

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Ms. Kane called the meeting to order at 7:14 p.m.

The meeting was not electronically recorded.

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

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

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

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**Consent Agenda:**

Mayor Nolan made a motion to pull the following resolutions R-12-235; R-12-237; R-12-238; R-12-241; R-12-239 and R-12-24-240, seconded by Mr. O'Neil on the following roll call vote:

**ROLL CALL:**

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

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-236**

**RESOLUTION – CHANGE ORDER #1 AND FINAL**

**L & L PAVING COMPANY, INC.**

**DECREASE OF \$**

**BAY AVENUE ROAD IMPROVEMENT PROJECT**

**WHEREAS, a contract was awarded to L & L Paving Company, Inc. as follows:**

**R-12-44 February 15, 2012 \$387,842.40**

**WHEREAS, change order # 1 Final dated October 22, 2012 prepared by T & M Associates, professional engineers, sets forth reasons for said change order ,**

**NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 Final decreasing the original contract amount by \$57,404.75 is hereby authorized for the Bay Avenue Road Improvement Project. The contract is hereby amended to \$330,437.65.**

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012  
Certification of Funds:**

**Not Applicable**

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

**ROLL CALL:**

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

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

R-12-242

**RESOLUTION DECLARING AN EMERGENT CONDITION AND AUTHORIZATION TO OBTAIN  
CONTRACTS WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF  
N.J.S.A.40A:11-6**

**HURRICANE SANDY**

WHEREAS, an emergent condition developed on or about October 29, 2012, as a result of Hurricane Sandy's intensive wind and massive flooding; and

WHEREAS, provisions on N.J.S.A.40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, on October 27, 2012 Chris Christie, Governor of the State of New Jersey issued Executive Order No. 104 declaring a state of emergency for the response and recovery efforts required by Hurricane Sandy;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that authorization be and is hereby given to the Borough Administrator, to proceed with obtaining contracts to make the emergency repairs without public bidding pursuant to the provisions of N.J.S.A. 40A:11-6 and in compliance with N.J.S.A. 19:44A-20.12.

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

**ROLL CALL:**

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

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

R-12-243

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME  
FOR PAYMENT OF FOURTH QUARTER MUNICIPAL TAXES WITHOUT  
INTEREST TO NOVEMBER 30, 2012**

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

**WHEREAS**, the Borough of Highlands mailed out the 4<sup>th</sup> quarter tax bills late in October and extended the tax due date via Resolution R-12-224 to November 19, 2012; and

**WHEREAS, due** to Hurricane Sandy and all the distaster it created the Borough feels the need to further extend the due date for the 4<sup>th</sup> quarter taxes to November 30, 2012

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

1. That the Mayor and Council hereby authorize the extension of time for payment of the fourth quarter Municipal tax bills to November 30, 2012.
2. In the event that the tax bills are not paid by a resident on November 30, 2012 interest shall be retroactive to the November 1, 2012 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
  - A. Director  
Division of Local Government Services  
  
Department of Community Affairs
  - B. Tax Collector

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**Borough  
of Highlands  
Resolution No. R-12-245**

**Resolution:** Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to Shore Drive Phase II project.

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Highlands formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Highlands Borough-00686 to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Certified as a true copy of the Resolution adopted by the Council

On this 21st day of November 2012

**ROLL CALL:**

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

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

**Borough of Highlands**

**County of Monmouth**

**R-12-246**

**Resolution of the Borough of Highlands Seeking Assistance from the Federal Emergency Management Agency (FEMA) Seeking Aid for Borough Residents pursuant to FEMA's flood hazard mitigation program in relation to house lifting**

**WHEREAS, the Borough of Highlands suffered severe flooding and property destruction as a result of Superstorm Sandy which displaced many residents and resulted in the condemnation of many homes within the Borough; and**

**WHEREAS, the Borough wishes to undertake all viable steps to mitigate flood damage within the Borough, including, among other things, obtaining grants for residents and participating in federal and state programs to provide floodplain management and relief; and**

**WHEREAS, the Borough has previously participated in FEMA's flood mitigation/house lifting program as a result of Hurricane/Tropical Storm Irene, which occurred in August 2011; and**

**WHEREAS, the Borough wishes to participate in FEMA's house lifting program as a result of Superstorm Sandy and requests that FEMA provide assistance to Borough residents through, among other programs, FEMA's house-lifting program; and**

**WHEREAS, the Borough intends to take any and all municipal action necessary to qualify its residents for any and all FEMA assistance.**

**NOW, THEREFORE, BE IS RESOLVED that the Borough of Highlands intends to participate in FEMA's flood hazard mitigation/house-lifting program; and be in further**

**RESOLVED, that the Borough requests FEMA provide assistance to the Borough through, among other things, FEMA's house-lifting program; and be it further**

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

RESOLVED, that in addition to providing grant funding, this assistance include, but not be limited to, providing information to residents, assisting with the application process and advising residents during implementation of the grant funding.

