

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 24, 2013

Meeting Location: Ptak Towers, 215 Shore Drive, Highlands 07732

Mayor Nolan called the meeting to order at 7:00 p.m.

Ms. 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, Ms. Kane, Mayor Nolan

Late Arrival: Mr. Francy – arrived at 8:54 p.m.

Also Present: Carolyn Cummins, Borough Administrator

Tim Hill, Borough Administrator

Steve Pfeffer, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-214

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: Captains Cove Marina, Bay Street Retaining Wall

2.Contract: Barry Leaser, 19 Bay Ave Lease, Mod Space Lease, Playground Sandy Project

3.Real Estate:

4. Personnel Matters: CFO Position, Code Enforcement Position, F/T Grant Writer

5. Attorney-Client Privilege: First Aide Squad, Ordinance Revisions, RFPT's, Monmouth Hills Update

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 (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.

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

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

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

ROLL CALL:

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

Mayor and Council entered Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:06 p.m.

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

ROLL CALL:

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

NJ Futures – Steve Nelson Introduction:

Steve Nelson introduced himself. He would like to help the Borough in recovery. He would help to keep projects on track, get them completed in a timely fashion and find resources. He has done grant writing, so he will be able to assist with that. He can help the Borough find funds for a grant writer.

Barbara Ianucci of Shrewsbury Avenue asked what his agenda is.

Steve Nelson replied it would be whatever projects the Borough wants him to facilitate.

Barbara Ianucci asked the council if they are planning on going with the first three projects.

Mayor Nolan said yes. They want to get the most done as quickly as possible.

Barbara Ianucci asked if our projects and Sea Bright's projects overlap, will it matter.

Steve Nelson said it could help get the project done faster and it could get more funding.

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Doug Card of 28 Shrewsbury Avenue questioned Mr. Nelson about what are the biggest risks we should avoid.

Mayor Nolan said Mr. Nelson would choose the top three.

Ms. Kane said we would maximize his 18 months. We have to have achievable goals

Steve Nelson explained that most towns fail when they do not have a plan and descriptions. He would like for the Council to give a scope of services.

Council questioned the process.

Steve Nelson said he can do a strategic planning report. He also recommended that the Borough takes the DCA funding of \$20k to help back up plans.

Mayor Nolan would like Steve Nelson to attend at least one council meetings a month.

Steve Nelson said he would post times he will be available for questions.

Mayor Nolan said we will put the information on the website.

Consent Agenda:

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

Mayor Nolan offered the following resolution and moved for its adoption:

R-13-215

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION - SPECIAL ITEM OF REVENUE
BOROUGH OF ATLANTIC HIGHLANDS
2013 MUNICIPAL ALLIANCE PROGRAM MATCH

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the 2013 budget in the amount of \$3,565.62 which is now available from the Borough of Atlantic Highlands.

BE IT FURTHER RESOLVED that a like sum of \$3,565.62 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Municipal Alliance Program Match - 2013	\$3,565.62
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BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

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

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NAYES: None
ABSENT: Mr. Francy
ABSTAIN: None

Mayor Nolan offered the following resolution and moved for its adoption:

R-13-216

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION - SPECIAL ITEM OF REVENUE
COUNTY OF MONMOUTH
HURRICANE SANDY NATIONAL EMERGENCY GRANT -
ADDITIONAL FUNDING

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the 2013 budget in the amount of \$18,899.45 which is now available from the County of Monmouth as additional funding to a previously approved Hurricane Sandy National Emergency Grant of \$107,009.27.

BE IT FURTHER RESOLVED that a like sum of \$18,899.45 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

County of Monmouth	
Hurricane Sandy National Emergency Grant	\$18,899.45

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

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

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

R-13-217

RESOLUTION AUTHORIZING SUBMISSION OF NJDOT GRANT APPLICATION
AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE SHREWSBURY AVENUE
REHABILITATION PROJECT

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

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BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Highlands Borough -00641 to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

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

R-13-218
RESOLUTION AUTHORIZING
THE SUBMISSION OF A GRANT APPLICATION
TO THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY

WHEREAS, the Highlands Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the need to increase staffing to prevent any delays in the reconstruction process for property owners; and

WHEREAS, there is a Zoning Code Enforcement Grant Program that's purpose is to alleviate delays in zoning offices that are hindering reconstruction and renovation plans and to expedite the process of recovery from Superstorm Sandy. The New Jersey Department of Community Affairs will make grants available to municipalities severely affected by the Storm to increase the capacity of zoning offices to timely manage the increased workload generated by storm related construction activity.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough Administrator is hereby authorized to submit grant application for Zoning Code Enforcement Grant Program.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

