

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
July 17, 2013**

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

Ms. Kane called the meeting to order at 7:04 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

Absent: Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Debby Dailey, Deputy Clerk

Tim Hill, Borough Administrator

Steve Pfeffer, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Robert Keady, Borough Engineer

Executive Session Resolution:

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

R-13-141

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: **Captain's Cove Marina**

2.Contract: **Municipal Court Shared Services Agreement**

3.Real Estate:

4. Personnel Matters: **Building Dept Secretary Position**

Recycling Yard Attendant

Building Maintenance Employee Position

5. Attorney-Client Privilege: **Mike Mullin**

House Lifting Grant

Bayview St. Retaining Wall Cost

Assembly Space in Church NFP Building

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. Ryan and approved on the following roll call vote:

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Ms. Kane called the meeting back to order at 8:02 p.m.

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

ROLL CALL:

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

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ABSENT: Mayor Nolan

ABSTAIN: None

Ordinance – Introduction & Setting of a P.H. Date of August 21st

Ordinance O-13-15 Ordinance to Exceed Budget CAP:

Ms. Kane offered the following ordinance pass introduction and that a public hearing date be set for August 21, 2013 at 8:00 P.M. after publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**O-13-15
CALENDAR YEAR 2013**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$100,006.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$229,440.65 and that the CY 2013 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Introduction of the 2013 Municipal Budget

R-13-150 Resolution Introducing 2013 Municipal Budget:

Mr. Pfeffer read the resolution and spoke about the budget. We have \$2.1 million pending in FEMA money and loans.

INSERT R-13-150

Consent Agenda:

Ms. Kane asked if anyone had questions or concerns on any resolutions.

Mr. Leubner requested the removal of Resolution R-13-152 Change Order – L & L Paving. We are still negotiating the final quantities with the contractor and is still be worked out. There is no payment on for tonight.

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

**R-13-144
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-13-7
HIGHLANDS FIRE DEPARTMENT**

WHEREAS, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-13-7 for a drawings to be held pm August 1, 2013 through August 4, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Application RA#1317-13-7 for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

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

**R-13-145
RESOLUTUION AUTHORIZING APPLICATION FOR NJDCA
POST SANDY PLANNING ASSISTANCE GRANTS**

WHEREAS, the Governing Body of the Borough of Highlands desires to apply for and obtain a Post Sandy Planning Assistance grant from the New Jersey Department of Community Affairs (DCA); and

WHEREAS, the Borough of Highlands had representatives attend an orientation session held by DCA explaining the grant application process; and

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WHEREAS, the Borough of Highlands intends to apply for post Sandy Planning Assistance grant money for the following planning activities and in the following amounts:

1. Strategic Recovery Planning Report	\$30,000.00
2. Master Plan Reexamination Reports	\$50,000.00
3. Community Development and Neighborhood Plans	\$50,000.00
4. Permit Application Process Quality Improvement	\$25,000.00
5. Design Standards	\$50,000.00
6. Capital Improvement Plans	\$30,000.00
7. Urban and Suburban Environmental Design	\$50,000.00
8. Development of codes, ordinances, standards, & Regulations	\$20,000.00

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands does authorize the application for the above grants; and

BE IT FURTHER RESOLVED that the Borough of Highlands has sustained a ratable loss attributable to Superstorm Sandy of at least 1 percent or \$1 million dollars, as indicated by the attached documentation from the tax assessor; and

BE IT FURTHER RESOLVED that the Borough of Highlands recognizes and accepts that the DCA may offer a lesser or greater amount of grant funding than requested; and

BE IT FURTHER RESOLVED that the Borough of Highlands authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement that will be submitted and entered into by the Borough of Highlands and the DCA; and

BE IT FURTHER RESOLVED that the Borough of Highlands agrees to comply with all CDBG-DR regulations, Post Sandy Planning Assistance Guidelines and also accepts that the proposed uses of CDBG-DR funds are not reimbursable by FEMA, SBA or other Federal agencies; and

BE IT FURTHER RESOLVED the persons whose names appear below (or any successor or assign) are authorized to sign the grant agreement or any other document in connection therewith.

Name

Name

Signature

Signature

Title

Title

Municipal Clerk

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

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ABSTAIN: None

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

**R-13-151
RESOLUTION – CHANGE ORDER #4th & FINAL
BLACK ROCK ENTERPRISES, LLC
DECREASE OF \$2,646.01
2011 ROAD IMPROVEMENT PROGRAM PROJECT**

WHEREAS, a contract was awarded for Black Rock Enterprises, LLC as follows:

R-12-60	March 7, 2012	\$399,345.28	
R-12-169	July 18, 2012	\$ - \$8.24	Change Order #1
R-12-270	December 19, 2012	\$.01	Change Order #2
R-13-119	May 15, 2013	\$-2,646.01	Change Order #3

WHEREAS, change order # 4 dated June 3, 2013 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (adjustments of the original bid quantities to reflect as built quantities),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #4 and Final decreasing the original contract amount by \$2,646.01 is hereby authorized for the 2011 Road Improvement Program Project. The contract amount is hereby amended to \$396,689.58.

Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 11-12.

NO CERTIFICATION NECESSARY

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

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

**R-13-153
RESOLUTION APPROVING REQUEST
FOR TEMPORARY ROAD CLOSURE**

WHEREAS, Nancy Burton has submitted a written request for approval to the Chief of Police for the temporary closure of Atlantic Street on August 24, 2013 so that the residents on Atlantic Street may have a block party; and

WHEREAS, Chief Blewett has reviewed the request and approved it with conditions.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that request from Mrs. Burton for a temporary road closure of Atlantic Street on August 24, 2013 is hereby approved subject to compliance with all conditions imposed by Chief Blewett.

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

ROLL CALL:

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

Mr. Francy offered the Resolution and moved on its adoption

R-13-154

**RESOLUTION APPROVING
MEMORANDUM OF UNDERSTANDING
WITH THE NEW JERSEY STATE POLICE, OFFICE OF EMERGENCY
MANAGEMENT**

WHEREAS, the New Jersey Office of Emergency Management, on behalf of the State of New Jersey, is the Grantee receiving funding under the FEMA Public Assistance and/or Hazard Mitigation programs as authorized under the Stafford and has the fiduciary responsibility to ensure those funds are spent on eligible Subgrantee facilities and activities, and are properly reimbursed to the Subgrantee; and

WHEREAS, a Memorandum of Understanding is made between the State of New Jersey and the Borough of Highlands as part of the disaster assistance for grant management services for the Public Assistance and or Hazard Mitigation Programs.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Memorandum of Understanding between the State of New Jersey and the Borough of Highlands is hereby approved and the Borough Administrator, Borough Clerk and Chief Financial Officer are hereby authorized to execute the Memorandum of Understanding.

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

ROLL CALL:

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

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

R-13-156

**RESOLUTION APPROVING
MEMORANDUM OF AGREEMENT WITH THE
NEW JERSEY FUTURE**

WHEREAS, the New Jersey Future has submitted an agreement to provide a local recovery planning manager in the Borough to provide direct and ongoing assistance to help the Borough develop and implement effective long term recovery and resiliency strategies; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the attached memorandum of agreement is hereby approved and the Borough Administrator is hereby authorized to execute agreement.

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

ROLL CALL:

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

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ABSENT: Mayor Nolan
ABSTAIN: None

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

R-13-160

**RESOLUTION AUTHORIZING
FEMA DISASTER RECOVERY ASSISTANCE
FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Highlands Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the FEMA Federal Disaster Recovery Coordination would be beneficial to the residents; and

WHEREAS, the Highlands Borough Council further recognizes that the FEMA Community Recovery Assistance (CRA) team is a vital resource that can support the Borough as it defines key recovery issues from the impacts of Sandy; and

WHEREAS, the FEMA Highlands Borough Recovery Management Plan is project-oriented, incorporating various approaches and techniques that offer effective rebuilding initiatives and will build resiliency and capacity to help the borough cope with future disasters; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes and supports the efforts of the FEMA Federal Disaster Recovery Program, the FEMA Community Recovery Assistance Team and the Highlands Borough Recovery Management Plan which shall be utilized to assist with the Long Term Recovery efforts within the borough.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Mr. Francy offered the following Payment of Bills and moved on authorization for payment:

**RECAP OF PAYMENT OF BILLS
07/17/2013**

CURRENT:		\$	1,118,402.89
Payroll	(06/30/2013)	\$	108,573.42
Manual Checks		\$	532,059.66
Voided Checks		\$	
SEWER ACCOUNT:		\$	114,832.18
Payroll	(06/30/2013)	\$	2,886.66
Manual Checks		\$	5,347.99
Voided Checks		\$	
CAPITAL/GENERAL		\$	112.50
CAPITAL-MANUAL CHECKS		\$	4,625.48

