

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
September 5, 2012**

Mayor Nolan called the meeting to order at 7:08 p.m.

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

ROLL CALL:

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

Late Arrival: Mr. O'Neil - arrived at 7:24 p.m.

Also Present: Carolyn Cummins, Borough Clerk
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution

Mrs. Cummins read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-194
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, & AHHRSA**
- 2.Contract: TOMSA & Chief Blewetts Contract - Riced**
- 3.Real Estate:**
- 4. Personnel Matters: Construction/Code/Zoning Dept Operations**
- 5. Attorney-Client Privilege: Chubby Pickle Liquor License**

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.

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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.

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

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:16 p.m.

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

ROLL CALL:

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

Consent Agenda:

Mrs. Cummins stated that Mr. Pfeffer needed to add something to the Supplemental payment of bills.

Mr. Pfeffer stated that under the Capital Fund, he was asked to include Fiore Paving of Highland Avenue for \$302,154.97 and Black Rock Enterprises on the 2011 road program for \$82,759.11.

Mr. Leubner gave update on Highland Avenue.

Mayor Nolan asked if anyone had any concerns or questions on the Consent Agenda.

There were none.

Mayor Nolan offered the following resolution and moved for its

Borough of Highlands
County of Monmouth

R-12-174

Resolution - TY 2012 Emergency Temporary Appropriations #1

WHEREAS, an emergent condition has arisen due to the anticipated delay of the adoption of the TY 2012 budget and no adequate provision has been made in the TY 2012 temporary appropriations for the aforesaid purposes, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the transition year 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

Current Fund Appropriations:	1,225,630.00
Sewer Utility Appropriations:	438,200.00

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriation:

Current Fund Appropriations:	1,225,630.00
Sewer Utility Appropriations:	438,200.00

2. That said emergency temporary appropriation will be provided in the TY 2012 budget under the following titles:

Current Fund Appropriations:	1,225,630.00
Sewer Utility Appropriations:	438,200.00

See Attached Sheets

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

ROLL CALL:	
MOVED BY:	Mayor Nolan
SECONDED BY:	Mr. Francy
AYES:	Mr. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYS:	None
ABSENT:	None
ABSTAIN:	None

DATE: September 5, 2012

CAROLYN CUMMINS, BOROUGH CLERK

I hereby certify the above resolution to have been duly adopted by
Governing Body of the Borough of Highlands on September 5, 2012.

Borough Clerk/Deputy Borough Clerk

TY 2012 EMERGENCY TEMPORARY APPROPRIATIONS: # 1

MUNICIPAL BUDGET

Department	Salaries	Other Expenses	Total
"IN CAPS"			
Borough Council	1,250.00	2,000.00	3,250.00
Borough Clerk	12,000.00	4,000.00	16,000.00
Borough Administrator	15,000.00	500.00	15,500.00
Central Services	5,000.00	6,000.00	11,000.00
Financial Administration	20,000.00	3,000.00	23,000.00
Audit			0.00
Assessment of Taxes	4,200.00	3,000.00	7,200.00
Collection of Taxes	10,000.00	2,000.00	12,000.00
Legal Services & Costs		50,000.00	50,000.00
Municipal Prosecutor	3,000.00		3,000.00
Engineering Services		22,000.00	22,000.00
Public Building & Grounds		16,000.00	16,000.00
Shade Tree Commission		200.00	200.00
Planning Board	1,000.00	8,000.00	9,000.00
Zoning Board	1,000.00	7,000.00	8,000.00
Insurance:			
Group		160,000.00	160,000.00
Other			0.00
Workmen's Compensation			0.00
Unemployment			0.00
Uniform Fire Safety	4,100.00	800.00	4,900.00
Fire		15,000.00	15,000.00
Police	350,000.00	7,000.00	357,000.00
Dispatch	30,000.00	200.00	30,200.00
Municipal Court	15,000.00	3,000.00	18,000.00
First Aid		5,000.00	5,000.00
Public Defender	900.00		900.00
Emergency Management	700.00	4,000.00	4,700.00
Streets & Roads	30,000.00	15,000.00	45,000.00
Snow Removal			0.00
Monmouth County Regional Health Commission		14,000.00	14,000.00
Environmental Commission		400.00	400.00

Dog Control		5,000.00	5,000.00
Beachfront Maintenance		4,000.00	4,000.00
Parks & Playgrounds		2,500.00	2,500.00
Celebration of Public Events		1,000.00	1,000.00
Community Center	30,000.00	4,000.00	34,000.00
Code Enforcement	7,000.00	3,000.00	10,000.00
Code Enforcement - Substandard Housing		8,000.00	8,000.00
Sanitation	605.00	5,000.00	5,605.00
Sanitation-Contractual		50,000.00	50,000.00
Monmouth County Reclamation Center		35,000.00	35,000.00
Construction Code Official	9,000.00	500.00	9,500.00
Mechanical Garage		1,500.00	1,500.00
Condo Services		4,000.00	4,000.00
Accumulated Leave		20,000.00	20,000.00
UTILITIES:			
Electricity		14,000.00	14,000.00
Street Lighting		20,750.00	20,750.00
Telephone		13,300.00	13,300.00
Water		3,000.00	3,000.00
Natural Gas		7,225.00	7,225.00
Telecommunications		7,000.00	7,000.00
Gasoline & Diesel		20,000.00	20,000.00
Fire Hydrants		19,500.00	19,500.00
Deferred Charges:			
Social Security System		20,000.00	20,000.00
DCRP		2,500.00	2,500.00
TOTAL INSIDE "CAP"		<u>549,755.00</u>	<u>618,875.00</u>
"OUTSIDE CAPS"			
Recycling Tax		2,000.00	2,000.00
Stormwater Management		4,000.00	4,000.00
Interlocal:			
Atlantic Highlands Garage		16,000.00	16,000.00
PFRS			0.00
GRANTS:			
Summer Food		5,000.00	5,000.00
Over the Limit Under Arrest			0.00
D.D.E.F.			0.00
TOTAL OUTSIDE "CAP"		<u>0.00</u>	<u>27,000.00</u>
SUB-TOTAL APPROPRIATIONS			
Statutory Additions:			
Capital Improvement Fund		30,000.00	30,000.00
SUB-TOTAL STATUTORY ADDITIONS		<u>0.00</u>	<u>30,000.00</u>
TOTAL TEMPORARY MUNICIPAL BUDGET		<u>549,755.00</u>	<u>675,875.00</u>

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

**R-12-195
RESOLUTION OF THE BOROUGH OF HIGHLANDS
DIRECTING APPLICATION BE MADE TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a), 40A:2-
26(e), 40A:2-7(d) and 40A:2-11(c).**

WHEREAS, THE BOROUGH OF HIGHLANDS (the "Borough") desires to make application to the Local Finance Board for its review of a proposed project financing in connection with a loan through the New Jersey Environmental Infrastructure Trust, waiver of down payment and approval to use a non-conforming maturity schedule; and

WHEREAS, THE BOROUGH OF HIGHLANDS believes that:

- (a) it is in the public interest to accomplish such purposes,
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units,
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant,
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and such purposes or improvements will not cause any undue financial burden to be placed upon the local unit or units,

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF HIGHLANDS, as follows:

Section 1. Application to the Local Finance Board for consideration by said Board of the Borough's proposed project financing, waiver of down payment and waiver for a non-conforming maturity schedule is hereby approved and the Borough's Bond Counsel, along with the other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in the matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to cause a copy of this resolution to be filed with the Local Finance Board as a part of such application.