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

R-13-219
RESOLUTION AUTHORIZING
RELEASE OF STREET OPENING DEPOSIT

WHEREAS, the Sewer Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are to be refunded by the Borough of Highlands to the individual listed at the end of the Resolution; and

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WHEREAS, these certain individuals posted a \$500.00 deposit with the Borough of Highlands to obtain a Street Opening Permit and the streets have been inspected and approved by Barry McKellar, Department of Public Works on October 11, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer is hereby authorized to immediately refund the following individual \$500.00 for a Street Opening Deposit:

Street Opening Permit #0021-12	113 Shore Drive
Everclear Development Lcc	\$500.00
113 Shore Drive	Block 60 Lot7.01
Highlands, NJ 07732	

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

ROLL CALL:

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

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

R-13-222

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:5A-20

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") has, along with the Borough of Atlantic Highlands, in the County of Monmouth, New Jersey ("Atlantic Highlands"), previously created the Atlantic Highlands - Highlands Regional Sewerage Authority (the "Authority"); and

WHEREAS, the Borough and Atlantic Highlands have determined to dissolve the Authority in accordance with the provisions of the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-20; and

WHEREAS, the Borough Council of the Borough desires to make application to the Local Finance Board in connection with the dissolution of the Authority pursuant to N.J.S.A. 40A:5A-20; and

WHEREAS, the Borough and Atlantic Highlands have determined to make joint application to the Local Finance Board to seek approval of the dissolution of the Authority;

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 joint application of the Borough and Atlantic Highlands to the Local Finance Board is hereby approved, and the Borough's bond counsel, auditor and other representatives of the Borough, are hereby authorized to prepare and submit such Local Finance Board application pursuant to N.J.S.A. 40A:5A-20 and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and to file a copy of this resolution, as adopted, and the dissolution ordinance and dissolution bond ordinance, each as introduced on first reading, with the Local Finance Board as part of such Local Finance Board application.

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Section 3. The Local Finance Board is hereby respectfully requested to consider such joint Local Finance Board application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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

ROLL CALL:

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

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

R-13-227
Borough of Highlands
County of Monmouth

**Resolution Approving Publication and Solicitation of
Proposals for Real Property Data Collection and Verification
Services in Accordance with the Assessment Demonstration
Program (P.L. 2013, c. 15)**

WHEREAS, the County Tax Board Ordered the Borough to conduct data collection and verification services to cover twenty (20%) percent of all properties annually with all parcels located within the Highlands Borough completed over a five (5) year period between January 1, 2014 and December 31, 2018; and

WHEREAS, pursuant to that Order, the Clerk has advertised and solicited proposals on a form prepared by the Tax Assessor and reviewed by the Borough Attorney.

Now therefore, be it RESOLVED by the governing body that the Borough of Highlands approves, nunc pro tunc, the solicitation of bids by the Borough Clerk for the Real Property Data Collection and Verification Services in accordance with the Assessment Demonstration Program (P.L. 2013, c. 15).

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

ROLL CALL:

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

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

RECAP OF PAYMENT OF BILLS
10/16/2013

CURRENT:		\$	63,340.97
Payroll	(09/30/2013)	\$	136,935.50
Manual Checks		\$	15,556.51
Voided Checks		\$	
SEWER ACCOUNT:		\$	1,140.54
Payroll	(09/30/2013)	\$	2,951.44
Manual Checks		\$	11.01
Voided Checks		\$	

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CAPITAL/GENERAL	\$	1,442.00
CAPITAL-MANUAL CHECKS	\$	
Voided Checks	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	4,838.90
Payroll (09/30/2013)	\$	2,550.00
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	199.99
Payroll (09/30/2013)	\$	6,598.84
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
October 16,2013

CURRENT FUND

Arcadis	FEMA Services	10,240.50
Broadview Networks	Telephone Charges	4,664.05
Comcast	Internet - Police	196.25
N.J. Natural Gas	Natural Gas #2013-09	328.71
T & M Associates	Hurricane Sandy Services	1,971.00
Watchung Water	Bottled Water	173.03
Welco	Industrial Gases	69.84

Total Current Fund	17,643.38
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CAPITAL FUND

T & M Associates	Bayside Drive Improvements	1,681.00
T & M Associates	Highland Avenue Improvements	16,020.82
T & M Associates	Washington Ave Repairs	51.16

