

DEVELOPER'S TRUST	\$
Manual Checks	\$
Voided Checks	\$

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

**SUPPLEMENTAL BILL LIST
May 4, 2011**

CURRENT FUND

Comcast	Internet Police	115.92
De Lage Landen Financial Serices	Copier Charges	31.66
Future Sanitation	Tipping Fees & Recycling	8,366.67
Horizon Blue Cross Blue Shield	Dental - June 2011	2,950.46
Monmouth County Regional Health Comm.	Hepatitis B Vaccines	586.00
Principal Life Insurance	Life Insurance 5/2011	782.52

River Front in Highlands Condo Association	Street Lighting Reimbursement	131.36
J Swanton Fuel	Unleaded & Diesel	2,376.55
T & M Associates	General Engineering	3,208.32
Twin Lights Terrance Condo. Association	Street Lighting Reimbursement	570.12
Verizon	Police Repeaters	226.64
VSP	Vision Plan 5/2011	741.10
Watchung Spring Water	Bottled Water & Coffee	556.95

Total Current Fund

20,644.27

CAPITAL FUND

T & M Associates		
T & M Associates	Drainage Improvements	49,507.25
T & M Associates	Highland Ave Reconstruction	3,712.39
T & M Associates	NJEIT Planning Document	4,014.50
	Waterwitch Ave Resurfacing	5,957.00

Total Capital Fund

63,191.14

SEWER UTILITY FUND

Horizon Blue Cross Blue Shield		
Principal Life Insurance	Dental - May 2011	171.48
T & M Associates	Life Insurance 5/2011	43.90
VSP	General Sewer	401.88
	Vision Plan 5/2011	28.00

Total Sewer Utility Fund

645.26

TRUST FUND

Total Supplemental Bill List

84,480.67

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Seconded by Mr. Francy and approved for payment on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN:None

Mr. Halfacre read the following resolution R-11-116 in to the record:

Mayor Nolan offered the following Resolution and moved on its adoption

R-11-116

RESOLUTION APPOINTING INTERIM BOROUGH ADMINISTRATOR

Whereas the Borough Council believes that there is a need for an Interim Borough Administrator while they are engaged in a search for a permanent Borough Administrator; and

Whereas the Borough Council has determined that Tim Hill is qualified for the position of Interim Borough Administrator and will be able to perform the duties of Interim Borough Administrator while also continuing to supervise the duties of his current position;

Now, Therefore, be it resolved that Tim Hill is hereby appointed Interim Borough Administrator, and will serve in that capacity without additional pay until midnight on June 1st, 2011, at which time this appointment will expire if not extended by the Borough Council.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: Mr. O'Neil

ABSENT: None

ABSTAIN: None

Committee Reports:

Finance:

Mr. Pfeffer had an emergency Bond Note Sale. He read the results of the report. Total of the note was \$885,075. There were two bidders. He mentioned that Monmouth County Improvement Authority will have another lease purchase program. Let him know if we are interested.

Mr. Francy stated that the Budget Committee will be meeting when they receive all budget reports. There goal is 0% increase.

Mayor Nolan said the school budget failed at last election by 10 votes. Mr. O'Neil and Mr. Francy will meet with the school board.

Public Safety:

Chief Blewett read thru his report.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1158
FAX: 732-872-9240

**Report to Council
May 2011**

- * As you are already aware, the Highlands Police Department Explorer Program has not only been well received by the communities' youth but also by residents and businesses within the Bayshore area. Since the program was rejuvenated the department has received several generous donations including approximately 13 police style jackets, t-shirts and silk screening.
- * Between April 9, 2011 and April 11, 2011 unknown person(s) forcibly entered a free standing refrigerator cooler located behind a Bay Avenue business by damaging the locking mechanism with a blunt object and removing approximately \$150.00 worth of inventory.
- * The Highlands Police Department is investigating several reports of criminal mischief including spray painting that occurred in various locations throughout town. The department is asking residents to be vigilant and not to hesitate in contacting us with information regarding suspicious activity or persons.
- * On April 29, 2011 this department responded to a motor vehicle crash in which a Future Sanitation garbage truck overturned on Portland Road injuring both occupants. The investigation is continuing in cooperation with the New Jersey State Police Transportation Safety Bureau. Preliminary findings indicate that there were several safety violations with the vehicle which will be resulting in numerous motor vehicle summonses being issued to both the driver and the company. In addition, the vehicle damaged a Portland Road retaining wall, shrubbery, a telephone pole and the roadway itself which is in need of repair. The Governing Body should be aware that this is the second incident involving a Future Sanitation garbage truck and safety violations with the vehicles.
- * This department was recently informed that the road work on Highland Avenue will be ongoing for approximately another three weeks. This department will try to keep the residents informed through the Swiftreach Program as much as possible in order to minimize the impact.
- * Recently this department received a complaint from a Shrewsbury Avenue resident in regard to noise and other borough ordinance violations in the area of Cornwall Street and Shrewsbury Avenue while customers are leaving establishments in the area. After speaking with the complainant this department reviewed its calls for service in regard to the specific area and found that although there have been numerous fight and tavern violation calls; there has only been one noise complaint since last summer. Please be advised that these areas have been addressed in the past and I believe that the increase in business and the change of season may have contributed to the recent complaint. Since