Seconded by Mr. Francy 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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BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

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

**R-12-196
RESOLUTION PERMITTING PRE-PAYMENT OF CERTAIN ITEMS**

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the Governing Body, debt service, governmental fees and other statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body including sanitation and recycling collection contracts and associated tipping fees.
4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.
10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$10,000.
11. Third Party Tax Lien and Premium Redemptions.

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Seconded by Mr. Francy 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 for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-12-197

RESOLUTION – APPROPRIATION RESERVE TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (four affirmative votes) that transfers between SFY 2012 Budget Appropriations Reserves be made as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Building & Grounds		
Other Expenses	\$ 9,000	
Finance		
Other Expenses	2,000	
Engineering		
Other Expenses		\$ 8,000
Beachfront Maintenance:		
Other Expenses		1,000
Pensions		
PERS		2,000
	<u>\$11,000</u>	<u>\$11,000</u>

Seconded by Mr. Francy 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 its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-12-198
TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Highlands desires to constitute the TY 2012 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands as follows:

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Section 1. The TY 2012 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget
Borough of Highlands
County of Monmouth, New Jersey

Projects Scheduled for TY 2012
Capital

Project	Estimated Costs	Improvement Fund	Other Funds	Debt Authorized

Construction of Stormwater Pump Station & Other Stormwater System & Drainage Improvements Project # R-TY12-01	\$ 1,200,000			\$1,200,000

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the TY 2012 Temporary Capital Budget, to be included in the TY 2012 Permanent Capital Budget as adopted.

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

ROLL CALL:

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

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

R-12-199

**RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATIONS**

WHEREAS, the Highlands Fire Department has submitted Raffle License Applications No. RA1317-12-19; and

WHEREAS, the Highlands Business Partnership have submitted two Raffle License Applications No. RA#1317-12-20 and RA#1317-12-21; and

WHEREAS, Hi Mar Striper Club submitted a Raffle License Application No. RA1317-12-22.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Applications RA#1317-12-19 through RA#1317-22are 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. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: None
ABSTAIN: None

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

R-12-200

**RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT
FOR THE AMERICAN LEGION**

WHEREAS, the American Legion has filed an application for a Social Affairs Permit for an event to be held on September 22, 2012 with a rain date of September 23, 2012; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the American Legion for an event to be held on September 22, 2012 with a rain date of September 23, 2012.

Seconded by Mr. Francy 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-12-201
RESOLUTION**

RENEWING 2012-2013 LIQUOR LICENSE NO. 1317-33-006-004

JOHN TOMAINI

WHEREAS, the Liquor License Renewal Application was filed for the year 2012-2013 by John Tomaini on May 10, 2012; and

WHEREAS, no objections were filed against the renewal of said license; and

WHEREAS, a Special Ruling was required for the renewal of said license due to its inactive status; and

WHEREAS, on August 13, 2012 the State of New Jersey Department of Law & Public Safety, Division of Alcoholic Beverage Control issued a Special Ruling authorizing the Borough to consider renewal of said license.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Liquor License of John Tomaini License No. 1317-33-006-004 is hereby renewed for the period of July 1, 2012 through June 30, 2013.

BE IT FURTHER RESOLVED that this renewal is being granted which a special condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2015, except if good cause for reconsideration is shown

Seconded by Mr. Kane and adopted 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

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

R-12-202

**RESOLUTION AUTHORIZING
SEASONAL TEMPORARY EMPLOYEE FOR SUMMER MONTHS**

WHEREAS, the Borough of Highlands has a need for seasonal temporary employees during the summer months; and

WHEREAS, the municipal budget makes provisions for such hires; and

WHEREAS, the Borough Administrator has interviewed and recommends the appointment of Amanda Norakus as part-time seasonal clerical assistant.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the hiring of Amanda Norakus as part-time seasonal temporary employee to provide clerical help at an hourly rate of \$9.00 per hour.

BE IT FURTHER RESOLVED that said appointment is effective as of August 14, 2012 through September 30, 2012..

Seconded by Mr. Francy 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 approval for payment:

**RECAP OF PAYMENT OF BILLS
09/05/2012**

CURRENT:		\$	41,786.77
Payroll	(08/30/2012)	\$	120,429.87
Manual Checks		\$	82.19
Voided Checks		\$	
SEWER ACCOUNT:		\$	6,370.74
Payroll	(08/30/2012)	\$	5,622.20
Manual Checks		\$	
Voided Checks		\$	

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CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	87,777.63
Payroll	(08/30/2012)	\$	6,825.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	6,332.43
Payroll	(08/30/2012)	\$	1,504.41
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

Total Current Fund

76,460.65

CAPITAL FUND

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Fiore Paving	Highland Avenue	302,154.97
Black Rock Enterprises	2011 Road Program	82,759.11
Total Capital Fund		384,914.08
 GRANT FUND		
Total Grant Fund		0.00
 SEWER UTILITY FUND		
Fallon & Larsen, LLP	AHHRSA Dissolution Services	1,625.00
N.J. Division of Pensions & Benefits	Health Benefits 9/12	3,561.98
VSP	Vision Plan 9/2012	38.53
Total Sewer Utility Fund		5,225.51
 TRUST FUND		
Total Trust Fund		0.00
 Total Supplemental Bill List		466,600.24

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the August 8th, 2012 and August 15th, 2012 Regular Minutes and Executive Session Minutes, seconded by Mr. Francy and all were in favor 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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Other Resolutions:

R-12-203

Mrs. Cummins read the title of R-12-203 Resolution Determining Entire Borough Rehabilitation Area.

Mayor Nolan stated that this is a motion to send this to the Planning Board for their recommendations. This was discussed briefly at the last meeting.

Mayor Nolan offered a motion to send the resolution to the Planning Board, and seconded by Mr. Redmond and all were in favor on the following roll call vote.