Total Capital Fund	17,752.98
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GRANT FUND

Total Grant Fund	0.00
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SEWER UTILITY FUND

Total Sewer Utility Fund

0.00

TRUST FUND

Total Trust Fund

0.00

Total Supplemental Bill List

35,396.36

ROLL CALL:

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

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

RECAP OF PAYMENT OF BILLS
10/24/2013

CURRENT:		\$ 101,454.56
Payroll	(10/15/2013)	\$ 111,609.97
Manual Checks		\$
Voided Checks		\$
SEWER ACCOUNT:		\$ 109,212.00
Payroll	(10/15/2013)	\$ 2,886.66
Manual Checks		\$
Voided Checks		\$
CAPITAL/GENERAL		\$ 2,692.03
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 930.00
Payroll	(10/15/2013)	\$ 3,000.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$
GRANT FUND		\$ 404.40
Payroll	(10/15/2013)	\$ 6,256.34
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.**

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Seconded by Ms. Ryan and approved for payment on the following roll call vote:

ROLL CALL:

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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the October 2nd, 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, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: Mr. Francy
ABSTAIN: None

Highlands First Aide Squad Needs:

Mayor Nolan spoke about the First Aide needs. They met with Ed Cetron from the First Aide in Executive Session. The Borough of Highlands is going to bond \$240k for a new ambulance and a refurbished ambulance. They will have it ready for the November 6th meeting.

Other Resolutions:

R-13-220 – Resolution Appointing P/T Code Enforcement Officer:

Mrs. Cummins read the title of R-13-220.

Mr. Hill explained that this recommendation is from the Civil Service list.

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

R-13-220

**RESOLUTION MAKING APPOINTMENT OF A PROVISIONAL
PART-TIME CODE ENFORCEMENT OFFICER**

WHEREAS, there is an immediate need for assistance with the Code Enforcement Department;
and

WHEREAS, the borough was provided with a list of eligible persons and interviews were conducted by the Borough Administrator; and

WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Elaine Broyles be appointed Part-time Code Enforcement Officer in addition to the Dave Mercado, Code Enforcement Officer.

NOW, THEREFOR BE IT RESOLVED by the Governing Body of the Borough of Highlands that Elaine Broyles be appointed Part-time Code Enforcement Officer, provisionally.

BE IT FURTHER RESOLVED that said appointment be compensated at an hourly rate of \$ 20.00 per hour not to exceed 20 hours per week. Office hours will be established by the Borough Administrator.

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

ROLL CALL:

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

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ABSENT: Mr. Francy
ABSTAIN: None

R-13-221 – Resolution Awarding Professional Engineer Services-Drainage Rt. 36:

Mrs. Cummins read the title of R-13-221.

Mr. Leubner explained that this resolution is the 2nd part of the DBIZ project. He described that this would help alleviate some of the flooding issues.

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-13-221
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
SUPPLEMENTAL DRAINAGE SYSTEM
T & M ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Supplemental Drainage System from State Highway 36 project 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 \$158,000 plus reimbursable expenses per T & M Associates proposal dated September 19, 2013 for Professional Engineering Services for the Supplemental Drainage System from State Highway 36 project 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-_____ 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:

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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 \$158,000 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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

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

R-13-224 – Resolution Appointing Sewer Plant Operator:

Mrs. Cummins read the title of R-13-224.

Mayor Nolan stated that since they are dissolving the Sewerage Authority. It is scheduled for December 31st, 2013. They need to look at their options.

Mr. Padula recommended that we table this until we pursue all of our options.

Mayor Nolan offered a motion to table R-13-224 to the November 6th Meeting, and seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

R-13-225 – Capital Budget Amendment:

Mrs. Cummins read the title of R-13-225.

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Insert resolution R-13-225

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R-13-226 – Resolution Authorizing 2013 Revised Municipal Alliance Grant Application:

Mrs. Cummins read the title of R-13-226.

Mr. Hill explained that it is an extension of 6 months.

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

R-226
RESOLUTION
AUTHORIZATION FOR REVISED MUNICIPAL ALLIANCE GRANT APPLICATION FOR
FISCAL YEAR 2013

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

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

1. The Borough of Highlands Council does hereby authorizes submission of an application for the Highlands Municipal Alliance grant for the calendar year 2013 in the amount of \$42,787.50 and a cash match of \$10,696.88.
2. The Borough of Highlands Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Frank L. Nolan, Mayor

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

ROLL CALL:

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

R-13-228 – Authorizing Refund of Tax Overpayments:

Mrs. Cummins read the title of R-13-228.

