

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
April 4, 2012**

Mayor Nolan called the meeting to order at 7:18 p.m.

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

**ROLL CALL:**

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

**Absent: None**

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

**Tim Hill, Borough Administrator**

**Bruce Padula, Labor Attorney**

**Dale Leubner, Borough Engineer**

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**Executive Session Resolution**

Mrs. Cummins read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-72  
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: \* Captains Cove Marina**
- 2.Contract: \*PBA Union Contract**
  - \* Ferry License Proposed Agreement**
  - \* Animal Control Service Contract**
  - \* Exxon Mobile Agreement for Bayside Drive**
  - \* Phone Service Proposed Contract**
- 3.Real Estate:**
- 4. Personnel Matters:**
- 5. Attorney-Client Privilege:**

**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:

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1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. **Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.**
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

**ROLL CALL:**

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

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ABSTAIN: None

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:07 p.m.

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

**ROLL CALL:**

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

**Absent: None**

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

**Tim Hill, Borough Administrator**

**Bruce Padula, Labor Attorney**

**Dale Leubner, Borough Engineer**

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**Committee Reports:**

**Finance:**

There was no report at this time.

**Administration:**

Mr. Hill read thru his report.

**Borough Administrator's Report April 4, 2012**

**1. DPW- Report provided by DPW (15 items listed)**

Summary: Oswald in for sewer main issues on Bay Ave., Started grass cutting in parks/public areas, bulk pick up for March completed and brush pick up started as needed, Installing street signs and ordered signs for replacement as noted by PD. Rec'd and checked 3 sewer clog complaints.

**2. Building and Housing-**

**Code Enforcement** – 34 Co's , 15 Inspections – 3 court appearances \$1,700 in fees collected

**Construction Office** – 27 New Permits, 2 Updates: = 29 Alterations, all private

**Zoning** – suggest an ordinance be adopted regulating clothing bins, reviewed Quik-Chek permit application and reviewed 14 Zoning permits(new homes, fences, decks, porches)

**3. Recreation / Parks Summary** = 27 Group uses in March. 4 Senior Citizen events held throughout March. Teen night held 3/9 & 3/23. Teen Movie Night set for April 5<sup>th</sup>, Kids on the Move afternoon program continues Monday, Tuesday, Wed., with special activities on Thursdays as scheduled. Tae Kwon Do, 4-H, Girl Scouts continue to meet. Boating Safety program, Creative Notions Art Class for seniors and Pitch Hit & Run Program (Baseball & Softball) have been set for April & May. Egg Hunt was held on Sunday 4/1 due to inclement weather.

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Condos / Homeowners Assoc. 1, Girl Scouts 7, FOB 4, AA / Women's Step Group 4, Tae Kwon Do 4, SET 4-H Club, Garden Club, Historical Society, Highlands Business Partnership Mtg., Rutgers SAFETY Clinic, KFRC Mtg., Boating Safety Class, and Congressman Pallone's Mayors Meeting.

Senior Citizens: Exec. Mtg. 3/1/12, Business Mtg. 3/8/12 - NJNG Speaker came and played "Plinko" with the seniors, which was a board game filled with information on rebate programs, energy assistance, and low-cost tips to help reduce energy bills. They won prizes - 11 participants. Bingo / Lunch 3/15/12, SC Social 3/22/12 - St. Patty's Luncheon - 14 participants. SC Special Event 3/29/12 - Tricky Tray - 12 participants.

Special Events: Teen Night 3/9/12 - 19 participants, Teen Night 3/23/12 - 31 participants. Kids on the Move St. Patrick's Day Celebration 3/15/12 - Played Bingo for prizes and served refreshments - 10 participants. Easter Egg Hunt & Candy Bingo was rained out on 3/31/12 but rescheduled for 4/1/12 - ??? participants for Egg Hunt and 33 participants for Candy Bingo. Other: Games & More Program - Ended 3/8/12 with 20 participants. Kids on the Move Program - 40 participants registered. Adult Open Gym Programs (All end this week) ~ Basketball - 4 registered, Indoor Soccer - 33 registered, & Volleyball - 5 registered. Seniors Upcoming Schedule: Exec. Mtg. & Business Mtg. - 4/12/12, Bingo / Lunch - 4/19/12, Social (Day at the Races) - 4/26/12. Other Upcoming Events: Teen Movie Night (for ages 12-18) - 4/5/12 from 7:00 pm to 9:30 pm, Creative Notions (Hands-on art sessions for Senior Citizens) - 4/11/12 & 5/2/12 at 10:00 am, Boating Safety Class - 4/15/12, Pitch, Hit, & Run Event (for boys and girls ages 7-14) - Saturday, May 5th at 3:30 pm at Firemans Field in Atlantic Highlands and Recreation

**4. Administrator's report**

Working with Garden Club and HBP re: irrigation at Vet's Park

Reviewing solar light needs for various flag poles

Reviewing Telecom items –

Reviewing Time Clock procedures with all departments

Vet's Park Basketball court repairs have begun

Preparing Summer Food Service Grant

Generator project should be complete by mid-April

Hutchinson Mechanical installed new energy efficient heating units for borough hall – a/c unit for PD. Need to follow up with roof repair to complete a/c replacement for main office area.