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: None

ABSTAIN: None

The following resolution was referred to the Planning Board:

R-12-203

DRAFT RESOLUTION

**Resolution determining the entire Borough of Highlands to be
an area in need of rehabilitation in accordance with the
conditions set forth in N.J.S.A. 40A:21-3 and N.J.S.A.
40A:12A-14**

WHEREAS, N.J.S.A. 40A:21-3 and N.J.S.A. 40A:12A-14 provide that the governing body of a municipality may determine a delineated area within a municipality, or the entire municipality, may be determined an area in need of rehabilitation; and

WHEREAS, finding the Borough as an area in need of rehabilitation will enable it to enact legislation to encourage property owners with improve their property for residential, commercial and industrial use; and

WHEREAS, in order to make such a determination, the following conditions must exist: (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c. 79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and

WHEREAS, the Highlands Planning Board previously considered this matter and, by letter dated October 31, 1995 informed the governing body of its support determining the entire Borough as an area in need of rehabilitation; and

WHEREAS, Ordinances O-95-33, amended by O-97-06 and O-04-08, determined that the entire Borough of Highlands to be an area in need of rehabilitation pursuant to the provisions of N.J.S.A. 40A:21-1 et seq., referencing N.J.S.A. 40A:12A-14; and`

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WHEREAS, the Housing Plan Element of the current Master Plan identifies one of its goals as the rehabilitation of the existing housing stock within the Borough including the rehabilitation of substandard units;

WHEREAS, additional goals contained within Housing Plan Element include: (a) reestablishing a housing rehabilitation program within the Borough; (b) identifying commercial and industrial properties that are suitable for adaptive re-use and encourage their redevelopment for mixed use with housing on upper floors; and (c) recognize the potential of vacant, underutilized and deteriorated properties for in-fill residential development; and

WHEREAS, the Housing Plan Element recognizes the lack of maintenance and deteriorating condition of many units within the Borough and encourages increasing staffing for code enforcement; and

WHEREAS, according to the 2010 General Housing Characteristics provided by the United States Census Bureau, the Borough has an housing vacancy rate of 16.6%, which is an increase from the vacancy rate established by the 2000 Census; and

WHEREAS, the Borough Engineer has confirmed that a majority of the water and sewer infrastructure in the Borough is at least 50 years old and is in need of repair or substantial maintenance; and

WHEREAS, based on these factors, the Borough finds that a program of rehabilitation is expected to prevent further deterioration and promote the overall development of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the entire Borough is an area in need of rehabilitation as defined by N.J.S.A. 40A:21-3(b) and N.J.S.A. 40A:12A-14

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: None

ABSTAIN: None

Ordinances: Introduction & Setting of Public Hearing Date for September 19, 2012:

Ordinance O-12-19 Ordinance Amending Noise Ordinance Sections 3-2.2, 3-2.3:

Mayor Nolan read the title of Ordinance O-12-19 Amending Noise Ordinance Sections 3-2.2, 3-2-3.

Chief Blewett expressed concerns with the language of the ordinance. It would be impossible to enforce. He wants clarification. It does not make businesses or residents happy. The way it is written now, it is at the officers' discretion.

Mayor Nolan asked Chief Blewett if he wants to do away with the 100 ft. and just have time frame, would that be helpful.

Ms. Kane said it would be easier to eliminate the 100 ft. rule

Discussion continued.

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Mayor Nolan offered a motion to table this ordinance indefinitely, and seconded by Mr. Francy and all were in favor 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

Ordinance O-12-20 Bond Ordinance Storm Water Improvements - \$1,200,000:

Mrs. Cummins read the title of Ordinance O-12-20 Bond Ordinance Storm Water Improvements - \$1,200,000:

Mayor Nolan explained that we are not bonding the money tonight. We are putting forth a resolution that if we are awarded the money for the FEMA grant of \$3,000,000, we need to have our end in place.

Mayor Nolan offered the following Bond Ordinance and moved on its approval for introduction and setting of a public hearing date for September 19, 2012 at 8:00 P.M. and authorized its publication according to law:

O-12-20

BOND ORDINANCE PROVIDING APPROPRIATION OF \$1,200,000 FOR THE CONSTRUCTION OF THE STORMWATER PUMP STATION AND OTHER STORMWATER SYSTEM AND DRAINAGE IMPROVEMENTS BY AND FOR THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,200,000 IN 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 a general improvement. For the said Improvements there is hereby appropriated the amount of \$1,200,000. This Bond Ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A: 2-7(d). No down payment is 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") as the purpose authorized herein is described in N.J.S.A. 40A:2-7(d), as more fully described in Section 6(e) of this Bond Ordinance.

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 \$1,200,000 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 \$1,200,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

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SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for the construction of the Snug Harbor Stormwater Pump Station and other stormwater system improvements, including drainage improvements to its Waterwitch Avenue, Valley Avenue and North Street drainage sub-basins, replacement of an existing outfall and replacement of existing and installation of new drainage piping throughout the Borough, including all work and materials necessary therefor or incidental thereto, which Improvements are anticipated to be financed as part of the 2013 New Jersey Environmental Infrastructure Trust Financing Program.

(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 \$1,200,000.

(c) The estimated cost of the Improvements is \$1,200,000, 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 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 governing body 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:

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 average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 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

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defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,200,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 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.

(e) This bond ordinance authorizes obligations of the Borough for a purpose described in N.J.S.A. 40A:2-7(d) except for that portion of the Improvements related to the acquisition of the easements. This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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 (including funds to be received in connection with the New Jersey Environmental Infrastructure Trust Financing Program) 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 \$1,200,000.

SECTION 10:

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 passed introduction 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-12-20 Bond Ordinance Storm Water Improvements - \$1,200,000:

Mrs. Cummins read the title of Ordinance O-12-20 Bond Ordinance Storm Water Improvements
- \$1,200,000:

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Ordinance O-12-18 Amending Licensing Chapter IV

Mrs. Cummins read the title of Ordinance O-12-18 Amending Licensing Chapter IV.

Mr. Francy briefly explained the ordinance.

Mr. Redmond offered the following Ordinance and moved on its introduction, set a public hearing date of September 5, 2012 at 8:00 p.m . and authorized its publication:

**Borough of Highlands
County of Monmouth
O-12-18**

An Ordinance amending Chapter I, "General," and Chapter IV, "Licensing—General" to provide for certain penalties for violations of provisions Revised General Ordinances of the Borough of Highlands

Whereas, the Mayor and Council have determined that there is a need to specify for certain penalties for violations of sections of the Revised General Ordinances of the Borough of Highlands ("Borough Code"); and

Whereas, N.J.S.A. 40:49-5 authorizes the imposition of penalties for violations of ordinances.

Now, therefore, be it ORDAINED by the Mayor and Council of the Borough of Highlands as follows:

Section One

The Borough Code shall be supplemented with the addition of a section 1-5, "Penalties; General," which shall read as follows:

1-5 PENALTIES; GENERAL

Except as hereinafter provided, whenever in this Code or in any other ordinance of the Borough or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the Borough any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or in such other Borough ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the Borough or of any rule, regulation or order promulgated pursuant to such Code or other Borough ordinance shall be punished by a fine not exceeding two thousand (\$2,000.00) dollars, or by imprisonment for a period not exceeding ninety days; or a period of community service not exceeding ninety days; or by both such fine and imprisonment or community service.