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Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
 TRUST FUND		 \$	 160.00
Payroll	(06/30/2013)	\$	250.00
Manual Checks		\$	45,071.61
Voided Checks		\$	
 UNEMPLOYMENT ACCT-MANUALS		 \$	
 DOG FUND		 \$	
 GRANT FUND		 \$	 400.00
Payroll	(06/30/2013)	\$	9,682.10
Manual Checks		\$	3,421.89
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
July 17, 2013**

CURRENT FUND

Arcadis	FEMA Services	64,234.50
Division of Pension	PFRS Retroactive Employer Contribution	6,127.73
Future Sanitation	Collection/Recycling 7/16-7/31	8,450.00

Total Current Fund	78,812.23
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CAPITAL FUND

Black Rock Enterprises	2011 Road Program Payment #6 Final	8,638.95
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Total Capital Fund	8,638.95
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GRANT FUND

Total Grant Fund	0.00
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Seconded by Ms. Kane and approved for payment on the following roll call vote:

ROLLCALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Minutes Approved on Consent Agenda:

Mr. Francy offered a motion for the approval of the June 19th, 2013 Executive and Regular Meeting Minutes, July 3rd, 2013 Special Meeting Minutes and July 17th, 2013 Executive and Regular Meeting Minutes, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Other Resolutions:

R-13-142 - Resolution – Renewing Liquor License:

Mrs. Cummins read the title of Resolution R-13-142.

Mr. Padula stated that we need a motion to amend the resolution.

Chief Blewett has requested a special condition be placed on the Seastreak Liquor License.

Ms. Kane offered a motion to remove Seastreak from Resolution R-13-142, 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

NAYES: None

ABSTAIN: None

ABSENT: Mayor Nolan

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

**R-13-142
RESOLUTION
RENEWING 2013-2014 LIQUOR LICENSES**

WHEREAS, Liquor License Renewal Applications were filed for the year 2013-2014 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2013 to June 30, 2014:

1317-33-017-002	L & P Tavern t/a Ye Ole Cork & Bottle	Bayside Plaza Navesink Ave
1317-33-019-011	Triple Beta, LLC	1 Atlantic Street

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t/a Clam Hut**

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

ROLL CALL:

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

R-13-143-Resolution- Approving Application to Extend Licensed Premises:

Mrs. Cummins read the title of R-13-143.

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

**R-13-143
RESOLUTION APPROVING PETITION TO EXTEND LICENSE PREMISES**

WHEREAS, the Claddagh has filed an application to Extend License Premises for an event to be held on August 3, 2013 with no rain date; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands do hereby approve Claddagh's application to extend licensed premises for an event to be held on August 3, 2013.

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

ROLL CALL:

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

R-13-146-Resolution-Supporting HBP Loan Application:

Mrs. Cummins read the title of R-13-146.

Mr. Francy stated that this is a loan application for \$530,000.00 for flooding control program modified and to start the program.

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

**R-13-146
RESOLUION
SUPPORT OF HIGHLANDS BUSINESS PARTNERSHIP
APPLICATION FOR A DOWNTOWN BUSINESS IMPROVEMENT
ZONE LOAN**

WHEREAS, the Borough of Highlands finds and declares that the Highlands Business Partnership (HBP) is a 501c3 Not for Profit Corporation operating the Special Business Improvement District; and

WHEREAS, the HBP is the designated management corporation of the Business Improvement District; and

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WHEREAS, the Borough of Highlands recognizes the importance of the role of the HBP has played in the economic revitalization of the Downtown Business District; and

WHEREAS, it is appropriate for the HBP to support the ongoing efforts to reconfigure the area known as the Downtown Business Improvement District and the associated project by submitting an application for a \$530,000 loan; and

WHEREAS, this support by the HBP would be adding to and partnering with the Borough of Highlands commitment to the Stormwater Drainage Improvements Project estimated to cost over \$4,000,000 and

WHEREAS, the New Jersey Department of Community Affairs, Office of Main Street New Jersey & Improvement District Programs of the Downtown Business Improvement Zone Loan Fund requires a governing body resolution in support of the application.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey hereby supports the application of the Highlands Business Partnership to the New Jersey Department of Community Affairs, Office of Main Street New Jersey & Improvement District Programs Downtown Business Improvement Zone Loan Fund.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

R-13-147-Resolution-Appointing P/T Bldg Dept. Secretary:

Mrs. Cummins read Resolution R-13-147 in to the record.

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

R-13-147

**RESOLUTION MAKING AN EMERGENCY APPOINTMENT OF A PROVISIONAL
PART-TIME CLERK II**

WHEREAS, there is an immediate need for a Secretary within the Building Department; and

WHEREAS, said position was advertised and interviews are being conducted by the Borough Administrator; and

WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Nancy O'Neil be appointed as an emergency Part-time Clerk II for a period not to exceed 30 days while interviews are concluded.

NOW, THEREFOR BE IT RESOLVED by the Governing Body of the Borough of Highlands that Nancy O'Neil is hereby appointed as an emergency Part-time Clerk II.

BE IT FURTHER RESOLVED that said appointment be compensated at an hourly rate of \$15.00 per hour not to exceed 24 hours per week. Office hours will be established by the Borough Administrator.

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

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ROLL CALL:

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

R-13-148-Resolution-Appointing P/T Recycling Yard Attendant:

Mrs. Cummins read the title of R-13-148.

Ms. Kane offered a motion to table Resolution R-13-148, seconded by Mr. Francy and all were in favor on the following roll call vote:

ROLL CALL:

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

R-13-149-Resolution-Appointing P/T Building Maintenance Worker:

Mrs. Cummins read the title of R-13-149.

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

**R-13-149
RESOLUTION APPOINTING A PROVISIONAL
PART-TIME BUILDING MAINTENANCE WORKER**

WHEREAS, there is a need for a Building Maintenance Worker within the Borough;
and

WHEREAS, said position was advertised and interviews were conducted by the Borough Administrator; and

WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Charles Roemelle be appointed as a Provisional Part-time Building Maintenance Worker.

NOW, THEREFOR BE IT RESOLVED by the Governing Body of the Borough of Highlands that Charles Roemelle is hereby appointed as a Provisional Part-time Building Maintenance Worker.

BE IT FURTHER RESOLVED that said appointment be compensated at an hourly rate not exceed \$15.00 per hour not to exceed 24 hours per week. Office hours will be established by the Borough Administrator.

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

ROLL CALL:

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

R-13-155-Resolution-Appointing Seasonal Employees:

Mrs. Cummins read the title of R-13-155.

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Mr. Hill explained that the Work Force Development Program has ended. He recommends that we hire the two individuals from this program be hired as seasonals.

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

**R-13-155
RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL EMPLOYEES
FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need for temporary summer employees to work with the DPW, Municipal Office; and

WHEREAS, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

WHEREAS, the positions listed have been included in the Municipal Budget within each department, and the 2013 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following seasonal temporary appointments be and hereby are approved:

<u>DPW</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
(7/22-9/6/13)	Laborer	Anthony Johnson	\$15.00
(7/22-9/6/13)	Laborer	William O'Neil	\$15.00
<u>Mun. Office</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
(7/22-9/6/13)	Clerical	_____	\$10.00

Seconded by Mr. Redmond and adopted on the following Roll Call Vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

R-13-157-Resolution-Approving Prof. Serv. –T&M Disolution of AHHRSA:

Mrs. Cummins read the title of R-13-157.

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

**R-13-157
AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
ACCOUNTING AND PROFESSIONAL ENGINEERING SERVICES
PERTAINING TO THE DISSOLUTION OF THE ATLANTIC
HIGHLANDS/HIGHLANDS REGIONAL SEWER AUTHORITY**

WHEREAS, the Borough of Highlands has a need to retain professional engineering services for the Dissolution of the Atlantic Highlands/Highlands Regional Sewer Authority [AH/HRSA], pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is one year(s) and may be extended one time as approved by this governing body; and

WHEREAS, *T & M Associates* has submitted a proposal dated December 27, 2013 indicating they will provide the Borough of Highlands with a dissolution and operational plan for the dissolution of the AH/HRSA for an amount not to exceed \$15,000.00; and

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WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands in the SFY 2013 Municipal Budget.

