

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
September 4, 2013**

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

Mayor Nolan called the meeting to order at 7:03 p.m.

Ms. Dailey read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Work Shop/Regular Meeting of the Mayor & Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Also Present: Debby Dailey, Deputy Clerk
Tim Hill, Borough Administrator
Steve Pfeffer, Borough CFO
Bruce Padula, Borough Attorney
Dale Leubner, Borough Engineer
Robert Keady, Borough Engineer

Executive Session Resolution:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-186
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**
- 2.Contract: Sewer Dept Operations**
- 3.Real Estate:**
- 4. Personnel Matters: Steve Pfeffer, CFO – Riced RE: Retirement**
- 5. Attorney-Client Privilege: Monmouth Hills, Garbage Bid Specs, Sea Bright Service Center**

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, 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

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(or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. **Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).**
9. **Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.**

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

Seconded by Mr. Redmond 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 8:10 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

Mayor's Proclamation – Cancer Awareness:

Mayor Nolan read thru the Proclamation.

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Whereas, 36 children in the United States will be diagnosed with cancer each day and at an average age of six-years-old; and,

Whereas, one out of five children diagnosed with cancer will not survive the disease; and,

Whereas, the types of cancers that affect children are most often very different from those that affect adults; and,

Whereas, childhood cancer is not just one disease but is made up of a dozen types and countless subtypes of cancer; and,

Whereas, childhood cancer spares no socioeconomic, ethnic, racial or geographic class; and,

Whereas, pediatric cancer is the leading cause of death by disease in US children under 15 years of age; and,

Whereas, the causes of most pediatric cancers are largely unknown and not strongly linked to lifestyle, unlike adult cancers; and,

Whereas, two-thirds of childhood cancer patients will develop long-lasting chronic conditions resulting from treatment; and,

Whereas, the childhood cancer rates have been rising for the past few decades, and approximately 11,630 children in the US under the age of 15 will be diagnosed with cancer in 2013; and,

Whereas, cancer kills more kids than AIDS, asthma, cystic fibrosis, diabetes, and muscular dystrophy combined; and,

Whereas, in the last 25 years, only 2 drugs have been specifically developed for children's cancer; and,

Whereas, less than 5% of the federal government's total funding for cancer research is dedicated to childhood cancers, and only about 3% of funds raised for the National Cancer Institute go directly to pediatric cancer research; and,

Whereas, the funding for pediatric cancer research has gone down steadily since 2003; and,

Whereas, despite the facts, childhood cancer research is vastly and consistently underfunded; and,

Whereas, despite major advances in treatment, it is still critically important to conduct research and increase awareness regarding pediatric cancer,

Therefore, I Frank Nolan, Mayor of the Borough of Highlands, do hereby proclaim September 2013 CHILDHOOD CANCER AWARENESS MONTH in Highlands in order to help raise awareness of pediatric cancer and its victims

Frank L. Nolan, Mayor

Mayor Nolan acknowledged three women in audience and presented them each with a proclamation. He further explained that he and his family will be placing gold stars and ribbons throughout the town.

Lori Ann Nolan stated that window clings are available and for anyone interested to please contact her.

Consent Agenda:

Ms. Ryan spoke about R-13-187 – Resolution RE: Bayshore Trail. She stated that she has a petition if anyone would like to sign, to open up the trail. It will be sent to Congressman Pallone and Governor Christie and also to Monmouth County.

Mr. Francy said the Bayshore Trail is tied up with private residents.

Ms. Ryan stated that there is potential litigation against Monmouth County.

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Mr. Hill added that some private residents are against clearing the trail.

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

Resolution R-13-187

Resolution in support of the Monmouth County Park System efforts to make repairs to the Henry Hudson Trail and to request that the NJ DEP (and other funding / permitting agencies) review and assist the MCPS with this trail restoration project.

WHEREAS, the Borough of Highlands fully understands the challenges that agencies are faced with as we recover from the devastating impacts of Sandy; and

WHEREAS, the Henry Hudson Trail provides thousands of residents and visitors with a trail and access that encompasses a wide variety of outdoor experiences; and

WHEREAS, the Henry Hudson Trail provides affordable passive and active recreational opportunities in a safe, close to home environment; and

WHEREAS, the Henry Hudson Trail also provides an alternative mode of transportation while promoting and supporting small businesses in Highlands through its' use; and

WHEREAS, the closure of this section of the Trail has had a negative impact on the overall quality of life enjoyed by many as well as the eco-tourism of the Borough of Highlands.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Highlands, NJ requests that the Monmouth County Board of Chosen Freeholders and the Monmouth County Park System complete all of the necessary repairs to the Henry Hudson Trail from Popamora Point to the border of the Atlantic Highlands Marina, as well as other areas of the trail as deemed appropriate; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Highlands, NJ also requests that the NJ DEP (and any other funding / permitting agencies) expeditiously facilitate the review process in an effort to assist the Monmouth County Park System with their post-Sandy Henry Hudson Trail restoration.

