

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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

Mayor Nolan called the meeting to order at 7:05 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, Mayor Nolan

Late Arrival: Ms., Kane – arrived at 7:07 p.m.

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Steve Pfeffer, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Robert Keady, Borough Engineer

Executive Session Resolution:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-163
RESOLUTION
EXECUTIVE SESSION**

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

1.Litigation: Capt's Cove Marina, Army Corp of Engineers

2.Contract: Municipal Court Shared Service Agreement

3.Real Estate:

4. Personnel Matters: Steve Pfeffer – Riced

**5. Attorney-Client Privilege: Bond Council – DBIZ Loan, M. Mullen,
Reimbursement Requests Lee & Tierney
Garbage Bid Specs
Green Acre Buyouts**

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.
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,

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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 collecting 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 publics 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, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:21 p.m.

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

ROLL CALL:

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Fire alarm went off at Highlands Elementary School at 8:23 p.m.

All members of the council and public had to evacuate the building.

Fire alarm turned off at 8:32 p.m.

Mayor Nolan called the meeting back in order 8:39.

ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing, Adoption:

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

Mrs. Cummins read the title of Ordinance O-13-15 an ordinance to exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank on for the second reading and public hearing. She stated that this was published in its entirety in the July 26th, 2013 edition of the Two River Times and may now be open for public hearing.

Mr. Pfeffer explained the ordinance. This ordinance needs to be done prior to adoption of the budget.

David Kline questioned the language in the ordinance.

Mr. Pfeffer explained.

Public Hearing closed.

Mrs. Cummins read the title of Ordinance O-13-15 for the third and final reading and adoption.

Mayor Nolan offered the following ordinance and moved on its adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**O-13-15
CALENDER 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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Public Hearing and Adoption of the 2013 Municipal Budget:

R-13-168 Resolution Adopting 2013 Municipal Budget:

Mrs. Cummins read the title of Resolution R-13-168 Adoption of 2013 Municipal Budget on for public hearing and adoption. She stated that this was published in its entirety in the July 26th, 2013 edition of the Two River Times and may now be open for public hearing.

Mr. Pfeffer spoke about the budget in terms of loss of ratables due to the storm.

Mayor Nolan opened the public hearing.

Bill Taylor of 1 Scenic #110 asked if this is a stop gap measure.

Mayor Nolan explained that it is the budget.

Barbara Ianucci questioned grants and asked about reimbursement of the loan.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Mr. Pfeffer responded that there isn't any money in this budget to pay the loans.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Resolution R-13-168 for adoption.

INSERT R-13-168

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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

R-13-164

RESOLUTION OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d) AND N.J.S.A. 40A:2-11(c).

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the “Borough”) desires to make application to the Local Finance Board for its approval of a down payment waiver in connection with the following entitled bond ordinances:

“Bond Ordinance Providing for the Hazard Mitigation Program in an by the Borough of Highlands, in the County of Monmouth, New Jersey, Appropriating \$1,144,000 Therefor and Authorizing the Issuance of \$1,144,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof”;

“Bond Ordinance Providing for the Reconstruction of the North Street Pump Station in and by the Borough of Highlands, in the County of Monmouth, New Jersey, Appropriating \$1,800,000 Therefor and Authorizing the Issuance of \$1,621,923 Bonds or Notes of the Borough to Finance Part of the Cost Thereof”;
and

“Bond Ordinance Providing for the Removal of Disaster Related Debris and the Demolition of Various Structures in and by the Borough of Highlands, in the County of Monmouth, New Jersey, Appropriating \$2,300,000 Therefor and Authorizing the Issuance of \$2,300,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof”;

WHEREAS, the Borough believes that:

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

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

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approvals as provided by the applicable New Jersey Statutes.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

RESOLUTION NO.R-13-165

A RESOLUTION OF THE BOROUGH OF HIGHLANDS, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2013 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Borough of Highlands New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2013 (Highlands Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2013, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2013 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF
HIGHLANDS AS FOLLOWS:**

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2013 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

Date: August 21, 2013

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-13-166
RESOLUTION AUTHORIZING THE EXECUTION
OF A COMMODITY RESALE AGREEMENT
WITH THE COUNTY OF MONMOUTH**

WHEREAS, *N.J.A.C.* 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

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

ROLL CALL:

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

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

R-13-167

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

WHEREAS, the Governing Body of the Borough adopted Resolution R-13-146 on July 17, 2013 which stated that the Governing Body of the Borough Highlands supported the Highlands Business Partnerships loan application for the amount of \$530,000 from the New Jersey Department of Community Affairs, Office of Main Street New Jersey & Improvement District Programs Downtown Business Improvement Zone Loan Fund; and

WHEREAS, the Governing Body of the Borough of Highlands are the actual loan applicant, not the Highlands Business Partnership; and

WHEREAS, the Borough of Highlands finds and declares that there is a need for economic revitalization of the Downtown Business District; and