Account #Sewer - Other \$15,000.00

Stephen Pfeffer, CFO

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands authorize the Borough Administrator to enter into a contract with T & M Associates as described in their proposal.

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Highlands as follows:

1. The firm of T & M Associates is hereby retained to provide professional engineering services as described above for an amount not to exceed \$15,000.00 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Borough Administrator and Borough Clerk are hereby authorized to sign contract.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

R-13-158-Resolution-Authorizing Advanced Payment to AHHRSA:

Mrs. Cummins read the title of R-13-158.

Mr. Hill gave a brief explanation.

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

**R-13-158
RESOLUTION APPROVING PREPAYMENTS
TO THE ATLANTIC HIGHLANDS/HIGHLANDS REGIONAL SEWERAGE
AUTHORITY**

WHEREAS, the Atlantic Highlands/Highlands Regional Sewerage Authority has requested prepayments of the August, September and October Sewerage Bills for the purpose making payments for the Force Main Replacement Project construction expenses.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to make prepayments as the funds become available to the AHHRSA for the \$109,212.00 monthly bills for the period of August, September and October.

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

ROLL CALL:

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

NAYES: None

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ABSENT: Mayor Nolan

ABSTAIN: None

R-13-159-Resolution-Appointing Flood Plain Administrator:

Mrs. Cummins read the title of Resolution R-13-159.

Mr. Leubner explained the need to amend the resolution to his name. The State mandated this.

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

**R-13-159
RESOLUTION APPOINTING DALE LEUBNER AS FLOOD
PLAIN ADMINISTRATOR**

WHEREAS, the need exists for the appointment of a Flood Plain Administrator,
and,

WHEREAS, pursuant to Resolution R-09-84, the Mayor and Council appointed Paul Vitale as Flood Plain Administrator; and

WHEREAS, at the time of Mr. Vitale's appointment, he was serving as Zoning Officer in addition to his duties as Construction Official; and

WHEREAS, Dale Leubner, pursuant to Resolution R-13-50 was appointed as Zoning Officer; and

WHEREAS, the Mayor and Council are desirous of appointing Dale Leubner as Flood Plain Administrator as a collateral duty of his position as Zoning Officer.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey that Dale Leubner is hereby appointed as Flood Plain Administrator, effective immediately, with no additional compensation; and

BE IT FURTHER RESOLVED that the designation of Paul Vitale as Flood Plain Administrator is hereby revoked, effective immediately.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption:

O-13-9 Ordinance for Residency Requirements:

Mrs. Cummins read the title of Ordinance O-13-9 Establishing A Preference for Borough Residents Seeking Employment with the Borough on for the second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

Ms. Kane asked for questions.

Arnie Fuog asked for an explanation.

Ms. Kane explained that this was done for the Police Department, to have a residency preference.

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Melissa McAleer of 32 Barberie Avenue asked if this will be for all employment to the borough and qualifications to do the work.

Ms. Kane stated that they would still need to be qualified.

Ms. Kane closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-9 for the third and final reading and adoption.

Mr. Redmond offered the following Ordinance and moved in its final reading and adoption.:

**O-13-9
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**ORDINANCE ESTABLISHING A PREFERENCE FOR BOROUGH RESIDENTS
SEEKING EMPLOYMENT WITH THE BOROUGH**

WHEREAS, the Borough of Highlands (hereinafter referred to as “Borough”) determines the requirements for those seeking employment within the Borough and enumerates such in Section 2-7A and Section 2.10.2 of the Code of the Borough of Highlands; and

WHEREAS, N.J.S.A. 40A:9-1.1 *et seq.* permits municipalities to require residency preferences for officers and employees; and

WHEREAS, N.J.S.A. 40A:14-123.1a permits municipalities to establish a residency preference for appointment to municipal police departments; and

WHEREAS, in In the Matter of Leary, 91 N.J. 151 (1982), the New Jersey Supreme Court held that a municipality may, pursuant to statute, elect to require residency as of the date of hiring in order to obtain the residency preference established by N.J.S.A. 40A:14-123.1a;

WHEREAS, the Borough wishes to amend Section 2-7A, “Residency” to establish a preference for Borough residents in the hiring and promotion of individuals to various positions within the Borough; and

WHEREAS, the Borough also wishes to establish a preference for residents in hiring members of the Borough’s Police Department;

WHEREAS, the Borough finds that it is in the best interests of the citizens of the Borough to establish a residency preference for employment and/or a promotions within the Borough.

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

SECTION ONE. Borough Code Section 2-7A (previously Reserved), “Residency,” shall be amended to provide as follows:

- (a) Residency in Borough required.** All officers and employees becoming hereafter employed by the Borough of Highlands are hereby required, as a condition of commencing employment, to be a bona fide resident of the Borough. Failure of any employee to maintain residency in the Borough,

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when required to do so under the terms of this article, shall be cause for removal or discharge from service.

(b) Grandfather clause. No current Borough employee shall be affected by the fact of non-residence at the time that this article is adopted. However, the Borough reserves all other rights it may have in regards to such employees' continued employment, except for any claims the Borough may have against such continued employment on the grounds of an employee's residency at the time of the final adoption of this article, except as otherwise set out herein.

(c) Term defined. A bona fide "resident" is defined as any person having a permanent domicile within the Borough of Highlands from the time of posting or advertising of any vacancy for any position through and including the date employment commences.

(d) Applicability; autonomous agencies.

i. The provisions of this article shall apply to all municipal officers and employees not otherwise exempt from residency requirements by N.J.S.A. 40A:9-1.3 et seq., 40A:14-9.1 and 40A:14-122.1 and also shall not apply to persons rendering special, unique or professional services to the Borough of Highlands, including but not limited to doctors, architects, nurses, scientific or chemical analysts, attorneys, accountants, auditors and planners, Municipal Clerk, Deputy Municipal Clerk, subject to the requirements set forth in N.J.S.A. 40A:9-133 et seq., and Chief Financial Officer, subject to the requirements set forth in N.J.S.A. 40A:9-140.1 et seq., and the Municipal Administrator.

ii. Wherever legally permissible, autonomous or semiautonomous municipal agencies or authorities of the Borough of Highlands shall adhere to the residency policy set forth in this article when hiring employees, agents or servants.

iii. Except as may otherwise be required by Section 2-10.2A of the Borough Code [being adopted herewith], with respect to police positions and candidates for these positions, residency, for purposes of consideration of appointment to the employ of the Borough and inclusion on any Civil Service Commission employment eligibility list for the Borough, shall be as of the date of appointment, and residency must be continuously maintained from the closing date of the examination up to and including the date of appointment to the employ of the Borough.

(e) Hiring of nonresidents.

i. Where the appointing authority shall determine that there cannot be recruited a sufficient number of qualified residents from within the Borough for available specific positions or employments, the appointing authority may, in its discretion, hire nonresidents for such positions or employments in the following manner:

- (a) Class 1: Other residents of Monmouth County.
- (b) Class 2: Residents of counties contiguous to Monmouth County.
- (c) Class 3: Other residents of the state.
- (d) Class 4: All other applicants

ii. When the necessity arises to invoke this section, the hiring authority shall first appoint all those in Class 1 and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a position or positions of employment or employments remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment. The preference established by this

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section shall in no way diminish, reduce or affect the preferences granted pursuant to any other provisions of the law.

- (f) **Preference in promotion.** Hereinafter, the Borough shall give preference in promotion to officers and employees who are bona fide residents of Borough. When promotions are based upon merit as determined by suitable promotion tests or other objective criteria, a resident shall be given preference over a nonresident in any instance when all other measurable criteria are equal. The preference granted by this section shall in no way diminish, reduce, or affect the preference granted pursuant to any other provision of law.
- (g) **Preemption of order of court or of state or federal agency to eliminate discrimination.** Any requirements concerning eligibility, appointment or promotion contained in any ordinance or resolution adopted pursuant to this act shall be subject to any order issued by any court, or by any state or federal agency pursuant to law, with respect to a requirement of action to eliminate discrimination in employment based upon race, creed, color, national origin, ancestry, marital status or sex, except that any requirement contained in any such ordinance or resolution pursuant to the provisions of this article shall continue to apply notwithstanding any such order.