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

the complaint was lodged I have spoken with one of the business owners to rectify this situation and have formulated patrol strategies with the supervisors that will satisfy the situation.

* Total Calls for Service:	499
* Arrests:	Adults: 23 (5 for possession of CDS)
	JV: 0
* Summons:	Total: 104
	Moving Violations: 38
	Non-Moving: 23
	DWI: 5
	Boro Ordinance: 38

(Statistical Information is from April 1 – 30, 2011)

JRB/dla

Department of Public Works:

No Report.

Building & Housing:

Mr. O'Neil spoke about the building department fee ordinance. He will work with Paul Vitale and bring it back to the table.

Mr. Francy added a comment on substandard housing. He offered to help Mr. O'Neil to help move this forward.

Mayor Nolan will direct Mr. Hill to send a letter to Mr. McNamara. The council needs a report twice a month regarding properties involved, demolitions, and repairs.

Mr. Pfeffer said there is about \$6,000 left in the demolition account.

Mrs. Cummins will check on the lien for 150 Navesink Avenue.

Mr. Halfacre mentioned that there was a question about COAH money from Middletown. They advised to use on any property.

Mr. Pfeffer said that Middletown wants to step in on this.

Mr. Halfacre will get qualifications for the next meeting.

Mr. O'Neil explained the history of Walczewski litigation.

Parks & Recreation:

Mr. Hill gave his report.

They had a beach sweep this weekend. They cleaned the Community Center Beach. It was very successful. He thanked all the volunteers and Borough employees who helped. He reminded Senior Citizens that Monmouth County SCAT is available on a weekly basis. On Saturday, there will be a Kavookjian Field Annual Spring clean up from 9 to Noon. They are also doing the annual Pitch, Hit and Run with Atlantic Highlands. Also, he is getting ready for the summer programs. The Seniors are doing their Memorial Program on Thursday, May 26th at the Community Center. He asked all to come out and support the Memorial Day Parade on May 28th.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Public Relations:

Mayor Nolan said that the Bridge Ribbon Ceremony was a great event.

Environmental Shade Tree:

Mr. Francy has a draft report to comply with the terms of the grant for the bike path.

Mrs. Cummins stated that there will be a public hearing on the grant at the May 18th meeting.

Administration:

Mrs. Cummins gave the report.

Demolition of 150 Navesink Avenue – we are in the process of obtaining utility disconnections so that we can move forward with the demolition of the structure.

Liquor License Renewals – packets have been sent out. All inspections will begin by the Police, Fire, Fire Official and Code Enforcement Departments.

Tax Sale date has been set for May 25th. We are also taking in collections for second quarter payments.

There is a Town wide Yard coming up on June 4th. We are accepting applications at Borough Hall.

Mr. O’Neil said that Paul Vitale has responded to 150 Navesink Avenue and it should be coming down soon.

Library:

Mrs. Ryan spoke about the Truck of Future Demonstration. It rained but a lot of people showed up. They had 10 students from the Elementary School who took information and are doing projects on it.

Mr. O’Neil offered Kevin Connelly to be the council liaison for Building & Housing/Sub Standard Housing Department, seconded by Mayor Nolan and all were in favor.

Highlands Business Partnership:

Mrs. Braswell spoke about how well the Ribbon Cutting Ceremony went. We also welcomed three new businesses: Ruvolo’s, Grimaldi’s and the Original Oyster. They have relocated the spring plantings to Marine Place and some area businesses. They are also working on some zoning recommendations to send to the Mayor and Council. There will be a Seaport Craft Show on Sunday, May 29th at Huddy Park. On May 5th, Cinco DeMayo celebration at Chilango’s.

Mr. Francy thanked Carla for the Bridge Ceremony. It was a spectacular day.

AHHRSA:

Mr. O’Neil is waiting for a response back from the Atlantic Highlands Council.

Ordinances: Introduction & Set P.H. Date for May 18, 2011 at 8:00 pm

O-11-14

Mrs. Cummins read the title of Ordinance O-11-14 for introduction and setting of a public hearing date of May 18, 2011.