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 Borough of Highlands 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 would support 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 amends Resolution R-13-146 to reflect that the Borough of Highlands is the loan applicant, not the Highlands Business Partnership. The Borough of Highlands approves the loan application for the Borough 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 Ms. Ryan and adopted on the following roll call vote:

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

ROLL CALL:

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

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

R-13-169

**RESOLUTION AUTHORIZING ENTRY OF SHARED
SERVICE AGREEMENT FOR MUNICIPAL COURT
SERVICES WITH ATLANTIC HIGHLANDS**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-01 et seq. authorizes local units of the State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, N.J.S.A 2B:12-1(c) allows two or more municipalities to provide jointly for Courtrooms, chambers, equipment, supplies, and employees for their municipal courts and to agree to appoint the same persons as certified court administrator without establishing a joint municipal court; and

WHEREAS, Highlands and Atlantic Highlands desire to share facilities, equipment and administrative staff, in accordance with N.J.S.A. 2B:12-1(c), in order to conserve resources and to provide for a more efficient and economically sound municipal court system, and as necessitated by Hurricane Sandy; while each municipality maintains its right to appoint their own judge, prosecutor, and public defender; and

WHEREAS, Atlantic Highlands has agreed to allow Highlands to utilize the Atlantic Highlands Municipal Court facilities and administrative staff effective immediately, subject to the approval of the Assignment Judge of the County of Monmouth; and

WHEREAS, Highlands and Atlantic Highlands find that it would be in the best interest of the Municipalities to utilize the Atlantic Highlands Municipal Building's courtroom, Court offices, and to share administrative employees, facilities, and equipment, under the terms and conditions referenced herein and contained in the attached draft agreement.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby approves, authorizes and directs the Mayor to execute a shared services agreement for municipal court services with the Borough of Atlantic Highlands for the period of May 30, 2013 through June 30, 2016 in an amount not to exceed \$220,501.82 (for the three-year period) in substantially the same form as the draft agreement attached hereto and made part hereof, subject to the final review and approval of the Assignment Judge for the County of Monmouth.

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

ROLL CALL:

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

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

R-13-170

**RESOLUTION APPOINTING A PROVISIONAL
PART-TIME YARD WORKER – RECYLCING YARD ATTENDANT**

WHEREAS, there is a need for a Yard Worker within the DPW; and

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Joseph Misita be appointed as a Provisional Part-time Yard Worker – Recycling Yard Attendant.

NOW, THEREFOR BE IT RESOLVED by the Governing Body of the Borough of Highlands that Joseph Misita is hereby appointed as a Provisional Part-time Yard Worker – Recycling Yard Attendant.

BE IT FURTHER RESOLVED that said appointment be compensated at an hourly rate of \$11.00 per hour not to exceed 24 hours per week. Office hours will be established by the Borough Administrator in coordination with the DPW Recycling Yard needs.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-13-171

**RESOLUTOIN AMENDING RESOLUTION R-13-31
APPOINTING TEMPORARY EMPLOYEES FOR VARIOUS POSITIONS WITHIN
THE WORKFORCE DEVELOPMENT NEG GRANT**

WHEREAS, Monmouth County has a grant program which allows for hurricane damaged municipalities to apply for and receive funding to hire various temporary employees for up to a six month period in which the Borough of Highlands has applied for said grant; and

WHEREAS, the Borough will need to hire temporary employees to continue to help get through the difficult time of rebuilding and recovery efforts; and

WHEREAS, Mr. Tim Hill, Borough Administrator has conducted interviews in conjunction with the resumes submitted through the Work Force Development Program; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands that the following people are hereby appointed to the following temporary positions and meet the requirements for said positions:

Public Works Repairer # of Openings: 3 at an hourly rate of \$15 per hour, 30 hours per week.

1. _____
2. _____
3. _____

Office/Clerical # of Openings: 3 at an hourly rate of 15.00 for 30 hours per week.

1. Donna Alvator (Bldg. Dept) **Hours: Up to 30 hours per week**
2. Cheryl Koutsoudakis **Hours: Up to 30 hours per week**
3. Ellen Fitzpatrick **Hours: Up to 30 hours per week**

Volunteer Coordinator # of Openings: 1 at an hourly rate of \$15.00 per hour.

1. Katherine Charles **Hours: Up to 30 hours per week.**

Building Maintenance Inspectors # of Openings: 2 at an hourly rate of \$20.00

1. Paul Marcantell **Hours: Up to 24 hours per week.**
2. John Urbine **Hours: Up to 24 hours per week.**

BE IT FURTHER RESOLVED that these appointments will be for a period effective immediately.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

BE IT FURTHER RESOLVED that temporary appointments do not include any benefits.

BE IT FURTHER RESOLVED that said appointments are subject to the approval by the Monmouth County Work Force Development.