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

ROLL CALL:

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

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

**R-13-188
RESOLUTION FOR RENEWAL OF MEMBERSHIP
IN THE
MONMOUTH MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Highlands is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2013 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, be it resolved as follows:

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1. The Borough of Highlands agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently exists or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be hereby authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

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

**R-13-189
RESOLUTION AUTHORIZING
THE SUBMISSION OF A REVISED APPLICATION FOR THE MUNICIPAL
ALLIANCE GRANT
FOR CALENDAR YEAR 2013**

WHEREAS, the Highlands Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Highlands Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Highlands Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

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

1. The Highlands Borough Council does hereby authorize submission of a revised application for the Highlands Municipal Alliance grant for calendar year 2013 in the amount of \$28,525.00.
2. The Highlands Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

**RECAP OF PAYMENT OF BILLS
09/18/2013**

CURRENT:		\$	23,144.58
Payroll	(09/15/2013)	\$	112,408.38
Manual Checks		\$	44,194.32
Voided Checks		\$	
SEWER ACCOUNT:		\$	614.10
Payroll	(09/15/2013)	\$	2,886.66
Manual Checks		\$	10.90
Voided Checks		\$	
CAPITAL/GENERAL		\$	10,776.92
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	12.63
Payroll	(09/15/2013)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	409.55
Payroll	(09/15/2013)	\$	4,983.64
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

**SUPPLEMENTAL BILL LIST
September 18, 2013**

CURRENT FUND

Arcadis	FEMA Services	13,383.00
Branin Contracting Co.	Emergency Demolition	40,786.77
Aqua Pro Tech Laboratories	Bayside Drive Soil Testing	3,900.00

Total Current Fund 58,069.77

CAPITAL FUND

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Total Capital Fund	0.00
GRANT FUND	
Total Grant Fund	0.00
SEWER UTILITY FUND	
Total Sewer Utility Fund	0.00
TRUST FUND	
Total Trust Fund	0.00
Total Supplemental Bill List	58,069.77

ROLL CALL:

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

Minutes Approved on Consent Agenda:

There were no minutes on for approval.

Other Resolutions:

R-13-190 – Resolution Awarding Emergency Demo Contract:

Ms. Dailey read the title of Resolution R-13-190.

Mr. Padula stated that there is a correction, and should include three homes.

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

R-13-190

BOROUGH OF HIGHLANDS

**RESOLUTION AWARDING EMERGENCY DEMOLITION CONTRACT TO BRANIN
CONSTRUCTION COMPANY FOR THE DEMOLITION OF THREE HOMES IN THE
BOROUGH OF HIGHLANDS WHOSE STRUCTURAL INTEGRITY HAS BEEN
COMPROMISED AS A RESULT OF THE COLLAPSE OF A ONE OF THE ADJACENT
HOMES ON AUGUST 23, 2013**

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WHEREAS, the Borough of Highlands may award emergency contracts pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-6 without public advertising for bids when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, on August 23, 2013, a home located at 1 Locust Street, Highlands, NJ 07732, damaged as a result of Superstorm Sandy, collapsed while being raised; and

WHEREAS, the Borough Construction Official has determined that house being raised and as a result of the collapse, the safety of two adjacent homes has been compromised such that there is an emergency which threatens the public health and safety; and

WHEREAS, the Construction Official determined that the two adjacent homes must be demolished in order to alleviate the threat to the public health and safety; and

WHEREAS, the Borough Construction Official, Borough Engineer, Chief Financial Officer, Mayor and Council President were present and/or made aware of the emergency on August 23, 2013 and the need for invoking N.J.S.A. 40A:11-6; and

WHEREAS, all required Borough officials were present and determined that an emergency does exist and authorized the award of a contract for the demolition of the two homes; and

WHEREAS, the Borough wishes to award a contract for the demolition of the home being raised and two homes to Branin Construction Company, P.O. Box 415, Highlands, NJ 07732.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands as follows:

1. As a result of the home collapse on August 23, 2013, an emergency exists, which threatens the public health and safety of the Borough residents and requires the demolition of the house being raised and the two adjacent homes.
2. The Borough approves an emergency contract with Branin Construction Company to demolish the two homes in an amount not to exceed \$40,786.77.
3. Upon Branin Construction Company's completion of the emergency contract, it shall be entitled to payment and the governing body of the Borough shall take such action as shall be required to provide for the payment of the contract price.
4. The Borough shall seek reimbursement from the contractor lifting the home at the time of its collapse and/or its insurance company.
5. The mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Branin Construction Company to effectuate the purposes of this resolution.

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

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ROLL CALL:

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

R-13-191 – Resolution Extending DPW Temporary Seasonal Employment:

Ms. Dailey read the title of Resolution R-13-191.

Mr. Hill explained the lack of workers due to vacations and the need for help with bulk and leaf and brush pick up. The money is in the budget.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-191
RESOLUTION EXTENDING TEMPORARY SUMMER SEASONAL EMPLOYEE FOR
THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need with in the DPW department to extend temporary summer employee to work with the DPW through the end of September; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following seasonal temporary appointment for Anthony Johnson, Laborer is hereby extended to September30, 2013. Compensation will remain the same \$15.00 per hour.

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

ROLL CALL:

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

R-13-192 – Resolution – Capital Budget Amendments:

Ms. Dailey read the title of Resolution R-13-192.

Mr. Pfeffer stated that this is an amendment to the original budget

INSERT R-13-192

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R-13-193 – Resolution Amending R-11-95 Profession Engineering Services for Highland Avenue Reconstruction:

Mr. Padula read the title of Resolution R-13-193.

Mr. Leubner explained the overage of \$35,000.00. They are asking for \$18,000.00. He said that NJDOT is coming in with a final check soon.

