

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
June 5, 2013**

Meeting Location: Highlands Elementary School, 360 Navesink Avenue, Highlands, NJ 07732

Mayor Nolan called the meeting to order at 7:02 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: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Steve Pfeffer, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution:

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-120

**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: Capt's Cove
2. Contract: Municipal Court Shared Services Agreement
Blanche Reed-Riced RE: Proposal for p/t
3. Real Estate:
4. Personnel Matters: Code Enforcement Position
DPW Supervisor Position
Building Department Secretary Position
Police Officer Position-Police Grant
5. Attorney-Client Privilege: Liquor License Nuisances-J. Blewett
FEMA Disaster Recovery Assistance
Flood Insurance Borough Properties
Legal Advise RE: Ordinances
Solution Center Exiting Strategies

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. 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.

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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.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:33 p.m.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None

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ABSENT: None

ABSTAIN: None

Consent Agenda:

Mayor Nolan asked if anyone had questions or concerns on any resolutions.

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

**R-13-121
RESOLUTION APPOINTING
PERMANENT PART-TIME CASHIER/TYPIST**

WHEREAS, Donna Conrad has been performing the duties of part-time Cashier/Typist since December 2011; and

WHEREAS, it is the recommendation of the Borough Administrator that Donna Conrad be appointed as a permanent part-time Cashier/Typist for the Tax Department.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that Donna Conrad is hereby appointed as a permanent part-time Cashier/Typist for the Borough of Highlands.

BE IT FURTHER RESOVLED that said appointment will continue to be compensated at an hourly rate of \$15.00 per hour for four and one half (4 ½) hours per day Monday through Friday.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-13-122
RESOLUTION APPROVING LIST OF VOLUNTEER FIRST AIDE MEMBERS WHO
QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD
PROGRAM (LOSAP) FOR THE YEAR 2012**

WHEREAS, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

WHEREAS, the Highlands First Aid Squad is required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

WHEREAS, the Highlands First Aide have submitted certified lists of qualified volunteers for the year 2012; and

WHEREAS, the First Aide Department list has been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the list and found it to be accurate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands First Aide Department of

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qualified volunteers for the year 2012 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-123
RESOLUTION
A RESOLUTION TO APPROVE
SHARED SERVICES AGREEMENT WITH HIGHLANDS ELEMENTARY SCHOOL**

WHEREAS, the Borough and Highlands Elementary School have had a Shared Service Contract since 2004 to provide snow removal and trash collection services to the school to save Highlands Taxpayer dollars; and,

WHEREAS, the contract will be expiring on June 30, 2013 and Governing Body wishes to renew the Interlocal Shared Service Agreement.

NOW, THEREFORE, BE IT RESOLVED, By the Governing Body of the Borough of Highlands, that the Interlocal Services Agreement between the Borough of Highlands and the Highlands Board of Education is hereby approved for the period of July 1, 2013 through June 30, 2014; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized and directed to execute the contract agreement.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOTH
R-13-124**

Mayor Nolan offered the following Resolution and moved its adoption:

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:

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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.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**RECAP OF PAYMENT OF BILLS
06/05/2013**

CURRENT:		\$	621,325.22
Payroll	(05/30/2013)	\$	214,788.88
Manual Checks		\$	36,819.54
Voided Checks		\$	
SEWER ACCOUNT:		\$	242.18
Payroll	(05/30/2013)	\$	5,917.59
Manual Checks		\$	109,690.56
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	76,557.71
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	64,358.92
Payroll	(05/30/2013)	\$	375.00
Manual Checks		\$	108.48
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	

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DOG FUND		\$	
GRANT FUND		\$	1,487.00
Payroll	(05/30/2013)	\$	16,629.27
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.**

**SUPPLEMENTAL BILL LIST
June 5, 2013**

CURRENT FUND

Bayview Condo Association	Street Lighting Reimb. May 2013	413.22
BNY Mellon	Paying Agent Fees 2006 MCIA Bonds	400.00
Ceridian	Cobra Fee May 2013	46.55
Horizon	Dental Insurance June 2013	387.40
NJSHBP	Health Insurance	82,235.23
New Jersey American Water	Water/Hydrants #13-05	5,085.43