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

R-13-228
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:

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BLOCK LOT YEAR AMOUNT NAME

Re: BANK ERROR OVERPAYMENT
75 14 2013 \$1,148.16 Celink Reverse Mortgage
Re: State Tax Appeal
118 2 2013 3,237.40 Iler, William
Re: State Tax Appeal
120 13 2013 2,074.00 Iler, William

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

ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing & Adoption

O-13-27 - Ordinance Regulating Home Elevations:

Mrs. Cummins read the title of Ordinance O-13-27 Ordinance Regulating Home Elevations. It was noticed for the October 16th meeting which was cancelled. We need a motion to set a new public hearing date.

Mayor Nolan offered a motion to set a public hearing date of November 6th for O-13-27, and seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

O-13-20 – Bond Ordinance North Street Pump Station – P.H. Previously Held:

Ms. Cummins read the title of Ordinance O-13-20 Bond Ordinance North Street Pump Station on for adoption. We held the public hearing on September 18th and carried the vote to this meeting.

Mr. Leubner explained that this is for replacement of North Street Pump Station. We are looking to reduce costs. There is some grant money.

Mr. Pfeffer stated that we are in a group of municipalities that are going to re-issue and issue new debt on Sandy related debts thru MCIA. If we don't adopt tonight, it will put us out of this funding. He further explained.

Mayor Nolan opened the public hearing.

Carolyn Broulon of 12 asked if the pump will turn on automatically.

Mr. Leubner responded yes.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-13-20 for final reading and adoption.

Mayor Nolan offered the following Bond Ordinance and moved on its final reading and adoption and authorized its publication according to law:

O-13-20

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**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.**

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

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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.

(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.

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(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.

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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 adopted on the following roll call vote:

ROLL CALL:

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

Ordinances: Introduction & Setting of a Public Hearing Date:

O-13-28 – Ordinance – No Longevity for New Hires:

Mrs. Cummins read the title of Ordinance O-13-28 for introduction and setting of a Public Hearing date for December 4th to eliminate longevity for New Hires.

Mayor Nolan asked Mr. Padula to explain the ordinance.

Mr. Padula explained that it is just for new hires. It also helps us with State Aid.

Mayor Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for December 4, 2013 at 8:00 p.m.

O-13-28
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE AMENDING SECTION 2-7.4 OF THE CODE OF THE BOROUGH OF HIGHLANDS TO ELIMINATE LONGEVITY PAY FOR NEW NON-UNION BOROUGH EMPLOYEES

WHEREAS, the Borough of Highlands regulates Borough employees and personnel policies by and through Section 2-7 of the Code of the Borough of Highlands; and

WHEREAS, the Borough wishes to eliminate longevity pay for all non-union Borough employees who commence employment on or after December 1, 2013; and

WHEREAS, the Department of Community Affairs has determined it to be a best practice to eliminate such employee incentives for non-union employees; and

WHEREAS, the Borough believes it is in the best interest of the taxpayers of the Borough of Highlands to eliminate longevity pay for Borough employees who commence employment on or after December 1, 2013.

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

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SECTION ONE. Borough Code Section 2-7.4 "Borough of Highlands Personnel Policy Manual" shall be amended to read as follows:

2-7.4 Borough of Highlands Personnel Policy

- a. The Borough of Highlands hereby incorporates the current Borough of Highlands Personnel Policy Manual, which the governing body, may in its discretion change and amend from time to time pursuant to appropriate resolution of the governing body.
- b. The Borough Administrator is hereby charged with promulgation and enforcement of the Personnel Policy Manual, along with appropriate Department Heads, and with recommending timely changes to the Manual to the mayor and council.
- c. Subject to the provisions of any applicable collective negotiations agreement, no Borough employee who commences employment on or after December 1, 2013 shall be entitled to any longevity pay of any kind.

