

**Borough of Highlands  
Mayor & Council  
Workshop/Regular Meeting  
October 3, 2012**

Mayor Nolan called the meeting to order at 7:00 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. Francy, Ms. Kane**

**Absent: Mayor Nolan**

**Late Arrival: Mr. O'Neil – arrived at 7:09 p.m.**

**Also Present: Carolyn Cummins, Borough Clerk  
Tim Hill, Borough Administrator  
Steve Pfeffer, Chief Financial Officer  
Bruce Padula, Labor Attorney**

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**Executive Session Resolution**

Mrs. Cummins read the following Resolution for approval:

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

**R-12-214  
RESOLUTION  
EXECUTIVE SESSION**

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

- 1.Litigation: Captains Cove Marina,**
- 2.Contract:**
- 3.Real Estate:**
- 4. Personnel Matters: DPW Supervisor Position, Police Dept. Staffing, Zoning Officer  
Position, Community Center Staffing**
- 5. Attorney-Client Privilege:**

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

**BE IT FURTHER RESOLVED** that no portion of this meeting shall be electronically recorded unless otherwise stated; and

**BE IT FURTHER RESOLVED** that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

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

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

**ROLL CALL:**

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

The Governing Body then entered into Executive Session.  
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Ms. Kane called the Regular Meeting back to order at 8:00 p.m.

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

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Ms. Kane asked for a moment of silence for Sherry Ruby, a former councilwoman.

**ROLL CALL:**

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

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**Paint the Town Pink Presentation:**

Stacy Donovan, with Meridian Health, sponsors "Paint the Town Pink." She gave presentation and history of Paint the Town Pink. It was started six years ago. It is done as a partnership with businesses. It's a community based initiative. Interest was generated by a person in our community. She mentioned eight neighboring towns that are participating. They do provide some starter kits. They have banners and paint a pink line in the middle of Bay Avenue. She is not sure if they have a person to paint the street. We may need volunteers to do that. It will be a month long event for the month of May. They create steering committees in each town, business and resident committees.

Mary Margaret Kurta, Borough resident, is a volunteer and will be on the committee. She booked the Community Center for the first meeting.

Council will have do a resolution at the next meeting.

**Grala, LLC t/a Chubby Pickle Liquor License Violation Hearing:**

Mr. Redmond offered a motion to carry to the October 17<sup>th</sup> meeting, seconded by Ms. Kane and all were in favor on the following roll call vote:

**ROLL CALL:**

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

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**Consent Agenda:**

Ms. Kane will abstain from minutes.

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

**R-12-215**

**RESOLUTION**

**APPOINTING AN ENVIRONMENTAL COMMISSION MEMBER**

**BE IT RESOLVED** that the following listed person be appointed to the Highlands Environmental Commission:

Melissa McAleer - Regular Member 3 year term to expire 12/31/14

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

**ROLL CALL:**

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

Ms. Kane offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-12-216**

**RESOLUTION – AUTHORIZING PAYMENT OF ACCUMULATED  
VACATION LEAVE**

**WHEREAS**, Tim Hill, Borough Administrator submitted a written request on September 14, 2012 requesting to sell back 135 vacation hours to the Borough as per the Section 17 of his employment contract .

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized to pay Tim Hill, Borough Administrator for one hundred thirty five (135) vacation hours.  
Said paid vacation hours will be deducted from Tim Hills accumulated vacation leave balance.

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

**ROLL CALL:**

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

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

**R-12-217**

**RESOLUTION  
AUTHORIZING RELEASE OF STREET OPENING DEPOSIT**

**WHEREAS**, the Dan Fleming posted a five hundred dollar deposit for Street Opening Permit #0026-11 for block 26 lot 12, 127 Highland Avenue; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Street Opening Deposit for Dan Fleming for Block 26 Lot 12, 127 Highland Avenue is hereby released and the Chief Financial Officer is hereby authorized to refund the street opening deposit to Dan Fleming in the amount of \$500.00

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

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**ROLL CALL:**

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

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

**R-12-218**

**RESOLUTION  
APPROVING RAFFLE LICENSE**

**WHEREAS**, the Hi-Mar Striper Club has submitted Raffle License Application No. RA1317-12-23 for a drawing to be held on October 21, 2012.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Raffle License Application RA#1317-12-23 for the Hi-Mar Striper Club is hereby approved and the Borough Clerk is authorized to sign off on license.