Total Current Fund **88,567.83**

CAPITAL FUND

Black Rock Enterprises	2011 Road Program #5	111,266.51
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Total Capital Fund **111,266.51**

GRANT FUND

Total Grant Fund **0.00**

SEWER UTILITY FUND

NJSHBP	Health Insurance	2,141.84
New Jersey American Water	Water/Hydrants #13-05	10.60

Total Sewer Utility Fund **2,152.44**

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TRUST FUND

Total Trust Fund **0.00**

Total Supplemental Bill List **201,986.78**

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the May 15, 2013 Executive and Regular Meeting Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Other Resolutions:

R-13-117 - Resolution – Authorizing Estimated Tax Bills:

Mr. Pfeffer explained the resolution to the governing body.

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

**R-13-117
RESOLUTION AUTORIZING THE BOROUGH OF HIGHLANDS TAX
COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, due to the after-effects of Superstorm Sandy, the Monmouth County ax Board is unable to certify tax rates for the Borough of Highlands and the Tax Collector will be unable to mail the Borough's 2013 tax bills on a timely basis, and

WHEREAS, the Borough of Highlands Chief Finance Officer and Tax Collector have computed an estimated tax levy in accordance with NJSA 54:4-66.3 and have signed a certification showing the permitted estimated tax levies.

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

- 1) The Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Highlands for the third installment of 2013 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by

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P.L. 1994, c.72(NJSA 54:4-66.2 and 54:4-66.3).

- 2) The entire estimated levy for 2013 is hereby set at \$2.597.
- 3) In accordance with the law the third installment of 2013 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

R-13-118 - Resolution – Authorizing Release of Catsaros Performance Bond:

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

**R-13-118
RESOLUTION AUTHORIZING THE RELEASE OF LETTER OF CREDIT
FOR GREGORY CATSAROS FOR PROPERTY LOCATED AT BLOCK 14 LOT 3.01**

WHEREAS, Gregory Catsaros provided a letter of credit for a project that was approved by the Planning Board case number PB#2006-3 for property located at block 14 lot 3.01; and

WHEREAS, Mr. Catsaros has since sold the property located on block 14 lot 3.01 and he no longer wishes to move forward with the development of property located at 30 Grand Tour, Block 14 lot 3.01; and

WHEREAS, the Borough Engineer has reviewed request to release letter of credit and has no objections to the borough releasing letter of credit No. 2007-05-052 with Central Jersey Bank in the amount of \$35,415.00.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands hereby authorizes the release of letter of credit no. 2007-05-052 in the amount of \$35,415.00 for property located at 30 Grand Tour, Block 14 lot 3.01.

BE IT FURTHER RESOLVED that no building permits will be issued for property located at 30 Grand Tour, Block 14 lot 3.01 prior to the reposing of the performance guarantees.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: None

R-13-125 - Resolution – Approving FEMA Private Debris Removal & Demo:

Mr. Hill explained this is to move forward with demo's.

Mr. Padula stated that it requires us to prepare procedures. He will do this.

Mayor Nolan offered the following Resolution and moved its adopted:

R-13-125

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***RESOLUTION GRANTING THE BOROUGH RIGHT OF ENTRY ONTO PRIVATE
PROPERTY WITHOUT OBTAINING PERMISSION OF OWNER AND CONCERNING
OTHER MATTERS TO FACILITATE RECOVERY FROM HURRICANE SANDY***

WHEREAS, Hurricane Sandy struck the State of New Jersey, inflicting unprecedented damage throughout the State, and causing catastrophic flooding and damage to communities across the State of New Jersey, including the Borough of Highlands, NJ, which has threatened the safety and security of the citizens of the Borough of Highlands, along with private property and public facilities;

WHEREAS, the Governor of the State of New Jersey on October 27, 2012, declared a state of emergency for the entire state pursuant to Executive Order No. 104, and such is currently still in effect **(a copy of said Executive Order is attached as Attachment A)**;

WHEREAS, the President of the United States declared a major disaster for the State of New Jersey, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121 *et seq.* (the “Stafford Act”) which, by subsequent amendments, includes all counties in the State;

WHEREAS, N.J.S.A. 40:48-2.13 confers upon the Borough the power to remove debris from private property without a court order or the owner’s consent, if conditions constitute a health or safety hazard;