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

**ROLL CALL:**

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

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

**RECAP OF PAYMENT OF BILLS**

11/21/2012

<b>CURRENT:</b>		<b>\$ 399,341.62</b>
	<b>Payroll ( 11/15/2012)</b>	<b>\$ 315,390.45</b>
	<b>Manual Checks</b>	<b>\$ 62,690.40</b>
	<b>Voided Checks</b>	<b>\$</b>
<b>SEWER ACCOUNT:</b>		<b>\$ 157.42</b>
	<b>Payroll (11/15/2012)</b>	<b>\$ 11,781.69</b>
	<b>Manual Checks</b>	<b>\$ 105,148.16</b>
	<b>Voided Checks</b>	<b>\$</b>
<b>CAPITAL/GENERAL</b>		<b>\$ 28,113.87</b>
	<b>CAPITAL-MANUAL CHECKS</b>	<b>\$</b>
	<b>Voided Checks</b>	<b>\$</b>
<b>WATER CAPITAL ACCOUNT</b>		<b>\$</b>
<b>TRUST FUND</b>		<b>\$ 1,983.94</b>
	<b>Payroll (11/15/2012)</b>	<b>\$ 400.00</b>
	<b>Manual Checks</b>	<b>\$ 2,549.00</b>
	<b>Voided Checks</b>	<b>\$</b>
<b>UNEMPLOYMENT ACCT-MANUALS</b>		<b>\$</b>
<b>DOG FUND</b>		<b>\$</b>

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

<b>GRANT FUND</b>		<b>\$</b>
Payroll	(11/15/2012)	\$
Manual Checks		\$
Voided Checks		\$
 <b>DEVELOPER'S TRUST</b>		 <b>\$</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**

**November 21, 2012**

**CURRENT FUND**

Arnett Law Firm	Tax Appeals - Oct 2012	1,391.50
Comcast	Internet & TV - Firehouse #4	131.80
Future Sanitation	Solid Waste & Recycling Collection	
	11/16/12-11/30/12	8,408.34
	Tipping Fees 11/1-11/16	6,642.20
NJSHBP November 2012 Health Benefits		72,103.69
Red Bank Recycling	Container Transport Fee	1,800.00
Twin Light Masonry LLC	Debris Removal	9,630.00
 <b>Total Current Fund</b>		 <b>100,107.53</b>

**CAPITAL FUND**

**Total Capital Fund** **0.00**

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

**GRANT FUND**

Total Grant Fund 0.00

**SEWER UTILITY FUND**

NJSHBP November 2012 Health Benefits 3,561.98

Total Sewer Utility Fund 3,561.98

**TRUST FUND**

Red Bank Recycling Container Transport Fee & Concrete Disposal 419.01

Total Trust Fund 419.01

Fire Dept. Uniform Allowance \$9,000

Total Supplemental Bill List 113,088.52

**Minutes Approved on Consent Agenda:**

Mayor Nolan offered a motion for the approval of the October 17, 2012 Regular and Executive Session Minutes, seconded by Mr. O'Neil and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: Mr. Francy**

**R-12-235 – Resolution Authorizing Emergency Approp due to Damage Caused by Hurricane \$1,000,000 to the Response, Recovery & Restoration of Services:**

Mr. Pfeffer explained that the amount should be changed to read \$150,000.00

Mr. Francy stated that this was not a hurricane. It was a tropical storm.