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

ROLL CALL:

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

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

R-13-172

**RESOLUTION MAKING 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 were conducted by the Borough Administrator; and

WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Nancy O'Neil be appointed Part-time Clerk II for the Building Department

NOW, THEREFOR BE IT RESOLVED by the Governing Body of the Borough of Highlands that Nancy O'Neil be appointed 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 in conjunction with the Building Department schedule.

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-173

RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, recycling regulations imposed on municipalities certain requirements as conditions for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of the Borough of Highlands to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough of Highlands hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Tim Hill Borough Administrator to submit grant application for the Borough of Highlands and that he is to ensure that the application is properly filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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

ROLL CALL:

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

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

**R-13-175
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
Re: Duplicate Payment				
69	18.01	2013	\$1,473.67	Corelogic (Bank)
Re: Payment to be applied to sewer				
62	5	2012	\$102.52	Borough of Highlands

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

ROLL CALL:

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

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

**R-13-176
RESOLUTION ACCEPTING
RESIGNATION**

WHEREAS, Janet Peterson has submitted a letter of resignation from his position on the Planning Board; and

WHEREAS, the Governing Body wishes to accept resignation and thanks Ms. Peterson for her years of service.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough accepts the resignation of Janet Peterson from the Planning Board.

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

ROLL CALL:

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

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

**R-13-177
RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT APPLICATIONS**

WHEREAS, the American Legion has filed an application for a Social Affairs Permit for an event to be held on September 14, 2013 with a rain date September 15, 2013; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid; and

WHEREAS, all applications have been approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit applications for both the American Legion for an event to be held on September 14, 2013 with a rain date of September 15, 2013.

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

ROLL CALL:

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

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

**R-13-178
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-13-8**

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013
Hi-Mar Striper Club, Inc.**

WHEREAS, the Hi-Mar Striper Club has submitted Raffle License Applications No. RA1317-13-8 and RA 1317-13-9 for a drawings to be held on October 25, 2013 and October 27, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Applications RA#1317-13-8 & RA#1317-13-9 for the Mi-Mar Striper Club are hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

ROLL CALL:

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

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

**R-13-179
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:

1317-33-008-006	Seastreak	326 Shore Drive
1317-33-004-012	Bay Ave Restaurant t/a Grimaldis	123 Bay Ave

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-180
RESOLUTION APPOINTING TEMPORARY PART-TIME POLICE
COUMMINCATIONS OPERATOR FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need for temporary dispatching coverage; and

WHEREAS, Joseph Blewett, Chief of Police has made a recommendations the Borough appoint Kyle McCartney; and

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Kyle McCartney be appoint as temporary part-time police communications operator for a six month period effective immediately at an hourly rate of 9.50 per hour

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-13-181

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
WALL RECONSTRUCTION
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the design and construction of wall reconstruction along Bay Street as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$60,763 plus reimbursable expenses per T & M Associates proposal dated June 19, 2013 for Professional Engineering Services for the engineering services for the wall reconstruction provided to the Borough of Highlands for the period of one year; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from Bond Ordinance O-13-17 contingent upon expiration of 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced:

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013
Stephen Pfeffer, Chief Financial Officer**

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$60,763 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 Mayor and Borough Clerk are hereby authorized to execute the contract documents.
3. A copy of the 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. Ryan and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-13-182
Resolution Authorizing the Clerk to Execute the Approval
Certificate of the New Jersey Motor Vehicle Commission
Business Licensing Services Bureau Application for Twin
Lights Marina**

Whereas, Twin Lights Marina (the "Marina") occasionally becomes in possession of abandoned boats which it sells; and

Whereas, on or about July 12, 2013, the Marina contacted the Borough's Zoning Officer to inquire whether the Borough's zoning code permits the Marina to sell these abandoned boats; and

Whereas, by letter to the Marina dated July 18, 2013, the Borough Zoning Official approved the request writing, in pertinent part:

I have reviewed your request to sell boats stored on your property that have been abandoned. From a Zoning standpoint, I do not take exception to your request and approve you to do so. However, please be advised that this approval does not allow you to become a dealership or expand beyond the periodic sale of abandoned boats. If you wish to pursue becoming a dealership in the future, additional approvals will be required; and

Whereas, the Marina presented the Borough with a copy of its New Jersey Motor Vehicle Commission (NJMVC) Business Licensing Services Bureau application, which it requires in order to obtain boat registrations from the NJMVC; and

Whereas, a portion of the application requires the local municipality or zoning board to indicate that the business entity is authorized to conduct business as represented; and

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Whereas, based on the correspondence from the Zoning Officer, the Borough authorizes the Municipal Clerk to execute the approval certificate.