SECTION TWO. Borough Code Section 2-10, "Police Department," shall be supplemented to include the following new subsection, which shall be designated at Borough Code Section 2-10.2A, and entitled "Residency:"

- (a) Applicants seeking to obtain a position in the Borough's police department, who are residents of the Borough, shall be given a preference when the Borough determines its factors and requirements for filling a position. The same preference for residents will be included as a factor when promoting an individual currently within the department. Notwithstanding, pursuant to N.J.S.A. 40A:14-122.1, residency is not a condition of employment, but rather residency will be one of various factors when determining which individual(s) will be offered employment to become a member of the police department.
- (b) **Classification of applicants.** Before any person shall be appointed as a member of the paid Police Department, the Appointing Authority shall classify all the duly qualified applicants for the available position or positions in the following classes:
- (1) Class I: residents of the Borough of Highlands.
 - (2) Class II: residents of Monmouth County.
 - (3) Class III: other residents of the state.
 - (4) Class IV: all other qualified residents.
- Within each such classification, duly qualified applicants who are veterans shall be accorded all such veterans preferences as are provided by law. Persons discharged from the service within six months prior to making application to such municipality, who fulfill the requirements of N.J.S.A. 40A:14-10.1 and who thereby are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirement at the time of their initial application, shall be placed in Class III.
- (c) **Order of appointments.** In making such appointments, the Appointing Authority shall first appoint all those in Class I and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a vacancy or vacancies remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment.

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- (d) **Certification of eligibles for positions.** The classes of qualified applicants defined by this section shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this article, make such certifications from said classes separately and successively and shall certify no person from any such class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.
- (e) **Applicability.** This article shall apply only to initial appointments and to promotional appointments of persons already members of the Police Department.
- (f) **Temporary appointments.** In making temporary appointments, the Appointing Authority shall utilize the classifications set forth herein and shall classify accordingly all duly qualified applicants for the position or positions to be temporarily filled.

SECTION THREE. 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 FOUR. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FIVE. Effective. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

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

O-13-10 Ordinance Amending Noise Ordinance:

Mrs. Cummins read the title of Ordinance O-13-10 Amending Noise Ordinance on for second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

Ms. Kane opened the public hearing.

Chief Blewett spoke of the changes. He said we discussed 100ft. rule which is not in the ordinance.

Mr. Padula disagreed with the Chief and explained.

Kim Skorka of 315 Shore Drive wants this ordinance adopted and enforced by the police.

John Bentham of 39 Washington Avenue questioned the language of the ordinance.

Mr. Padula explained the changes.

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Mr. Bentham questioned audible noise definition.

Council continued discussion.

Lori Dibble of 32 Paradise Park spoke of decimal readings and proper equipment and licensed person to operate it.

John MacAleer asked Chief Blewett what his concerns are.

Chief Blewett explained decimals do not work. The problem is allowing outdoor music and he does tell residents to file complaints.

John MacAleer asked Chief Blewett for his recommendations.

Chief Blewett stated that we should either allow outdoor music or eliminate it.

Mr. Francy and Chief Blewett discussed differences of opinions.

Mr. Francy stated that we need the police to be proactive in enforcing the noise ordinance.

Maureen Welch of 50 Valley Street questioned if this is also for indoor music.

Ms. Kane replied that it does include indoor music also.

Pauline Jennings of 27 Ralph Street asked if lawnmower noise would be a violation.

Ms. Kane responded that this is the same ordinance. We just changed "principal dwelling" to "structure".

Carolyn Broshan of 29 Miller Street feels the ordinance is clear and the police will be able to enforce it.

Chief Blewett stated that there was a discussion and he feels outdoor music will violate the 100 ft. rule.

Ms. Kane stated that we can always make changes to the ordinance.

Unidentified woman of 31 Waterwitch Avenue asked if we looked at other towns regarding their noise ordinance.

Mr. Padula stated yes.

Ms. Kane wants Chief Blewett to meet with Mr. Redmond to discuss.

Mrs. Cummins read the title of Ordinance O-13-10 for the third and final reading and adoption.

Mr. Francy offered the following ordinance and moved on its final reading and adoption publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

O-13-10

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**AN ORDINANCE AMENDING SECTION 3-2.2, "PROHIBITED NOISE," TO
EXPAND THE APPLICATION OF THE NOISE ORDINANCE TO ALL
"STRUCTURES" RATHER THAN ONLY "DWELLINGS" AND SECTION 3-2.3,
"ENUMERATION OF NOISES," OF THE CODE OF THE BOROUGH OF
HIGHLANDS AND TO PERMIT THE PLAYING OF OUTDOOR MUSIC UNTIL
11:00 P.M. ON SUNDAY, SEPTEMBER 1, 2013**

Whereas, the Borough has adopted ordinances pursuant to its general police powers to control noise within the Borough; and

Whereas, the Chief of Police requested that the Borough amend Sections 3-2.2 and 3-2.3 of the Borough Code to provide clarification of prohibited noises; and

Whereas, by previous Ordinance adopted earlier this year, the Borough permitted outdoor music until 11:00 p.m. on Sunday evening of Memorial Day Weekend 2013 in an effort to encourage business in the aftermath of Hurricane Sandy; and

Whereas, those efforts were successful in encouraging business activity in the Borough and did not result in any extraordinary complaints or police activity; and

Whereas, the business community requested to permit such activity on Sunday of Labor Day Weekend 2013; and

Whereas, the Borough wishes to continue to encourage business activity in the Borough while balancing those interests with the quality of life in the Borough; and

Whereas, the outdoor music contemplated by this Ordinance balances those interests by limiting outdoor music for one specific day while strengthening and expanding the application of noise proscriptions to all "structures" rather than only "dwellings."

Now, therefore, be it ORDAINED as follows:

Section One. Section 3-2.2 and 3-2.3 of the Code of the Borough of Highlands shall be amended as follows (strikethroughs represent deleted material; underscore indicates new language):

3-2.2 Prohibited Noise.

a. The making, creation or permitting of any unreasonable, disturbing or unnecessary noise in the Borough of Highlands is hereby prohibited.

1. No person shall permit any noise to emanate from any speaker, vehicle or instrument, whether natural or artificial, or use amplification or sound system equipment inside or outside a fully enclosed ~~principal dwelling~~ structure on a property in the Borough of Highlands such that the noise created thereby is plainly audible at a distance of 100 feet from the boundary line of such property.

2. When an officer can hear plainly audible music or other noise 100 feet beyond the property line of the noise-generating property, or any unreasonably, disturbing or unnecessary noise, there is a violation of this section.

3. The following activities, among others, are declared unreasonably loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to exclude those not included herein:

(a) The sounding of a horn or signaling device on an automobile, motorcycle or other motorized vehicle, except as a warning of danger, and then only for such period of time as is reasonably necessary for giving such warning.

(b) The playing, using, operating or permitting to be played, used or operated of any electronic receiving set, musical instrument, phonograph or machine or device for the production or reproduction of sound with louder amplified volume than is necessary for the normal sensitive hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners

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thereto or in such manner as to unreasonably disturb the peace, quiet and comfort of neighboring inhabitants.

(c) The use, operation or playing of any loudspeakers, amplifiers or other machines or devices for the producing of sound which is cast upon a public street for the purpose of commercial advertising or attracting the attention of the public.

(d) The keeping of any animal or bird which by causing frequent or long-continued noise, such as barking or jabbering, shall disturb the peace, quiet and comfort of neighboring inhabitants.

(e) Creating an audible noise by landscape and erection, excavation, demolition, alteration or repair of any building other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday, except in the case of urgent matters and the interest of public safety and health.

(f) The making, creation or permitting of any unreasonable, disturbing or unnecessary noise in the Borough of Highlands is hereby prohibited, especially between the hours of 8:00 p.m. and 8:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 10:00 p.m. and 8:00 a.m. on Friday and Saturday. Consequently, no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside a fully enclosed principal dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is plainly audible, as defined in paragraph b. hereinafter, at a distance of 100 feet from the property line.

b. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.

3-2.3 Enumeration of Noises.

The following are declared to be loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to be exclusive:

a. The playing of any radio, phonograph or any musical instrument or instruments or singing or talking in such a manner or in such volume as to annoy or disturb the quiet, comfort, repose, peace or tranquility of persons in any dwelling, hotel or other type residence or structure.

b. (1) The playing of music outdoors, either live or recorded, between the hours of 8:00 p.m. and the following 8:00 a.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, and between the hours of 10:00 p.m. and the following 8:00 a.m. on Friday and Saturday is hereby prohibited;

(2) On Sunday, September 1, 2013, the restriction provided by subparagraph (b)(1) above shall read "the playing of music outdoors, either live or recorded, between the hours of 11:00 p.m. and the following 8:00 a.m. on Friday, Saturday and Sunday is hereby prohibited;"

c. The keeping of any animal or bird which has been causing or causes frequent or long continued noise which disturbs the comfort and repose of any person within the vicinity.

d. The shouting of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

e. The sound of any horn or signal device on any automobile or other vehicle, while not in motion or occupied, as well as any structure, for any unnecessary or unreasonable period of time, except as a danger signal.