Assisted with St. Patricks Parade

Civil service list rec'd for police dept. opening

March meeting attendance – w/ Police Dept, Code Enforcement/ Construction, Contract Negotiation Meeting, Shared Services Meeting, MEL / JIF training, Planning Board, & Kavookjian Field Committee meetings.

Mr. Francy said grass cuttings were left by a maintenance service on Fifth Street and was surprised that our guys picked it up. We should notify the landscaping service to take it away themselves.

Mr. Hill said our guys moved it to prevent clogging of the storm drains. He said it is happening on Portland Road also. He would like to send a notice to residents that if they hire a contractor, they are responsible for removing the debris.

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Mayor Nolan said to send it out with the next tax bills.

Mr. Francy spoke about disposal of borough vehicles and equipment resolution.

Mayor Nolan offered to pull the resolution on the Consent Agenda.

**Public Safety:**

Chief Blewett read thru his report.

**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  
April 2012**

- \* As the result of a several month long investigation into the distribution of narcotics; members of the Highlands Police Department executed a narcotics search warrant on March 23, 2012. Patrick Drum, 32 years of age, Fifth Street, Highlands was arrested and charged with possession of over 50 grams of marijuana, distribution of marijuana, distribution of marijuana within 1,000 feet of a school, distribution within 500 feet of park, possession of a controlled dangerous substance, distributing a controlled dangerous substance and possession of paraphernalia. Mr. Drum's bail was set at \$150,000.00 with no ten percent option and he was subsequently transported to the Monmouth County Correctional Institution. Natalia Rocha was also arrested and charged with possession of over 50 grams of marijuana. Ms. Rocha was later released on her own recognizance pending court appearances. The department also seized the defendant's vehicle which is pending forfeiture through Monmouth County Prosecutor's Office.
  
- \* As the result of an investigation into a reported dispute on March 18, 2012, Bonnie McKittrick, 20 years of age, Waterwitch Avenue, Highlands was arrested and charged with aggravated assault, possession of a weapon and possession of a weapon for an unlawful purpose.
  
- \* The Highlands Police Department is currently investigating several cases of identity theft which occurred during the month of March. Due to the increasing number of these crimes the department strongly urges residents to safe guard their identity by shredding financial documents, protecting your social security number by not carrying your social security number in your wallet, not giving out personal information on the phone, internet or mail unless you're sure who you are dealing with and by always keeping your personal information in a secure place.

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\* Once again, the Highlands Police Department dedicated itself to providing a safe environment for both the residents and participants during the Annual St. Patrick's Day Parade. Officers were assigned to a plain clothes detail along the parade route as part of the department's continued "zero tolerance" policy regarding the consumption of alcoholic beverages in public. As a result (3) summons were issued for open alcohol violations.

\* **Administration:**

In addition to assisting the patrol staff in routine emergency response calls and routine administrative duties I (Chief Blewett) have attended several meetings regarding possible shared dispatch services with Atlantic Highlands. Since January of this year, Mr. Hill and I have been working together researching shared services to include technological and infrastructure changes/upgrades to facilitate this change. Meetings have also been held with Undersheriff Bob Dawson to discuss conditions and terms of shared dispatch services with the Monmouth County Sheriff's Department.

- Due to recent retirements duties were reassigned and the department's organizational structure was modified to facilitate the reassignments and changes in responsibilities.
- Budget
  - In the last few weeks I (Chief Blewett) have assisted the Chief Financial Officer formulating a half year transitional budget for the department until the new calendar year budget is implemented.
  - Purchase of New Patrol Vehicle – researching models, options and equipment
  - Mobile Vision – contacted the Division of Highway Traffic Safety regarding utilizing Drunk Driving Enforcement Fund (DDEF) monies toward the purchase of a new in-car camera system.
  - Virtual Private Network – Due to the Monmouth County Sheriff's Department not continuing their contract with Comcast at the expiration; each department must supply their own network for the State Criminal Justice Information System computers. After meeting with Comcast regarding the possible shared dispatch services we have learned that this may be covered under that agreement.
- Traffic
  - Highland Avenue Project: Met with Fiore Construction regarding traffic control issues and formulated traffic plans and agreed upon procedures for road closures and information sharing.
  - Resident Notification – Emergency water main break resulting in numerous homes without water for extended period of time. Swift Reach Reverse 9-1-1 Message sent to affected residents with information regarding the outage and traffic concerns. Again, the department urges residents to sign up for this service.
- Homeland Security
  - Updating Plans – School evacuation plans
  - Planning Drills – Highlands Elementary, Henry Hudson Regional, MOCERT
  - Review of Temporary Restraining Orders, Final Restraining Orders and Child Custody/Visitation Orders on file with schools
- Hiring (regular police officer/special law enforcement officer candidates)
  - New Jersey Civil Service – military service adjustments/enlistments rights

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- New Jersey Police Training Commission – training conversions
- Department of Veterans Affairs