Any person who is convicted of violating this Code or any other ordinance of the Borough or any other rule, regulation or order promulgated pursuant to this Code or other Borough ordinance within one year of the date of a previous violation of the same provision, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Whenever any provision of the New Jersey revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Code or other Borough ordinance, rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other Borough ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine, imprisonment or community service so authorized or by both such fine or imprisonment.

The maximum penalty stated in the general penalty clause of this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.

The Mayor and Council may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred dollars. Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

Any person convicted of violating this Code or any other ordinance of the Borough or any other rule, regulation or order promulgated pursuant to this Code or other Borough ordinance, and who is in default of the payment of any fine imposed for the violation, may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days. Whenever any fine is imposed upon any corporation, such fine and any costs and charges incident thereof may be collected in an action of debt or in such other manner as may be provided by law.

Section Two

Section 4-1, "General Provisions," shall be amended by the addition of a section 4-1.15, "Penalties; General," which shall read as follows:

4-1.15 Penalties; General

Error! Unknown document property name.
Error! Unknown document property name.

Except as otherwise provided within this Chapter, whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision shall be punished by a fine of at least one hundred dollars (\$100.00) and not exceeding two thousand (\$2,000.00) dollars, or by imprisonment for a period not exceeding ninety days; or a period of community service not exceeding ninety days; or by both such fine and imprisonment or community service. Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same provision, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Whenever any provision of the New Jersey revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Chapter to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Chapter shall be punished by the imposition of not more than the maximum fine, imprisonment or community service so authorized or by both such fine or imprisonment.

Any person convicted of violating this Chapter, and who is in default of the payment of any fine imposed for the violation, may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days. Whenever any fine is imposed upon any corporation, such fine and any costs and charges incident thereof may be collected in an action of debt or in such other manner as may be provided by law.

Section Three

Section 4-9, "Mercantile Licenses," shall be amended by the addition of a section 4-9.8, "Penalties," which shall read as follows:

4-9.8 Penalties

Any person, corporation or other entity which engages in any activity outlined in Section 4-9.1 requiring a mercantile license who conducts such activity without a mercantile license shall be subject to a fine not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2000.00). Each day any violation of this Code or any other

Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense. Any person who is convicted of violating this Section within one year of the date of a previous violation, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

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

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

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

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

ROLL CALL

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing & Adoption:

Ordinance O-12-17 Bond Ordinance for Purchase of Fire Truck - \$522,500

Mrs. Cummins read the title of Ordinance O-12-17 – Ordinance for Purchase of Fire Truck - \$522,500 for the second reading and public hearing. She stated that this was published in its entirety in the August 18th edition of the Asbury Park Press and it was filed with the Division of Local Government on August 20th and may now be open for public hearing.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive asked how old the fire truck is.

Ms. Kane stated that this will be replacing two trucks that are more than 25 years old.

Mayor Nolan said that we received a grant of more than \$600,000 that we do not have to pay back.

A.J. Soloman of 102 Marina Bay Court asked what will be done with the old fire trucks.

Mr. Dave Parker said they will be sold.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-12-17 for the third and final reading and adoption.

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

O-12-17
**BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$1,215,000 FOR ACQUISITION OF A FIRE TRUCK
AND VARIOUS EQUIPMENT FOR AND BY THE
BOROUGH OF HIGHLANDS IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND, AUTHORIZING
THE ISSUANCE OF \$522,500 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 \$1,215,000, such sum includes the sum of (a) \$665,000 to be received from the Federal Emergency Management Agency and (b) \$27,500 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 \$522,500 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 \$522,500 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:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Acquisition of a fire truck and various equipment related thereto.	\$1,215,000	\$522,500	10 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 \$522,500.

(c) The estimated cost of the Improvements is \$1,215,000 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:

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 6:

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 7:

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 10 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 \$522,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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(d) An aggregate amount not exceeding \$75,000 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 8:

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 9:

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 10:

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 \$522,500.

SECTION 11:

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 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

Ordinance O-12-18 - Ordinance Amending "Licensing" Creating Penalties:

Mrs. Cummins read the title of Ordinance O-12-18 – Ordinance Amending "Licensing" Creating Penalties for the second reading and public hearing. She stated that this was published in its entirety in the August 24th edition of the Two River Times and may now be open for public hearing.

Mayor Nolan opened the public hearing.

Carol Bucco of 300 Shore Drive asked for explanation of the codes of the first ordinance.

Mr. Padule explained that it adds a generic provision. This came up during when reviewing mercantile license. It's for general penalties. He further explained.

Mrs. Bucco asked what kind of licensing does this cover.

Mr. Francy stated that we are fixing the ordinance.

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Mr. Padula read the licenses on the ordinance.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-12-18 for the third and final reading and adoption.

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

Borough of Highlands

County of Monmouth

O-12-18

An Ordinance amending Chapter I, "General," and Chapter IV, "Licensing—General" to provide for certain penalties for violations of provisions Revised General Ordinances of the Borough of Highlands

Whereas, the Mayor and Council have determined that there is a need to specify for certain penalties for violations of sections of the Revised General Ordinances of the Borough of Highlands ("Borough Code"); and

Whereas, N.J.S.A. 40:49-5 authorizes the imposition of penalties for violations of ordinances.

Now, therefore, be it ORDAINED by the Mayor and Council of the Borough of Highlands as follows:

Section One

The Borough Code shall be supplemented with the addition of a section 1-5, "Penalties; General," which shall read as follows:

1-5 PENALTIES; GENERAL

Except as hereinafter provided, whenever in this Code or in any other ordinance of the Borough or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the Borough any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or in such other Borough ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the Borough or of any rule, regulation or order promulgated pursuant to such Code or other Borough ordinance shall be punished by a fine not exceeding two thousand (\$2,000.00) dollars, or by imprisonment for a period not exceeding ninety days; or a period of community service not exceeding ninety days; or by both such fine and imprisonment or community service.

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Any person who is convicted of violating this Code or any other ordinance of the Borough or any other rule, regulation or order promulgated pursuant to this Code or other Borough ordinance within one year of the date of a previous violation of the same provision, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Whenever any provision of the New Jersey revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Code or other Borough ordinance, rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other Borough ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine, imprisonment or community service so authorized or by both such fine or imprisonment.

The maximum penalty stated in the general penalty clause of this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.

The Mayor and Council may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred dollars. Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

Any person convicted of violating this Code or any other ordinance of the Borough or any other rule, regulation or order promulgated pursuant to this Code or other Borough ordinance, and who is in default of the payment of any fine imposed for the violation, may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days. Whenever any fine is imposed upon any corporation, such fine and any costs and charges incident thereof may be collected in an action of debt or in such other manner as may be provided by law.