WHEREAS, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53 confer upon the Monmouth County Regional Health Commission No. 1, the power to remove debris from private property without a court order or the owner’s consent, upon due notice, if the debris is the cause of ill health or disease;

WHEREAS, the New Jersey Department of Health has issued a notice dated December 7, 2012, pursuant to N.J.S.A. 26:1A-26 (the “Commissioner’s Notice”), finding that certain kinds of accumulated storm-generated debris on public and private property constitute a public health hazard and are the cause of ill health or disease **(a copy of the Commissioner’s Notice is attached as Attachment B)**;

WHEREAS, the New Jersey Attorney General has issued an opinion letter addressed to the Federal Emergency Management Agency (FEMA), dated December 7, 2012, (the “Attorney General’s Letter”), stating that under New Jersey law a municipality has the power to authorize the removal of debris from its jurisdiction, without a court order or the owner’s consent, upon due notice, if conditions constitute a health or safety hazard **(a copy of the Attorney General’s Letter is attached as Attachment C)**;

WHEREAS, N.J.S.A. 40:48-2.13, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53 authorize the Borough to remove debris from private property following a hurricane, upon due notice, if the Borough determines that such removal is necessary for the public welfare, or to protect the public from ill health or disease; and

WHEREAS, an emergency exists of the nature provided for in the Attorney General’s Letter referred to above, which triggers the Borough’s right of entry on private property when the landowner is not available to sign a Right of Entry form in order to remove debris in the public interest to eliminate an immediate threat to public safety, health, and welfare.

NOW THEREFORE, for the reasons recited above and in exercise of powers vested in them, the Mayor and Council of the Borough of Highlands hereby specifically find, determine and certify as follows:

1. Removal of Hurricane Sandy-generated debris from private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by

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the Commissioner's Notice.

2. Under N.J.S.A. 40:48-2.13, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53, the Borough of Highlands has the legal responsibility, duty and authority to remove debris from private property.

3. Based upon Paragraphs (1) and (2) above, we have determined to exercise these authorities to enter onto private property in order to abate the declared public health nuisance and safety emergency by removal of the hurricane-generated debris.

4. We certify that before we initiate removal, when at all practicable, we will satisfy all the legal processes and receive all legal permissions to carry out these actions of debris removal on private property through the use of rights of entry with indemnity clauses signed by the property owner/those with legal interest in the property or we shall use a legal process for condemnation or nuisance abatement.

5. There may be circumstances where, because of the immediate urgency of the situation, the procedures of obtaining a Right of Entry or pursuing a condemnation proceeding, as set out in paragraph (4) above, may be too time consuming. We then will act under the auspices of the attached Attorney General's Letter and the attached Commissioner's Notice which together confirm the legal basis under law for the Borough of Highlands to proceed to remove the debris on these private properties utilizing its police power. We certify that the Borough of Highlands shall prepare a written process to determine which properties will require this extraordinary process to protect the public safety. In these circumstances, a reasonable period of time will be provided for public notification before private property debris removal will commence. During this period a homeowner may inform the Borough of Highlands that entry is denied. This request will be respected unless it is determined that protection of the public interest requires the Borough of Highlands to take action in which case the forgoing emergency process will take precedence.

6. The Borough of Highlands will recognize and respect all laws and regulations that concern historic preservation and environmental protection.

7. In the unusual circumstance that we desire to remove solitary standing walls as debris, We certify that: a) the Borough of Highlands and state law conclude that such solitary standing walls are defined as debris; b) the Borough of Highlands will have obtained a Right of Entry to the subject property that includes specific permission to remove the standing wall and that states that if there was insurance, the adjuster has inspected the property; c) the solitary wall has no historic significance; and d) the work necessary to remove the wall will not involve any additional contracting, equipment or any other change in the contract scope of work.

8. We determine that aggregating titled personal property such as cars, trucks, recreational vehicles, and boats in order to clear streets and make properties accessible for short and long term housing is necessary and in the public interest to abate a public health nuisance/emergency and certify that we have taken all appropriate action to declare so called "junk cars" a nuisance and to immediately remove them to a central, safe, and secure location for storage.