- **Grants**

- Bullet Proof Vests – State and Federal Grants available  
Officers vests are replaced every (5) years on a rotating basis. The purchases are mainly funded through these grants.
- Click It or Ticket – State Division of Highway Traffic & Safety Grant  
This is the 2<sup>nd</sup> year the Highlands Police Department has been awarded monies to enforce violations of the seat belt laws. (May 21, 2012 thru June 3, 2012)

\* **Investigations:**

During the month of March, this department handled a total of **31** initial investigations which included **(6)** thefts, **(2)** aggravated assaults, **(3)** burglaries and **(1)** endangering the welfare of a child that required additional follow up by the detective division including witness interviews/statements, referrals/meetings with other agencies (Monmouth County Prosecutor's Office/Division of Youth and Family Services).

The Highlands Police Department has been cooperating with the United States Coast Guard Operations regarding an aggravated sexual assault investigation that occurred with their personnel.

\* **Narcotics:**

Narcotics Officer Matthew Chesek and K-9 Dedr assisted the Middletown Township Police Department during the execution of **(3)** narcotic search warrants in the month of March.

\* **Community Policing:**

- D.A.R.E. – Sgt. Robert Burton is in the 6<sup>th</sup> week of teaching the 10 week DARE curriculum to the 5<sup>th</sup> Grade students at the Highlands Elementary School. This program has been extremely successful over the years and is highly received by both the participants and staff. The program has no cost to the borough and throughfunds received from the clothing bins at the recycling yard participants are supplied with items such as shirts, hats, backpacks, cups, folders, pens, pencils and erasers.
- Explorers – Capt Clagett and Ptl. Ruth have been working on scheduling trips for the participants.
  - McGuire Air Force Base – Private tour for participants of the FAA Control Center/Tower and Static Plane Displays
  - West Point – Seastreak Trip to Army/Air Force Football Game

\* **Patrol:**

- First Aid – 34 calls
  - Average 40 minutes per callOfficers are first responders and must remain on scene until arrival of emergency medical services. The Highlands First Aid Squad volunteers are currently with





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**Library:**

Tara Ryan read thru her report.

LIBRARY COMMITTEE REPORT

April 4, 2012

- The Community Center piano, which is actually in the library, was recently tuned, and is now in great shape. The library staff had noticed some clients and young people interested in playing the instrument, and made arrangements for the work. Anyone interested in playing/ practicing on the instrument can speak to the Community Center staff about using the piano when the room is not in general use.
- We are going to start another reading program geared towards very young children 2-5. The dates and times will be decided shortly, after discussion w/ the Community Center staff. Please watch for the announcement on the Town Electronic Bulletin Board, and at the center.
- The Library is looking for a group or a person to coordinate the re-decoration of the library. Anyone interested may contact Tara Ryan 732 872 2405. We will be speaking to the HRS Art students about this project, as well.
- The numbers of library clients continues to rise and fall. The number always drops in the winter. Everyone in town is welcome at the library, and we encourage everyone to visit and see what we offer: Books for adults, young people and children; Fiction and Non-Fiction. Movies and CDs. We also have a magazine exchange. If you have not been by please stop in and see our little gem.

**Highlands Business Partnership:**

There was no report at this time.

**Shared Services:**

Mayor Nolan said that in checking compatibility of the phone system for shared services with dispatching, we found that we may be able to save approximately \$1000.00 a month on our land line services now. The next meeting for shared services is Friday, April 13<sup>th</sup>. They will bring back the information to the Governing Body for further discussion.

Mr. Francy asked about sharing the court.

Mayor Nolan said we need to do the dispatching first. He further explained.

Ms. Kane spoke of OEM and First Aid.

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**Other Business:**

**North Street Bulkhead Repair:**

Mr. O'Neil said he was not ready with his report and would like to carry to the May 2<sup>nd</sup> meeting.

**North Street Pump Station Repairs – J. Urbanski Memo dated 2/7/12:**

Mr. O'Neil asked to carry to the May 2<sup>nd</sup> meeting.

**Review of Washington Avenue Engineering Proposal:**

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Mr. Leubner said a proposal was submitted of the break area. It was revised on March 28<sup>th</sup>, 2012. He is waiting for direction from the council.

Mrs. Cummins said we are introducing a bond ordinance tonight for Washington Avenue. Once it is adopted, we can award the professional services.

Council authorized Mrs. Cummins to do a resolution for the next meeting.

**Mayors Appointment to the Planning Board:**

Mrs. Cummins stated that we have a vacancy due to the resignation of Mr. Parla.

Mayor Nolan thanked Mr. Parla for his dedication to the Planning Board. We appreciated his service.

Mrs. Cummins said that with that vacancy, Mayor Nolan decided to move an alternate member, Sherry Ruby to the unexpired term of Mr. Parla as a regular member. Mr. Gallagher will be moved from Alternate #2 to Alternate #1. The Mayor would like to appoint Larry Colby to the Alternate #2 Planning Board member.