Mayor Nolan commented that we have to readopt the ordinance for commission.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Mr. Halfacre read the ordinance in to record.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for May 18, 2011 at 8:00 P.M. and authorized its publication according to law:

O-11-14

**AN ORDINANCE CREATING NEW SECTION 2-33
TO THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS
ENTITLED “ HIGHLANDS DEPURATION COMMISSION”**

NEW SECTION

2-33 HIGHLANDS DEPURATION COMMISSION.

2-33.1 Establishment/Membership.

a. There is hereby created a Highlands Depuration Commission. The commission shall consist of nine (9) members - three to be appointed by the mayor without advice and consent of council; two to be appointed by the mayor with advice and consent of council; and four to be appointed by council. Membership on the commission shall not be limited to residents of the Borough of Highlands, any language to the contrary notwithstanding;

b. Members shall serve for three years each. Thereafter the successor of each member shall be appointed for full three year terms until the appointment and qualification of his or her successor;

c. One of the members shall be a member of council;

d. The mayor shall appoint for the first year one of the members as the chairperson who shall preside at all meetings of the body. Thereafter the chairperson shall be elected by the commission from within its membership;

e. The mayor and borough administrator shall be ex officio members of the commission with full voting rights;

f. A vacancy occurring otherwise than by an expiration of a term shall be filled for the unexpired term only; and

g. The mayor or borough council may remove any member of the commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.

2-33.2 Duties.

The Highlands Depuration Commission shall:

a. Meet with the professionals and representatives of the Departments of Health and Environmental Protection to see that the design and operational layout of any modifications or renovations to the plant, and that said modifications or renovations meet or exceed State mandates;

b. Oversee the bidding and construction of any modifications, renovations or improvements to the depuration facility;

c. Recommend to the governing body terms and conditions to be included in any renewal or extension of any leases as it feels are advantageous to the borough for the operation of the depuration facility and to enter into leases for the property;

d. Act as a liaison between the governing body and the operator/tenant;

e. Communicate with and act as a liaison with the Department of Health, Department of Environmental Protection, Department of Agriculture and any other agencies of the Federal, State, county or local level, the government having jurisdiction over or otherwise dealing with depuration and to advise council of same;

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

- f. Recommend to council and our legislative representatives at all levels of government, legislation it feels is appropriate to further the shellfish industry;
- g. Act as a clearinghouse for said information;
- h. Investigate comparable uses for the property and to assist in the coordination of same with the tenant/operator, State and other appropriate agencies; and
- i. Perform such other functions as it feels are relevant to the duties and purposes expressed in this section.
- j. The commission's responsibilities and duties as set forth herein are of a purely advisory nature to the mayor and council. The commission may offer whatever advice, consultation and/or assistance the governing body might require or request in continuing to develop the property as a marine terminal/clam depuration facility, however, the commission is not, nor shall it be authorized to acquire any interests in real property and otherwise make decisions or take action which would be binding upon the borough.

2-33.3 Compensation and Expenses.

The members of the Highlands Depuration Commission shall serve without pay.

2-33.4 Borough Facilities.

The borough administrator may make available to the Highlands Depuration Commission office space and clerical services.

2-33.5 Expending Funds.

No borough funds shall be spent by the Highlands Depuration Commission unless specifically authorized by the governing body.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Ordinances: Public Hearing and Adoption

Ordinance O-11-3

Mrs. Cummins read the title of Ordinance O-11-3 on for 2nd reading and public hearing. It was published in the April 15th edition of the Two River Times and may now be open to a public hearing.

Mayor Nolan opened the public hearing.

Tara Ryan thanked the council for bringing this back to the table.

Sean Fitzgerald of 8 Fourth Street asked if this was going to be by the bank and South Bay.

Mr. Francy stated that it will be on the grassy area and signs will be posted.

Mayor Nolan said it will be enforced by the police.

There were no further questions or comments.

Mayor Nolan closed public hearing.

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

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Mr. Connelly offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-11-3

**AN ORDINANCE AMENDING CHAPTER 3-13.16 OF THE REVISED GENERAL
CODE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH**

Section 3-13.16 Conduct Regulated is hereby amended as follows:

(New Language in **bold**)

b. *Domestic Animals Prohibited*. **With the exception of the public land located at Block 114 Lot 3.02 (Shore Drive) no person shall bring a dog or other domestic animal into the park. The provisions of Section 5-7.6 Leashing of Dogs and Section 5-12 Soiling and Defecating-Domesticated Animals shall at all times apply to the use of Block 114 Lot 3.02 (Shore Drive) and Block 8 Lot 2 (South Bay Ave) by any person or domestic animal.**

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: Mr. O'Neil

ABSENT: None

ABSTAIN: None

Ordinance O-11-8

Mrs. Cummins read the title of Ordinance O-11-8 for the 2nd reading and public hearing and stated that it was published in the April 15th edition of the Two River Times and may now be open to a public hearing.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive stated that the ordinance was vague. It needs to be stronger.