Now, therefore, be it RESOLVED by the governing body of the Borough of Highlands that the Municipal Clerk is authorized to execute the Approval Certificate contained in the Marina's NJMVC application; and

Be it further RESOLVED that the Municipal Clerk shall further note on the application that approval is subject to the July 18, 2013 letter of the Borough Zoning Official.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-13-184
RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT APPLICATIONS**

WHEREAS, the Highlands Business Partnership filed an application for a Social Affairs Permit for an event to be held on September 8, 2013 with no rain date; and

WHEREAS, the submitted application form is NOT complete in all respects, fees must be paid and the applicant must receive authorization from the property owner and must also obtain approval by the Chief of Police; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit applications for Highlands Business Partnership for an event to be held on September 8, 2013 with no rain date subject to the fees being paid, obtaining authorization from property owner and approval by the Chief of Police; and

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-13-185
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-13-10
Highlands Business Partnership**

WHEREAS, the Highlands Business Partnership has submitted a Raffle License Applications No. RA1317-13-10 for a drawing to be held on September 8, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands hereby approved Raffle License Application RA#1317-13-10 the Highlands Business Partnership and the Borough Clerk is authorized to sign off on licenses.

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

ROLL CALL:

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

Minutes Approved on Consent Agenda:

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
08/21/2013**

CURRENT:		\$	134,358.32
Payroll	(08/15/2013)	\$	375,771.01
Manual Checks		\$	219,838.91
Voided Checks		\$	
SEWER ACCOUNT:		\$	1,973.06
Payroll	(08/15/2013)	\$	6,368.15
Manual Checks		\$	109,775.66
Voided Checks		\$	
CAPITAL/GENERAL		\$	1,124,864.72
CAPITAL-MANUAL CHECKS		\$	8,638.95
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	25,965.88
Payroll	(08/15/2013)	\$	5,025.00
Manual Checks		\$	588.80
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	5,765.02
Payroll	(08/15/2013)	\$	21,170.77
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

**SUPPLEMENTAL BILL LIST
August 21, 2013**

CURRENT FUND

Arcadis	FEMA Services	12,312.00
Sea Bright Police Dept.	Police Offduty - Clam Fest	1,296.00

Total Current Fund		13,608.00
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CAPITAL FUND

Total Capital Fund		0.00
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GRANT FUND

Total Grant Fund		0.00
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SEWER UTILITY FUND

Total Sewer Utility Fund		0.00
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TRUST FUND

Total Trust Fund		0.00
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Total Supplemental Bill List		13,608.00
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L & L Paving		\$39,369.25
	Revised Total Supplemental Bill	\$52,977.25

Other Resolutions:

R-13-174 - Resolution – Change Order Washington Avenue:

Mrs. Cummins read the title of Resolution R-13-174.

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

**R-13-174
RESOLUTION – FINAL CHANGE ORDER**

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013
WITH L & L PAVING COMPANY, INC.
DECREASE OF \$6,780.75
WASHINGTON AVENUE ROADWAY REPAIRS**

WHEREAS, a contract was awarded for L & L Paving in the amount of \$46,150 for Washington Avenue Roadway Repairs after solititation for and opening of public bids; and

WHEREAS, on June 5, 2013 the governing body adopted Resolution R-13-127 authorizing change order increasing contract by the amount of \$8,733.50; and

WHEREAS, the Borough Engineer has informed the Borough that it is necessary to execute a final change order to decrease the contract \$6,780.75; and

WHEREAS, change order dated August 5, 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 this Final decreasing the original contract amount by \$6,780.75 is hereby authorized for the Washington Avenue Roadway Repair Project. The contract amount is hereby amended to \$48,102.75

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Resolution R-13-183 – Transit Village:

Mrs. Cummins read the title of R-13-183.

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

Resolution R-13-183

WHEREAS, the NJ Department of Transportation (NJDOT) has created a Smart Growth community revitalization and redevelopment program known as the Transit Village Initiative; and

WHEREAS, the Transit Village Initiative supports Smart Growth, revitalization and redevelopment within walking distance of transit for the purpose of increasing transit ridership, reducing automobile congestion and improving air quality in the State of New Jersey; and

WHEREAS, the NJDOT along with NJ TRANSIT, the Department of Community Affairs, the Department of Environmental Protection, the Redevelopment Authority, the Council on the Arts, Main Street New Jersey, the Economic Development Authority, the Office for

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Planning Advocacy and the Housing and Mortgage Finance Agency are partners in the Transit Village Initiative and make up the Transit Village Task Force; and

WHEREAS, the NJDOT may designate a Transit Village after the municipality has achieved the Transit Village Criteria established by the Transit Village Task Force; and

WHEREAS, once a municipality has been deemed a Transit Village, the Transit Village Task Force will provide that municipality with (1) a contact person in each of the state agencies that make up the Transit Village Task Force; (2) technical assistance from each agency; (3) up-to-date information on grants, loans, programs or other opportunities; (4) priority funding where feasible; and (5) access to special information meetings, educational programs and research information; and

WHEREAS, the governing body of the Borough of Highlands desires to apply to the NJDOT for Transit Village designation.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Highlands, in the county of Monmouth, State of New Jersey, that the Borough of Highlands requests to be considered for Transit Village designation; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Highlands is committed to Smart Growth and is willing to accept meaningful growth in terms of jobs, housing and population within the transit village development district; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Highlands hereby commits to the implementation of the compact, mixed-use, transit-supportive vision as represented in the Transit Village Statement of Qualification.