**Willow Street Pipe Repair:**

Mr. Redmond said he was at Willow Street and Sandy Hook Bay Marina. There is a drainage pipe that goes thru their property. At the end of the pipe, before it goes in to the Marina, there is fall out soil going in to the pipe. Mr. Hill spoke with Mr. Bollerman and he is looking to see if it can be repaired.

Mr. Hill explained that we were told that Sandy Hook Marina would make the repairs. Since meeting with the property owner, he feels that it is our pipe and we should repair.

Mr. Leubner explained that they looked at this pipe in 2004 regarding an issue with the bulkhead. They found some off set joints, pipe seemed to be intact. He suggests that we run camera in there again. It seems like it would be a simple repair.

Discussion continued a bid from Branin.

Mr. O'Neil agreed we should televise it first.

Mayor Nolan authorized Mr. Leubner to televise the pipe and report back at the next meeting.

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**Consent Agenda:**

Mayor Nolan asked to remove R-12-76 permanently and R-12-77.

Mrs. Cummins said that there is a change in the first sentence of the executive minutes. It should read "Mr. Padula stated that".

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

R-12-73

**CAPITAL BUDGET AMENDMENT**

WHEREAS, the local Capital Budget for the year SFY 2012 was adopted on the 7th day of December 2011; and,  
WHEREAS, it is desired to amend said Adopted Capital Budget Section;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highlands,  
County of Monmouth, that the following amendment(s) to the adopted capital budget section  
of the SFY 2012 Budget be made.

CAPITAL BUDGET (Current Year Action) 2012

(1) Project	(2) Project Number	(3) Estimated Total Cost	(4) Amounts Reserved in Prior Years	(5A) SFY 2012 Budget Appropriation	(5B) Capital Improvement Fund	(5C) Capital Surplus	(5D) Grants In Aid and Other Funds	(5E) Authorized Debt	(6) TO BE FUNDED IN FUTURE YEARS
<b>TOTAL PER ADOPTED BUDGET OR LAST CAPITAL AMENDMENT</b>									
		9,093,000.00		0.00	32,150.00		200,000.00	4,610,850.00	4,250,000.00
Bulkhead Replacement along and various Improvements to Washington Avenue	R-12-03	700,000.00			35,000.00				665,000.00
		0.00							0.00
		0.00							0.00
<b>Totals all projects:</b>									
		9,793,000.00	0.00	0.00	67,150.00	0.00	200,000.00	5,275,850.00	4,250,000.00

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6 YEAR CAPITAL PROGRAM SFY 2012-SFY 2017  
 Anticipated PROJECT Schedule  
 and Funding Requirements

	(1) Project	(2) Project Number	(3) Estimated Total Cost	(4) Estimated Completion Time	(5) FUNDING AMOUNTS PER YEAR						
					Budget Year SFY 2012	Budget Year SFY 2013	Budget Year SFY 2014	Budget Year SFY 2015	Budget Year SFY 2016	Budget Year SFY 2017	
<b>TOTAL PER ADOPTED BUDGET OR LAST CAPITAL AMENDMENT</b>					9,093,000.00	4,843,000.00	1,665,000.00	800,000.00	535,000.00	750,000.00	500,000.00
Bulkhead Replacement along and various improvements to Washington Avenue		R-12-03	700,000.00	1 Year	700,000.00						
			0.00								
			0.00								
			0.00								
<b>TOTALS ALL PROJECTS:</b>			9,793,000.00		5,543,000.00	1,665,000.00	800,000.00	535,000.00	750,000.00	500,000.00	

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6 YEAR CAPITAL PROGRAM SFY 2012 - SFY 2017  
(Summary of anticipated Funding sources and Amounts)

(1) Project	(2) Estimated Total Cost	(3) Budget Appropriations		(4) Capital Improvement Fund	(5) Capital Surplus	(6) Grants in Aid and Other Funds	(7) BONDS AND NOTES				
		Current Year SFY 2012	Future Years				General	Self Liquidating	Assessment	School	
TOTAL PER ADOPTED BUDGET OR LAST CAPITAL AMENDMENT	9,093,000.00	0.00		214,650.00		4,864,600.00	4,013,750.00	0.00	0.00	0.00	0.00
Bulkhead Replacement along and various Improvements to Washington Avenue	700,000.00			35,000.00			665,000.00				
		0.00									
		0.00									
		0.00									
TOTALS ALL PROJECTS:	9,793,000.00	0.00	0.00	249,650.00	0.00	4,864,600.00	4,678,750.00	0.00	0.00	0.00	0.00

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

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

CAROLYN CUMMINS, BOROUGH CLERK

CLERKS CERTIFICATION (NOT TO BE PUBLISHED)

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the Borough Council on April 4, 2012.