Carol Custer of 38 Central Avenue had a question about section 2A. Spoke about the range vehicles can travel. Why would borough vehicles have to leave the borough?

Mayor Nolan stated that these vehicles are used for training and schooling and parts of their job.

Mrs. Custer asked what vehicles?

Mayor Nolan explained.

Mrs. Custer feels someone should monitor gas use and vehicle mileage. She opposes this adoption.

Sean Fitzgerald of 8 Fourth Street agreed with comments made. Has anybody looked at other town ordinances?

Mayor Nolan stated that we have.

Mr. Connelly said that is ordinance is a step in the right direction. The next step is how to control gas use.

Mrs. Custer said perhaps other towns can afford this but we can't.

Arnie Fuog of 50 Valley Street suggested issuing a credit card to monitor gas usage.

Mayor Nolan spoke of more effective methods to use for monitoring.

There were no further questions or comments.

Mayor Nolan closed the public hearing.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Mrs. Cummins read the title of Ordinance O-11-8 on for 3rd and final reading and adoption.

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

**O-11-8
AN ORDINANCE ADDING NEW CHAPTER 277.5 TO THE REVISED GENERAL
CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "BOROUGH VEHICLES"**

New Chapter
2-7.5

This article is intended to set forth the guidelines under which Borough of Highlands ("Borough") vehicles will be authorized to Borough personnel and the guidelines under which Borough vehicles may be used, and shall be read in conjunction with the Motor Vehicle Policy provisions of the Borough of Highlands Personnel Manual.

- A. Where there is a conflict between this Ordinance and the Motor Vehicle Policy adopted simultaneously herewith, and the adopted Standard Operating Guidelines or other adopted Rules and Regulations of a Department, or of any County or State Law Enforcement Guidelines, the provisions of this section are superseded by those standards or guidelines. Further, employees whose employment is regulated by a collective bargaining agreement ("CBA") are subject only to those provisions of this article not specifically regulated by a CBA.
- B. As used in this article, the term "borough vehicle" shall mean those automobiles, trucks, vans or other self-propelled equipment owned, rented or leased by the Borough and licensed for travel on a public way.
- C. It is the policy of the Borough that certain positions require or are entitled to employee access to Borough vehicles. Said vehicles are not personal vehicles and are not for personal use. Borough vehicles should be viewed as belonging to the citizens of Highlands and are assigned solely for purposes consistent with providing services to those citizens.
- D. The assignment of Borough vehicles is solely in the discretion of the Borough. Borough vehicles available for this purpose may be assigned in a manner consistent with Borough workload and employee function. The assignment of vehicles may be rescinded by the Borough Administrator at any time.
- E. (1) Borough vehicles may only be used for legitimate Borough business. Vehicles may be taken home only upon the advance approval of the Administrator, except that department heads may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be utilized only for Borough business. The above provision shall not apply to those personnel who are determined, in the sole discretion of the Borough, to be first responders to Borough emergencies, including, but not limited to, the Police Chief and Fire Chiefs.

(2) Borough vehicles shall only be operated by Borough Employees or officials, and shall not be used to transport any individual who is not directly or indirectly related to Borough business. Passengers shall be limited to Borough employees and individuals who are directly associated with Borough work activity (Borough members, consultants, contractors, etc.). Family members shall not be transported in Borough vehicles. A Highlands employee who is also employed by another governmental entity may utilize a Borough vehicle for that employment only if the employment is pursuant to an interlocal agreement between the Borough and the other governmental entity.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

- (3) Vehicles should contain only those items for which the vehicle is designed. The Borough shall not be liable for the loss or damage of any personal property transported in the vehicle.
- (4) Employees are expected to keep Borough vehicles clean and to report any malfunction or damage to their supervisors immediately.
- (5) Employees may not operate Borough vehicles under the influence of alcohol, illegal drugs or prescription drugs or medications which may interfere with effective and safe operation.
- (6) Employees who operate Borough vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of a valid motor vehicle license annually.
- (7) Employees driving Borough vehicles shall obey all applicable traffic and parking regulations, ordinances and laws, including, but not limited to, laws regarding cellular telephone usage.
- (a) Employees who incur parking or other fines in Borough vehicles will generally be personally responsible for a payment of such fines, unless the payment of such fines is approved by the Borough Administrator.
- (b) Employees who are involved in motor vehicle accidents or who are issued citations for any offense while using a Borough vehicle must at all times follow the procedures set forth in the Personnel Manual. Failure to do so will be grounds for disciplinary action in accordance with the Borough of Highlands Personnel Manual or Ordinance.
- (9) This article is intended to provide a basic framework governing the use of Borough vehicles and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this article should contact the Borough Administrator, who will provide such clarification and may authorize exceptions to this article under mitigating circumstances. Such preapproval is required in order to avoid discipline for a violation of terms hereof.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None
ABSENT: None
ABSTAIN: None

Ordinance O-11-10

Mrs. Cummins read the title of Ordinance O-11-10 on for the 2nd reading and public hearing and stated that it was published in the April 15th edition of the Two River Times and may now be open to a public hearing.