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

ROLL CALL:

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

Ordinances: Introduction & Setting of P.H. Date for September 18th :

O-13-17 Bond Ordinance for Wall Reconstruction:

Mrs. Cummins read the title of Ordinance O-13-17 Bond Ordinance providing for Wall Reconstruction in and by the Borough of Highlands, in the County of Monmouth, New Jersey, Appropriating \$500,000 therefor and authorizing the issuance of \$475,000 bonds or notes of the Borough to finance part of the cost thereof.

Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date of September 18, 2013 at 8:00 PM and authorized its publication according to law:

O-13-17

BOND ORDINANCE PROVIDING FOR WALL RECONSTRUCTION IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$500,000, including the sum of \$25,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is wall reconstruction along 8 Bay Street, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$475,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

O-13-18 Zoning Ordinance Amendment:

Mrs. Cummins read the title of Ordinance O-13-18 Amending Chapter 21 Zoning and Land use regulations, of the General Ordinances of the Borough of Highlands concerning setback requirements for house lifting as a result of Hurricane Sandy.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Mayor Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date of September 18, 2013 at 8:00 PM and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-13-18**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY,
AMENDING CHAPTER 21 ZONING AND LAND USE REGULATIONS, OF THE
GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS CONCERNING
SETBACK REQUIREMENTS FOR HOUSE LIFTING AS A RESULT OF HURRICANE
SANDY**

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, by Ordinance O-13-02, the Borough amended the definition of “Variance” to assist residents in rebuilding homes damaged by Hurricane Sandy, which provided for three-foot setbacks from any property line; and

WHEREAS, the Zoning Officer has recommended that the Borough limit the setback requirements to side and rear property lines.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 21, Part 1, Article II, Section 8, “Definitions” shall be amended to add the Following (bold/underscore is new section):

VARIANCE — A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this Chapter. Applications for relief from the requirements of this Chapter shall not be required for repair or reconstruction of a building, including nonconforming buildings, provided that building was damaged between October 29, 2012 and October 31, 2012, and the reconstruction and/or repair arises out of the damage occurring between October 29, 2012 and October 31, 2012. A nonconforming building may only be repaired or rehabilitated to the same size on the same footprint, provided however, that the structure may be modified to conform with the requirements of Part 7, Flood Regulations. Notwithstanding the foregoing, ingress and egress stairs, ramps and landings shall provide a three (3) foot setback from any **side or rear** property line.

Section 2. 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 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

ROLL CALL:

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

O-13-19 Bond Ordinance for Hazard Mitigation Program:

Mrs. Cummins read the title of Ordinance O-13-19 Bond Ordinance providing for the Hazard Mitigation Program appropriating \$1,144,000 therefor and authorizing the issuance of \$1,144,000 Bonds or Notes of the Borough to finance part of the cost thereof.

Mayor Nolan offered the following Bond Ordinance and moved on its

introduction and setting of a public hearing date of September 18, 2013 at 8:00

P.M. and authorized its publication;

O-13-19

**BOND ORDINANCE PROVIDING FOR THE HAZARD
MITIGATION PROGRAM IN AND BY THE BOROUGH OF
HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, APPROPRIATING \$1,144,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,144,000 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,144,000, including a \$784,000 Federal Emergency Management Agency Hazard Mitigation Grant (the "FEMA Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement and in anticipation of receipt of the FEMA Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,144,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Hazard Mitigation Program, including the elevation of structures in the floodplain, as more fully described in the State-Local Grant Agreement between the State of New Jersey, Office of Emergency Management and the Borough on file in the Office of the Clerk which is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,144,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

O-13-20 Bond Ordinance for North Street Pump Station:

Mrs. Cummins read the title of Ordinance O-13-20 Bond Ordinance providing for the reconstruction of the North Street Pump Station appropriating \$1,800,000 therefor and authorizing the issuance of \$1,621,923 Bonds or Notes of the Borough to finance part of the cost thereof.

Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date of September 18, 2013 at 8:00 P.M. and authorized its publication according to law:

O-13-20

**BOND ORDINANCE PROVIDING FOR THE
RECONSTRUCTION OF THE NORTH STREET PUMP
STATION IN AND BY THE BOROUGH OF HIGHLANDS,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING \$1,800,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,621,923 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF.**

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,800,000, including a \$178,077 Community Development Block Grant expected to be received (the "Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,621,923 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the reconstruction of the North Street Pump Station located at the northern edge of the North Street right-of-way, along the Shrewsbury River, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,621,923, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or if other than the Grant, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

O-13-23 Bond Ordinance for Debris Removal:

Mrs. Cummins read the title of Ordinance O-13-23 Bond Ordinance providing for the removal of disaster related debris and the demolition of various structures in and by the Borough of Highlands appropriating \$2,300,000 therefor and authorizing the issuance of \$2,300,000 Bonds or Notes of the Borough to finance part of the cost thereof.

Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date set for September 18, 2013 at 8:00 P.M. and authorized publication according to law:

O-13-23

**BOND ORDINANCE PROVIDING FOR THE REMOVAL OF
DISASTER RELATED DEBRIS AND THE DEMOLITION OF
VARIOUS STRUCTURES IN AND BY THE BOROUGH OF
HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, APPROPRIATING \$2,300,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$2,300,000 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE COST
THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,300,000, including a \$2,070,000 Federal Emergency Management Grant (the "Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement and in anticipation of the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the removal of disaster related debris from private and commercial property and the demolition of various private and commercial structures, which were damaged as a direct result of Hurricane Sandy, pursuant to the Federal Emergency Management Agency's Public Assistance Program, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,300,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

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

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of September 18, 2013 at 8:00 P.M. and authorized its publication according to law:

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

O-13-24

An Ordinance Amending and Supplementing Section 21-121 and 21-122 of the Code of the Borough of Highlands to Designate the Building Official or other Designee of the Governing Body as the local official to administer and implement the provisions of Article XXIV, "Flood Damage Prevention," of Part 7, "Flood Damage Prevention," of Chapter 21 of the Revised General Ordinances of the Borough of Highlands, New Jersey

Whereas, the Borough code provides that the Building Official shall be the local official to administer and implement the provisions of the Floodplain Ordinance of the Borough of Highlands; and

Whereas, the Borough wishes to provide greater flexibility in the designation of the local official to administer and implement the provisions of the Floodplain Ordinance of the Borough of Highlands, Section 21-109 et seq.

Now, therefore, BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

SECTION ONE: Section 21-121 of the Revised General Ordinances of the Borough of Highlands is hereby amended to read:

The governing body shall, by resolution, appoint the Building Official or other qualified individual to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

SECTION TWO: Section 21-121 of the Revised General Ordinances of the Borough of Highlands is hereby amended to read:

Duties of the Building Official or other qualified individual, appointed pursuant to Section 21-121 hereof, shall include, but not be limited to subsections 21-122.1 through 21-122.5.

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 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:

ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing, Adoption:

O-13-21 Ordinance Change to Nonpartisan:

Mrs. Cummins read the title of Ordinance O-13-21 Change to Nonpartisan on for the second reading and public hearing.

Mayor Nolan open the public hearing.

Mr. Padula stated that this is a petition and further explained the process.

Andy, unknown last name and address, explained the nonpartisan process.

Arnie Fuog of 50 Valley Street asked the governing body if they had any questions.

Mayor Nolan spoke of low turnout for elections.

Carol Bucco of 330 Shore Drive asked why this is coming up.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Mayor Nolan stated that this was brought up by petition.

The Governing Body took no formal action on the following ordinance.

**O-13-21
Borough of Highlands
County of Monmouth**

PLEASE TAKE NOTICE that, at its meeting on August 21, 2013, at 7:00 p.m. (executive session), and 8:00 p.m. (regular session), at Highlands Elementary School, 360 Navesink Ave, Highlands, NJ the governing body of the Borough of Highlands shall consider and conduct a public hearing on an Ordinance proposed by initiative and referendum which reads as follows:

- (A) BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS as follows:
1. The Charter of the Borough of Highlands governed by Small Municipality Plan B is hereby amended to provide for the holding of regular (i.e., non-partisan) municipal elections in May.
 2. This Ordinance shall only become effective upon adoption by referendum.
- AND
- (B) The following ballot question be submitted to the voters of the Borough of Highlands at the next general municipal election or, if applicable, at a special election: "Shall the charter of the Borough of Highlands governed by Small Municipality Plan B be amended, as permitted under that plan, to provide for the holding of regular (i.e., nonpartisan) municipal elections in May?"

A copy of the petition is available at the Borough's Offices, 42 Shore Drive, Highlands, New Jersey. Pursuant to N.J.S.A. 40:69A-190, submission of the petition constitutes first reading of the proposed ordinance. Formal action may be taken on the proposed ordinance following the public hearing and final reading.

O-13-16 - Ordinance –Zoning Amendment for MH Zone – Review Planning Board Comments:

O-13-16 – Ordinance – Zoning Amendment & Supplementing Chapter 21 of the Revised General Code of the Highlands Entitled "Zoning" to Modify the Requirements of the MH Home Residence District and to Further Allow High Rise Multi-Family Developments in the MH Zone as a Conditional Use, and to Establish Regulations Pertaining thereto.

Mayor and Council reviewed the Planning Board Recommendations regarding O-13-16.

Mr. Padula stated that the Planning Board wants steep slope protection of the ridge line. He spoke of the number of stories and read thru all the recommendations.