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

**R-13-193
RESOLUTION AMENDING RESOLUTION R-11-95
PROFESSIONAL ENGINEERING SERVICES OF A NON-FAIR AND OPEN
CONTRACT FOR
HIGHLAND AVE AREA RECONSTRUCTION
T & M ASSOCIATES**

WHEREAS, there exists the need for professional engineering services for the Highland Ave Area Reconstruction 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 T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, a contract was awarded on November 6, 2011 for an amount not to exceed \$60,000 plus reimbursable expenses for the Highland Avenue Area Reconstruction Project; and

WHEREAS, T & M Associates has requested an additional \$18,000 for additional services performed beyond the scope of the original contract due to utility conflicts and failure; and

WHEREAS, the Governing Body of the Borough of Highlands has agreed to pay \$5,750, half the requested the amount for a total revised contract amount of \$78,000; and

Certification of Funds: Bond Ordinance 11-6

Stephen Pfeffer, Chief Financial Officer

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, the determination of value has been placed on file with this resolution with the Borough Clerk; and

WHEREAS, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

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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 Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional planning services is hereby increased by \$18,000 for a total contract amount not to exceed of \$78,000 plus reimbursable expenses.
2. This 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 person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

R-13-194 – Resolution Approving Separation Agreement and Release with Michael Mullin:

Mr. Padula read the title of Resolution R-13-194.

Mr. Padula stated that this was the amount agreed upon after many discussions.

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

**R-13-194
RESOLUTION
APPROVING SEPARATION AGREEMENT AND RELEASE WITH MICHAEL
MULLIN AND APPROVING A FULL AND FINAL RELEASE AND SEPARATION
AGREEMENT**

WHEREAS, the Borough of Highlands formerly employed Michael Mullin; and

WHEREAS, Mullin's last date of employment with the Borough was on January 31, 2013; and

WHEREAS, due to the litigation which Mullin brought concerning his separation of employment, final payment for unused accrued time was not made; and

WHEREAS, the parties have agreed to amicably resolve this matter in lieu of continuing litigation; and

WHEREAS, the Borough wishes to make a final severance payment to Mullin according to contract and to secure a release of any claims Mullin may have against the Borough;

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

1. The Borough approves the Full and Final Release and Separation Agreement and authorizes the Mayor to execute the Agreement on behalf of the Borough; and

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2. The Borough authorizes payment of \$2,300 to Mullin representing payment of accrued unused leave time according to contract as consideration for full and final release and separation agreement. Payment shall be made via payroll check with deductions to be made as appropriate and as required by law.

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

ROLL CALL:

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

R-13-195 – Resolution Approving an Agreement with Sea Streak for Benefit Concert:

Mr. Padula read the title of Resolution R-13-195.

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

**R-13-195
RESOLUTION APPROVING AN
AGREEMENT WITH SEA STREAK, LLC REGARDING
A SEPTEMBER 8TH, 2013 BENEFIT CONCERT**

WHEREAS, Helping Highlands Survivors and Highlands Business Partnership are involved in promoting a benefit concert on September 8th, 2013 to benefit the Borough and the Sandy Ground Project to be held at Sea Streak parking lot; and

WHEREAS, this concert shall provide a significant benefit to the Borough and

WHEREAS, the proposed agreement does not require any monetary payment on the part of the Borough;

NOW, THEREFORE, BE IT RESOLVED the Governing Body approves the agreement with Sea Streak in substantially the form attached hereto, incorporated herein by reference, and subject to review and legal approval.

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

Ordinances: Final Reading & Adoption:

O-13-16 Zoning Ordinance Amendment MH Zone:

Mr. Padula explained that the vote was tabled at the last meeting.

ORDINANCE FAILED ADOPTION

Ms. Kane offered the following ordinance for consideration:

ORDINANCE #O-13-16

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE
REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED
“ZONING” TO MODIFY THE REQUIREMENTS OF THE MH MOBILE HOME
RESIDENCE DISTRICT, AND TO FURTHER ALLOW HIGH RISE MULTI-FAMILY**

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**DEVELOPMENTS IN THE MH ZONE AS A CONDITIONAL USE, AND TO
ESTABLISH REGULATIONS PERTAINING THERETO.**

WHEREAS, the governing body of the Borough of Highlands finds that it is in the best interest of the municipality to amend Section 21 of the Revised General Ordinances of the Borough as outlined below.

NOW, THEREFORE, BE IT ORDAINED that Section 21 of the revised general ordinances of the Borough of Highlands be and hereby is amended in following part only:

SECTION ONE: § 21-89 (MH Mobile Home Residence) is hereby amended and supplemented as follows: (Additions noted by underline. Deletions noted by strikeover)

1. Permitted Accessory Uses:

Utility Buildings incidental to residential use.

Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis Courts.

Other accessory uses and structures incidental to the permitted principal and conditional uses, including but not limited to structured parking for multi-family residences only.

2. Conditional Uses:

Satellite Dish Antennas

High Rise Multi-family dwellings, and structured parking accessory or appurtenant thereto subject to the requirements of §21-97.M. High rise multifamily developments shall be defined as a building of eight (8) stories or more.

SECTION TWO: §21-97 Conditional Uses is hereby supplemented to add new section M entitled High Rise Multifamily Developments as follows:

M. High Rise Multi-Family Developments in the MH Zone

High Rise Multi-family developments in the MH Zone are subject to RSIS standards, and shall not be required to meet the requirements of Schedule 1 where said requirements are inconsistent with either RSIS or the follow requirements.