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

**ROLL CALL:**

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

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

**R-12-219**

**RESOLUTION AUTHORIZING DISPOSAL OF  
BOROUGH EQUIPMENT**

**WHEREAS**, the Department of Public Works Supervisor has determined that the Borough of Highlands has vehicles and equipment which now longer work and is of no value; and

**WHEREAS**, the DPW Supervisor desires to dispose of via salvage the following:

1. 30 Yard Roll Off Dumpster
2. 2006 Ford Vehicle VIN#2FAFP71W46X118716

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

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mayor Nolan

**ABSTAIN:** None

**Ms. Kane offered the following Payment of Bills and moved on approval of payments;**

**RECAP OF PAYMENT OF BILLS  
10/03/2012**

<b>CURRENT:</b>		\$	80,315.13
Payroll	(09/30/2012)	\$	116,123.65
Manual Checks		\$	30,923.85
Voided Checks		\$	
<b>SEWER ACCOUNT:</b>		\$	4,210.60
Payroll	(09/30/2012)	\$	7,518.39
Manual Checks		\$	260.77
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	
<b>CAPITAL-MANUAL CHECKS</b>		\$	28,982.31
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$	14,884.34
Payroll	(09/30/2012)	\$	
Manual Checks		\$	
Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	

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<b>GRANT FUND</b>	\$
Payroll (09/30/2012)	\$
Manual Checks	\$
Voided Checks	\$
 <b>DEVELOPER'S TRUST</b>	 \$
Manual Checks	\$
Voided Checks	\$

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

**SUPPLEMENTAL BILL LIST**

**October 3, 2012**

**CURRENT FUND**

Future Sanitation	Solid Waste & Recycling Collection	
	10/1/12-10/15/12	8,408.34
	10/16/12-10/31/12	8,408.34

<b>Total Current Fund</b>	16,816.68
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**CAPITAL FUND**

<b>Total Capital Fund</b>	0.00
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**GRANT FUND**

Total Grant Fund	0.00
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**SEWER UTILITY FUND**

Total Sewer Utility Fund	0.00
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**TRUST FUND**

Total Trust Fund	0.00
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Total Supplemental Bill List	16,816.68
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Seconded by Mr. Redmond and adopted on the following roll call vote:

**ROLL CALL:**

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

**Minutes Approved on Consent Agenda:**

Ms. Kane offered a motion for the approval of the September 19, 2012 Regular and Executive Session Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

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

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**Other Resolutions:**



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**Resolution R-12-220**

**R-12-220 Resolution Approving Exxon Agreement:**

Mr. Padula explained the agreement to reimburse the Borough for the cost of repaving Bayside Drive from Marie Street to Matthew Street. They will reimburse the Borough up to \$137,000.00.

Council discussed.

Mr. Francy offered the following Resolution and moved on its adoption:

**R-12-220  
RESOLUTION APPROVING  
LIMITED RELEASE AGREEMENT  
BETWEEN THE BOROUGH OF HIGHLANDS AND  
EXXON MOBILE CORPORATION**

**WHEREAS**, Exxon Mobil has performed remedial activities along approximately 200 feet of Bayside Drive resulting in damage to the asphalt surfacing of Bayside Drive in Highlands, New Jersey. Exxon Mobile Corporation has agreed to provide funding in the amount of \$137,000 to the Borough of Highlands to repair and reconstruct approximately 600 feet of road on Bayside Drive from Marie Avenue to Matthews Street (the "Repaving & Improvement Project"). and

**WHEREAS**, the Borough of Highlands and Exxon Mobile Corporation have resolved all matters and claims in dispute arising from or relating to the Repaving Project on Bayside Drive and have set forth terms of their settlement in the attached Limited Release Agreement.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the agreement in substantially the same form as attached hereto is hereby approved and the Borough Administrator is hereby authorized to execute attached Limited Release Agreement.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mayor Nolan

**ABSTAIN:** None

**Resolution R-12-221:**

**Resolution R-12-221 Authorizing Street Opening Permit**

Mr. Hill explained that we received a street opening application from NJ Natural Gas. This particular application they want to run the new gas service up North Peak Street but they would have to disturb a section of Valley Street. There is a road moratorium and it needs to be approved by resolution.