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 adopted on the following roll call vote:

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ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

O-13-11 Ordinance for Creating DBIZ:

Mrs. Cummins read the title of Ordinance O-13-11 Creating a Downtown Business Improvement Zone (D-Biz) on for second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

Ms. Kane explained the purpose of the ordinance and opened the public hearing.

Maureen Welch of Valley Avenue asked if this is a zone change.

Ms. Kane responded no.

Mr. Francy stated that this is the whole town.

Lori Dibble of 32 Paradise Park questioned the ordinance ability for the HBP to apply for a loan and who repays the loan.

Ms. Kane said the HBP voted to move forward with the loan.

Lori Dibble asked if there are other powers does this ordinance give the HBP.

Ms. Kane explained that it gives them the ability to get the loan.

Mr. Francy stated that this is not for a special improvement district.

Lori Dibble continued to question.

Mr. Francy stated that other powers would require another ordinance.

Mr. Padula will look into it further.

Arnie Fuog of 50 Valley Street wants to see plans.

Ms. Kane said it's not a new project; it's the shovel ready project.

Mr. Francy said it deals with water from Hwy. #36. It would run into the bay without coming up in the streets.

Arnie Fuog inquired if Middletown would cover this.

Mr. Francy said they have tried, that it is a useless battle.

Melisa MacAleer asked if there is a plan in place if HBP defaults on the loan.

Ms. Kane explained that they have a mechanism in place, we are co-signers.

Ms. Ryan explained that the town has to do this in order for non-profit to get the loan.

Mr. Francy stated that this loan is facilitating us, so we can do this project. It is a win for the town.

Discussion continued about struggling businesses in town and payment of the loan.

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Ms. Kane suggested they speak to the HBP board for further answer to questions.

Ms. Kane closed public portion.

Mrs. Cummins read the title of Ordinance O-13-11 for the third and final reading and adoption.

Ms. Ryan offered the following Ordinance and moved on its final reading and adoption:

O-13-11

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE CREATING A DOWNTOWN BUSINESS
IMPROVEMENT ZONE (D-BIZ) WITHIN THE BOROUGH OF
HIGHLANDS**

Whereas, the Borough has and continues to undertake efforts to revitalize its downtown business improvement district, which is defined by the Code of Borough of Highlands, Section 17-6, therein described as the "Business Improvement District;" and

Whereas, the Highlands Business Partnership ("HBP") was established in 1999 and is a not-for-profit entity operating the Business Improvement District ("BID"); and

Whereas, the HBP is the designated management entity of the BID; and

Whereas, to compliment to work done by the HBP and the efforts revitalize the BID and, in order to facilitate recovery from the devastating effects of Hurricane Sandy, which severely and adversely affected the Borough, the Borough wishes to establish a Downtown Business Improvement Zone ("D-BIZ") in accordance with N.J.S.A. 40:56-65 et seq; and

Whereas, establishing a D-BIZ will assist the Borough and the BID in undertaking public improvements to the BID and is in the best interest of the Borough.

Now, therefore, be it ORDAINED as follows:

Section 1. The purpose of this Ordinance is to (a) promote economic growth and employment within the business district and, in particular, the Business Improvement District; (b) foster and encourage self-help programs to enhance to local business climate; and (c) authorize, permit and facilitate the Business Improvement District and the Highlands Business Partnership to apply for and accept funds or loans from the State Department of Community Affairs for public improvements as contemplated by P.L. 1998, c. 115; and

Section 2. There is hereby created and designated within the Borough a Downtown Improvement Zone ("D-BIZ") which shall be co-extensive with the Business Improvement District as defined by the Code of the Borough of Highlands, § 17-3;

Section 3. This Ordinance shall be incorporated into the Chapter 17 of the Borough Code, as appropriate; and

Section 4. All Ordinances inconsistent herewith are hereby repealed; and

Section 5. If any portion of this Ordinance is deemed or declared invalid by a Court of competent jurisdiction, the remainder of this Ordinance unaffected by the ruling shall remain in full force and effect; and

Section 6. Within 10 days after adoption, the Clerk shall forward a copy of this Ordinance to the Director of the Division of Local Government Services in the Department of Community Affairs; and

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Section 7. This Ordinance shall take effect upon final passage and publication in accordance with applicable law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

O-13-12 Ordinance MCIA-DPW Equipment:

Mrs. Cummins read the title of Ordinance O-13-12 MCIA-DPW Equipment on for second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

Mr. Pfeffer spoke of the ordinance and explained O-13-12, 13 & 14.

O-13-12 – this covers street sweeper and a dump truck with a plow not to exceed \$330,000.00

O-13-13 – this covers two police cars for \$70,000.00.

O-13-14 – this is the Borough guarantee of the bonds that are going to be issued.

Mr. Pfeffer explained the bonding program.

Ms. Kane opened the public hearing on O-13-12.

There were no questions, public hearing was closed.

Mrs. Cummins read the title of Ordinance O-13-12 for the third and final reading and adoption.

Mr. Redmond offered the following ordinance and moved on its adoption and publication as required by law:

ORDINANCE NO. O-13-12

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF HIGHLANDS, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Borough Council of the Borough of Highlands, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Borough of Highlands (the “Municipality”) is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the “Authority”) pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the “Lease”), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

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(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$383,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

SCHEDULE A - EQUIPMENT LIST

Borough of Highlands

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Street Sweeper	15	10	\$250,000
Dump Truck with plow	15	10	<u>80,000</u>
			\$330,000

SECONDED BY MS. RYAN AND ADOPTED THE FOLLOWING ROLL CALL VOTE;

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

O-13-13 Ordinance MCIA-Police Cars:

Mrs. Cummins read the title of Ordinance O-13-13 MCIA-Police Cars on for second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

Ms. Kane opened the public hearing.

Maureen Welch questioned the need for more cars based on that there are less people in town.

Chief Blewett agreed that there are less people in town but crime has gone up. The two cars we are replacing are 7-8 years old. He continued to explain.

Maureen Welch asked about monthly police reports being published.

Ms. Kane said she can discuss that in the public portion, this is about the cars.

Melissa MacAleer asked if it is a lease or purchase of vehicles.

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Mr. Pfeffer stated that it is a purchase. The old cars will be auctioned off or used in other departments.

Melissa MacAleer spoke of police officers on bikes. It would be less than the cost of cars.

Mr. Francy said this request is two years old. It is being answered now.

Ms. Kane closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-13 for the third and final reading and adoption.

Mr. Redmond offered the following Ordinance and moved on its adoption and publication as required by law:

ORDINANCE NO. O-13-13

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF HIGHLANDS, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Borough Council of the Borough of Highlands, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Borough of Highlands (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$87,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

SCHEDULE A - EQUIPMENT LIST

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<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
2 Police Cars	3	3	\$70,000

SECONDED BY MS. RYAN AND ADOPTED ON THE FOLLOWING ROLL CALL VOTE:

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

O-13-14 Ordinance MCIA-Guaranty:

Mrs. Cummins read the title of Ordinance O-13-14 MCIA-Guaranty on for second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

Ms. Kane opened the public hearing.

There were no questions.

Ms. Kane closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-14 for the third and final reading and adoption.

Ms. Kane offered the following ordinance and moved on adoption and authorized its publication according to law:

ORDINANCE NO. O-13-14

**BOROUGH COUNCIL
MEETING DATE – JUNE 19, 2013**

**ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF
HIGHLANDS, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND
INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS,
SERIES 2013 (HIGHLANDS PROJECT) OF THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY**

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Borough of Highlands, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2013 (Highlands Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Highlands Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the

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Municipality and the Authority in substantially the form submitted to this Municipality, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$87,000.
- (2) The Bonds shall mature within eleven years of the date of issue.
- (3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.
- (4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

SCHEDULE A - EQUIPMENT LIST

Borough of Highlands			
<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
2 Police Cars	3	3	\$70,000

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SECONDED BY MR. FRANCY AND ADOPTED ON THE FOLLOWING ROLL CALL VOTE:

ROLL CALL

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

NAYES: None

ABSTAIN: None

ABSENT: Mayor Nolan

Other Business:

Borough Engineer's Status Report:

Mr. Leubner read thru his report.