Mr. Pfeffer explained that the State gave direction to call it a hurricane.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

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

**RESOLUTION NO. 12-235**

**RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-46 AND N.J.S.A. 40A:4-49 DUE TO DAMAGE CAUSED BY HURRICANE SANDY**

WHEREAS, an emergency has arisen with respects to expenses related to the response, recovery, and restoration of services due to Hurricane Sandy and no adequate provision was made in the 2012 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$150,000 and three per cent of the total operations in the budget for the year 2012 is \$106,480.28, and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three percent of the total current appropriations in the budget for the year 2012,

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

1. That in accordance with N.J.S.A. 40A:4-49 petition be made to the Director of Local Government Services for permission to exceed the statutory limitation of 3% for the creation of an appropriation for the purpose stated above; however, pursuant to Local Finance Notice 2012-22, the Director has provided a blanket approval with respect to expenses related to the response, recovery, and restoration of services due to Hurricane Sandy.
2. An emergency appropriation be and the same is hereby made pursuant to N.J.S.A. 40A:4-46 and N. J. S. A. 40A:4-49 for funding of expenses related to the response, recovery, and restoration of services due to Hurricane Sandy in the amount of \$150,000.
3. That said emergency appropriation shall be provided in full in the 2013 budget, except if financing of such emergency appropriation shall have been made from other funds including but not limited to FEMA and insurance reimbursement or by authorization of bonds pursuant to N.J.S.A. 40A:2-51.
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

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

**ROLL CALL:**

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

**R-12-238 Resolution Authorizing Sale of Notes for Emergency Approp - \$1,000,000:**

Mr. Pfeffer explained the change to \$150,000.00.

Mr. Francy questioned FEMA monies allocation.

Mayor Nolan spoke of 100% debris removal. He further explained.



**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Mr. Pfeffer explained FEMA percent of money reimbursement.

Discussion continued.

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

RESOLUTION NO. 12-238

RESOLUTION AUTHORIZING SALE OF NOTES FOR EMERGENCY APPROPRIATION  
PURSUANT TO N.J.S.A. 40A:4-51 DUE TO DAMAGE CAUSED BY HURRICANE SANDY

WHEREAS, a resolution has been adopted creating an emergency appropriation of \$150,000 to meet expenses related to the response, recovery, and restoration of services due to Hurricane Sandy, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

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

1. An emergency exists and the emergency appropriation provided for herein is necessary in order to meet a pressing need for public expenditures to protect or promote the public health, safety, morals or welfare of the inhabitants of the Borough.
2. In order to finance the emergency appropriation described in this resolution, the Borough is hereby authorized to borrow the sum of \$150,000 and to issue its emergency notes pursuant to N.J.S.A. 40A:4-51. The emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.
3. The following matters in connection with the notes are hereby determined:
  - (a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer, provided, however, that the notes shall have a final maturity and be paid not later than the last day of the next succeeding fiscal year following the date of this resolution;
  - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;
  - (c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
5. The chief financial officer is hereby authorized to sell the notes and any renewals thereof from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
6. All notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor and shall be under the seal of the Borough and attested by the Clerk of the Borough. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the notes.
7. Any note issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the notes authorized herein and, unless otherwise paid or payment

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

is provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

8. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

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

**R-12-241 Resolution Authorizing Special Emergency Appropriations - \$1,000,000.00:**

Mr. Pfeffer explained the need to increase to \$2,000,000.00 for debris removal.

Council discussed.

Mr. Francy would like the appropriation to be broader.

Mr. Pfeffer agreed and further explained.

Council continued discussion.

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

**RESOLUTION NO. 12-241**

**RESOLUTION AUTHORIZING SPECIAL EMERGENCY APPROPRIATION  
PURSUANT TO N.J.S.A. 40A:4-54 DUE TO DAMAGE CAUSED BY HURRICANE  
SANDY**

WHEREAS, a special emergency has arisen with respects to expenses related to the cost of extraordinary expense for the repair, reconstruction of streets, roads or bridge, or other public property damaged by Hurricane Sandy and no adequate provision was made in the TY 2012 budget for the aforesaid purpose, and N.J.S. 40A:4-54 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

1. A special emergency appropriation be and the same is hereby made pursuant to N.J.S.A. 40A:4-54 for funding of expenses related to the repair, reconstruction of streets, roads or bridge, or other public property damaged by Hurricane Sandy in the amount of \$2,200,000.
2. The authorization to finance the appropriation shall be provided for in the succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to N.J.S.A. 40A:4-55.