Section Two

Section 4-1, "General Provisions," shall be amended by the addition of a section 4-1.15, "Penalties; General," which shall read as follows:

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4-1.15 Penalties; General

Except as otherwise provided within this Chapter, whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision shall be punished by a fine of at least one hundred dollars (\$100.00) and not exceeding two thousand (\$2,000.00) dollars, or by imprisonment for a period not exceeding ninety days; or a period of community service not exceeding ninety days; or by both such fine and imprisonment or community service. Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same provision, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Whenever any provision of the New Jersey revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Chapter to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Chapter shall be punished by the imposition of not more than the maximum fine, imprisonment or community service so authorized or by both such fine or imprisonment.

Any person convicted of violating this Chapter, and who is in default of the payment of any fine imposed for the violation, may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days. Whenever any fine is imposed upon any corporation, such fine and any costs and charges incident thereof may be collected in an action of debt or in such other manner as may be provided by law.

Section Three

Section 4-9, "Mercantile Licenses," shall be amended by the addition of a section 4-9.8, "Penalties," which shall read as follows:

4-9.8 Penalties

Any person, corporation or other entity which engages in any activity outlined in Section 4-9.1 requiring a mercantile license who conducts such activity without a mercantile license shall be subject to a fine not less than one hundred dollars (\$100.00) nor more

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than two thousand dollars (\$2000.00). Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense. Any person who is convicted of violating this Section within one year of the date of a previous violation, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

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

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

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

Seconded by Mr. Francy 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 stated that Mr. Padula gave him a correction for Resolution R-12-201 – Approving Renewal of Liquor License – J. Tomaini. He said there is a provision that ABC put in for the renewal of a liquor license.

Mr. Padula stated this rescinds the prior resolution and readopts with that condition.

Mayor Nolan offered a motion to rescind and amend the resolution, and seconded by Ms. Kane and approved 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

Committee Reports:

Finance:

Mr. Pfeffer stated that we have the Best Practices Checklist from the State for 2012 and will report back to the council at the next meeting. He also spoke of a bond sale by the County at the end year. He asked if the Council was interested in this program.

Mayor Nolan authorized Mr. Pfeffer to look in to it.

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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
September 2012

- * At approximately 11:07 p.m. on August 11, 2012 an investigation was initiated after a 5 year old child was found standing on the sidewalk outside a Bay Avenue residence. The investigation revealed that the father left his two children, ages 3 and 5, home alone for more than two hours while he drank at a local bar. As a result Adam Dametz, 35 years of age, was arrested and charged with (2) counts of endangering the welfare of a minor.
- * On August 17, 2012 officers arrested a 62 year old Highlands man for masturbating in public at Eastpointe Condominiums. The subject was charged with lewdness and released on his own recognizance pending a court appearance.
- * On August 18, 2012 at approximately 1:45 a.m. George L. Monath, Jr. knocked on the door of an acquaintance asking for help. The 26 year old woman reported that it appeared that Monath had blood on his arm and leg. After the woman let Monath inside her residence a struggle ensued during which the victim was assaulted. Warrants were signed charging George L. Monath, Jr., 35 years old, Atlantic Highlands, with attempted aggravated sexual assault, sexual assault, criminal restraint and aggravated assault and he turned himself in at the Monmouth County Prosecutor's Office. Mr. Monath's bail was set at \$100,000.00 and he was subsequently transported to the Monmouth County Correctional Institution, Freehold.
- * On August 24, 2012, a resident alerted officers to a suspicious male parked in a Navesink Avenue

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parking lot. Upon arrival officers found the man to be disoriented and having a hard time staying awake. The officers also observed "fresh" needle marks on the man's arm and obtained a consent to search the vehicle. As a result of the search officers found (2) full bags of suspected heroin, (7) empty bags of suspected heroin and a hypodermic syringe. Michael Vuilleumier, 31 years of age, Long Branch was arrested and charged with possession of a controlled dangerous substance and paraphernalia. Vuilleumier was processed and later released on his own recognizance pending a court appearance.

* **Administration:**

- Budget
 - New Patrol Vehicle
 - Delivered but is being sent back to Ford due to the vehicle having a dent
 - Coordinating with various companies for the installation of the new equipment
 - 1703 continues to have problems; vehicle needs to be replaced within next budget
- Statewide Narcotic Action Plan
 - Stationed at schools during the arrival and dismissal times
 - Ensure that vehicles and pedestrians are travelling safely
- Grants
 - Drunk Driving Enforcement Fund (DDEF)
 - Borough to receive \$4,500.00 from the State
 - Monies received are directly related to this department's proactive enforcement.
- Ordinances
 - Traffic
 - Request the Governing Body to establish an ordinance to prohibit motor vehicles or boats from being operated on any public roads or highways that are flooded. We have found a model ordinance from another jurisdiction that we are amending with the help of the borough attorney.

* **Community Policing:**

- Explorers
 - Attended and participated in a training session on traffic stops
 - Law Enforcement Service Commendation
 - Explorers must complete 100 hours of volunteer service learning communications
 - (2) explorers are working to complete the required hours for this commendation

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- Domestic Violence Response Team (DVRT) – The Highlands Police Department partnered with 180 Turning Lives Around in June 2006 to form a Team. Within the first year of its inception the department saw a decrease of approximately 13 percent in domestic violence calls which was partly attributed to the commitment and dedication of the volunteer advocates.

- Advocates (needed)
 - Must Apply
 - Volunteer
 - Training Provided

* **Investigations:**

During the month of August the detective division handled a total of **12** new initial investigations which included thefts, burglaries, criminal mischief, assaults, sexual assault, endangering the welfare of a child and bias intimidation.

- Total Investigations - 12
 - Closed – 7
 - Cleared w/o Arrests – 2
 - Arrests – 4
 - Warrants – 1 (issued/pending arrest)
 - Open Investigations – 5

* **Patrol:**

- Burglary
 - Total Calls – (5)
 - Residential – (5)
- Thefts
 - Total Calls – (9)
- Lewdness
 - Arrest (1)
 - Masturbation in Public
- Hindering Apprehension
 - Arrest (1)
 - Individual provided officers with false information during an investigation to avoid arrest

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- Domestic Violence Complaints – (9)
 - Criminal Mischief – (3)
 - Burglary – (2)
 - Simple Assault – (3)
 - Harassment – (1)
 - Restraining Orders - (1) issued

- Disorderly Persons
 - Complaints (5)
 - Arrests (5)
 - Under the Influence
 - Alcohol (5)

- Criminal Mischief
 - Total Complaints – (6)
 - Vehicles – (3)
 - Other Property – (3)

- Controlled Dangerous Substance
 - Arrests (6)
 - Possession (5)
 - Distribution (1)

- Motor Vehicle Stops
 - Total – (170)
 - Arrests – (4)
 - CDS Possession – (4)

- Mental Health/ Crisis Calls
 - Total Calls – (7)
 - Transports to other facilities – (2)

- First Aid
 - Total Calls – (45)

* Total Calls for Service: 593

* Arrests: Adults: 32 (5 for possession of CDS)

JV: 2

* Summons: Total: 177

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Moving Violations: 65
Non-Moving: 55
DWI: 4
Borough Ordinance: 53

(Statistical Information is from August 1 – 31, 2012)

JRB/dla

Administration:

Mr. Hill read thru his report.