The following is the status of various projects in which we are involved as Borough Engineer:

Capital Improvement Projects

1. **Flood Reduction Program:** Permit applications were submitted to the various agencies on March 4, 2011 and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. A Tidelands License has been approved by the NJDEP to relocate the Valley Street Pumpstation outfall line to the Borough right-of-way. The permits for the project have been issued by the Army Corps of Engineers on July 7, 2011 and the NJDEP issued CAFRA and Waterfront Development Permits on July 27, 2011. As requested, we have prepared and submitted a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center. A presentation was held on September 20, 2011 to present the anticipated improvements of the overall project. The project has been put on hold. We have requested to be included in the 2014 EIT funding cycle at this time. We are also currently seeking other Federal funding options in an effort to move the project forward.
2. **2011 Roadway Improvements Project:** T&M Associates has been authorized to design and provide contract administration services for the following roadways:
 - **Valley Avenue Resurfacing:** from Highland Ave. to the western terminus
 - **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street (NJDOT Local Aid funding: \$160,000)
 - **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity east of Woodland Street (NJAW funding: \$38,800)
 - **Bay View Street Rehabilitation:** The entire length

Bid Date: February 29, 2012
Award Date: March 7, 2012
Contractor: Black Rock Enterprises, L.L.C., Old Bridge, NJ
Amount: \$399,345.28

 - Project has been completed.
 - Final closeout documents have been submitted to the Borough.
 - Final NJDOT documents to be submitted once final payment has been made to the Contractor.
3. **The Reconstruction of Highland Avenue:** The NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue.

Bid Date: July 19, 2011

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Award Date: July 20, 2011

Contractor: Fiore Paving Company, Inc., Oceanport, NJ

Amount: \$1,186,325.00

- We have prepared final project close out documents for the NJDOT for final reimbursement. They will be submitted once executed by the Borough.
4. **The Dredging of Jones Creek at Snug Harbor:** Permit applications and associated plans are underway.
- County has completed the dredging of the creek and removal of the spoils pile from the vacant lot on Shore Drive.
 - County has repairs to perform due to damage they caused during the operation.
 - Actual NJDEP permit to be submitted once executed by the Borough.
5. **The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.
- A 12” trailer pump is currently in place and utilized as needed until the station can be replaced.
 - Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE’s.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
 - Draft plans have been submitted to the Governing Body for review. We will advertise the project once bonding is in place and we are authorized to do so.
 - Awaiting further direction from the Governing Body with regards to the overall size of the station. Now that the new flood maps have been released, the overall height of the station can be reduced by four feet.
 - Access agreements are required from the adjacent property owners for construction purposes.
6. **Repairs to Washington Avenue:** This project will complete repairs to the roadway due to the bulkhead failure at the Captain’s Cove Marina. The project was advertised and awarded as follows:
- | | |
|-------------|---|
| Bid Date: | October 10, 2012 |
| Award Date: | December 5, 2012 |
| Contractor: | L&L Paving Company Inc., Tinton Falls, NJ |
| Amount: | \$46,150.00 |
- Pre-construction meeting was held on April 19, 2013.
 - Roadway has been re-paved as previously authorized.
 - Outfall piping and inlet to be installed once legal issues are resolved.
 - Repairs at inlets at the Cheerful Place intersection to possibly be added to this contract.
7. **The Reconstruction of Bayside Drive:** The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.
- | | |
|-------------|---|
| Bid Date: | April 30, 2013 |
| Award Date: | May 1, 2013 |
| Contractor: | Esposito Construction, LLC, Matawan, NJ |
| Amount: | \$110,955.00 |
- Contracts have been approved by the Borough Attorney.

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- Contractor has obtained utility mark-outs and has completed survey layout work.
- Concerns have been raised pertaining to material disposal and water levels within the ditch area.

Grants and Loans

1. **FEMA Hazardous Mitigation Assistance Grant Application (Flood Reduction Program):** The Letter of Intent was submitted to FEMA on April 8, 2011 as required. FEMA has reacted favorably to the Borough's flood reduction project as described in the Letter of Intent. T&M Associates has prepared and submitted the grant application on behalf of the Borough. The application was submitted on October 28, 2011. The Borough has been notified that the project ranks third and fourth on the State funding list. We are currently researching other avenues of Federal funding to assist in moving the project forward.
2. **FEMA House Lifting Program (Irene):** A meeting was held with Borough Officials and the affected residents on July 24, 2012 and again on July 30, 2012 with FEMA and State officials. Conflicting information was provided on July 30, 2012 and we are currently attempting to obtain a clear directive from the State on how to proceed. The overall application has been approved. Agreements have been executed. A meeting was held with the NJOEM office on June 14, 2013. Project parameters are being finalized.
3. **Monmouth County Community Development Block Grant:** As requested, we have prepared and submitted a grant application for the improvements to the North Street Pumpstation and the North Street inflow pipe between Bay Avenue and the pumpstation. T&M provided a formal presentation to the Committee on August 22, 2012. The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on recent discussions with the County.
4. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project.
5. **FEMA Hazardous Mitigation Assistance Grant (Sandy):** Letters of Intent have been submitted to the County as requested. The only viable project identified was for house lifting and building flood-proofing.
6. **FY 2014 NJDOT Local Aid Applications:** The NJDOT has announced that Local Aid Applications are due on September 20, 2013. Applications can be submitted for Municipal Aid, Bikeways, Transit Village and Safe Routes to Transit.

Zoning Issues:

Mr. Leubner spoke of a zoning rule regarding the three foot rule for stairs. He is asking for a reconsideration of the three foot rule along the front property line.

Mr. Padula said there may be a way to fix this legislatively. It has not been signed by the Governor yet. It addresses this.

Council discussed.

Council agreed to get this ordinance and move forward with it.

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Planning Board Request for Extension of Time to Respond RE: O-13-16:

Mr. Hill explained that there is a time line that they are trying to follow in terms of the public hearing application for the ordinance. The Planning Board is requesting an extension by two days to the August meeting.

Mr. Francy stated that the Planning Board attorney did not answer the spot zoning issue. We can't move forward with ordinance until it is addressed. We need to direct the Planning Board to answer the question of spot zoning.

Mr. Padula stated we need to do formal action.

Ms. Kane offered a motion to grant request for extension, 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

NAYES: None

ABSTAIN: None

ABSENT: Mayor Nolan

Bay Avenue Sidewalks Repairs:

Mr. Hill explained that pre-Sandy, we needed to do repairs where trees were removed. He would like approval from council to have engineers identify sections and measure.

Mr. Francy said there is a machine that grinds the edge rather than just replacements.

Mr. Hill will get prices.

Municipal Arts Project at Ptak:

Ms. Ryan spoke of a program at Ptak Towers. There is a new program starting in a few weeks with young people partnered with the seniors to do art. The project will be about Sandy. The work will be display for the public on the sidewalk in front of Ptak on Weekends in August.

Committee Reports:

Finance:

Mr. Pfeffer spoke of the PPR bond ordinance. The estimated cost is \$2.34 million. He is requesting that council move to the bond ordinance. Aracadius told him that the cost for debris removal will be \$90,100.00. He would like approval to move forward with the bond ordinance.

Ms. Kane stated that the PPR is the Personal Property Debris Removal.

Mr. Francy inquired on the number of houses.

Mr. Pfeffer said they are estimating 50 houses. It is also for other removal such as: tires, cars and boats.

Mr. Francy asked why we are providing this service for homeowners.

Mr. Hill explained that it is a grant thru FEMA. We also will place on liens on the property.

Mr. Pfeffer thought council wanted to move forward with this and was waiting for a final cost estimate.

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Ms. Ryan said we did agree to have this done.

Mr. Francy does not understand the scope of the work.

Ms. Ryan said we will not use all the money if we don't have to.

Discussion continued at the table.

Mr. Pfeffer spoke of health hazards.

Mr. Pfeffer will prepare the bond ordinance and have Arcadius at the next meeting.

Mr. Hill spoke of the project. We have documentation regarding the properties at the building department.

Maureen Welch asked if this is only for vacant houses not abandoned houses.

Mr. Hill said it is just for vacant houses.

Mr. Padula stated that the ordinance is not only for vacant houses.

John MacAleer spoke of the liens properties, FEMA gets 90% first, and then we collect our 10%.

Mr. Hill said yes.

Melissa MacAleer asked if we would go after the banks to get our money back.

Mr. Pfeffer explained that if a bank walks away, it's the same as if a person walks away.

Melissa MacAleer questioned budget definitions.

Mr. Pfeffer explained details that are in the budget.

Bunny Rivera questioned who would own the property when lien is placed.