Certified by Me:

Date

CAROLYN CUMMINS  
BOROUGH CLERK

TRENTON, NEW JERSEY  
APPROVED

.....  
DIRECTOR OF LOCAL GOVERNMENT SERVICES

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Mayor Nolan offered the following Resolution and moved on its approval for payment:

**R-12-74**

**RESOLUTION GRANTING TAX EXEMPTION  
TO DISABLED VETERAN  
FOR BLOCK 94 LOT 8**

**WHEREAS**, Anthony Micko is a 100% disabled veteran and is the owner and resident of 50 Waterwitch Avenue, Highlands (Block 94 Lot 8) the 100% service connected disability having been awarded to Anthony Micko by the Veteran Administration for medical conditions arising from his military service; and

**WHEREAS**, the petitioner Anthony Micko has applied for exemption of the taxes assessed for his property located at 50 Waterwitch Ave, Highlands, as a 100% disabled veteran pursuant to N.J.S.A. 54:4-3.30(A), and the Micko residence is exempt for its tax assessment commencing on March 1, 2012 as the residence of a 100% disabled veteran; and

**WHEREAS**, the Governing Body of the Borough of Highlands, upon recommendation of the Tax Assessor, has determined that Anthony Micko is entitled to a tax exemption as a 100% disabled veteran for conditions received in the honorable service of his county and his fellow citizens, and the effectuating the policy of tax exemption as of the appropriate date is proper.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that pursuant to the authority of N.J.S.A. 54:4-3(A) the Tax Assessor is hereby authorized to exempt Block 94 Lot 8 50 Waterwitch Avenue, Highlands, the residence of Anthony Micko, a 100% disabled veteran, from the prorated assessment of property effective March 1, 2012.

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

**ROLL CALL:**

**AYES:** Mr. Redmond, 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-12-75**

**RESOLUTION  
APPROVING RAFFLE LICENSE  
APPLICATIONS NO. RA#1317-12-11**

**Hi-Mar Striper Club, Inc. AND  
RA#1317-12-12**

**KAVOOKJIAN FIELD & HIGHLANDS LIVING WAR MEMORIAL CORP.**

**WHEREAS**, the Hi-Mar Striper Club, Inc. has submitted Raffle License Application No. RA1317-12-11 for a drawing to be held on May 18, 2012 and the Kavookjian Field & Highlands Living War Memorial Corp. submitted a Raffle License Application for a raffle to be held on April 26, 2012.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Applications RA#1317-12-11 and RA#1317-12-12 are hereby both approved and the Borough Clerk is authorized to sign off on licenses.

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

**ROLL CALL:**

**AYES:** Mr. Redmond, 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:

**BOROUGH OF HIGHLANDS**

**COUNTY OF MONMOUTH**

**R-12-78**

**RESOLUTION AUTHORIZING ACCEPTANCE OF THE  
MEMORANDUM OF AGREEMENT**

**WHEREAS**, the Borough of Highlands ("Borough") and the Communications Workers of America Local 132 ("Union") are engaged in negotiations for successor Collective Negotiations Agreement ("Agreement"); and

**WHEREAS**, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement ("MOA"); and

**WHEREAS**, the Union has ratified the terms contained in the MOA;

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

- 1) That the Borough hereby accepts and agrees to execute the terms and conditions of the Memorandum of Agreement and approves incorporating those terms into a successor collective negotiations agreement;
- 2) The Borough directs labor counsel to incorporate the changes contained in the MOA into a successor collective negotiations agreement;
- 3) That this Resolution shall take effect immediately.

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

**ROLL CALL:**

**AYES:** Mr. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None



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**ABSENT: None**  
**ABSTAIN: None**

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

**R-12-79  
RESOLUTION AUTHORIZING PAYMENT  
TO T & M ASSOCIATES FOR REVIEW & INSPECTIONS OF  
SANDY HOOK BAY MARINA  
PERFORMANCE BOND ITEMS**

**WHEREAS**, there is a deficiency in the engineering inspection account for Sandy Hook Bay Marina (Block 101 Lots 27 & 27.01) and applicant has authorized transfer of his performance guarantees to his engineering inspection account in the amount of \$1,000; and

**WHEREAS**, in December of 2007 T & M Associates performed a site inspection for said project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Highlands that the Chief Financial Officer is hereby directed to transfer funds in the amount of \$1,000 from the Performance Guarantees posted by Sandy Hook Bay Marina into their engineering escrow account.

**BE IT FURTHER RESOVLED** that the Chief Financial Officer is hereby directed to pay the outstanding engineering invoices to T & M Associates from the transferred funds.

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

**ROLL CALL:**

**AYES:** Mr. Redmond, 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 authorization for payment:

**RECAP OF PAYMENT OF BILLS  
04/04/2012**

<b>CURRENT:</b>		\$ 591,355.79
Payroll	( 03/30/2012 )	\$ 557,315.17
Manual Checks		\$ 10,801.80
Voided Checks		\$ -520.56
<b>SEWER ACCOUNT:</b>		\$ 21,592.69
Payroll	(03/30/2012)	\$ 29,689.20
Manual Checks		\$ 82.43

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Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$	5,385.18
Payroll	(03/30/2012)	\$	1,775.00
Manual Checks		\$	
Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	254.60
<b>GRANT FUND</b>		\$	300.00
Payroll	(03/30/2012)		
Manual Checks		\$	
Voided Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	
Manual Checks		\$	
Voided Checks		\$	