BOROUGH ADMINISTRATOR'S REPORT - September 5, 2012

1DPW: 16 items listed on report

1) Checked waterwitch and South bay ave lift stations, (2) Dug out dirt and debris from Jones creek (3) Spread out wood chips at Veterans and Huddy park play grounds (4) Set up and took down clam fest (5) cut all parks and green areas as needed (6) cleaned roads after rain storms (7) cleaned all catch basin lids (8) Picked up all brush through out town (9) Replaced sections of storm drain pipe on Miller street hill (10) Replaced sidewalk on Miller hill (11) Made all rounds twice a week Bay ave cans and beach cans (12) Had sweeper out weather permitting (13) Continue to Pick up bulk by permit (14) Built a new rail road tie wall at Huddy park play ground (15) put back skateboard park after the clam fest (16) checked 3 sewer clogs 1 was our problem

2BUILDING & HOUSING:

CO Inspections: 65 completed in August – 15 failed (minor items to be completed upon re-inspection. Property Maintenance – continuing to address and cite as inspected or reported.

Construction: No Report

Zoning: No Report

Fire Safety: No Update

3PARKS & RECREATION:

August Usage: (10) Condos / Homeowners Assoc. 3, Tae Kwon Do 4, SET 4-H Club, Historical Society, Mayor's Meeting

Special Events: Baby Costume Contest at Clamfest 8/5/12 - Teen Night 8/10/12 - 19 participants, Teen Night 8/31/12 - 36 participants, Summer Kidfest August Field Trips: Jenkinson's Aquarium, Brunswick Zone Bowling, and Runaway Rapids, Summer Kidfest Talent Show 8/17/12 - 35 participants. Other: **Summer Kidfest ended 8/17/12 - 137 participants total registered, Over 4,300 hundred meals served through 2012 SFSP Kids Connection Program ended 8/16/12 - 50 participants total registered, Senior Farmer's Market Voucher Distribution ended 8/21/12 - Serviced 36 Seniors total. Other Upcoming Events: Kids on the Move Program scheduled to begin September 17th from 3 - 5 pm, Fishing Derby?, Senior Citizen Business Meeting 9/13/12 at 12:30 pm, SC Bingo / Lunch 9/20/12 at 12:00 pm, and SC Special Event - 40th Anniversary Luncheon at Bahrs Restaurant 9/27/12 at 12:00 pm.**

Administration –

- Monmouth County Open Space Grant

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- CDBG Presentation was conducted on 8/22/12 for FY 2013 funding
- Will be submitting CDBG Project Ranking Sheet on 9/7/12
- Meeting with Middletown regarding Monmouth Hills
- Thanks to Historical Society & Carolyn for pictures in hallway!

Attendance at Clam Dep, Planning Board, CDBG, FEMA, and other meetings representing the borough.

Mr. Francy requested Mr. Hill to provide a list of houses on the substandard list and the status for the next meeting. He wants to get substandard housing moving.

Mr. Pfeffer will need to budge the money for demolitions.

Library:

Tara Ryan read thru her report.

Sept. 5, 2012 Library Report

- The Library continued to be open three days per week throughout the summer, Thurs. Fri. & Sat. These hours will continue into the Fall.
- We are still seeking a volunteer to play the piano and run a "Sing-A-Long" program with any age group. The piano in the library room was recently tuned and sounds great.
- We are coordinating with Highlands Elementary School to have the school trips to the Library sometime in October. Our goal is for every student at HES have a boro library card and be an active member of the Highlands Boro Library.
- Our Library Lap-Top computer has crashed and is beyond repair. We are seeking the donation of a fairly current, working, lap-top computer. Please contact us at the Rec Center if you can help us out.
- We participated again with the Summer Reading Programs for both Henry Hudson Regional School and Highlands Elementary School. We are pleased to have been able to provide the required reading materials for the students. Special thanks to Nina Flannery for purchasing many of the books.

Highlands Business Partnership:

A.J. Soloman read thru her report.

HBP Council Report for September 5, 2012

Visual Improvement Committee

The Bay Avenue Pilot Program is continuing through October 28. Our VIC Maintenance Pilot Program is in its 22nd week of operation. The objective of this program is to improve the overall appearance of downtown Highlands and to improve the Bay Avenue district.

We are excited to begin Phase III of the Miller Hill Project. Local artist and business owner, Donna Ross of the Sand Witch Shop has submitted the rendering of the mural to Nancy Burton and the VIC committee. HBP purchased the primer paint and hired a laborer to prime the wall. The mural should be completed by late fall. In addition, Doug Douty of the Lusty Lobster has donated paint for the project. There is no cost to the Borough for the public area improvement.

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Nancy Burton has met with Christmas Spectacular, Inc. getting quotes for leasing Christmas decorations for Bay Avenue. They will be coming into Highlands on September 6, 2012 to inspect the solar cells on the poles to determine how many can be used. And how many of the old timers need to be replaced. The cost to replace the 12 old timers is \$455.00 each. We will provide a detailed report to Mr. Hill at the conclusion of the meeting.

The Adopt-A-Bench Program is underway and we hope to place an order for the first 6 benches within two weeks. Anyone wishing to adopt a bench the cost is \$500 with personal plaque engraving and the forms are available on www.highlandsnj.com.

Marketing and Events Committee

Taste of Highlands's event was held on June 23 and was a great success. We received positive feedback from all that attended. We had major coverage in 4 newspapers and airtime on News 12 New Jersey. A total of 368 tickets were sold totaling \$14,720.00. The expenses totaled \$6,627.00. We had 20 participating restaurants, each giving a spectacular sample of food and drink. The total profit of \$8,000.00 is earmarked for the 2012 Holiday Decoration Program.

On behalf of HBP, we would like to extend our heart-felt thanks for the Borough's cooperation for Clamfest 2012. Especially, all the volunteers that help make the event a great success. Especially, Mayor and Council, Mr. Hill, Chief Blewett and the Highlands Police Department, Fire Department, DPW, the Department of Recreation, and Fire/OEM Officials Dave Parker and Charlie Wells. Volunteer thank you letters were mailed today. We were covered in 6 newspapers, two billboards, and on WRAT radio. In addition, we received major airtime on Comcast Newsmakers. The total income was \$53,335.00 and the total expenses were \$36,285.86. We assisted the Police Explorer Program to raise a substantial amount of money during the Clam Fest for their programs and we really appreciate their presence and assistance at our events.