1. Density shall not exceed 32 dwelling units per acre
2. Minimum lot size: 10 acres.
3. Minimum front yard setback: 100 feet to a principal building or structured parking facility
4. Minimum side yard setback: 60 feet to a principal building or structured parking facility
5. Minimum rear yard setback: 60 feet to a principal building or structured parking facility
6. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street
7. Maximum building coverage: 25 percent
8. Maximum lot coverage: 50 percent

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9. Maximum FAR: 1.50. The floor area of structured parking facilities underneath and adjacent to residential buildings shall not be considered as floor area for purposes of the Floor Area Ratio (FAR).
10. Maximum Height:
- a. Residential buildings: 120 feet, not including the height of attached parking structures. The height of residential buildings shall be measured from the floor of the building lobby or the first level that contains dwellings whichever is lower. Elevator shaft may exceed this limitation by no more than 15 feet.
 - b. Structured parking: 45 feet. Parking structures may be located underneath and/or adjacent to residential buildings.
 - c. Recreational facilities and other accessory structure: 25 feet.
11. Accessory Structures:
- a. Recreational facilities. Recreational facilities shall be provided for the use of residents of the high rise multi-family development. Such facilities shall be setback a minimum of 50 feet from any property line.
 - b. Signs. Development identification signs shall be permitted adjacent to the main entrance of a high rise multi-family development. Such signs shall either consist of a monument sign or be mounted on a freestanding wall. The maximum number of signs shall be two faces on a monument sign or two wall-mounted signs. The maximum area per sign face shall not exceed 100 square feet. A development identification sign shall be setback a minimum of 5 feet from any property line.
 - c. A gatehouse or similar structure shall be permitted within 75 feet of driveway entrances providing access to a public street.

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 Mayor Nolan and NOT ADOPTED on the following roll vote:

ROLL CALL:

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

Ordinances: Introduction & Setting of a Public Hearing Date for September 18th, 2013:

O-13-25 – Ordinance Amendment for MH Zone

Ms. Dailey read the title of Ordinance O-13-25 Zoning Ordinance Amendment for MH Zone.

Mayor Nolan explained that we are sending this to the Planning Board.

Mr. Padula stated that we are voting on introduction.

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Mayor Nolan offered the following ordinance pass introduction, that a public hearing date be set for September 18, 2013 at 8:00 P.M. and authorized publication according to law:

O-13-25

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED “ZONING” TO MODIFY THE REQUIREMENTS OF THE MH MOBILE 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.

Carolyn Cummins 9/4/13 11:31 AM

Deleted: ORDINANCE

Carolyn Cummins 9/4/13 11:31 AM

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WHEREAS, on July 3, 2013, the Borough introduced Ordinance 13-16 (the “Ordinance”) which, among other things, amended height and density restrictions within the MH zone; and

WHEREAS, the Ordinance was scheduled for a public hearing on August 21, 2013; and

WHEREAS, pursuant to N.J.S.A. 40A:55D-64, the Ordinance was referred to the Planning Board for review and recommendation; and

WHEREAS, N.J.S.A. 40A:55D-26 provides in pertinent part that, if the Planning Board does not comment on a referred zoning ordinance within thirty-five (35) days, the governing body may consider the ordinance for adoption without Planning Board comment; and

WHEREAS, the Planning Board requested an extension of time to consider the Ordinance, which, by Resolution adopted on July 17, 2013, the governing body granted that extension; and

WHEREAS, by Resolution adopted on August 8, 2013, the Planning Board found that the Ordinance was partially consistent with the Master Plan but also expressed concerns, inter alia, about (a) parking, (b) slope, and (c) maximum height; and

WHEREAS, the remaining Planning Board comments were otherwise supportive of the Ordinance; and

WHEREAS, at its meeting on August 21, 2013, the governing body accepted and reviewed the comments of the Planning Board and discussed those comments with the Borough Attorney during open and closed executive session on August 21, 2013; and

WHEREAS, the governing body conducted a public hearing on the Ordinance at its meeting on August 21, 2013; and

WHEREAS, after consideration of public comment on the Ordinance and the comments of the Planning Board as stated in its August 8, 2013, the governing body voted to postpone third and final reading of the Ordinance until its meeting on September 4, 2013; and

WHEREAS, the governing body values the comments of the Planning Board and of the public; and

WHEREAS, the governing body wishes to introduce this amended ordinance to address the recommendations of the Planning Board; and

WHEREAS, the first comment of the Planning Board recommends that the Ordinance address steep slope and slump block issues by considering a sliding set-back provision, based on height to protect the “ridge-line” and steep slope areas; and

WHEREAS, this amended ordinance addresses those concerns by adopting a bulk requirement that any high rise developments in the MH Zone District comply with the minimum foundation clearances from the slope requirements of the International Building Code (IBC),

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2009 or later, New Jersey edition, and further requiring a minimum setback from the tract perimeter top of slope shall not be less than forty (40) feet; and

WHEREAS, this requirement is in addition to the Steep Slope and Slump Block Ordinance, § 21-84B enacted in 2009, which requires:

Any increase in impervious areas disturbance of soil or redirection of stormwater in areas of slopes from twenty to thirty-five (20% to 35%) percent must have a plot plan approved by the Borough Engineer prior to the issuance of any construction permits and the start of any construction activities. Such plan shall provide information on the extent of the disturbance, the stability of the soils, the existing topography and proposed grading, the temporary and permanent soil erosion and soil stability methods, and any other information required by the Borough Engineer to insure that proper construction techniques are used in the steep slope areas. Where slopes exceed thirty-five (35%) percent there shall be no disturbance of the steep slope areas. In addition there shall be no disturbance of the areas within fifteen (15) feet of the top of slope and no structures located within twenty-five (25) feet of the top of slope; nor there be any disturbance within ten (10) feet of the toe of the slope or any structures located within fifteen (15) feet of the toes of the slope.