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

**SUPPLEMENTAL BILL LIST**

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**CURRENT FUND**

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Cleary, Giacobbe, Alfieri & Jacobs	April 2012 Legal Retainer	5,250.00
Future Sanitation	Waste/Recycling Contract 3/16/12-3/31/12	8,408.34
Gibbons	Bond Anticipation Notes	1,679.95
N.J. State Health Benefits Program	Health Benefits March 2012	0.09
N.J. State Health Benefits Program	Health Benefits April 2012	71,605.09
Prudential Retirement	Borough Share - DCRP	186.68
T & M Associates	Washington Ave Stakeout & Topo Survey	5,422.25
T & M Associates	Stormwater Management	2,545.51
T & M Associates	General Services	5,490.10
T & M Associates	Hurricane Irene Flooding & Damage	1,445.28
Verizon	Police Repeater Lines	249.32
Watchung Water	Bottled Water	198.44

<b>Total Current Fund</b>	102,481.05
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**CAPITAL FUND**

T & M Associates	Highland Avenue Road Improvements	2,334.88
T & M Associates	2011 Road Program	1,745.48

<b>Total Capital Fund</b>	4,080.36
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**GRANT FUND**

<b>Total Grant Fund</b>	0.00
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**SEWER UTILITY FUND**

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N.J. State Health Benefits Program

Health Benefits March 2012

3,561.98

Division of Pensions

**Total Sewer Utility Fund**

3,561.98

**TRUST FUND**

Total Trust Fund

0.00

**Total Supplemental Bill List**

110,123.39

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Minutes Approved on Consent Agenda:**

Mayor Nolan offered a motion for the approval of the March 21, 2012 Regular and Executive minutes with the change of the first line of the executive minutes to read "Mr. Padula stated that", and seconded by Mr. O'Neil on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**R-12-76 – Resolution Authorizing Prof. Services for FEMA Grant App.**

Mrs. Cummins stated the R-12-76 is being tabled for good as per Mayor Nolan.

**R-12-77 – Resolution Authorizing Disposal of Borough Vehicles & Equipment:**

Mr. Francy questioned the disposal of the 2 ½ ton trucks.

Mr. Hill explained we are disposing of the white 2 ½ ton trucks plus the old trailers. We will remove the plows from the OEM vehicles and use them on our Public Works Trucks. We are starting to liquidate what we have. These vehicles are being salvaged.

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

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R-12-77

**RESOLUTION AUTHORIZING DISPOSAL OF  
BOROUGH EQUIPMENT**

**WHEREAS**, the Borough Administrator has determined that the Borough of Highlands has determined that there is office equipment which now longer works and is of no value; and

**WHEREAS**, the Borough Administrator desires to dispose of a **GBC Shredmaster Model #2250 Serial #MP02985, HP Computer Serial #2UA604DomFO, HP Computer Serial #MXM726072Q and a Dell Computer Product #GKMD8-809P-9MF88; and**

**WHEREAS**, the OEM Coordinator has determined that the Borough of Highlands had vehicles and trailers which no longer operate and are of no value; and

**WHEREAS**, the OEM Coordinator desires to dispose of via salvage the following:

1. **AMG 1974 2 ½ Ton Truck – VIN #1-79k57C22511340**
2. **KAI 1985 2 ½ Ton Truck – VIN# 1-O5C29069**
3. **FORD 1987 Rack Body Vin#1FDNT748HVA50894**
4. **1953 Trailer – SN#G2748-72389509**
5. **1967 Trailer – SN#65416-08780-T**
6. **1985 Trailer – SN#NWOAYS-1264**
7. **1990 Trailer – SN#PD06WH-312**

and;

**WHEREAS**, the DPW Supervisor had determined that the Borough of Highlands has a DPW Vehicle which is no longer used; and

**WHEREAS**, the DPW Supervisor desires to auction of the following vehicle:

1. **1986 Chevy Blazer VIN#1GED18J2GS105590**

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the above listed equipment may be disposed of, salvaged or auction off as stated above.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Ordinances: Introduction & Setting of Public Hearing Date:**

**Ordinance O-12-9 Revised #2**

Mrs. Cummins read the title of Ordinance O-12-9 Zoning Ordinance Amendment for MH Zone for introduction as revised for the second time. This is the revised ordinance that implements the Planning Board recommendations.

Mayor Nolan asked if there were any questions or concerns from the table.

Mr. Francy stated that this is for Shadow Lawn.