Mr. Francy stated that the road is only two weeks old.

Council reviewed the location map of proposed street opening.

Mr. O'Neil does not know if there is pavement on this portion of the road. He will have to look.

Mr. Francy said this will subject to Mr. O'Neil's approval.

Mr. O'Neil offered the following Resolution and moved on its adoption:

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**RESOLUTION R-12-221  
RESOLUTION APPROVING STREET OPENING PERMIT  
FOR NEW JERSEY NATURAL GAS**

**WHEREAS**, New Jersey Natural Gas has submitted an Street Opening Application for #10 & #14 N. Peak Street to excavate 1'W x 600'L opening in road on North Peak Street to provide gas service to #10 & #14 North Peak Street; and

**WHEREAS**, there is a seven year moratorium on North Peak Street because its road that was reconstructed less than seven years ago.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Highlands hereby approves the Street Opening Application for #10 & #14 North Peak Street that was submitted by New Jersey Natural Gas subject to the approval of Councilman O'Neil.

**BE IT FURHTER RESOLVED** that the Borough Administrator is hereby authorized to execute approval of the said Street Opening Permit after approved by Councilman O'Neil.

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:** Mayor Nolan  
**ABSTAIN:** None

**Resolution R-12-222:**

**Resolution R-12-222 Approving Membership to the Highlands Fire Department**

Mr. O'Neil offered the following Resolution and moved on its adoption:

**R-12-222**

**RESOLUTION APPROVING FIRE DEPARTMENT MEMBERSHIP APPLICATION**

**WHEREAS**, Patrick Mason, Jr. has submitted a Fire Department Membership Application to the Borough of Highlands Fire Department; and

**WHEREAS**, the Fire Chief has reviewed said application and finds that Patrick Mason, Jr. meets all requirements and recommends the approval of membership application.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Fire Department Membership Application of Patrick Mason, Jr. is hereby approved.

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

**ROLL CALL:**

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

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**Committee Reports:**

Ms. Kane stated that we will dispense with the committee reports tonight. They will be available in Borough Hall.

Mr. Hill wanted to thank the Kurta Family for the Girl Scout project that they coordinated to repair the roof at the Huddy Park Gazebo. He also announced about the Cat Outreach Program on November 10<sup>th</sup> at the First Aid Building. He wanted to make residents aware of the Monmouth County Home Improvement Program and they are accepting applications. They are available on line and in Borough Hall. He explained the various improvement programs and loan guidelines.

Mrs. Braswell reminded all of an upcoming event. The Oktoberfest is Saturday, October 6<sup>th</sup>.

Mr. Francy stated that Huddy Park is getting new sod. That area will be roped off.

Mr. Hill said that sidewalk repairs for Bay Avenue are being reviewed. We have an estimate of \$25,000.00 to repair the many areas that need replacement. We may have an opportunity for one of the two existing road bond ordinances. He would need a resolution authorizing the CFO to make an amendment to the bond ordinance..

Mr. Francy stated that these are unspent funds.

Mr. Pfeffer explained that he will speak to the engineer about both bond ordinances.

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**Other Business:**

**Review of ADP:**

Ms. Kane stated that Mayor Nolan asked to have this table to the October 17<sup>th</sup> meeting.

Ms. Kane offered a motion to carry the review of ADP to the October 17<sup>th</sup> meeting, seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mayor Nolan**

**ABSTAIN: None**

**Review of Draft Tax Abatement Ordinance:**

Mr. Padula explained the new chart and the eight elements that we can implement. There are exemptions for improvements and new construction that council can adopt in the ordinance. He further explained that each tax abatement would require an ordinance.