We are now gearing up for the 11th Annual Twin Light Bike Ride, to be held on September 30th, followed by our 12th Annual Oktoberfest, October 6th. As always, volunteers are needed.

ECONOMIC DEVELOPMENT COMMITTEE

HBP ED continues to work with Mayor & Council and Borough Officials to encourage development by supporting and promoting the new storm water management program. We seek the council's support for the adoption of a commercial tax abatement program and encourage the area in need of rehabilitation. Once these policies are in place, we will invest in a redevelopment map and complete a brochure to package for business recruitment and retention.

As always, thank you for your support.

Mr. Francy inquired about the 9/11 ceremony.

Mr. Hill stated that the county will have a ceremony at Mount Mitchell. He spoke with Carla Braswell today and there will be a ceremony at 6-6:30 p.m. at the Memoria Project. The details are being worked out. They will advertise and notify the council.

Shared Services:

No report at this time.

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Other Business:

Review of Zoning Officers Recommendations:

Mrs. Cummins stated that Mr. Mullin was not able to attend tonight.

Mr. Hill will try to get him here for the next meeting.

Mayor Nolan said to table this till next meeting.

Review of ADP Payroll Proposal:

Mayor Nolan stated that they have met with ADP.

Mr. Pfeffer said that he has ADP in Tinton Falls. He said that Edmunds also has a payroll program.

Mayor Nolan directed Mr. Pfeffer to get comparative proposal from Edmunds for the next meeting.

Review of Tax Abatement Ordinance:

Mayor Nolan said to table this till the next meeting.

Review of Draft Ordinance Prohibiting Operation on Flooded Streets:

Mr. Padula stated that an ordinance needs DOT approval before adoption, to stop operations in flooded streets.

Mr. Francy said this permits area residents to travel on flooded streets.

Chief Blewett explained that the problem is we can't close street fast enough and people drive 20 mph which causes a wake on Bay Avenue into residents and commercial properties. This will cause awareness.

Mr. Francy asked if the speed limit is slow enough.

Discussion continued.

Mayor Nolan said to sent to this to the DOT and see what their comments are.

Review of Depuration Commissions Annual Report:

Mr. Francy read thru his report which will also be available in Borough Hall. He stated that they have been meeting for a year and this is their decisions.

The Clam Commission has been meeting regularly since July 2011. Most months, we have met twice per month. There have been voice records of each of these meetings, copies retained by the borough.

Our vision is presented in the enabling ordinance O- 11-14:

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;

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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;

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.

We have adapted the ordinance vision to create a more specific agenda to guide us in our meetings. This agenda with comments as to progress is presented below:

Borough of Highland Depuration Commission Agenda

Vision: The Borough of Highlands NJ will remain a leading producer of hard clams for local, regional and national consumption.

Mission: Maximize the economic benefit of the Borough owned hard clam depuration plant for the working clambers, the town and the state.

Goals:

- Educate the Depuration Commission and the general public about the hard clam stocks in Sandy Hook and Raritan Bays, and the concept of fishery management for that resource.
- Stock survey power point presentation from 2001 presented by Gef Flimlin. Commission has created a new goal to get an updated stock survey and will seek support from the Port Authority, State sources and Rutgers
- Educate the Depuration Commission and the general public about the depuration process. Ongoing
- Evaluate the current depuration process as done by the Baymen's Protective Association, and the parameters under which a person may or may not be able to sell their harvested clams to the JT White Plant.

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- Receive input from the industry about their impressions regarding the hard clam resource, the depuration process, the rules governing the depuration process, and thoughts about how the current process could be improved.
- Determine the true value of the depuration plant to the Borough of Highlands, understanding the real costs of depuration and how that relates to the income to the harvesters.
- Determine whether the Borough should manage, oversee or serve as a conservator of the depuration plant or whether it should renew its lease to the Baymen's Protective Association. At this point, the Commission could not recommend that the borough renew the lease with the BPA for various reasons. Mainly, It is worrisome to the Commission that there has been ongoing descriptions (rumors??) of irregularities in the conduct of BPA business, membership status, voting status, no meetings, no treasurers reports, etc

Recently, we have detected a change in the BPA's responsiveness for the better. Current management does seem to want to work with the commission. We are hopeful that the BPA rectifies these issues so the Commission would be in a position to recommend renewal of the lease to the BPA in 2014

Other items that the Commission is reviewing:

Determine how the Depuration Plant should be managed.

Make recommendations to the Borough Council on future leasing options. Discussions on future leasing should consider: the counting and grading of product, exploration of Free Market of product as allowed or warranted, leasing / rent based on flat fixed rate &/ or potential per piece / production. Transparency shall be required in all future lease arrangements.

Specific Agenda Items during past year:

- 1) Investigate the recent lapse in the depuration regulations and subsequent re-adoption as written.
- 2) Obtain information as to catch reports.
- 3) Review state regulations and requirements for counting product.
- 4) Update the Depuration Committee regarding correspondence and legal aspects between the Baymen's Protective Association and the Town of Highlands. (ongoing)
- 5) Determine who the actual owner of the JT White Plant is, and who holds the Certification for the Depuration Plant.
 - In the Depuration Regulations (8:13-2-6) , it states that "(d) Shellfish certification and food/cosmetic license are not transferable with respect to changes in location and/or ownership", so who holds the actual certification, since an association should not be allowed to be the actual operator.
- 6) Educate the Depuration Committee about the audit, which was done about 10 years ago promulgated by the then Town Manager Paul Shaffrey, regarding the operations of the depuration plant. Invite the auditor to bring his comments to the Committee. (not complete)
- 7) Evaluate a search for other interested parties to lease the depuration plant and operate it in a transparent fashion. (not implemented)

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- 8) Invite shellfish dealers to a Committee meeting to better understand the hard clam market, and what potential upgrades in the process could be to improve the return to the industry. (not implemented)
- 9) Determine if Rutgers University could assist the Committee in evaluating the hard clam market potential and the development of a business plan. (ongoing)
- 10) Make recommendations to Town of Highlands Council as per the findings of the Depuration Committee. (ongoing – gathering information)
- 11) Letters have been sent to various agencies and officials with regards to various aspects of the clamming industry and regulatory concerns that we feel have been neglected.

Mayor Nolan spoke of upcoming lease. We want to establish what we want to do with the property and building. We want it to stay as a clam plant, but also want it to be regulation.

Open Space Grant:

Mr. Hill discussed the possibility for the grant. Last year, there was a public hearing for beach access improvements and suggest we pursue that at this point. He further explained the improvement. It is a dollar for dollar match. It is in the \$50-60,000 range.