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Mayor Nolan offered the following Ordinance As Amended #2 and moved on its introduction and setting of a public hearing date for May 2, 2012 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE O - 12- 9 Revised #2**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ENTITLED "ZONING" TO MODIFY THE REQUIREMENTS OF THE MH MOBILE HOME RESIDENCE DISTRICT, TO ALLOW SINGLE FAMILY, TOWNHOME AND MID-RISE MULTI-FAMILY DEVELOPMENTS IN THE MH ZONE AND TO ESTABLISH REGULATIONS PERTAINING THERETO).**

**WHEREAS**, on May 6, 2011 the Mayor and Council of the Borough of Highlands authorized the Borough Planning Board to undertake a review of potential zoning ordinance amendments to replace Borough Ordinance #07-07; and,

**WHEREAS**, the Borough of Highlands Planning Board submitted a report to the Council on July 1, 2011 with a series of recommendations; and,

**WHEREAS**, the Mayor and Council of the Borough of Highlands, Monmouth County, New Jersey has reviewed said report and desires to adopt changes in the current zoning requirements for the Mobile Home zone district to allow mid-rise Multi-family development under certain conditions;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands that Chapter 21 (Zoning and Land Use Regulations) of "The Revised General Ordinances of the Borough of Highlands, 1975" is amended and supplemented as follows:

**SECTION 1**

§ 21-89 (MH Mobile Home Residence) is hereby amended and supplemented as follows: (Additions noted by underline. Deletions noted by strikeover.)

§ 21-89 MH Mobile Home Residence

A. The following regulations shall apply to all MH districts:

1. Permitted Principal Uses:

- a. Mobile Homes, in a mobile home park only.
- b. Mid-rise Multi-family dwellings, and structured parking accessory or appurtenant thereto subject to the requirements in Section 5 of this section.
- c. Townhomes, subject to the requirements of the Multi-Family zone district except that residential buildings will be limited to no more than four (4) attached dwelling units per structure.
- d. Single family detached dwellings subject to the R-2.03 zone district requirements.

2. Permitted Accessory Uses.

Utility buildings incidental to residential use.

Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis courts.

Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses.

Satellite dish antennas.

4. Bulk, Area and Other Regulations. Mobile home developments shall meet the tract requirements of Schedule I. In addition, they shall meet the following requirements:

- a. Density shall not exceed twelve (12) dwelling units per acre.

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- b. Mobile homes shall have a minimum of twelve (12) feet between units. Porches, decks, patios and accessory buildings shall also not be closer than five (5) feet to an adjacent mobile home or accessory.
- c. Accessory structures shall meet the requirements of subsection 21-65.1 and Section 21-79.

**5. Mid-rise Multi-Family Developments in the MH Zone**

Mid-rise Multi-family developments in the MH Zone are subject to RSIS standards, and shall not required to meet the requirements of Schedule I where said requirements are inconsistent with either RSIS or the following requirements.

- a. Density shall not exceed fourteen (14) dwelling units per acre. Up to sixteen (16) units per acre may be permitted if a public scenic overlook area is included pursuant to paragraph 6 of this section.
- b. Minimum lot size: 10 acres.
- c. Minimum front yard: 100 feet to a principal building.
- d. Minimum side yard: 60 feet to a principal building.
- e. Minimum rear yard: 60 feet to a principal building.
- f. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street.
- g. Maximum building coverage: 25 per cent.
- h. Maximum lot coverage: 50 per cent.
- i. Maximum FAR: 1.50.
- j. Maximum Height: 6 stories above finished grade, with the residential units above the parking garage; parking levels that are provided underground (that is, below finished grade) will not be considered a story.
- k. The minimum distance or separation between all residential buildings shall be equal to the height of the taller of the two structures.
- l. A mid-rise multifamily development may include the following Permitted Accessory Uses:

Utility buildings incidental to residential use.

Community or club room, Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis Courts

Other accessory uses and structures incidental to the permitted principal and conditional uses, including but not limited to structured parking for multi-family residences only.

**6. Density Bonus for Public Access area. (Multi-Family)**

To encourage the provision of a public access easement leading to a scenic overlook area within a multi-family residential development, the Planning Board, at its sole discretion, may allow an increase of the maximum density of up to 2 units per acre to a maximum density (for a maximum overall density of 16 units per acre) if an acceptable scenic overlook area is included in the development plan. The Board may allow a lesser bonus than 2 units per acre if the overlook or access provisions offer only minimal public benefits. The scenic overlook area must include a public access easement for the circulation of vehicles across the site to the overlook area. The overlook area shall, at a minimum, be accessible from a public roadway and provide several off-street parking spaces.

**7. Ridgeline Protection**

In addition to compliance with the Borough Steep Slope requirements, the placement of buildings in a residential development should exhibit a high level of sensitivity to the

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terrain and an effort to minimize the visual impact. The project design should attempt to blend in with the existing contour elevations through appropriate grading design as well as building heights and design. Structure locations should, as feasible, blend with the natural landform. Therefore, multiple level pads for new buildings as opposed to one level building pad area are encouraged. Roof forms and roof lines should be disaggregated into a series of smaller components to reflect the irregular slopes and grades. The slope angle of the roof pitch of all proposed buildings is encouraged to reflect the natural slope of the hillside.

**8. Relocation Rights**

Any approval for development in the MH Mobile Home Residence Zone District, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the board of original jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one (1) or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one (1) or more variance(s). For purposes of this chapter, "adequate private residential facilities and circumstances" shall share the definition of "comparable housing or park site" as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with this paragraph to the board of original jurisdiction prior to obtaining final approval. This section is not severable from the other provisions of the chapter and the zoning modifications herein are conditioned upon the above relocation provision

**Section 3 REPEALER**

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

**SECTION 4 SEVERABILITY**

If any section, subsection, clause or phrase of this ordinance shall, for any reason, be held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this ordinance.