Mr. Pfeffer explained the lien process and tax sale.

Melissa MacAleer asked if there is an Environmental Committee Budget.

Mr. Pfeffer stated that there is \$1,000.00 in the budget. He explained how the purchasing process works. You can go to Mr. Hill to start the requisition process.

Public Safety:

Chief Blewett read thru his report.

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POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1158
FAX: 732-872-9240

Report to Council
July 2013

- * On June 16, 2013, Officers Macri and Gajewski were present on Shrewsbury Avenue assisting to clear crowds during the closing of WindanSea due to ongoing problems. While Officer Macri was focused on WindanSea the accused ran up behind Officer Macri striking him in the back. The force of the blow sent Officer Macri forward to the ground. The accused continued to fight with both officers as they attempted to place him under arrest at which time Officer Gajewski suffered a blow to the head. John P. Woodward, 23, Middletown was subsequently arrested and charged with (2) counts of aggravated assault on a police officer and bail was set at \$30,000.00. Officer Macri's injuries were severe enough that he has been out of work since the incident and Officer Gajewski's injury did not require immediate medical attention.
- * The Highlands Police Department is investigating several incidents of criminal mischief to vehicles that occurred between the late evening hours of June 22, 2013 and the early morning hours of June 23, 2013 in the Highland Avenue area of town. At the time of the report there were no leads as to the identity of the accused. The department urges anyone that observes suspicious activity or person(s) to contact the department.
- * The warm weather has not only increased local business traffic but also the amount of disorderly and alcohol related incidents investigated by the Highlands Police Department. As always, this department is dedicated to providing a safe environment for our residents and will be continuing its "zero tolerance" policy in regard to these types of quality of life incidents.
- * On July 4, 2013, Sean Walrath, 21, Locust was arrested and charged with disorderly conduct after he ignited a firecracker and threw it into a crowd of people located at the Windansea's tiki bar. No one was injured in the incident.
- * The Highlands Police Department is currently investigating several cases of copper thefts. Due to the increased number of these crimes recently the department strongly urges residents to be vigilant and not hesitate contacting the department regarding any suspicious person(s) or activity.

* **Administration:**

- Police Department –New Facilities
The Highlands Police Department has been transitioning into its new location on Shore Drive. Some continued issues the department is experiencing are:
 - Broadview
 - Emergency Back-up (phone lines) – limited

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- ✓ Firehouse used to have all lines duplicated for emergencies
 - ✓ Firehouse now has (1) line that all lines would be forwarded to
 - Maintenance of System – emergency lines are out for up to 15 minutes. Lines had to be forwarded for a three hour period
 - Line 1155 – nonexistent
 - Fax – intermittent line trouble w/ cloud based system (unable to receive/send faxes)
 - Potts Lines – Installed but still waiting for Broadview to activate
 - Water/Sewer – Costs are high - \$150.00 each time Johnny of the Spot responds, which is every other day.
 - United Computer – continued networking issues.
 - Generator – working well. Experienced a brief power outage; generator activated right away – phones were only out for 1-2 minutes.
- Grants
 - Cops Hiring Grant – Applied for \$120,000.00 grant to be used for hiring an additional police officer. Funds would cover partial costs for salary/benefits over a three year period.
 - Body Armor Grant – The department will be replacing (3) officers vests totaling approximately \$2600.00. Monies from both the State and Federal Grant awards will cover the costs 100%. The officers body armor is replaced every (5) years on a rotating basis.
 - Saturation Patrol Grant – The department was originally (1) of (10) Bayshore Area municipalities awarded funds to provide extra officers during peak hours on weekends and holidays for enforcing driving while intoxicated violations. Due budget constraints the State reduced the number of municipalities receiving funds. This department is currently (1) of (5) Bayshore Area towns to be awarded \$10,000.00 to continue participation based on prior successful enforcement.
- Hiring
 - SLEO II – Matthew Gajewski
 - Notice was given July 14, 2013 of upcoming resignation.
- Ordinances
 - Stop Sign – Orchard Street
After the Quick Chek relocated to 460 Highway 36 West the traffic pattern at the intersection of Ocean Avenue and Orchard Street changed by increasing the number of vehicles utilizing the intersection. In addition, vehicles exiting Eastpointe Condominiums do not have a yield or stop sign and vehicles travelling in either direction cannot see the other until they are within the intersection. Although, there is no crash data at this time to support making this a three way stop intersection I recently contacted the Borough of Atlantic Highlands regarding the issue as the Borough of Highlands tax maps indicate the placement of a stop sign on the westerly side of the intersection was within their jurisdiction. In response, I was provided Resolution 127-2013 which is a license agreement to permit the Borough of Highlands to place a stop sign on Atlantic Highlands' property at the above location. I am now requesting that the Borough of Highlands research this intersection as there is a dispute over the municipal property lines.

* **Investigations:**

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Between January and June the detective division investigated the following cases which required additional follow up including witness/interview statements, referrals/meetings with other agencies (Monmouth County Prosecutor's Office/Division of Youth and Family Services), and is in addition to investigations that were handled by other officers but does not include routine calls handled on a daily basis:

Sexual Assault	(4)	Prostitution	(1)	Theft	(16)
Weapons Offense	(1)	Burglary	(22)	Hindering	(2)
Aggravated Assault	(1)	Harassment	(1)	Deaths	(2)
Assault	(5)	Trespassing	(1)	CDS	(1)
				Crisis	(3)
Total Cases	60	Active	13	Charged	9
Closed	47	Arrests	6 (pending warrant service)		

- Shortly after Hurricane Sandy, The Highlands Police Department was involved in a cooperative investigation with the New Jersey Department of Consumer Affairs and the Monmouth County Prosecutor's Office into fraudulent unlicensed contractors. As the result of a several months long investigation _____ amount of unlicensed contractors were charged with disorderly persons offenses.

* **Narcotics:**

The Highlands Police Department Street Crimes Unit is investigating an increased number of complaints relating to narcotic sales and distribution within the Borough over the past several months with the influx of new tenants.

* **Training:**

- Firearms – officers participated in a stress induced active shooter training scenario.
- Schools
 - Sgt. Burton – Certified Public Manager (CPM) Course
 - Started – December 2012

* **Community Policing:**

- Explorers
 - New applicants – (2) last month
 - Training
 - Unarmed Defense
 - MediVac Drill
 - Motor Vehicle Stops Scenarios
 - Trip
 - NJ State Police – Marine Bureau – Jersey City Station
 - Learned Marine Laws
 - Enjoyed ride of Marine Police boat past Statue of Liberty
- Extreme Heat – most heat emergencies occur because a person has been overexposed to heat. Older adults, young children and those who are sick are more likely to succumb to the heat.
 - Precautions to take:

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- Stay indoors as much as possible
 - Drink plenty of water
 - Limit alcoholic beverages
 - Never leave children or pets alone in closed vehicles
 - Check on family, friends and neighbors who live alone or do not have air conditioning
- Hurricane Awareness
 - Season – June through November (most occurring mid-August to late October)
 - Make a Plan
 - Learn Evacuation Routes
 - Assemble emergency kit – include food, water, medical supplies, battery operated radio, batteries and flashlights
 - Store important documents in a fire and flood safe location
 - Pay attention to advisory/evacuation warning from the H.O.E.M.
 - Information – visit ready.nj.gov or fema.gov

* **Patrol:**

- Domestic Violence Complaints – (13)
 - Simple Assault – (2)
 - Harassment – (4)
 - Violation of Restraining Order – (1)
 - Requests for TRO – (4)
 - Unfounded – (2)
- Mental Health/ Crisis Calls
 - Total Calls – (7)
 - Transports to other facilities – (3)
- First Aid – 37 calls
 - HFAS – As with past years during daytime hours there seems to be a lack of manpower in town forcing officers to remain on scene until a mutual aid town can arrive.
- Disorderly Persons
 - Total Complaints – (6)
- Criminal Mischief
 - Total – (12)
 - Graffiti
 - Property Damage
 - Vehicle Damage

* Total Calls for Service: 469

* Arrests: Adults: 21 (5 for possession of CDS)

JV: 0

* Summons: Total: 133

Moving Violations: 40
Non-Moving: 36
DWI: 5
Boro Ordinance: 52

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Mr. Redmond asked Chief Blewett about speed limit signs on Hwy. #36 by Kavookjian Field. The speed limit drops to 35 mph.

Chief Blewett will contact NJDOT to remove the signs.

Mr. Padula recommended giving them notice.

Mr. Hill will contact the State regarding what the speed limit should be.