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

**ROLL CALL:**

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

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

**ABSENT: None**

**ABSTAIN: None**

**R-12-237 Resolution Authorizing Sale of Notes for Special Emergency - \$1,000,000.00:**

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

**RESOLUTION NO. 12-237**

**RESOLUTION AUTHORIZING SALE OF NOTES FOR SPECIAL EMERGENCY  
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-55 DUE TO DAMAGE CAUSED BY  
HURRICANE SANDY**

WHEREAS, a resolution has been adopted creating an emergency appropriation of \$2,200,000 to meet expenses related to the extraordinary expense for the repair, reconstruction of streets, road or bridges, or other public property damaged by Hurricane Sandy, and N.J.S. 40A:4-54 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

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

1. A special emergency exists and the special emergency appropriation provided for herein is necessary in order to meet the extraordinary expense for the repair, reconstruction of streets, road or bridges, or other public property damaged by Hurricane Sandy.
2. In order to finance the special emergency appropriation described in this resolution, the Borough is hereby authorized to borrow the sum of \$2,200,000 and to issue its special emergency notes pursuant to N.J.S.A. 40A:4-55. The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.
3. The following matters in connection with the notes are hereby determined:
  - (a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer, provided, however, that at least 1/5 of all such notes and renewals, thereof, shall mature and be paid in each fiscal year thereafter until all are paid;
  - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;
  - (c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
5. The chief financial officer is hereby authorized to sell the notes and any renewals thereof from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
6. All notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor and shall be under the seal of the Borough and attested by the Clerk of the Borough. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the notes.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

7. Any note issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the notes authorized herein and, unless otherwise paid or payment is provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

8. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

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

**R-12-239 Resolution Authorizing Sale of Notes for Emerg Approp. \$500,000.00:**

Mayor Nolan offered a motion to remove R-12-239, seconded by Mr. O'Neil on the following roll call vote:

**ROLL CALL:**

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

**R-12-240 Resolution Authorizing Emerg Approp for Damage Caused by Hurricane- \$500,000.00:**

Mayor Nolan offered a motion to remove R-12-240, seconded by Mr. O'Neil on the following roll call vote:

**ROLL CALL:**

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

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**Other Resolutions:**

**Resolution R-12-244:**

**R-12-244 Resolution Appointing Housing Auth Member:**

Tabled.

**Resolution R-12-247**

**Resolution R-12-247 Resolution Appointing Temporary P/T Fire Inspector C. Wells:**

Mayor Nolan explained the need for this.

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

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012  
R-12-247**

RESOLUTION APPOINTNIG

TEMPORARY

PART-TIME FIRE INSPECTOR

WHEREAS, post Hurricane Sandy will require the Fire Prevention Bureau to perform fire inspections, issue fire permits, write reports, follow up with complaints on all buildings and businesses within the Borough. Borough; and

WHEREAS, Dave Parker, Fire Marshal will need assistance in performing all the required post hurricane inspection requirements; and

WHEREAS, it is the recommendation of the the Fire Marshal that Charles Wells be appointed as a temporary part-time Fire Inspector.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that Charlie Wells is hereby appointed temporarily as a part-time Fire Inspector for the Borough of Highlands.

BE IT FURTHER RESOLVED that said appointment will be compensated at an hourly rate of \$20.00 effective immediately.

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

**ROLL CALL:**

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

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**Ordinances: Introduction & Setting of P.H. for December 19, 2012:**

**Ordinance O-12-23 Salary Ordinance**

Mrs. Cummins read the title of Ordinance O-12-23 for introduction and setting of a public hearing for December 19, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of December 19, 2012 and authorized its publication according to law:

**O-12-23**

AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF  
CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF HIGHLANDS FOR 2012

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, a municipal Corporation of the State of New Jersey;

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Section 1. The annual salaries and compensation exclusive of longevity benefits of the officers and employees holding the offices or positions hereinafter described shall be shown on Schedule A, annexed hereto, for 2012 and beyond unless amended , payable semi-monthly unless herein described.

Except as provided by labor contract, all salary ranges shall constitute minimum and maximum to be determined by subsequent Resolution of the Mayor and Council within those limits.

Section 2. OTHER POSITIONS AND DUTIES

A. All other persons employed by the Borough not otherwise mentioned herein shall be paid at a rate to be fixed by a Resolution of the Mayor and Council.

B. Additional duties associated with the administration of grants awarded to the Borough may be compensated out of the proceeds of said grants at a rate to be fixed and determined by Resolution of the Mayor and Council.