Mayor Nolan opened the public hearing.

Marilyn Jacard of 228 Linden Avenue spoke of good experience with the SNAPS program. She is for this. She would be willing to help us in anyway.

Kerry Gowan, Animal Control Officer, spoke of a recent situation of 50 cats abandoned on Bay Avenue. The cats are a big problem. She thanked the Council for this ordinance. We have to do something and educate people.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Francesca, Association of Humane Society, has literature to give out supporting the TNR program. Sea Bright is doing this and Eatontown will be starting. The cost per cat is less doing TNR than putting them to sleep.

Carol Bucco of 330 Shore Drive asked who will control the people who are feeding the cats?

Francesca explained that they will have to follow their instructions or be fined.

Kerry Gowan stated that she will be assisting and will volunteer. We will still need to trap sick cats.

Sean Fitzgerald of 8 Fifth Street opposes this ordinance. We should have an ordinance prohibiting feeding feral cats. He spoke of Maplewood's ordinance, they charge a \$100 fee for feeding cats.

AJ Soloman of 102 Marina Bay Court has 23 cats in a colony. They don't roam, no fights or litters. She stated this does work.

There were no further questions or comments.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-11-10 on for 3rd and final reading and adoption.

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

ORDINANCE NO. O-11-10

AN ORDINANCE CREATING SECTION 5-16 ENTITLED " PERMITTING THE MANAGED CARE OF FREE-ROAMING CATS" TO THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS

New section 5-16

WHEREAS the Mayor and Council of the Borough of Highlands are aware of the problems in the Borough caused by a large feral cat population; and

WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and

WHEREAS, there are no facilities in the Borough of Highlands ("Borough") or the County of Monmouth to address issues created by feral cats; and

WHEREAS, the population of feral cats has been increasing in the Borough; and

WHEREAS, communities throughout the United States have determined that the practice of trapping and euthanizing feral cats is not effective in reducing their numbers; and

WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and

WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population; and

WHEREAS the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, County of Monmouth and State of New Jersey that the following section be added to the Ordinances of the Borough of Highlands as follows:

5-16.1 Definitions.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned means that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support to the cat.

Animal Control Officer means any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a cat.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

Ear Marked means a tagged, notched or tipped left ear as performed by a licensed veterinarian.

Feral Cat colony means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a Colony shall be deemed to be a part of it.

Managed Cat colony – spraying and neutering the cats to stabilize the population of the Feral Cat colony.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Rescue group is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

Suitable Shelter means shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

Zoonotic Disease means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

5-16.2 Responsibilities of owners of domesticated cats.

1. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

2. The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
3. The Owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
4. An Owner shall not abandon a domesticated cat.

5-16.3 Feral Cat colonies.

1. Feral Cat colonies shall be permitted and Caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Ordinance.
2. Sponsorship of Colony TNR Programs.

The Monmouth County SPCA is approved as Sponsor. Other persons may apply to the Borough to serve as colony TNR program sponsors ("Sponsors"). Any person or entity so applying shall comply with the requirements of this article for sponsors and execute a Monmouth County SPCA approved sponsor contract. Any person intending to undertake the responsibilities of sponsor shall advise the Monmouth County SPCA in writing and provide his/her/its address and telephone number.

3. Sponsor requirements.

It shall be the duty of the Sponsor to:

- a. Review and approve of colony caregivers;
- b. Help to resolve any complaints over the conduct of a colony Caregiver or of cats within a colony;
- c. Maintain records provided by colony Caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the Sponsor's colonies; and
- d. Report annually to the Borough on the following:
 - i. number of colonies in the Borough;
 - ii. total number of cats in colonies;
 - iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and
 - iv. number of cats and kittens placed in permanent homes.
- e. Register Feral Cat colonies as provided in Section 4.
- f. Equally responsible with that of the Animal Control Officer for humanely capturing, trapping, neutering, vaccinating, identifying and spaying or neutering feral cats.
- g. Obtain and maintain liability insurance for all activities, actions and work performed pursuant to Ordinance and laws of the State of New Jersey, naming the Borough of Highlands as an additional named insured and providing an annual copy of the Declaration of Insurance and proof of payment of the same.