In and adjacent to areas indicated as slump blocks in the Borough's Master Plan, the Board may require further study, including soils and other technical reports, on the stability of the soils and any special construction techniques or limitations to construction required to address the issues of the slump area. (Ord. #O-09-23 § 6); and

WHEREAS, the amendments provided herein and the Steep Slope and Slump Block Ordinance adequately address the concerns raised by the public and the Planning Board; and

WHEREAS, the governing body has also considered the report of the James P. Minard entitled "Slump Blocks in the Atlantic Highlands of New Jersey," prepared in 1974, ("Minard Report") which, in its conclusions and recommendations, states: "It seems evident that careful thought, planning, investigations, tests, and analyses should be undertaken before construction is begun in any areas on definite slump blocks, probable or possible slump blocks, along zones of weakness, or near the edges of the tops of any of the high, steep bluffs;" and

WHEREAS, governing body finds that the amendments to the Ordinance and the previously adopted Steep Slope and Slump Block Ordinance, § 21-84B of the Borough Code, support the concerns raised by the Minard Report; and

WHEREAS, the second and third recommendations of the Planning Board were that any reference to ten (10) stories be a "maximum," not a "minimum," including any attached parking structure and

WHEREAS, any reference to ten-story minimum was for definitional purposes only; and

WHEREAS, the governing body declares that it is the intent of the Ordinance, and the amendments including herein, to provide a maximum height of 120 feet and ten (10) stories, including any attached parking structure; no structure exceeding 120 was permitted by the Ordinance or by this Amended Ordinance; and

WHEREAS, the recommendations of the Planning Board four (4) through seven (7) and nine (9) are findings of fact and not recommendations related to the Ordinance; and

WHEREAS, recommendation eight (8) concerns a recommendation to rezone the adjacent zone containing the Eastpointe Project; and

WHEREAS, the governing body shall, in the future consider that recommendation, as well as revisions to the Master Plan; however, the governing body finds that such concerns need

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not be addressed in the context of this amended ordinance, which addresses the specific concerns raised by the Planning Board; and

WHEREAS, the governing body finds that this amended ordinance addresses the recommendations of the Planning Board, is consistent with the Master Plan, and permits uses which are compatible with surrounding uses and compatible with a comprehensive zoning plan; and

WHEREAS, the surrounding uses include the Eastpointe high-rise to the northwest and highway commercial along the adjacent State Highway 36;

WHEREAS, the governing body of the Borough of Highlands finds, for the aforementioned and other reasons, that it is in the best interest of the municipality to amend Section 21 of the Revised General Ordinances of the Borough as outlined below.

NOW, THEREFORE, BE IT ORDAINED that Section 21 of the revised general ordinances of the Borough of Highlands be and hereby is amended in following part only:

SECTION ONE: § 21-89 (MH Mobile Home Residence) is hereby amended and supplemented as follows: (Additions noted by underline. Deletions noted by strikeover)

3. Permitted Accessory Uses:

Utility Buildings incidental to residential use.

Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis Courts.

Other accessory uses and structures incidental to the permitted principal and conditional uses, including but not limited to structured parking for multi-family residences only.

4. Conditional Uses:

Satellite Dish Antennas

High Rise Multi-family dwellings, and structured parking accessory or appurtenant thereto subject to the requirements of §21-97.M. For purposes of this zone district, high rise multifamily developments shall be defined as any building of greater than six stories and no greater than ten (10) stories .

SECTION TWO: §21-97 Conditional Uses is hereby supplemented to add new section M entitled High Rise Multifamily Developments as follows:

M. High Rise Multi-Family Developments in the MH Zone

High Rise Multi-family developments in the MH Zone are subject to RSIS standards, and shall not be required to meet the requirements of Schedule 1 where said requirements are inconsistent with either RSIS or the follow requirements.

1. Density shall not exceed 32 dwelling units per acre
2. Minimum lot size: 10 acres.
3. Minimum front yard setback: 100 feet to a principal building or structured parking facility
4. Minimum side yard setback: 60 feet to a principal building or structured parking facility
5. Minimum rear yard setback: 60 feet to a principal building or structured parking facility

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6. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street
7. Maximum building coverage: 25 percent
8. Maximum lot coverage: 50 percent
9. Maximum FAR: 1.50. The floor area of structured parking facilities underneath and adjacent to residential buildings shall not be considered as floor area for purposes of the Floor Area Ratio (FAR).
10. Maximum Height:
 - d. Residential buildings: 120 feet, but not greater than ten stories. The height of residential buildings shall be measured from the floor of the building lobby or the first level that contains dwellings whichever is lower. Elevator shaft may exceed this limitation by no more than 15 feet.
 - e. Structured parking: 45 feet. Parking structures may be located underneath and/or adjacent to residential buildings.
 - f. Recreational facilities and other accessory structure: 25 feet.
11. Accessory Structures:
 - a. Recreational facilities. Recreational facilities shall be provided for the use of residents of the high rise multi-family development. Such facilities shall be setback a minimum of 50 feet from any property line.
 - b. Signs. Development identification signs shall be permitted adjacent to the main entrance of a high rise multi-family development. Such signs shall either consist of a monument sign or be mounted on a freestanding wall. The maximum number of signs shall be two faces on a monument sign or two wall-mounted signs. The maximum area per sign face shall not exceed 100 square feet. A development identification sign shall be setback a minimum of 5 feet from any property line.
 - c. A gatehouse or similar structure shall be permitted within 75 feet of driveway entrances providing access to a public street.