SECTION TWO. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

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

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

ROLL CALL:

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

O-13-29 – Bond Ordinance for Community Center Repairs:

Mrs. Cummins read the title of O-13-29 Bond Ordinance for Community Center Repairs for introduction and setting of a public hearing date of November 6th, 2013

Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing of November 6, 2013 at 8:00 p.m. and authorized its publication according to law:

O-13-29

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE COMMUNITY CENTER IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$378,720 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:

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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 \$450,000, including \$51,346.21 from the Reserve for Federal Emergency Management Agency Assistance (the "FEMA Reserve Funds"), and further including the sum of \$19,933.79 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 and the FEMA Reserve Funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$378,720 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 improvements to the Community Center, including, but not limited to, the replacement of wall insulation, drywall, base molding, flooring, carpeting, electrical outlets and mechanical and electrical items, including heating, ventilation and air conditioning condensing units with disconnects, an air handler unit, various size electrical breakers, safety switches, photo cells, meter sockets, a manual transfer switch and a gas hot water heater, the re-setting of restroom sinks, toilets, urinals, the countertop and restroom partitions and design, engineering and construction work, 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 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

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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 \$378,720, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000 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.

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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 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. Ryan and introduced on the following roll call vote:

ROLL CALL:

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

O-13-30 – Zoning Ordinance Amendment – Repairs of Nonconforming Uses:

Mrs. Cummins read the title of O-13-30 Zoning Ordinance Amendment – Repairs of Nonconforming Uses for introduction and setting of a public hearing date of November 6th, 2013.

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Mr. Leubner explained that this ordinance splits the 50% substantially damaged homes from the 100% damaged.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of November 6, 2013 at 8: 00 PM

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-13-30

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 THE REPAIR AND/OR
RESTORATION OF DAMAGED NONCONFORMING STRUCTURES

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, the Borough wishes to amend Code Section 21-98 to provide that a totally damaged nonconforming use or structure may only be rebuilt as a conforming use in accordance with the applicable zoning standards; and

WHEREAS, the Borough wishes to amend Code Section 21-98 to permit the repair and rehabilitation of partially damaged nonconforming structures and uses so long as they are repaired or rehabilitated to the same size and on the same footprint as they were before they were damaged; and

WHEREAS, the Governing Body have determined that it is in the best interests of the residents of the Borough to amend Code Section 21-98 to provide for the within changes.

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 4, Article XX, Section 98, Subsection C “Nonconforming Uses, Structures and Lots” shall be amended to provide as follows:

C. Restoration. If a nonconforming use or structure is deemed to be one-hundred percent (100%) destroyed (damages equal to or greater than the full equalized value of the structure) by any cause whatsoever, it shall only be reestablished so as to conform to all zoning standards in the zone in which it is located. A nonconforming use or structure, which has been partially destroyed, such that it is deemed to be less than one-hundred percent (100%) destroyed (damages less than the full equalized value of the structure) by any cause whatsoever, may only be repaired or rehabilitated to the same size on the same foot print, provided however, that the structure may be modified to conform with the requirements of Part 7, Flood Regulations.

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;

ROLL CALL:

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

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NAYES: None
ABSENT: Mr. Francy
ABSTAIN: None

O-13-31 – Bond Ordinance for Dissolution of AHHRSA:

Mrs. Cummins read the title of O-13-31 Bond Ordinance for Dissolution of AHHRSA for introduction and setting of a public hearing date of December 4th, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for December 4th, 2013 at 8:00 P.M. ;

O-13-31

BOND ORDINANCE OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, IN FURTHERANCE OF THE DISSOLUTION OF THE ATLANTIC HIGHLANDS - HIGHLANDS REGIONAL SEWERAGE AUTHORITY, APPROPRIATING \$5,646,653 THEREFOR AND AUTHORIZING NOT TO EXCEED \$5,646,653 PRINCIPAL AMOUNT OF BONDS OR NOTES IN CONNECTION THEREWITH

WHEREAS, the governing body of the Borough of Highlands, in the County of Monmouth, New Jersey ("Highlands"), by ordinance duly adopted by Highlands on May 21, 1968, and the governing body of the Borough of Atlantic Highlands, in the County of Monmouth, New Jersey ("Atlantic Highlands"), by ordinance duly adopted by Atlantic Highlands on March 26, 1968 jointly created the Atlantic Highlands - Highlands Regional Sewerage Authority (the "Authority"), in accordance with the "Sewerage Authorities Law", constituting Chapter 138 of the Pamphlet Laws of 1946 of the State (codified at N.J.S.A. 40:14A-1 et seq.), as the same may from time to time be amended and supplemented (the "Act"); and

WHEREAS, the Authority is responsible for the ownership, operation and maintenance of two pump stations, one in each of Highlands and Atlantic Highlands, force mains between the two pump stations and force mains from the pump station in Atlantic Highlands to the discharge point at the Township of Middletown Sewerage Authority ("TOMSA") trunkline (collectively, the "System"); and