4. Feral Cat Caregiver requirements.

Caregivers are responsible for the following:

- a. registering the Feral Cat colony with the Sponsor;

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

- b. taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured;
 - c. taking steps that are reasonably likely to further the objective of the spay/neuter of at least ninety percent (90%) of the colony population;
 - d. providing the Sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
 - e. providing food, water and, if feasible, shelter for colony cats;
 - f. observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
 - g. obtaining the approval, in writing, of the owner of any property, to which the Caregiver requires access to provide colony care;
 - h. in the event that kittens are born to a colony cat, the Caregiver shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement or with the Sponsor for subsequent permanent placement;
 - i. reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year, the number of kittens born to colony cats and their disposition and the number of cats and kittens placed in permanent homes as companion cats; and
 - j. obtaining proper medical attention to any colony cat that appears to require it.
 - k. taking reasonable steps to prevent cats from creating a nuisance in adjacent properties.
5. Colony Cat requirements.
- a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be eartipped.
 - b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The colony number shall be used for purposes of the EAID.
6. Disposition of Colony Cats.
- a. An Animal Control Officer or sponsor who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a Feral Cat colony shall scan any cat trapped or picked up for an EAID. If an EAID is found, the officer shall return the cat to its colony or its Owner. If an EAID is not found, the officer shall contact the Sponsor and the Sponsor or any other person named as the Owner of the cat.
 - b. If the Owner or Sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony.
 - c. If the cat does not have an EAID then the Animal Control Officer shall contact the Sponsor so the cat can be properly placed in a colony. If the cat is obviously a domestic cat the Sponsor shall arrange for care for the cat until the Owner is located and may determine the disposition of the cat in those circumstances where the domestic cat's owner can not be located. If the cat does not have an

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

EAID and the Owner cannot be located then the Sponsor will nevertheless treat the cat as any stray with a seven (7) day holding period.

i. Requirements in General.

- a. It shall be the responsibility of all residents of Highlands along with the Sponsor, feral cat Caregivers, and all involved individuals to use due consideration to avoid the taking of rare, threatened or endangered species under the Endangered and Non-Game Species Conservation Act, N.J.S.A. 23:2A-1, et seq. and pursuing the actions allowed by this Ordinance.

7. Registration of Feral Cat colonies.

- a. The sponsor shall register Feral Cat colonies maintained by approved Caregivers. Feral Cat colonies within the Borough that are not registered by the Sponsor are not entitled to any benefits or protections set forth in this Ordinance. No colonies may be established except in accordance with this Ordinance. On an annual basis the sponsor shall provide the Borough of Highlands with a colony management plan for the Borough containing all registered Feral Cat colonies with information on the number of cats, anticipated rate of attrition and the length of project, efforts to deter predation and to prevent immigration of more cats into each colony. The list of registered Feral Cat colonies and the annual colony management plan shall be filed with the Borough administrator.

5-16.4 Ordinance Enforcement.

1. The Borough shall have the following rights:

- a. the right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
- b. the right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 30 days to remove and relocate the cat and have failed to do so.
- c. the right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 30 days of the Borough's notice to the Sponsor of the Caregiver's failure to comply with this Ordinance.

2. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

5-16.5 Study and Review.

Not later than December 31, 2015, the Borough of Highlands shall study the effectiveness of the TNR Program and review the continuance of this Ordinance. This Ordinance however shall continue as provided until specifically rescinded or amended.

5-16.6

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

5-16.7

If for any reason any Section of this Ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

5-16.8

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

This Ordinance shall take effect upon final passage and publication according to law.
Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALLL:

AYES: Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: Mr. Connelly
ABSENT: None
ABSTAIN: None

Ordinance O-11-12

Mrs. Cummins read the title of Ordinance O-11-12 on for 2nd reading and public hearing. It was published in the April 15th edition of the Two River Times and may now be open to a public hearing.

Mayor Nolan opened the public hearing.

Don Ryan of 363 Shore Drive asked which roads are going to be improved.

Mr. Pfeffer answered; Reconstruction of Woodland Ave., from Highland Avenue to Prospect Street; Resurfacing of Valley Avenue from Highland Avenue to southern terminus, Bayview Street from Valley Avenue to its terminus; Prospect Street from Osborne Street to approximately 50' east of Woodland Avenue; includes milling, drainage, sanitary sewers, including all materials necessary according to plans and specs on file with the Borough Clerk. This came from the Borough Engineer.

There were no further questions or comments.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-11-12 on for 3rd and final reading and adoption.