12. Steep Slopes and Setback from Slopes.

Development of high rise developments in the MH Zone District shall comply with the minimum foundation (face of footing) clearances from the top of a steep slope, at the tract perimeter, of the International Building Code (IBC), 2009 or later, New Jersey edition, as illustrated in Figure 1808.7.1 of the 2009 IBC, NJ edition and with the Steep Slope and Slump Block Ordinance, § 21-84B of this Code. The minimum clearance of the face of the footing and setback shall apply only to the top of a steep slope at the tract perimeter and shall be the least of the smaller of the height of the slope divided by three (3) or forty (40) feet, in accordance with the IBC, 2009 above and illustrated in Figure 1808.7.1 of the 2009 IBC. Notwithstanding the foregoing, the minimum setback from the top of a steep slope at the tract perimeter shall not be less than forty (40) feet.

This requirement shall be considered as a bulk requirement of the conditional use. Relief for the steep slope and slope setback requirement, above shall be addressed under 40:55D-970.c.

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.

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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 introduced on the following roll call vote:

ROLL CALL:

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

Ordinances: Introduction & Setting of a Public Hearing Date for October 2nd, 2013:

O-13-26 – Bond Ordinance-Flood Mitigation

Ms. Dailey read the title of Ordinance O-13-26 Bond Ordinance – Flood Mitigation

Mr. Pfeffer recommended that we have the public hearing on October 2nd because of the publication dates.

Mayor Nolan offered the following and moved on its introduction and setting of a public hearing for October 2, 2013 at 8:00 p.m. and further authorized its publication:

O-13-26

**BOND ORDINANCE PROVIDING FOR THE HIGHLANDS
FLOOD MITIGATION PROJECT IN AND BY THE BOROUGH
OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, APPROPRIATING \$800,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE COST
THEREOF.**

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") desires to undertake the improvement described in Section 3(a) of this bond ordinance (the "Flood Mitigation Project"); and

WHEREAS, the Borough applied for and received a loan from the Department of Community Affairs Business Improvement Loan Fund to fund a portion of the cost of the Flood Mitigation Project; and

WHEREAS, pursuant to N.J.S.A. 40:56-71.5, N.J.S.A. 40:56-72 and N.J.S.A. 40:56-13, the Borough is permitted to provide for all or a portion of the cost of a local improvement, including the Flood Mitigation Project; and

WHEREAS, the Borough has determined that the Flood Mitigation Project will benefit the entire Borough, and not just the owners of certain properties located within the Borough; and

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WHEREAS, accordingly, the Borough has determined to provide for the cost of the entire Flood Mitigation Project, including the repayment of the State Loan.

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 as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$800,000, including a \$530,000 loan expected to be received from the State of New Jersey Department of Community Affairs (the "State Loan"), and further including the sum of \$40,000 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 \$760,000 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 Highlands Flood Mitigation Project, consisting of the installation of a dedicated drainage system from Route 36 to Jones Creek, 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.

(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

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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 40 years.

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(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 \$760,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$225,000 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(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 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

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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. Franczy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Committee Reports:

Finance

Mr. Pfeffer explained grants received and that we received the final payment from Monmouth County for the Work Force.

Public Safety

No Report.

Administration

Mr. Hill read thru his report.

1. Various Recovery Related items:

- a. FEMA: Working with Arcadis and State OEM for ongoing Project Worksheets.
- b. FEMA Disaster Recovery Coordination Team – Recovery Planning process has started with Public Session, Steering Committee meetings and sub-committee meetings.
- c. WorkForce Development Program – Positions are being filled based on resumes and interviews.

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- d. Meeting held 8/21 with Municipal Joint Insurance Fund Members to review additional insurance claims and process for uncovered flood damages.

2. Department of Public Works

- a. Reminder that next Bulk & Brush Pick-ups are SCHEDULED FOR September Zone 1st Week of 9/3, Zone 2 Week of 9/9, Zone 3 Week of 9/16, Zone 4 Week of 9/23.
- b. Have been tending to grass cutting, debris removal rounds and other projects as assigned.
- c. Electrical Repairs completed at Huddy Park.
- d. Worked on various storm drain issues, washout along roadway at Chestnut and Oak, and Bayside Drive.

3. Building and Housing:

- a. Construction Office (7/1-8/19) 165 permits issued \$61,400 in fees received
Inspection Details: 158 Building, 164 Electrical, 101 Plumbing, 7 Fire
- b. Code Enforcement (7/1-8/1) 34 CO Inspections completed, 9 Summons issued for property maintenance violations.
Mercantile License Letters were sent out to Businesses that are operational after Sandy. Only 1 non-compliant – summons issued.

4. Recreation Department:

- a. Summer Kidfest Program ended Aug. 16th. Had 115 children registered. Weekly special events, trips and
- b. This is our 35th year of participating in the Grant funded USDA Summer Nutrition Program for Children.
- c. Teen Nights held July 12, 19, 26 and Aug. 9 & 16 = average attendance 25
- d. Twinlights Basketball Camp held July 22-26th & Baseball /Softball Camp August 5th – 9th at Henry Hudson Regional
- e. Lifeguards – shortage of guards has created p/t scheduling / coverage.
- f. CPC Behavioral Health Services continues to provide programs and counseling in the community.
- g. Fall/ Winter programs being planned using Highlands Elementary and Henry Hudson Regional School. (Kids on the Move ages 8-14, Adult Indoor Soccer, Adult Basketball, Volleyball, Youth Basketball Leagues, Fall Soccer, & Teen Night activities.
- h. Flu Shot Clinic being held on Thursday, September 12, 2013 from 11:00 a.m. to 12 noon.