Mr. Redmond commented on the amount of texting while driving he sees. He would like Chief Blewett to look into the ordinance.

John Bentham does not see marked cars patrolling.

Chief Blewett responded that they are out there.

Kim Skorka asked when the police report will be on the website.

Chief Blewett will get reports on the website.

Bunny Rivera asked about the types of crime in town.

Chief Blewett stated burglaries and thefts.

Trisha Rivera asked about the telephone issues.

Chief Blewett explained.

Mr. Hill assured the residents that we are not without phone services.

Administration:

Mr. Hill gave his report.

1. Various Recovery Related items:

- a. Approx. _____ \$ in Category A,B,E Project Worksheets have been submitted. They are either entered in the FEMA System, or under review. Reimbursement to date: \$422,284.00 (This total does not include HMGP Programs for Cat. C Roads / Bridges, D- Water Control Facilities, F - Utilities, or G – Parks, Recreation, Other)
- b. FEMA Disaster Recovery Coordination Team – Through our request to the Governor's Office, the FEMA Community Recovery Assistance Specialists have been assigned and are working with us on long term recovery.
- c. NJ Future will be working with us on providing Recovery Manager that will be working with us throughout the process.
- d. WorkForce Development Program – awaiting agreement approval – WFD is doing on site intake (Thursday, July 18th at 19 Bay Ave. from 9:30 a.m. to 12 noon) There is eligibility criteria for this program. Contact the WorkForce Development Office at 732-683-8850
- e. Public Session to be held on Long Term Recovery initiatives on August 7th , 8:00 p.m. at Henry Hudson Regional School. All are invited to attend.

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- f. Met with Monmouth JIF rep's to further discuss Flood Insurance issues for municipal facilities. Will be obtaining new updates within a week.

2. Department of Public Works

- a. Reminder that next Bulk & Brush Pick-ups are SCHEDULED FOR September. (SEE MAP FOR ZONES)
- b. Continue efforts of clean up --- asking that people do not dump illegally.
- c. Have been tending to grass cutting, debris removal rounds and other projects as assigned.
- d. Checked / cleaned storm drain basins – ongoing.
- e. Temporary Berm work done at Bayside Drive to alleviate water runoff.
- f. South Bay Ave Power outage—Fire Dept responded, DPW assistance required, JCP&L responded to make repairs.
- g. Water main Break on Bay Ave (near Veteran's Park) NJ American Water repaired --- we will be seeking additional repair for damages.
- h. Continuing repair of picnic benches, replacement of trash receptacles at various park locations.
- i. Repairs for electric at Huddy Park and traffic boxes are underway.

3. Building and Housing:

- a. Construction Office – 105 permits issued \$65,125 in fees received
Inspection Details: 201 Building, 215 Electrical, 82 Plumbing, 12 Fire
- b. Code – ()

4. Recreation Department:

- a. Summer Kidfest Registration ongoing - 108 registered. Program July 1- Aug. 16 at HES.
- b. Summer Nutrition Program coincides with Kidfest, USDA grant funded program for Breakfast and Lunch.
- c. Project Graduation held at HHRS on June 20th - 26 students,
- d. Teen Night, June 21st - 25 participants at HES
- e. Spring programs ended at HES Adult Volleyball, basketball, indoor soccer.
- f. Summer Seasonal Recreation Staff training and orientation, June 26-28 - 15 employees.
- g. Summer Teen Program July 12 – Aug. 16, Friday nights at HES ages 14-18
- h. Twinlights Sports Camps are being offered at HHRS – Boys & Girls Basketball, Girls Softball and Boys Baseball ---- registration information is at Borough Hall 42 Shore Drive.
- i. Summer Kidfest Trips – Bowling, Yestercades, Paper Moon Puppet Theatre and Lakewood Blue Claws Game.
- j. Plans are underway for Fall / Winter Programs.

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- k. Lifeguards – shortage of guards has created p/t scheduling / coverage. Unfortunately, Miller Street Beach will not have guards on site during the week.
 - l. CPC Behavioral Health Services: Had 2 counselors 2 days a week at the municipal office trailers from April 2013 through June 2013. Provided service to 50 individuals. For July, CPC is using classrooms two nights a week in the Highlands Elementary school. CPC continues to coordinate and partner with the Recreation Dept., School Personnel and Alliance Coordinator to plan for additional services in the borough.
 - m. CPC will be offering “Light Recreation for Children” Thursdays, 2-4 pm at Huddy Park, starting July 25th.
5. **Army Corp** visit held on July 2, 2013: Mr. David Gentile, Mr. Jason Shea and Ms. Deborah Voelbel (NJDEP) were in attendance. The corp will be undertaking a low level analysis to compare alternate methods of protection for the entire Highlands shoreline. Based on the outcomes, further discussions will take place regarding alignment plans, funding and other considerations for the proposed project. Public Information meetings will take place in the fall.
6. Fort Hancock 21st Century Advisory Committee Report. (see report dated July 12th).
7. The Borough’s Emergency Response and follow up efforts have been duly recognized by the Monmouth County Joint Insurance Fund for safety performance during and after the storm. In addition, the NJ General Assembly recognized and acknowledged Municipal Administrators in Monmouth County for their service to their communities throughout the storm and recovery efforts.

Ms. Kane would like for us to formally acknowledge our volunteers, DPW, Fire, First Aide and Police Departments.

Library:

No report at this time.

Highlands Business Partnership:

Ms. Kane stated that the HBP is looking for volunteers for the Clamfest, August 1st thru 4th.

Shared Services:

Ms. Kane stated that we are working on shared services in executive session. That information will come out at a later date.

Public Portion:

Kim Skorka of 315 Shore Drive asked what the status on sub-standard housing is in regards to a part time code enforcement officer.

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Ms. Kane stated that we are in the process of looking for an appropriate person.

John Bentham of 39 Washington Avenue asked if Highlands will have its own Sewer Authority after the dissolution of AHHRSA.

Mr. Francy said we are looking to sell our sewer system.

John Bentham spoke of the serious increase of various animals in town. He also asked about the status of Captain's Cove Marina operating without a license.

Mr. Padula stated that there is possible litigation. The enforcement mechanism will be unfolding.

John Bentham asked about a time line.

Mr. Padula stated that he cannot predict a time line with the process.

John Bentham stated that there is large equipment blocking his driveway. He continued to complain about Captain's Cove Marina operation. He would also like garbage dumping addressed thru enforcement of our ordinances.

Don Manrodt of 268 Bayside Drive would like the attorney to look up spot zoning. There was a ruling on that made by the court

Mr. Padula stated that he did read it, it was mentioned it as an issue not any findings.

Don Manrodt asked Mr. Leubner asked about paving of Bayside Drive only up to Matthew Street.

Mr. Leubner explained funding.

John MacAleer – passed.

Melissa MacAleer – passed.

Lori Dibble – passed.

Arnie Fuog of 50 Valley Street asked if we are hiring a property maintenance officer.

Mr. Padula stated that Civil Service issues need to be cleared up before we can hire.

Arnie Fuog asked if there is a list of summonses issued.

Mr. Hill said they would be on the court docket.

Arnie Fuog asked what is expected from the town from the code enforcement officer on a month to month basis.

Mr. Hill explained and that they are hoping to get another part time position filled.

Arnie Fuog questioned the number of building inspections and continued to question the number of inspections.

Mr. Hill read the numbers from his report of various department inspections.

Arnie Fuog questioned Arcadius dollar amount and why do we have to go out to do the work, why not get a property maintenance person.

Council continued discussion with Arnie Fuog.

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Ms. Kane stated that enforcement is our priority and further explained. We only have one applicant so far.

Maureen Welch asked if police could write summonses.

Ms. Kane said they have. They give them lists.

Maureen Welch said the next bulk pick up is in September and feels this is unacceptable. She continued to complain about how the town looks..

Mr. Francy said that sanitation pick up contract is up in December.

Doug Widman of 15 Ocean Street is the attorney for Monmouth County Soil Conservation District. They will meet with the town to help out regarding the New Sandy Permit. He distributed a flyer and gave Mrs. Cummins his contact information.

Mrs. Cummins will distribute his information to the council.

Pauline Jennings of 27 Ralph Street asked why there is a rush for a zoning ordinance change.

Mr. Francy said he would vote no. He doesn't feel we should change it.

Name unknown – woman asked about the quality of the swimming water.

Mr. Hill explained that Monmouth County Board of Health test the water every Monday and posts results on their website.

There were no further questions.

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

The Meeting adjourned at 10:32 p.m.

Debby Dailey, Deputy Clerk

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