Section 3. LONGEVITY BENEFITS.

There shall be no longevity benefit other than where the benefit is specifically mandated by agreement or contract.

Section 4. EFFECTIVE DATE:

The salaries and compensation set forth herein shall be effective and payable as of and after January 1, 2012 unless otherwise set forth by contract or agreement..

Section 5. REPEALED

All ordinances or parts of ordinances inconsistent with this ordinance are hereby superseded.

Section 6. IMPLEMENTATION

This ordinance shall take effect immediately upon its passage and publication in accordance with law.

1. POSITIONS OUTSIDE COLLECTIVE BARGAINING UNITS

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

DEPARTMENT OF ADMINISTRATION	Minimum	Maximum
Mayor	\$3,000	\$3,000
Council Members	\$2,500	\$2,500
Municipal Administrator	\$75,000	\$90,000
Municipal Clerk	\$40,000	\$55,000
Assessment Searcher	\$3,000	\$3,000
Registrar of Vital Statistics	\$500	\$500
Deputy Municipal ClerkPart Time	\$4,000	\$4,000
Secretary, Planning Board	\$5,500	\$5,500
Secretary, Zoning Board	\$5,500	\$5,500
Secretary to Borough Administrator	\$1,000	\$1,000
Emergency Management Coordinator	\$3,650	\$3,650
 DEPARTMENT OF FINANCE		
Chief Financial Officer Part Time	\$30,000	\$67,000
Tax Searcher	\$3,000	\$3,000
Purchasing Agent Part Time	\$7,000	\$10,000
Cashier, Typist Hourly	\$10.00	\$17.00
 MUNICIPAL COURT		
Judge of Municipal Court	\$15,000	\$18,000
Municipal Prosecutor	\$14,000	\$17,000
Public Defender	\$3,500	\$5,000
Special Sessions (Per Session)		
Judge of Municipal Court	\$500	\$500
Municipal Prosecutor	\$350	\$350
Public Defender	\$350	\$350
Court Administrator	\$250	\$350
Deputy Court Administrator	\$150	\$300
 POLICE		
Chief of Police	\$114,151	
Juvenile Officer	\$1,000	\$1,000

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Special Officer - Hourly

Class I	Hourly	8.50	15.00
Class II	Hourly	\$15.00	\$25.00

BUILDING AND HOUSING

Fire Official	Part Time	\$18,000	\$25,000
Fire Inspector	Hourly	\$10.00	\$18.00
Clerical Office Help	Hourly	Minimum Wage	\$17.00

DEPARTMENT OF PUBLIC WORKS

Acting Supervisor		\$2,500	\$3,500
Sewer Operator License		\$3,500	\$5,000
Recycling Coordinator	Part Time	\$2,000	\$3,500
Laborer		Minimum Wage	\$15.00
Snow Removal Driver	Hourly	\$15.00	\$25.00

DEPARTMENT OF RECREATION

Recreation Assistant		\$8.00	\$13.00
Recreation Aid		\$7.50	\$11.00
Recreation Leader		\$11.00	\$15.00
Clerical Office Help	Hourly	Minimum Wage	\$17.00

Summer Seasonal:

Supervisor		\$16.50	\$19.00
Programmer		\$12.50	\$16.00
Recreation Aid		\$7.50	\$12.00
Laborer		\$10.00	\$13.00

Summer Food:

Food Preparation		Minimum Wage	\$10.00
Record Keeper		\$9.00	\$12.00
Director		\$15.00	\$20.00
Life Guards		\$7.50	\$17.00

DEPARTMENTS NOT ESTABLISHED

Clerical Office Help	Hourly	Minimum Wage	\$15.00
Seasonal Employees	Hourly	Minimum Wage	\$15.00



**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

2. UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 56

DEPARTMENT OF FINANCE

Tax Assessor	Part Time	\$20,000	\$25,000
Tax Collector	Part Time	\$20,000	\$29,000

**BUILDING AND HOUSING**

Construction Code Official	Part Time	\$18,000	\$29,000
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Including:

Electrical Sub Code Official

Flood Plain Review Officer

Property Maintenance Officer	Part Time	\$15,000	\$23,000
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Zoning Officer	Part Time	\$8,000	\$12,000
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Code Enforcement Officer		\$20,000	\$45,000
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PUBLIC WORKS