5. Administration

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- a. Fort Hancock 21st Century Advisory Committee meeting held August 2nd
– review of REFI draft (Request for Expressions of Interest) see web site
forthancock21stcentury.org for complete info.
- b. Distribution Center – consolidating items, continue to distribute.
- c. Working with JCP&L on Critical Facility data and emergency contact
updates. Note: 2 substation (4 circuits) service 3,250 customer hook ups.
- d. Twin Lights Historical Society – Would like support with regards to the
new 2014-15 Twin Lights Museum “Seeing Stars” Special Exhibit
commemorating the Pledge of Allegiance.
- e. (ADDED To Sept. Report):
Workforce Development Program Started up again on 9/3/13 –
Clerical help, Volunteer Coordinator, Building Maint. Inspectors are
working on Solution Center, Distribution Center and Block by Block
Assessments.

Library

Ms. Ryan said that there isn't a library. All town buildings were destroyed in the storm. She spoke about rehabbing the Community Center. She would like council to start discussions on this and to make this happen now. She will have more information for the council at the Oct. 2nd meeting.

Mr. Hill stated that we are looking at various options regarding rehab such as; elevation, lifting or flood proofing. He further explained raising utilities and FEMA process.

Mr. Francy said that we should make the second floor habitable.

Highlands Business Partnership

Carla Cefalo-Braswell read thru her report.

VISUAL IMPROVEMENT COMMITTEE

The Bay Avenue Maintenance Program began late in June due to the aftermath of Sandy and will continue through the end of October. All weeds were removed, gutters and sidewalks were cleaned and the planters were watered on Bay Avenue on a weekly basis. HBP will look into the cost for a maintenance company more that could perhaps expand into other areas of town.

We are in the process of organizing and leasing Holiday decorations for Bay Avenue. We have submitted a request to JCPL to replace the 5 old timers with the new convenient solar cells at a cost of \$455.00 each. We seek Mr. Hill's assistance to follow up with JCPL.

We have received orders for a few more benches and will place the order when we have 10 in place. We will work Councilwoman Kane & Ryan to assist with funding for the planned kiosks in the park. We were in the process of purchasing kiosks prior to Sandy so we will carry through with our commitment. Mayor Nolan did refer HBP to Seastreak about a kiosk at the terminal.

MARKETING AND EVENTS COMMITTEE

12th Annual Bike NY Twin Light Bike will be held on September 29th and Bike NY is soliciting donations for Hope For Highlands. We will ask to have the committee there as well to assist with fundraising and anyone else that can help. The VFW graciously permitted use of their space and Bike NY will make a \$250 donation to the VFW.

The 13th Annual Oktoberfest will be held on October 5th from 2-9PM with a Rain date of October 6th. Please help out, get involved and have fun.

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HBP will assist with the Maureen Welch & Arnie Fuog for their Mennonite concert to be held on October 12th, details will be worked out with appropriate officials and more announcements will follow.

We give special thanks to the Mayor & Council, HPD, HFD, OEM, HFA, DPW, Administrative Offices and the Highlands Recreation for their partnership and cooperation for the 19th Annual Clam Fest. Despite the rain and the last minute ride fiasco, the festival was an overwhelming success. Police Officer George Ruth and the explorers should be commended for an outstanding job. The explorer program is an asset to the community and HBP would like to see their programs expanded and more visible in the community. Most of all thank you to all of the volunteers for their commitment in making the festival a great success.

ECONOMIC DEVELOPMENT COMMITTEE

HBP ED continues to work with Mayor & Council and Borough Officials to encourage development by supporting and promoting the new storm water management program. The DBIZ funding should be announced at any time now but due to the delay in the state's fiscal budget, announcements are delayed. HBP continues to make ED recommendations such as the Transit Village Designation and Bay Avenue Redevelopment plans. One major concern is that we pay close attention to post SANDY design guidelines. Once these and other new incentives are in place, we will invest in a business recruitment package promoting the new opportunities, tax abatement and relaxed zoning.

Mayor Nolan directed Mrs. Braswell to inform the Chief of Police regarding the Concert to be held at Huddy Park in October.

Shared Services

Mr. Francy spoke of the AHHRSA dissolution. He is meeting with the Financial Board in November or December. The Financial Board has to approve the dissolution. The DEP will also review our plans to run the sewer system. He further explained the process. He spoke of several options such as; TOMSA taking over, contracting it out, or running it ourselves. He stated that the DEP will not let the dissolution happen unless they see that we can handle this. It will happen under controlled circumstances.

Other Business:

9/11 Ceremony

Ms. Kane stated that the Highlands Fire Department will have a 9/11 ceremony at the Memoria Project in Veteran's Park on September 11th at 7:00 p.m.

Replacement of Trees

Mr. Francy will meet with Mr. Hill to further discuss.

Non- Partisan Petition

Mr. Padula stated that there is nothing to report. It is going to referendum.

DOT

Mr. Leubner explained a local aid grant that is available to resurface and rehabilitate road. It is due by December 20th. He is asking council for authorization to proceed and to decide which roads they would like to consider.

Mayor Nolan asked all council to weigh in and email their thoughts and ideas to Mr. Leubner by the next meeting.

Mr. Leubner stated that this is a full grant, not a matching grant. The amount is between. \$150k to \$200k. He further explained past projects.