O-13-16- Ordinance on for 2nd Reading, Public Hearing and Adoption:

Mrs. Cummins read the title of Ordinance O-13-16 Zoning Amendment & Supplementing Chapter 21 of the Revised General Code of the Highlands Entitled "Zoning" to modify the Requirements of the MH Home Residence District and to Further Allow High Rise Multi-Family Developments in the MH Zone as a Conditional Use, and to Establish Regulations Pertaining thereto. This ordinance was published in its entirety in the July 12th edition of the Two River Times and may now be open for public hearing.

Mayor Nolan opened the public hearing.

Arnie Fuog of 50 Valley Street spoke about concerns with steep slope. He also asked for a definition of spot zoning. He would like more time for this to be addressed.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Gert Sofman of 63 Seadrift Avenue wants to see new development.

Rachel Stockton of 31 Grand Tour spoke favorably of the ordinance. The schools are not crowded.

Ken Braswell of 62 Gravelly Point Road feels the fears about the hill are unfounded. Before anything is built, there will be plenty of engineering. We need to consider the predicament that we are in. The town has been stagnant.

Sal Taltoria of 156 Bayside Drive asked about effects on other properties and how can you plan something without any plans.

Mr. Padula stated that there no plans, it is just for permitted use.

Sal Taltoria continued to question the ordinance and spot zoning.

Kathy Eisner of 290 Bayside Drive asked about studies on mud slides.

Carol Hanky of 280 Bayside Drive said she is waiting for Eastpointe to fall down. She would like the entire EPA study on the slope. She further expressed her opposition.

Bob Krutzburg of 160 Bayside Drive, Atlantic Highlands asked what property this pertained to.

Mayor Nolan stated that there was a typo on the agenda, and does not pertain to Paradise Park.

Kathy Krutzburg of 160 Bayside Drive, Atlantic Highlands, read from the Slump Block Publication survey study. He said that Bayside Drive has been compromised; it's a matter of safety. He opposes the ordinance.

JoeDiCosa of 1 Scenic Drive asked why this is being rushed thru. He further spoke of traffic in that area and pasts mudslides. He has no objection to a low-rise.

Kerry Callinan of 200 Laurel Drive is a resident of Shadow Lawn. He said there is oil thru the hill.

Pat Nacosia of Eastpointe said she has heard this would possibly be low income housing.

Mr. Padula said we can't answer that. We just do not know.

Pat Nacosia feels that low income housing will not bring any money in to the town.

Mayor Nolan stated that before Sandy, we were triple the minimum amount of low income housing requirements.

Carol Collocussi of Bayside Drive expressed concerns with the hills. The DEP is involved with the oil toxins in the hill. She inquired about updates on toxins in the hill.

Don Monradt of 268 Bayside Drive asked if there isn't a buyer for the property, why we are pushing for this. He further spoke of the four mudslides in the past few months.

Bill Iler of 11 Hillside Avenue, Atlantic Highlands. He owns property in Highlands and feels this is a disservice to phrase this as a ratable issue. He feels this is spot zoning.

Pauline Jennings of 27 Ralph Street questioned language of the ordinance and if any studies were done.

Doug Card of 28 Shrewsbury Avenue would like a preliminary vote. This ordinance is for the property owner to make it more desirable to sell.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

John McAleer of 52 Barbarie Avenue said that at the July 3rd Special Meeting, the council said they knew nothing. Why rush for a meeting. We have a slope issues. Does anyone have any knowledge of a deal or plan.

Mayor Nolan feels that everyone said no at that meeting.

Melissa McAleer stated that we are interested in the development of the town. We like a town where we can have our kids grow up. She has concerns if people are being honest about what is going on behind the scenes.

Melissa Peterson of 17 Bay Street feels that this is being rushed thru. We have a problem with the high-rise because of the hill. There have been a lot of mudslides. You have to look at the long term range.

Henry Stober of Eastpointe asked if a financial analysis was done.

Mayor Nolan said yes and so did the Tax Assessor.

Henry Stober spoke of slump block issues, slope stability, traffic and environmental issues. He feels this is spot zoning and the process is being rushed. He would also like to see a financial analysis.

Connie Stober of Eastpointe opposes the ordinance. It changes the density 14 or 16 units per acre to 32 units per acre. She heard there is going to be 400 + at this property. They are proposing three buildings. She spoke of traffic and parking. She feels this is spot zoning.

Bill Taylor of 1 Scenic Drive read from a report describing tremors. He recalls a tremor he felt last summer. This is a very real possibility. He further read about slump blocks on heavy construction sights.

Peter Mullen of 11 Marine Place explained that he takes the Master Plan seriously. He further explained zoning requirements. He feels this is spot zoning.

Lori Dibble of 32 Paradise Park said that the notice was 200' list was deficient and the zoning district was not identified properly in the notice. She also feels that the Borough has embarked on a long term planning process post Sandy. She also stated that a developer went to the HBP and then brought to the Mayor and Council. She does not feel this she be pushed.