Supervisor of Public Works		\$35,000	\$80,000
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RECREATION

Recreation Director		\$35,000	\$80,000
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3. COMMUNICATIONS WORKERS OF AMERICA (CWA) LOCAL 1032

BUILDING AND HOUSING

Secretary,Licensing Clerk		\$20,000	\$31,000
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Secretary,Licensing Clerk	Hourly	Minimum Wage	\$18.00
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Fie Sub Code Official	Part Time	\$8,000	\$12,000
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Plumbing Sub Code Official	Part Time	\$7,000	\$9,000
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DEPARTMENT OF FINANCE

Tax Clerk		\$20,000	\$33,000
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Tax Clerk	Hourly	Minimum Wage	\$17.00
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Cashier/Sewer Clerk		\$20,000	\$33,000
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Payroll Clerk		\$25,000	\$40,000
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MUNICIPAL COURT

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Court Administrator			\$40,000	\$55,000
Deputy Court Administrator	Hourly		\$15.00	\$22.00
DEPARTMENT OF PUBLIC WORKS				
Senior Road Repairer			\$45,000	\$67,000
Equipment Operator			\$45,000	\$63,000
Road Repairer			\$30,000	\$44,000
Water-Sewer Repairer			\$30,000	\$44,000
Truck Driver			\$30,000	\$62,000
Recycling Yard Attendant	Hourly		\$10.00	\$15.00
RECREATION				
Recreation Assistant	Full Time	Hourly	\$15.00	\$20.00
Recreation Assistant	Part Time		\$8.00	\$13.00
Recreation Aid	Part Time		\$7.50	\$12.00
Recreation Leader	Part Time		\$11.00	\$15.00
POLICE DEPARTMENT				
Communications Operator	Hourly		\$9.50	\$21.00
Crossing Guards			\$9.50	\$16.00
Records Clerk			\$25,000	\$45,000

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

**Ordinance O-12-24 Tax Abatement Ordinance:**

Mrs. Cummins read the title of Ordinance O-12-24 for introduction and setting of a public hearing date of December 19, 2012.

Mayor Nolan explained the ordinance.

Council discussed.

Mr. O'Neil and Mr. Francy were not supportive as written.

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

**O-12-24**

AN ORDINANCE AMENDING AND RENEWING SECTIONS 2-8.5 THROUGH 2-8.9 ENTITLED "EXEMPTION AND ABATEMENT FROM TAXATION PURSUANT TO N.J.S.A. 40A:21-1 ET

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

SEQ.” TO PROVIDE FOR A FIVE-YEAR TAX EXEMPTION FOR IMPROVEMENTS TO AND CONSTRUCTION OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STRUCTURES WITHIN THE BOROUGH

WHEREAS, the Borough of Highlands previously adopted the provisions of N.J.S.A. 40A:21-1 et seq., the Five-Year Exemption and Abatement Law; and

WHEREAS, former Borough Ordinance § 2-8.5 et seq. expired as a matter of law; and

WHEREAS, the governing body wishes to readopt such an ordinance to encourage construction and rehabilitation of residential, commercial and industrial structures within the Borough; and

WHEREAS, Resolution R-12-203, referred to and approved by the Planning Board on September 13, 2012 with a memorializing resolution approved on October 11, 2012, was adopted by the Governing Body on September 19, 2012 and determined that the entire Borough of Highlands should be designated an area in need of rehabilitation; and

WHEREAS, the provisions of R-12-203 of the Mayor and Council, adopted on September 19, 2012, shall be incorporated herein by reference; and

WHEREAS, the current Master Plan encourages the use of rehabilitation laws of the state, such as N.J.S.A. 40A:21-1, to rehabilitate the housing stock of the Borough; and

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 Mayor and Council find that enacting the provisions of N.J.S.A. 40A:21-1 et seq. and this Ordinance will be part of the effort to satisfy the aforementioned goals and address the other concerns contained in the Master Plan.