Mr. Francy asked where we want to target with this abatement ordinance. We need improvements to substandard housing.

Mr. Padula stated that we could have a committee review and report back to the council.

Council further discussed.

Mayor Nolan and Mr. Francy will be on the committee.

Ms. Kane feels we should wait for the committee to have a proposal, and discuss at the October 17<sup>th</sup> meeting

**Review of Procedures for Driveway Permit Parking Ordinance O-12-21:**

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Mrs. Cummins stated that the council requested the procedures for the process. Mr. Padula has prepared some rules for the ordinance.

Mr. Padula spoke to other municipalities and put together a report for the council.

Mr. Francy asked if Chief Blewett was on board with this.

Chief Blewett has some reservations about this. He feels administratively, it will be a burden and also enforcement will be a problem. He discussed different zones have different problems. He feels this ordinance would only be for a few houses and it will not solve the problem in that area. He does see the reason for it, but thinks it will be a problem.

Council continued discussion.

Mrs. Cummins said this has been introduced and the hearing date is set for October 17<sup>th</sup>.

Mr. Padula stated that we can postpone by resolution.

Ms. Kane offered a motion to table this ordinance indefinitely, seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mayor Nolan

**ABSTAIN:** None

**Review 2012 Best Practices Worksheet:**

Mr. Pfeffer explained the requirements for State Financial Aide. We submitted the form and we do qualify for 100%. The Borough Clerk needs to certify to the State that we had this on the council agenda for the council review. He asked if there were any questions from the council.

Ms. Kane said we did a lot this year to make us compliant.

Discussion continued.

There were no further questions from council.

**Bay Street Repairs:**

Mr. Hill that we have inquires on Bay Street regarding a wall on a right of way that the Borough has maintained. The wall has issues and the residents has inquired if the Borough could look at it and see what repairs can be done. As far as we can tell, it is Borough property.

Mr. Padula stated that the maps he saw shows the wall is on the right of way.

Mr. Hill said he will come up with options for repairs. He also spoke of rolled curbing on Bay Street to divert water. He wants to make sure it doesn't cause problems for homeowners down stream.

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**Public Portion:**

Tara Ryan of 17 Ocean Street questioned the new mural on Miller Street.

Mr. O'Neil stated that the Sandwich Shop owner is doing it. The paint was provided by Mr. Doughty and she volunteered to paint it.

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Tara Ryan wanted to know if there was an update on Captains Cove Marina.

Mr. Padula will be speaking with Mr. Rosiak's attorney tomorrow.

Mr. Francy stated that we sent Mr. Rosiak a letter last Friday directing him to clear the street.

Stacy Donovan – not present.

Michael Roth of 3 Washington Avenue thanked the town for allowing him to renovate his house during this process. Mr. Rosiak cooperated in keeping his driveway clear for his house repairs. He would like to see the project on Washington Avenue completed as soon as possible.

Mr. O'Neil said they are close to finishing the project. The Borough also needs to do work.

Ms. Kane stated that the bids will be opened on October 10<sup>th</sup> for repairs to Washington Avenue.

Mr. O'Neil explained the bulkhead failure on Washington Avenue.

Mr. Francy said the bulkhead was not deep enough at the bottom. He further explained various repairs.

Carol Bucco of 330 Shore Drive stated that six wheels on the condo dumpster were broken today. The dumpsters can not be used.

Mr. Hill left a message with Future Sanitation and is waiting for a response.

Mr. Francy asked if we can deduct from their bill, the repairs to the dumpsters.

Ms. Bucco said the dumpsters were purchased from Future Sanitation.

Carla Braswell of 62 Gravelly Point Road questioned tax abatements. Would the new residential tax abatement replace existing tax abatement.

Mr. Francy said the old ordinance has lapsed. It has not been reacted.

Mr. Padula said we are doing the process again. The ordinance adopted previously was only good for ten years. The changes are minor.

There were no further questions.

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

The Meeting adjourned at 8:59 p.m.

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Debby Dailey, Deputy Clerk

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