David Klein of 1 Scenic Drive spoke about the parking structure height. He would like the ordinance changed from underneath parking to adjacent parking. He further spoke of slope slides.

Craig Bahrs of 102 Portland Road spoke of the article in the Asbury Park Press about a Mayor from the Jersey Shore who was priced out of his home because he can't afford his property taxes. He further spoke of developers not wanting to come to this town because of the reputation it has for non- developing. He spoke favorably about the ordinance.

Mayor Nolan closed the public hearing.

Mayor Nolan offered a motion to return to Executive Session, seconded by Ms. Ryan and all were in favor.

Governing Body entered in to Executive Session at 10:04 p.m.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Mayor Nolan called the Regular Meeting back in session at 10:34 p.m.

ROLL CALL:

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

Mayor Nolan explained that Ordinance O-13-16 public hearing is closed. We are tabling this resolution until September 4th. We need more clarification.

Mr. Padula stated that the Mayor and Council are taking the comments from the Planning Board and the public under advisement.

Mayor Nolan offered a motion to carry Ordinance O-13-16 to the September 4th meeting, and seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

Other Business:

Mayors Appointment to Planning Board:

Mayor Nolan stated that there is an opening on the Planning Board as alternate #2. If interested, please fill out a Citizen Participation form at Borough Hall. We will be appointing someone on September 4th.

Replacement of Damaged Trees:

Mr. Hill said there are a number of trees along property line of the Baymen's Association that have died. They are asking for help to replace the trees to create a buffer.

Mr. Francy said he will look at the trees.

This is carried to next meeting.

Review of Proposal to Administer House Lifting Grant:

Tommy Horton and Lee Wordsmen of Arcadis were present. They spoke of their proposal for the House Lifting Grant.

Mr. Francy said there were originally 13 houses. It is now down to eight. Is there room to add more?

Tommy Horton explained the process. They may be an opportunity to add to upcoming grants.

Mayor Nolan explained that this grant is from Hurricane Irene.

Sandy Playground Concert:

Carla Braswell-Cefalo explained the concert will be held on Sunday, September 8th from 3pm – 6pm at the Seastreak Parking Lot. The concert will benefit the Sandy Ground Project which is building 26

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

playgrounds in memory of the 26 children and educators that died at Sandy Hook Elementary in Newtown, CT. Highlands has been selected to have one of the playgrounds built in Veterans Park in the name of Daniel Barden.

Mayor Nolan stated that we will put the information on the website.

Resolution of Support for Rutgers Study:

Mr. Francy stated that he would like the council to vote a resolution of support for the Rutgers-Lowstein School of Business. They are doing some work in Highlands, Sayreville and Sea Bright for recovery efforts post Sandy. He will work with Mrs. Cummins with Councils approval tomorrow to draft a resolution.

All were in favor.

Committee Reports:

Mayor Nolan stated that we will dispense with committee reports tonight.

Public Portion:

Lori Dibble of 32 Paradise Park spoke of waterfront development permits.

Mrs. Cummins stated that Ms. Dibble reviewed the files.

Barbara Ianucci said that permits are not needed if repairing. It is not new construction.

Mr. Stober of 1 Scenic Court spoke of minutes not on the website.

Mr. Padula stated that they were just approved tonight. There is a recording of the meeting that is available on the website.

Pauline Jennings of Ralph Street thanked council for deliberating.

Arnie Fuog of 50 Valley Street asked about property maintenance summonses.

Mr. Padula will get him the information once it is available.

Arnie Fuog asked where we stand with the sale of the Sewer Authority.

Mayor Nolan said we are dissolving the Sewer Authority. We will keep you up-to-date if anything changes regarding the sale. There is no offer.

Melissa McAleer of 52 Barbarie Avenue questioned employment of building maintenance inspectors.

Mr. Hill explained that they were hired thru the Work Force Development program. They are for visual assessments not physical inspections.

Melissa McAleer spoke of Resolution R-13-167 DBIZ loan. Is it the town's responsibility to pay it back?

Ms. Ryan said that she was mistaken at the last meeting but it is the town's responsibility.

Mr. Francy stated that it was made clear that the town was paying the loan back.

Carol of Bayside Drive asked when paving is going to re- start.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 21, 2013**

Mr. Leubner explained that they met with the contractors several weeks ago. They ran into a material issue under the roadway. The material was tested. It has to be dealt with appropriately. The contractor is scheduled to resume work with the next week or two.

Carla Braswell-Cefalo of explained that the loan is not for the just for the businesses, it is for flooding.

Ken Braswell updated council on AHHRSA. A new pressure main was installed. There is a new pipe on Buttermilk Valley. There is a meeting on next Thursday at 4:00.

There were no further questions.

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

The Meeting adjourned at 11:04 p.m.

Debby Dailey, Deputy Clerk

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

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