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

R-12-204

RESOLUTION

**AUTHORIZING APPLICATION OF FUNDING
FROM THE MONMOUTH COUNTY MUNICIPAL
OPEN SPACE GRANT PROGRAM**

Whereas, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation development and maintenance purposes; and

Whereas, the Governing Body of the Borough of Highlands desire to obtain County Open Space Trust Funds in the amount of \$ _____ to fund Beach Access, Snug Harbor Beach Block 97 Lot 1;

Whereas, the total cost of the project including all matching funds is \$ _____; and

Whereas, the Borough of Highlands will be holder of any interest acquired with County Open Space Trust Funds.

Whereas, the Borough of Highlands is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Governing Body of the Borough of Highlands **THAT:**

1. Timothy Hill, Borough Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Highlands is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual

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for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such polices and procedures, and applicable federal, states, and local government rules, regulations and statutes thereto; and

4. Timothy Hill, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

Seconded by Mr. Redmond 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

Letter of Resignation – Kevin Connelly, Zoning Board Member:

Mayor Nolan stated that he received a letter of resignation from Kevin Connelly for the Zoning Board.

Mrs. Cummins said we can resolution at the next meeting appointing a new member.

Short Term Rentals – Review of Committee Meeting Notes:

Mr. Hill stated that there have been no further meetings. We are going to set up another meeting. He has not heard anything from the public. He has nothing new to report at this time. He will have something for the October meeting.

NJDOT FY 2012 State Aide Program:

Mr. Leubner stated that money grant is available and applications are due by October 16th. He further explained the program. Asked the council to let him know if there was anything they wished to submit.

Public Portion:

Tara Ryan of 17 Ocean Street spoke of code issues. It took over a year to get rectified. Asked how we can we do a rehab resolution if the code enforcer does not have time.

Mayor Nolan stated that we are looking at various options, may be a full time position.

Arnie Fuog of 50 Valley Street asked if there is a committee now for substandard housing.

Mr. Hill said there is but is not active now.

Mayor Nolan said we will be reestablishing it.

Mr. Fuog asked why it was inactive.

Mayor Nolan stated that other things came up.

Mr. Fuog spoke of Washington Street, and if the town has put any money towards repairs.

Council explained that Mr. Rosiak is repairing at his expense.

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Mayor Nolan stated that we did receive a \$30,000 grant for road repairs.

Mr. Francy said we will be having bid specs prepared for the repair of the road.

Kim Skorka of 315 Shore Drive wanted clarification of the noise ordinance with Havanna music. The time in the ordinance is unreasonable. She wants to have an ordinance to not allow live music.

Mayor Nolan explained that he will never support no live music.

Christian Lee of 2 Navesink Avenue asked if there is any progress on the cat program.

Mayor Nolan agreed that the cat problem has gotten worse in some areas and better in others.

Mrs. Cummins stated that they are in the process of starting up the trap and neutering program.

Mr. Francy further explained the process and that there will be a mobile vet. He will have the numbers of how many cats have been trapped and spayed by the next meeting.

Roger Clemente of 164 Linden Avenue asked when Jones Creek is getting fixed.

Mr. Leubner explained that DPW has worked on it. It is filled up again and work is in progress to get it done. He will have information by the end of the week on Jones Creek. He further explained the flooding problem.

Mayor Nolan stated that he is meeting with Middletown on Friday to discuss this problem.

Mr. Clemente asked for a definition of substandard housing.

Mr. Padula will look up the ordinance, and will have before the end of the meeting.

Carol Bucco of 330 Shore Drive questioned R-12-203. You are sending it to the Planning Board. The Planning Board sent it back to the council in 1995.

Mr. Padula stated that this is a little bit different. He further explained.

Carol Bucco described garbage pick up problems with Future at Bayview Condominiums. The dumpster wheels are broken from them dropping the dumpsters.

Mr. Hill will follow up.

Carol Bucco asked if we know when flu shots are going to be given.

Mr. Hill will get the information for her.

Claudette Darryo of 12 Seadrift Avenue said that she came before council in May 2009 about 5 Seadrift Avenue, what is happening.

Mr. Hill stated that a certified letter was sent to the property owner, and received no response. We have quotes to clean up the property and we will schedule clean up. We can not touch the bulkhead. We will record all time and material and put a lien against that property. He will schedule the clean up with DPW as soon as possible.

Claudette Darryo asked if there is no town ordinance, does the state ordinance go in to effect regarding abandoned vehicles.

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Mr. Padula stated that it depends on a specific item and further explained.

Claudette Darryo questioned the ordinance adoption process.

Mayor Nolan and Mr. Padula explained the process.

Claudette Darryo also stated that her husband has finally achieved citizenship.

Patty Peterson of 317A Shore Drive spoke of the noise ordinance and her frustration with Havanna and the live music.

Chief Blewett explained enforcement of the noise ordinance.

Mr. O'Neil stated that we should be able to enforce the ordinance.

Mr. Francy asked why not write tickets and let it go to the court.

Council continued discussion on noise with restaurants.

Mr. Padula stated that maybe we can handle thru liquor license conditions.

Council had discussion with Kim Skorka regarding live music.

Mayor Nolan will go to Havanna and speak with them.

Terrence King of 11 Seadrift Avenue spoke about the short term rental issue committee, the hope to get some business involved and doing background checks. He spoke about the house at 5 Seadrift has a lot of cats. The parking issue on Seadrift Avenue and state ordinance does allow property owner to block their own driveway.

Lori King of 11 Seadrift Avenue further spoke in favor of being able to park in front of your own driveway.

Mr. O'Neil asked what if the parking restriction was taken off Marine Place.

Lori Ann Nolan said there is no parking on Marine Place.

Shanna Kajiji of 15 Seadrift Avenue stated that she received a ticket for parking in front of her own driveway. The driveway is too narrow and would dent her car. She wants a way for her to be able to park in front of her driveway.

Mr. Padula stated that the town can adopt an ordinance and issue permits.

Mayor Nolan will have our attorney and the Police Chief look into this and will try to inform at the next meeting.

Lori King of 11 Seadrift Avenue spoke of short term rentals parking. Things are being sprung on people with tickets being issued. She spoke of neighbors negative behavior toward renters.

Shanna Kajiji stated that she witnessed the behavior.

Lori King stated that the people on Seadrift Avenue are blocking parking spots on the street by putting cones out.

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Chief Blewett said people have to call the police department and sign complaints.

Claudette Darryo stated that it's her garbage cans in the street and further explained the reasons. She leaves it there to clean up debris left in the street, every day.

Mr. Redmond said you should get a ticket for leaving cans in the street.

There were no further questions.

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

The Meeting adjourned at 10:01 p.m.

Debby Dailey, Deputy Clerk

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