Mr. Pfeffer left the meeting at 9:05 p.m.

Public Portion:

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Don Manrodt of 268 Bayside Drive asked about the \$30k grant and why we have to fill out ourselves.

Mr. Leubner explained that in the past, each town would submit for the grant on behalf of the residents. They have now changed the process. He gave website information and phone number. It will be listed on our website also. He further explained the requirements to qualify for this grant.

Mayor Nolan directed Mr. Leubner to send letters to the people he has on the list.

Kim Skorka of Shore Drive asked to have the agenda place in the hallway before the meetings. She also asked if the Mayor's town meetings will be back on the website. She also spoke of extra police needed at the Windansea after the Clamfest.

Chief Blewett said they also had extra taxis brought in and tickets were written.

Kim Skorka also asked about the effect unratables would have on the town, what is the flip side.

Mayor Nolan stated that the schooling cost is already set. We have a loss of students due to the storm.

Kim Skorka questioned if traffic studies were done on Shadow Lawn, public access and the number of units.

Mayor Nolan explained the view shed and public access.

Tony _____ of 1 Scenic Drive asked why we would gamble with future slides.

Mayor Nolan replied that there will be Geo-Tech studies.

John MacAleer of 52 Barbarie Avenue asked Mr. Leubner about building inspections and the house that dropped. He mentioned the house that is lifted on lolly columns. Are we looking at the contractors qualifications?

Mr. Leubner explained the process. He looks at the flood plain and zoning. The construction official takes over for the structure of the building. We do require that an engineer and architect certify the plans.

Discussion continued.

Mayor Nolan stated that they are looking to do a pre-lift meeting.

Discussion continued with John. MacAleer on various houses being lifted.

John MacAleer spoke of abandoned properties and it needs to be addressed and houses that are on the demo list.

Mr. Hill stated that FEMA made determination of properties that are more than 50% damaged. Bonding is being put in place.

John MacAleer stated that we need to get property owners or banks to clean up these properties and issue fines or violations.

Mr. Padula stated that an ordinance is in place and spoke of the process.

Melissa MacAleer of 52 Barbarie Avenue spoke of the bond ordinances and what section 20 cost means.

Mr. Padula stated that the CFO has left. He would have that information.

Melissa MacAleer spoke of a bond ordinance to demo homes. Where is this list?

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Mr. Hill said the list has changed sustainably. We need to have the money in the budget.

Mayor Nolan said the list has dropped from 100 and is now down to about 40.

Melissa MacAleer asked about Resolution R-13-190. How was it determined that all three houses were demolished. There was no damage to third house. She has video.

Mayor Nolan stated that the construction official makes the call and all on site were in agreement.

Maureen Welch spoke of ordinances for MH Zone. It seems about 85% the same.

Mayor Nolan said the planning board recommended changes. It addresses changes.

Maureen Welch asked if this is best for the residents.

Mr. Padula stated to wait for the public hearing.

Maureen Welch stated that questions were not answered.

Mr. Padula said the council cannot answer until the planning board comments are reviewed. The first ordinance no longer exists.

Arnie Fuog of 50 Valley Street spoke of the loan for DBIZ. It was originally stated that the businesses would pay for it. Will it be the business and the residents?

Mayor Nolan said everyone will be, ultimately.

Mr. Padula stated that the Borough is responsible for the loan.

Arnie Fuog spoke of the high-rise petition and if it was approved.

Mr. Padula stated the clerk is absent tonight. He will check with Mrs. Cummins tomorrow and notify Mr. Fuog.

Mr. Hinky asked what the procedure is for voting referendum.

Mr. Padula explained that there really is not a procedure. There are separate procedures for ordinance. He cannot give legal advice to him. He should seek legal advice.

Mayor Nolan stated that nothing in place for the referendum.

Doug Card of Shrewsbury Avenue spoke of the part time code enforcement officer and we explored making it a full time position.

Mayor Nolan explained that it is still in discussion.

Doug Card asked who owns the two school buildings in town and spoke of consolidation.

Mr. Padula stated that it is two separate entities.

Ms. Ryan said there is a law that you cannot have young children with teenagers. She further explained the process to separate.

Constance _____ of 1 Scenic Drive asked about spot zoning. What is citation for that?

Mr. Padula referred to the Cox Land Use Book that the Planning Board uses.

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Constance spoke of the high-rise ordinance and recommendations of the Planning Board but does not mention the recommendations.

Mayor Nolan explained.

Mr. Padula said that the Planning Board adopted a resolution.

Constance would like to hear each council's opinions and discussions on the high rise before approved.

Leonard _____ 290 Bayside Drive asked if they could submit questions before the meeting for council to answer at the meeting.

Mr. Padula said yes, but cannot guarantee answers. There could be litigation. He further explained.

Jennifer Olsen asked about procedure to speak with the code enforcement officer regarding complaints.

Mayor Nolan directed her to speak with Mr. Hill.

Donald Klein spoke of the high-rise. He asked for clarification of stories vs. feet and also the parking structure. He is concerned about underground parking, blasting and serious digging. Would this building be on top of parking structure or would parking be adjacent to the building.

Mr. Padula explained that 8 or 10 stories and above are considered a high-rise. The ordinance states 120'.

Discussion continued regarding parking.

Mr. Redmond stated there wasn't any blasting when Eastpointe was built.

Discussion continued regarding the high-rise.

Lori Nolan spoke of the decals and ribbons that are available for Gold Star Cancer. She asked residents to show their support by placing a gold ribbon or bow on their homes.

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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