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

O-11-12

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$575,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$357,485 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$575,000, such sum includes the sum of (a) \$160,000 expected to be received from the New Jersey Department of Transportation, (b) \$38,700 expected to be received from New Jersey American Water Company, and (c) \$18,815 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$357,485 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$357,485 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

HIGHLANDSNJ.COM

**Borough of Highlands
Mayor & Council Meeting
Workshop/Regular Meeting
May 4, 2011**

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Reconstruction of Woodland Avenue from Highland Avenue to Prospect Street and Resurfacing of Valley Avenue from Highland Avenue to the southern terminus, Bay View Street from Valley Avenue to its terminus, Prospect Street from Osborne Street to approx. 50 feet east of Woodland Avenue, which include milling, drainage and installation of curbs, sanitary sewers, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$575,000	\$357,485	11.39 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$357,485.

(c) The estimated cost of the Improvements is \$575,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

**Borough of Highlands
Mayor and Council
Workshop Meeting
May 4, 2011**

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 11.39 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. 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 in this bond ordinance by \$357,485 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$357,485.

SECTION 10:

**Borough of Highlands
Mayor and Council
Workshop Meeting
May 4, 2011**

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

ROLLCALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Other Resolutions:

Resolution R-11-114

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

R-11-114

**RESOLUTION AMENDING THE BOROUGH OF HIGHLANDS PERSONNEL POLICY MANUAL TO INCLUDE
MOTOR VEHICLE POLICY**

WHEREAS, The Mayor and Council of the Borough of Highlands find that a strong and clearly articulated Vehicle Use Policy is necessary to protect the taxpayers of the Borough, and

WHEREAS, the Mayor and Council find that a strong and clearly articulated Vehicle Use Policy will save the Borough money and clarify the rights and responsibilities of all employees and volunteers who have access to Borough Motor vehicles, and

WHEREAS, The Mayor and Council of the Borough of Highlands has reviewed the proposed policy and finds that it furthers the goals set forth above and will enhance operational safety and standards and fulfill their obligation to the taxpayers of the Borough;

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey that:

The Borough of Highlands Personnel Policy Manual, dated December 13, 1995 as previously adopted in Ordinance 2-7.4, last revised March 17, 2010 shall be amended at Section Two: Workplace Policies, "Use of Borough Property and Equipment" to include the Motor Vehicle Use Policy attached hereto; and

All other provisions of the Policy Manual shall continue in full force and effect.

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

ROLLCALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Other Business:

911 Memoria Project Discussion:

Jim Fox of 148 Navesink Avenue, V.P. of the Memoria Project. There has been some confusion about the placement of the stones. Explained there were many meetings over a period of time. The sketch that you all have now, was agreed on in 2005. They are proposing a scaled back

**Borough of Highlands
Mayor and Council
Workshop Meeting
May 4, 2011**

Discussion continued about past approvals for design and stone location and different phases.

Mr. Francy said feels the drawing is very generic.

Council continued to discuss.

Don Manrodt, VFW, 268 Bayside Drive, stated that the last meeting they had was in 2005. They agreed that they would put it over by Cottrell's house, in the corner. The park is for the Veterans. The plans keep changing. Take it out of town.

Mike Kovic, American Legion, said he was at the meeting, they all agreed the monuments were to be placed in the corner by Cottrell's property.

Council continued to discuss.

Mrs. Braswell spoke about CDBG plan that was referred to tonight. The park is a great asset and the park needs a facelift.

Mr. Manrodt is against the monuments being placed there. They were supposed to be small.

Mike Kovic showed old proposed plan. Both VFW and American Legion would be happy if the statues are moved to the corner.

Council continued to discuss.

Mr. Connelly offered a motion to approve option A and failed for lack of second.

Mayor Nolan asked for a motion for accepting or not accepting options C, D or B.

Ms. Kane offered a motion to not accept, seconded by Mr. Francy and approved on the following roll call vote:

ROLLCALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Fox was instructed to coordinate with Mr. Hill on securing or removing the stones.

Community Center Fee Ordinance Discussion:

Mr. Hill spoke about gave hand outs regarding fees for use of the building and other parks. He would like to prepare an ordinance with the Borough Attorney.

Mr. Francy left at 10:32.

Mayor Nolan stated that no alcohol will be allowed. It looks good.

Mr. O'Neil asked Mr. Manrodt what they charge for a clean up fee.

Mr. Manrodt said the VFW charges \$50. You also have to consider the air conditioning and heating costs.

Mr. Francy returned at 10:34.

Mr. O'Neil questioned the fee for the ball field.

Mr. Hill explained league use.

Mayor Nolan offered a motion to have Mr. Halfacre prepare an ordinance, and seconded by Ms. Kane and approved on the following roll call vote:

**Borough of Highlands
Mayor and Council
Workshop Meeting
May 4, 2011**

ROLLCALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Generator Grant:

Mr. Hill spoke referred to CDBG letter. The initial grant of \$185,200 was for the generator project. There is money left. We need to modify the generators to automatically switch on as per Emergency Management. We requested \$40,000. They will give us this money with the stipulation that we sign off that the balance of the grant be returned to CDBG which is \$106,764.