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

SECTION ONE.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

The Borough hereby readopts and supplements the provisions of Borough Code Sections 2-8.5 through 2-8.9 in the following form:

2-8.5 Exemption and Abatement from Taxation Pursuant to N.J.S.A. 40A:21-1.

a. Purpose. The Borough of Highlands seeks to encourage property owners to improve their property by offering certain tax incentives for limited periods of time upon completion of improvements or conversion or construction of structures as defined by law. Any exemption provided by this section shall not exceed five (5) years. In accordance with N.J.S.A. 40A:21-1 et seq., the eligibility for exemptions provided by this ordinance shall expire in ten (10) years.

b. Definition of Terms. Unless otherwise specifically provided in this section the definition of all words and terms used in this section shall be those provided in N.J.S.A. 40A:21-1 entitled "The Five-Year Exemption and Abatement Law" (hereinafter referred to as "the Exemption Law").

c. Area In Need of Rehabilitation. In accordance with N.J.S.A. 40A:12A-14 and N.J.S.A. 40A:21-3 and -4, the entire Borough of Highlands is hereby designated an area in need of rehabilitation.

d. Eligibility. All residential and nonresidential structures, including commercial and industrial structures, which qualify pursuant to the Exemption Law, shall be eligible for exemptions from taxation as provided in this section for improvements, conversions, construction or all of these. Additionally, any property seeking an exemption as provided herein (1) must not be delinquent in property taxes owed; and (2) must comply with current zoning code requirements. Any property receiving an exemption pursuant to the provisions herein shall immediately forfeit the exemption should property taxes on the property become delinquent.

e. Exemptions For Improvements to or Construction of Dwellings or Multiple Dwellings, Conversions of Other Buildings to Multiple Dwelling Use. The Borough shall provide the following exemptions to the extent permitted by law and by the provisions of these sections.

1. Exemptions for improvements to or construction of and conversion to dwellings and multiple dwellings

a. There shall be an exemption from taxation of improvements to dwellings. In determining the value of real property, the Borough shall regard up to twenty-five thousand dollars (\$25,000.00) of the assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more than 20 years old, as not increasing the value of the property for a period of five years. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

b. There shall be an exemption from taxation of improvements to multiple dwellings or of conversions of other buildings and structures, including unutilized public buildings, to dwelling use or both.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

(i) Tax exemptions for improvements to multiple dwellings shall only be available if the number of units within the multiple dwelling complies with current zoning restrictions either at the time of the improvements or as a result of the improvements.

(ii) Conversions of structures to multiple dwelling use shall not be eligible for the exemptions provided herein.

(iii) In determining the value of real property, the Borough shall regard the assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more than 20 years old, as not increasing the value of the property for a period of five years. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

c. There shall be an exemption from taxation of the following portion of the assessed valuation of construction of new dwellings or of conversions of other buildings and structures, including unutilized public buildings, to dwelling use or both, provided that, as a result of the construction or conversion, the structure is in compliance with the current zoning code. In determining the value of the real property, the Borough shall regard the following percentages of the assessor's full and true value of the property as exempt from taxation for a total of five years notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby.

i.	Year One:	30%
ii.	Year Two:	24%
iii.	Year Three	18%
iv.	Year Four	12%
v.	Year Five	6%

2. Improvements to Commercial and Industrial Structures. There shall be an exemption from taxation of improvements to all commercial and industrial structures within the Borough. In determining the value of real property, the Borough shall regard up to the assessor's full and true value of the improvements as not increasing the value of the property for a period of five (5) years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

f. Tax Agreements for Exemption for Construction of Commercial or Industrial Structures or Multiple Dwellings. Applicants for exemption from taxation for construction of commercial structures, industrial structures or multiple dwellings shall comply with the following procedures:

1. Complete an application that provides the governing body with all information required by N.J.S.A. 40A:21-9 and its amendments or supplements.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

2. After the governing body adopts an ordinance authorizing a tax agreement for the particular project for which the application has been made, enter into an agreement with the governing body for tax exemption which shall provide the applicant to pay the Borough of Highlands in lieu of full property tax payments an amount annually to be computed by the tax phase-in basis set forth in N.J.S.A. 40A:21-10(c) and below:

- (1) In the first full year after completion, no payment in lieu of taxes otherwise due;
- (2) In the second full year after completion, an amount not less than 20% of taxes otherwise due;
- (3) In the third full year after completion, an amount not less than 40% of taxes otherwise due;
- (4) In the fourth full year after completion, an amount not less than 60% of taxes otherwise due;
- (5) In the fifth full year after completion, an amount not less than 80% of taxes otherwise due.

The governing body shall not be required to enter into any agreement if the applicant does not agree to the same formula that the borough determines is in the best interest of the borough.

2-8.6 Date of Deduction.