WHEREAS, the collection systems located in Highlands and Atlantic Highlands are owned by each of Highlands and Atlantic Highlands, respectively; and

WHEREAS, in order to fund various capital improvements to the System, or refund outstanding bonds originally issued to fund such various capital improvements, the Authority has previously issued the following outstanding debt:

1. \$753,305.11 outstanding principal amount of Sewer Revenue Bonds, Series 2010, consisting of \$195,000 outstanding principal amount of Sewer Revenue Bonds, Series 2010A (the "Series 2010A Bonds"), issued to the New Jersey Environmental Infrastructure Trust (the "NJEIT") and \$558,305.11 outstanding principal amount of Sewer Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and, together with the Series 2010A Bonds, the "Series 2010 Bonds"), issued to the State of New Jersey, Acting by and through the Department of Environmental Protection;
2. \$7,400,000 outstanding principal amount of Sewer Revenue Refunding Bonds, Series 2011, dated and issued on or about January 24, 2011 and maturing on January 15 in each of the years 2014 through 2032, inclusive (the "Series 2011 Bonds"), issued to the Monmouth County Improvement Authority County-Guaranteed Pooled Loan Program; and
3. \$2,833,082 New Jersey Environmental Infrastructure Trust Interim Financing Note, dated and issued on August 22, 2013 to the NJEIT, maturing on May 21, 2014, and bearing interest at a rate of zero per centum (0.00%) per annum (the "Interim Note" and, together with the Series 2010 Bonds and the Series 2011 Bonds, the "Authority Debt"); and

WHEREAS, the Authority Debt is secured by, among other things, Revenues (as defined in the Authority's resolution adopted October 2, 1986, as amended and supplemented (the "General Bond Resolution")), and a Service Contract dated October 6, 1970, as amended and supplemented (the "Service Contract"), by and among Highlands, Atlantic Highlands and the Authority, which Service Contract requires each of Highlands and Atlantic Highlands to make certain payments to the Authority from any

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available funds, including from the levy of *ad valorem* taxes upon all the taxable real property within Highlands and Atlantic Highlands, respectively; and

WHEREAS, Highlands, after a careful examination and analysis, has determined that it is in the best interests of the residents of Highlands to dissolve the Authority; and

WHEREAS, Atlantic Highlands, after a careful examination and analysis, has determined that it is in the best interests of the residents of Atlantic Highlands to dissolve the Authority; and

WHEREAS, Highlands has determined that dissolving the Authority will provide substantial annual operating savings to Highlands and will allow Highlands full control of the portion of the System that services the residents of Highlands (the "Highlands System"); and

WHEREAS, Highlands has further determined that dissolving the Authority will not materially impact the residents of Highlands nor the financial operations of Highlands, as Highlands has previously created a separate sewer utility within its municipal budget and has always collected service fees from residents through the utility and paid Highlands obligations to the Authority through such utility; and

WHEREAS, section 20 of the Local Authorities Fiscal Control Law (the "Fiscal Control Law") grants to a municipality the power to dissolve an authority, by ordinance, provided that the ordinance makes adequate provision for the payment of all creditors or obligees of the authority and further makes adequate provision for the assumption of services provided by the authority which are necessary for the health, safety and welfare of the recipients of such services; and

WHEREAS, by ordinance of Highlands, entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DISSOLVING THE ATLANTIC HIGHLANDS - HIGHLANDS REGIONAL SEWERAGE AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20" (the "Highlands Dissolution Ordinance"), and by a parallel ordinance of Atlantic Highlands, entitled, "AN ORDINANCE OF THE BOROUGH OF ATLANTIC HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DISSOLVING THE ATLANTIC HIGHLANDS - HIGHLANDS REGIONAL SEWERAGE AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20" (the "Atlantic Highlands Dissolution Ordinance"), Highlands and Atlantic Highlands have dissolved the Authority, subject to the terms and conditions of the Highlands Dissolution Ordinance and the Atlantic Highlands Dissolution Ordinance; and

WHEREAS, pursuant to the Fiscal Control Law and the applicable provisions of the Local Bond Law, N.J.S.A. 40A:2-1 at *seq.* (the "Local Bond Law"), Highlands is authorized to assume all or a certain portion of the outstanding debt of the Authority and/or issue obligations in furtherance of the dissolution of the Authority; and

WHEREAS, Highlands, as part of the dissolution of the Authority and in connection with the provision for the payment of all creditors or obligees of the Authority, has initially assumed the responsibility for and payment of one-half of the Authority Debt payment obligations, as calculated and shown in **Exhibit A** attached hereto (the "Highlands Debt"); and

WHEREAS, Highlands has further determined to authorize the issuance of bonds and, in anticipation thereof, bond anticipation notes to (i) currently refund Highlands' portion of the Interim Note, in the amount of \$1,416,541 (which amount is included in the Highlands Debt), and (ii) provide new money in the amount of \$153,459 to finance the cost (as defined in the Act) of capital improvements to the System not previously financed by the issuance of the Interim Note (together, the "2014 NJEIT Project").