9. As required by section 407(b) of the Stafford Act (42 U.S.C. 5173(b)), the Borough hereby agrees that it shall indemnify and hold harmless the Federal Government and its respective employees, agents, contractors, and subcontractors from any claims arising from debris removal. The Borough hereby acknowledges that, in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.

11. To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155) the Borough will obtain from private property owners, who participate in this

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debris removal program, information and documentation relating to insurance coverage, proceeds and settlements and provide this information and documentation to the New Jersey Office of Emergency Management and FEMA.

12. This Resolution R-13-125 shall apply to all private properties in the Borough of Highlands, NJ with the municipal addresses within areas that require debris removal in the public interest in order to eliminate immediate threats to life, public health, and safety.

Seconded by Ms. Ryan and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSTAIN: None

ABSENT: None

R-13-126 – Resolution – Approving Monmouth County Park System Grant App:

Mr. Hill explained the Grant.

Council discussed briefly.

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

**R-13-126
RESOLUTION APPROVING
MUNICIPAL OPEN SPACE GRANT AGREEMENT
#12-17 – SNUG HARBOR BEACH ACCESS**

WHEREAS, the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey has received an Open Space grant for Snug Harbor Beach Access; and

WHEREAS, the total estimated cost the project is \$46,000.00 with a 50 % matching grant amount of \$23,000 with a local share in the amount of \$23,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Borough, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Highlands Borough Council does hereby approve the Municipal Open Space Grant Agreement #12-17 for Snug Harbor Beach Access.
2. The total estimated cost of the project is \$46,000 with a grant share of \$23,000 and a local non-grant share in the amount of \$23,000.00
3. The Highlands Borough Council acknowledges the terms and conditions for administering the grant, including the administrative compliance.
4. The Borough Administrator is hereby authorized to execute agreement.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

R-13-127 – Resolution – Authorizing a Change Order with L&L Paving for Washington Ave:

Mrs. Cummins read the title of R-13-127.

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Mr. Leubner explained the changes.

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

**R-13-127
RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$8,733.50
WITH L & L PAVING FOR WASHINGTON AVE
ROAD REPAIRS**

WHEREAS, the Borough of Highlands awarded a contract to L & L Paving in the amount of \$46,150 for Washington Avenue Roadway repairs after solicitation for and opening of public bids; and

WHEREAS, the Borough Engineer has informed the Borough that it is necessary to execute a change order in the amount of \$8,733.50 for unforeseen milling and paving work; and

WHEREAS, the Borough Engineer has represented to the Borough that the work contemplated by the change order does not substantially change the quality and character of the work to be provided; and

WHEREAS, such work has become necessary to complete the project; and

WHEREAS, the CFO hereby certifies that funds are available for the change order.

Stephen Pfeffer, Chief Financial Officer

NOW THEREFORE BE IT RESOLVED that the Borough of Highlands approves change order number one for L & L Paving in the amount of \$8,733.50 for additional paving and milling work associates with the Washington Ave Roadway Repairs Project.

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

ROLL CALL:

AYES:	Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES:	None
ABSENT:	None
ABSTAIN:	None

Ordinances: Introduction & Setting of a Public Hearing Date of June 19th, 2013

O-13-8 Ordinance Waiving Construction Permit Fees:

Mrs. Cummins read the title of Ordinance O-13-8 for introduction and setting of a public hearing for June 19th, 2013.

Ordinance failed. There was no offer to introduce.

O-13-9 Ordinance RE: Residency Requirements:

Mrs. Cummins read the title of Ordinance O-13-9 for introduction and setting of a public hearing for June 19th, 2013.

Mr. Padula explained residency requirements for Police. He is waiting for civil service to approve. Then we can introduce.

Council briefly discussed.

Carried to next meeting.

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Committee Reports:

Finance:

Mr. Pfeffer spoke of the note sale on May 31st, 2013. The certificate of Determinate and Award is required to make this report. He would like to introduce the budget at the July meeting. He also spoke of the \$250,000.00 received from JIF for borough hall. He further explained how this is processed in the budget.

Discussion with council continued.

Mr. Pfeffer explained that our collection rate is at 91%.

Public Safety:

There was no report at this time.

Administration:

Mr. Hill read thru his report.