Such amount as determined in subsection 2-8.5 herein may be deducted from the amount determined by the assessor on October 1 of any year following the date of completion of the improvements to be the true taxable value of the improvements and shall continue to be so treated for each of the five years subsequent to the original determination by the assessor.

2-8.7 Additional Deductions.

Additional improvements which are completed during a period in which the improved property is subject to previously granted extension privileges shall be qualified for additional exemptions under the terms specified herein and the applicable statute.

2-8.8 Written Application Required.

No exemption shall be granted or allowed except upon written application therefor on approved forms and filed with the assessor within 30 calendar days following the completion of the improvements. It shall be conclusively presumed that improvements shall be deemed complete upon the occurrence of the earlier of the following events: the issuance of a temporary certificate of occupancy, the occupancy or usage of the premises, or the issuance of a certificate of occupancy. The building inspector shall determine the completion date in accordance with the above, which decision shall be final, and not be subject to any appeal.

2-8.9 Interpretation.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

The provisions of N.J.S.A. 40A:21-1 et seq. its amendments and supplements entitled "The Five Year Exemption and Abatement Law," shall apply to those sections of this section that specifically refer to said law and shall be applied to this section for any portion of same that is in need of interpretation.

SECTION TWO

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 THREE

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

SECTION FOUR

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

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

ROLL CALL:

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

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**Other Business:**

**Discussion RE: Awarding Emergency Contracts:**

Mayor Nolan stated that we need to have a plan for the next meeting to see if we need contracts. He would like to look at three or four proposals.

**Discussion RE: Rental of Office Space for Borough Office:**

Mayor Nolan stated that we will be renting 19 Bay Avenue for the Construction Office. He explained possible donations of office equipment and is preparing a list of needs.

Mr. Hill explained that trailers will be used for Municipal Offices and Police Department. He also explained that they will be located on Shore Drive, down the street from the Fire Department.

Discussion continued.

Mayor Nolan stated that the insurance company has looked at Borough Hall to do a report and repairs. He believes that there will also be a lot of grants early next year.

Discussion continued about FEMA.

**Seastreak Agreement for Concert:**

Mr. Padula stated that he received a facilities use agreement today from Seastreak. He reviewed it and is looking for approval to add to next meeting agenda, to do formal action.

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

Mayor Nolan offered a motion to approve the agreement for the use of the facility, 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, Mayor Nolan

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Refinance Loans:**

Mr. Pfeffer explained the MCIA Reconstruction of Bay Avenue refinance projects. He further explained interest rates of 2.7% over 15 years. He will do a resolution at the December 5<sup>th</sup> meeting.

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**Public Portion:**

Tara Ryan of 17 Ocean Street asked if the Post Office will re-open.

Rosemary Flannery of 1 Central Avenue thanked the town. She asked if the central issue for Borough Hall was mold.

Mayor Nolan explained the need for a construction office.

Rosemary Flannery spoke of scrap metal, can we get money for it.

Mr. O'Neil stated that the foremen are picking it up to raise funds for Toys for Tots.

Stephen Coren of 3 Central Avenue questioned help for his secondary home.

Mayor Nolan spoke of needs to repair homes and hope for another house lifting program next year.

Council discussed house lifting and possible changes to flood elevation.

Annemarie Tierney of 29 Shrewsbury Avenue spoke of last year's storm and house lifting. She cannot live in her house now.

Council discussed the lifting fund process and FEMA process.

Michelle Pezzullo of 115 Highland Avenue thanked the town and mentioned a website for volunteers to sign up and to make donations; [www.helphighlandsnj.org](http://www.helphighlandsnj.org). They will have a meeting on Monday to help the effected people.

Mayor Nolan suggested that she speak with Patty Parker.

Michelle Pezzullo stated that the town should look into how to raise the entire town.

Discussion continued.

Stacy Vickery of 37 Twin Lights Terrace questioned the abatement ordinance process, if the owner sells the home, does the abatement transfer to the new owner.

Bruce Padula said yes.

Stacy Vickery asked if the State money would be used for schools.

Mayor Nolan said no, that everything changes year to year with grants and percentages.



**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
November 21, 2012**

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 10:05 p.m.

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Debby Dailey, Deputy Clerk

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**Borough of Highlands  
Mayor & Council  
Workshop/Regular Meeting  
August 15, 2012**

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