NOW, THEREFORE, 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. Highlands hereby initially assumes the responsibility for and payment of the Highlands Debt. Highlands hereby determines that the initial assumption by Highlands of the Highlands Debt is a cost effective means of meeting such obligations.

Section 2. Highlands is hereby authorized to issue bonds and, in anticipation thereof, bond anticipation notes, in order to finance and re-finance the 2014 NJEIT Project as and when it deems appropriate and, in order to provide for such financing and re-financing, and the costs of issuance associated therewith, Highlands hereby appropriates the aggregate amount of \$5,646,653, and authorizes the issuance of such bonds and bond anticipation notes in one or more series in the aggregate principal amount of not exceeding \$5,646,653. As provided in N.J.S.A. 40A:5A-20, no down payment is required

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in connection with this bond ordinance.

Section 3. 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 4. Highlands hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of Highlands 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 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 1 hereof is authorized to be undertaken by Highlands as a result of the dissolution of the Authority and is an authorized purpose for which the bonds or notes may be issued. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the bonds issued in furtherance of the dissolution of the Authority is not exceeding 40 years from the date of issuance of such bonds.

(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 Highlands as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,646,653, but that the net debt of Highlands is not increased by this bond ordinance, as \$5,493,194 of such bonds and notes authorized may be deducted as provided in section 20 of the Fiscal Affairs Law and Section 5(e) hereof, and \$153,459 of such bonds and notes authorized may be deducted as provided in Section 5(f) hereof. The obligations authorized herein will be within all debt limitations prescribed by the Fiscal Affairs Law and the Local Bond Law.

(d) No amount 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 described in Section 1 hereof.

(e) This bond ordinance authorizes obligations of Highlands in the amount of \$5,493,194 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 Highlands. 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 Highlands 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, Department of Community Affairs of the State of New Jersey (the "Local Finance Board"), 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.

(f) This bond ordinance authorizes obligations of Highlands in the amount of \$153,459 solely for purposes described in N.J.S.A. 40A:2-7(h). Such amount of the obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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Section 6. The chief financial officer of Highlands 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 Highlands and to execute such disclosure document on behalf of Highlands. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of Highlands pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of Highlands 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 Highlands fails to comply with its undertaking, Highlands shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 7. The full faith and credit of Highlands are hereby pledged to the punctual payment of the principal of and the interest on (a) the Highlands Debt, upon assumption of same by Highlands as and to the extent set forth in Exhibit A attached hereto and (b) the bonds and bond anticipation notes authorized by this bond ordinance. The Highlands Debt and the bonds and bond anticipation notes authorized herein shall be direct, unlimited obligations of Highlands, and Highlands shall be obligated to levy *ad valorem* taxes upon all the taxable real property within Highlands for the payment of the Highlands Debt and the bonds and bond anticipation notes authorized herein and the interest thereon without limitation as to rate or amount.

Section 8. If any section, subsection, sentence, clause or phrase of this bond ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this bond ordinance.

Section 9. This bond ordinance shall take effect immediately upon adoption and shall not be subject to referendum, provided, however, that the Local Finance Board has approved this bond ordinance in accordance with N.J.S.A. 40A:5A-20.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

O-13-32 – Ordinance Dissolving of AHHRSA:

Mrs. Cummins read the title of O-13-32 Ordinance Dissolving of AHHRSA for introduction and setting of a public hearing date of December 4th, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of December 4th at 8:00 p.m. and authorized its publications:

O-13-32

AN ORDINANCE OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DISSOLVING THE ATLANTIC HIGHLANDS - HIGHLANDS REGIONAL SEWERAGE AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20