Discussion continued about auto switch.

Mr. Ciazza said they should all have automatic starts.

Mayor Nolan recommends putting the \$40,000 to the project with the understanding that the generators are not to stay out in the weather.

Mr. Hill said CDBG will not pay for portable generators.

Discussion continued to keep the generators inside this building.

Mayor Nolan offered a motion to move forward with the grant to modify the generators, seconded by Mr. Francy and approved on the following roll call vote:

ROLLCALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Request for Use of Waterwitch Beach:

Mr. Hill stated that last year, we had a request for use of the Waterwitch Beach for a beach event. She did receive approval from the Borough. Do we own the property?

Mr. Halfacre said Waterwitch Association does not legally exist anymore. There is no one for us to have a resolution with. Their lease expired. He will start reaching out. We can't stop anyone from using the beach.

Council continued to discuss.

Mr. Halfacre will send letters out to Association members.

Request from Property Owner to be Removed from the BID:

Mrs. Cummins said that Mr. Heck received a letter from a property owner of 18 Shrewsbury Avenue, requesting to be removed from the BID. He reviewed it and recommends removal.

Mr. Halfacre said to do a resolution removing it from the BID, removing it from Schedule A. You are amending Schedule A of the BID ordinance, not the ordinance. He will have a resolution for the next meeting.

Zone Change Request from Mr. Bollerman:

Mrs. Cummins said this has been discussed briefly. It is in regard to Mr. Bollerman's letter.

**Borough of Highlands
Mayor and Council
Workshop Meeting
May 4, 2011**

Mayor Nolan said we are referring this to the Planning and Zoning Boards for their recommendations and input.

Building Dept. Fee Ord. Amendment Discussion to Reconsider:

Mr. O'Neil said he will work Paul Vitale.

Defeated School Budget Discussion:

Mr. O'Neil and Mr. Francy will be contacting the school. They will have information at the next meeting.

Public Portion:

Larry Thorner of 88 Highland Avenue asked about speed calming on Highland Avenue.

Mayor Nolan said we are working on it, possible two speed tables.

Larry Thorner stated that there are pot holes from the Gas Company that need to be fixed.

Mr. Hill will look in to it.

Donald Ryan of 363 Shore Drive stated that Bayside Drive road is collapsing.

Mr. O'Neil said the DPW will seal the crack in the road tomorrow.

Barry Fisher of 11 Locust Street spoke about the Sandy Hook zone change request from Mr. Bollerman.

Mayor Nolan said this has been referred to the Planning Board and Zoning Board.

Joe (unknown) of 3 Willow Street spoke of boat storage request for the Bollerman property. He would be in favor of that.

Donald Tarpey of 365 Shore Drive questioned how many years does Future's contract run.

Mayor Nolan stated working one year to see how it works.

Carol Custer of 38 Central Avenue asked how many bulk pick ups a year do we have.

Mayor Nolan answered that we have one per quarter. It is listed on the website.

Carol Custer wanted to know if the public will know why Mr. Hilling is no longer our administrator.

Tara Ryan of 17 Ocean Street wants the 911 project to work out. Asked about the recycling yard hours.

Mr. O'Neil said the attendant will be back on his regular schedule tomorrow.

Lori Dibble of 32 Paradise Park is concerned about the zoning request by Mr. Bollerman to use riparian rights to calculate density. He is also asking for the passage for a relocation plan to be stricken from the ordinance.

Mayor Nolan said he would never vote on that. The Planning and Zoning Boards will review and make recommendations.

Shawn Fitzgerald of 8 Fourth Street said that the creek is overgrown with weeds.

Mayor Nolan said it will be scheduled to be taken care of.

**Borough of Highlands
Mayor and Council
Workshop Meeting
May 4, 2011**

Shawn Fitzgerald asked about the ordinance for feeding cats. He wants an anti-feeding cat ordinance.

Linda McKale – passed.

Jim Parla of 16 Portland Road spoke about fines for feeding cats. Is there one?

Mayor Nolan said that Kerry Gowan can issue.

John Urbanski of 2 North Street spoke about the noise and fights from Windansea. Doesn't feel the Police are enforcing the noise ordinance.

Mayor Nolan will ask Mr. O'Neil to handle this.

There were no further questions or comments from the public.

Mr. O'Neil offered a motion to adjourn the meeting, seconded by Mayor Nolan and all were in favor.

The Meeting adjourned at 11:25 P.M.

DEBBY DAILEY, DEPUTY CLERK