Ms. Kane thanked Mary Margaret Kurta for all of her work in the Paint the town Pink project.

Mr. Hill will draft a letter to formally thank her for her efforts.

Library:

Ms. Ryan stated that we have many books. We are set to go when we get space. There is also the free library outside of In the Garden that is on the honor system.

HBP:

There was no report at this time.

Shared Services Report:

Mr. Hill stated that we are in discussion with Atlantic Highlands on Court Administration.

Other Business:

Administration of House Lifting Grant – Irene:

Mr. Hill stated that we are seeking proposals for management of the program. We will be meeting with FEMA reps to review where we are.

Mr. Francy said that there are several people on the Irene list that dropped out.

Mr. Leubner stated that we will fill the spots.

Mr. Hill said that will be part of the discussion when they meet with FEMA.

FEMA Disaster Recovery Plan:

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Craig Marshall from FEMA stated that they will be working with the borough on a recovery plan. We will do this in the next three months. All meetings will be advertised. They will establish a Steering Committee. They plan to start meeting at the end of July. A recovery manager will also be in place.

DBIZ Grant:

Mr. Francy stated that they had a conference call today with the administrator of DBIZ. The council has decided to move forward with the flood program. There will be a meeting with Congressman Frank Pallone on June 14th. He will press our case for FEMA for shovel ready projects. The DBIZ grant is for half a million and we can use that toward projects. The grant deadline is June 30th. Ms. Ryan will oversee the grant.

Council continued to discuss.

Mr. Francy stated that we need to approve an ordinance.

Mr. Padula will prepare an ordinance for introduction for the next meeting.

Restoring Non-Conforming Uses:

Mayor Nolan stated that this came from a joint meeting with Council, Planning Board and Zoning Board. We are looking to not impact owner occupied homes. He wants an ordinance for this.

Mr. Padula stated that the best thing to do is to change zoning back to permit homes in the affected zones. In nine months we can repeal the ordinance.

Mr. Francy feels we need to allow owner occupied homes to be restored. Rental properties need to conform to all regulations within four years or they will need a variance.

Mr. Padula will meet with Mr. Francy and Marty Truscott to come up with an ordinance.

Garbage Contract:

Mr. Hill stated that he continues to work on this. He will consult with Mr. Padula.

Monmouth County Improvement Authority-Equipment List:

Mr. Pfeffer spoke about the need for police cars and asked if there is any other equipment that we need to add to the list.

Ms. Kane stated that we need a street sweeper. Something needs to be in place for the summer.

Mayor Nolan stated that we could go to large towns for shared services.

Mr. Hill spoke of the county hourly rate for street sweeping. They will get back to him with the dollar amount.

Ms. Kane stated that we should look at the purchase prices versus the cost to hire a contractor.

Mr. Pfeffer said the price is \$25,000.00 per year for 10 years for street sweeper purchase. He needs to respond soon with a list.

Noise Ordinance Enforcement:

Mayor Nolan stated that this was discussed earlier. A letter will be sent out to all businesses regarding the noise ordinance. The Police Department will enforce the times and volume of noise as stated in the ordinance

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Public Portion:

Kim Skorka of 315 Shore Drive questioned the flood project in DBIZ grant. Will it do anything for storm water flooding?

Mr. Francy stated that one of the reasons we are doing this plan is to deal with water from Hwy. 36. We need to tweak the plans to address that. He further explained feeding the water from the hwy. to the river.

Kim Skorka spoke of special plantings to help with flash flooding or full moon water. She said that permeable pavement may also help.

Don Manrodt of 268 Bayside Drive asked about the fire lane on Shore Drive.

Ms. Kane said that is being worked on.

Don Manrodt asked when Bayside Drive is getting paved.

Mr. Leubner responded that it should be in about a month.

Don Manrodt stated that he is a landlord and will not be raising houses unless he is given money. He does not want to be threatened with not getting a c/o.

Carol Bucco of 330 Shore Drive asked when the community center will be back because of problems with using the Fire House for elections. The Fire Department forced them out. We need to have another place.

There was a brief discussion.

There were no further questions.

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

The Meeting adjourned at 9:32 p.m.

Debby Dailey, Deputy Clerk

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