**SECTION 5 EFFECTIVE DATE.**

This ordinance shall take effect as provided by law.

**SECTION 6 CERTIFIED COPY**

**A certified copy of the within Ordinance shall be forwarded by the Borough Clerk to the clerks of all adjoining municipalities, the Monmouth County Planning Board and the following:**

1. Borough Administrator
2. Borough Engineer
3. Planning Board
4. Zoning Board
5. Borough Attorney
6. Tax Assessor
7. Zoning Official

**BE IT FURTHER ORDAINED** that this ordinance shall take effect upon final passage and publication in accordance with law.

**Seconded by Mr. Redmond and introduced as amended on the following roll call vote:**



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**ROLL CALL:**

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

**Ordinance O-12-12**

Mrs. Cummins read the title of Ordinance O-12-12 Bond Ordinance for Washington Avenue Repairs.

Mr. Francy requested that bulkhead be removed from the title and change to road improvements.

**Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date for April 18, 2012 at 8:00 P.M. Motion further authorizes its publication according to law:**

**O-12-12**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$700,000 FOR ROAD IMPROVEMENTS TO WASHINGTON AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$665,000 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 \$700,000, such sum includes the sum of \$35,000 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.

**SECTION 2:**

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$665,000 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 \$665,000 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:

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Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Bulkhead replacement along Washington Avenue and various improvements to Washington Avenue, including reconstruction of roadway and installation of curbs and sidewalks, 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.	\$700,000	\$665,000	15 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 \$665,000.

(c) The estimated cost of the Improvements is \$700,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above and the amount of the expected grants is the amount of the Down Payment.

**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.

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SECTION 5:

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 15 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 \$665,000, 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.

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 8:

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 \$665,000.

SECTION 9:

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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. Francy and introduced on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Public Portion:**

Tara Ryan - passed.

Pat Phillips of 56 4<sup>th</sup> Street asked if anything was done with the mercantile license for Captains Cove.

Mr. Padula stated that he sent a letter to Mr. McKenna on March 23<sup>rd</sup>. He spoke with him today. They came up with an agreeable solution where mercantile license will be issued for slips that were not affected by the damage. It will be a limited mercantile.

Mayor Nolan wants the Mercantile in place by Monday. He then explained that the Borough needs to repair the road.

Richard, last name unknown, of 58 5<sup>th</sup> Street asked if there is an oil recycling container there.

Mr. Hill said there is not. When we had the drop off in the past, oil was spilled over the ground. He suggested checking with the Monmouth County Reclamation Center for disposal.

Brian Cobb of 11 Recreation Place thanked Mayor Nolan and Mr. Francy for attending the meeting last Wednesday with the residents about Washington Avenue. He also asked about the status of outstanding soil issues.

Mr. Leubner explained that they sent out a letter March 22<sup>nd</sup> and received plans this afternoon. Need to have a full review of the plans with his team. He further explained items on the plans and what can be removed or changed.

Mayor Nolan asked Mr. Leubner to have his structural engineer look at the plans and put in writing the information he just discussed.

Mr. Leubner will send it to Mr. Avakian, Mr. Padula and Council.

Mr. Rosiak agreed to have engineers speak.

Mr. Francy asked Mr. Leubner what part of the road we are talking about.

Mr. Leubner explained that it is from the bulkhead to the center line of the road.

Discussion continued.

Mr. Leubner explained the part of the road that we will repair and Mr. Rosiak will repair.

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Don Mandrodt of 268 Bayside Drive asked about the Exxon agreement.

Mayor Nolan will speak about it at the next meeting and give an update.

Mr. Mandrodt spoke of the fence installed by Exxon on Bayside Drive is falling down. He also spoke of an easement on Shore Drive, giving up part of Willow Street.

Mr. Hill will attempt to locate that agreement.

Carol Bucco of 330 Shore Drive asked if the council addressed retirement issues with the CWA agreement.

Mr. Padula will look at his notes and answer later.

Mr. Rosiak of Captains Cove asked about outstanding points that Mr. Leubner spoke of earlier.

Mayor Nolan said we will have our engineers talk to his engineers.

Mr. Rosiak spoke of his compromised position with the tie rods and spoke of his preference to run one tie rod the entire the whole way. He will coordinate efforts with the Borough.

Discussion continued further.

Mayor Nolan spoke about issues with mercantile license. We will have the useable slip numbers on it.

Mrs. Cummins will issue mercantile license next week, when information is received.

Discussion continued with council and Mr. Rosiak.

Mr. Rosiak thanked the neighbors of the marina for their support.

Mr. Padula addressed Carol Bucco's question regarding retirees. The sick leave was previously capped at \$20,000.00, it has been reduced to \$7,500.00 excluding those that have been grandfathered.

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

The meeting adjourned at 9:05 p.m.

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Debby Dailey, Deputy Clerk