WHEREAS, the governing body of the Borough of Highlands, in the County of Monmouth, New Jersey ("Highlands"), by ordinance duly adopted by Highlands on May 21, 1968, and the governing body of the Borough of Atlantic Highlands, in the County of Monmouth, New Jersey ("Atlantic Highlands"), by ordinance duly adopted by Atlantic Highlands on March 26, 1968 jointly created the Atlantic Highlands - Highlands Regional Sewerage Authority (the "Authority"), in accordance with the "Sewerage Authorities Law", constituting Chapter 138 of the Pamphlet Laws of 1946 of the State (codified at N.J.S.A. 40:14A-1 et seq.), as the same may from time to time be amended and supplemented (the "Act"); and

WHEREAS, the Authority is responsible for the ownership, operation and maintenance of two pump stations, one in each of Highlands and Atlantic Highlands, force mains between the two pump stations and force mains from the pump station in Atlantic Highlands to the discharge

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point at the Township of Middletown Sewerage Authority ("TOMSA") trunkline (collectively, the "System"); and

WHEREAS, the collection systems located in Highlands and Atlantic Highlands are owned by each of Highlands and Atlantic Highlands, respectively; and

WHEREAS, in order to fund various capital improvements to the System, or refund outstanding bonds originally issued to fund such various capital improvements, the Authority has previously issued the following outstanding debt:

4. \$753,305.11 outstanding principal amount of Sewer Revenue Bonds, Series 2010, consisting of \$195,000 outstanding principal amount of Sewer Revenue Bonds, Series 2010A (the "Series 2010A Bonds"), issued to the New Jersey Environmental Infrastructure Trust (the "NJEIT") and \$558,305.11 outstanding principal amount of Sewer Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and, together with the Series 2010A Bonds, the "Series 2010 Bonds"), issued to the State of New Jersey, Acting by and through the Department of Environmental Protection;
5. \$7,400,000 outstanding principal amount of Sewer Revenue Refunding Bonds, Series 2011, dated and issued on or about January 24, 2011 and maturing on January 15 in each of the years 2014 through 2032, inclusive (the "Series 2011 Bonds"), issued to the Monmouth County Improvement Authority County-Guaranteed Pooled Loan Program; and
6. \$2,833,082 New Jersey Environmental Infrastructure Trust Interim Financing Note, dated and issued on August 22, 2013 to the NJEIT, maturing on May 21, 2014, and bearing interest at a rate of zero per centum (0.00%) per annum (the "Interim Note" and, together with the Series 2010 Bonds and the Series 2011 Bonds, the "Authority Debt"); and

WHEREAS, the Authority Debt is secured by, among other things, Revenues (as defined in the Authority's resolution adopted October 2, 1986, as amended and supplemented (the "General Bond Resolution")), and a Service Contract dated October 6, 1970, as amended and supplemented (the "Service Contract"), by and among Highlands, Atlantic Highlands and the Authority, which Service Contract requires each of Highlands and Atlantic Highlands to make certain payments to the Authority from any available funds, including from the levy of *ad valorem* taxes upon all the taxable real property within Highlands and Atlantic Highlands, respectively; and

WHEREAS, Highlands, after a careful examination and analysis, has determined that it is in the best interests of the residents of Highlands to dissolve the Authority; and

WHEREAS, Atlantic Highlands, after a careful examination and analysis, has determined that it is in the best interests of the residents of Atlantic Highlands to dissolve the Authority; and

WHEREAS, Highlands has determined that dissolving the Authority will provide substantial annual operating savings to Highlands and will allow Highlands full control of the portion of the System that services the residents of Highlands (the "Highlands System"); and

WHEREAS, Highlands has further determined that dissolving the Authority will not materially impact the residents of Highlands nor the financial operations of Highlands, as Highlands has previously created a separate sewer utility within its municipal budget and has always collected service fees from residents through the utility and paid Highlands obligations to the Authority through such utility; and

WHEREAS, section 20 of the Local Authorities Fiscal Control Law (the "Fiscal Control Law") grants to a municipality the power to dissolve an authority, by ordinance, provided that the ordinance makes adequate provision for the payment of all creditors or obligees of the

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authority and further makes adequate provision for the assumption of services provided by the authority which are necessary for the health, safety and welfare of the recipients of such services; and

WHEREAS, Highlands desires to assume one-half of the Authority Debt payment obligations, as calculated and shown in **Exhibit A** attached hereto (the "Highlands Debt"), as well as assuming one-half of any outstanding payment obligations of the Authority as of the Effective Date; and

WHEREAS, Highlands further desires to assume all of the rights, duties, and obligations of the Authority with respect to the Highlands System, and to assume the provision of those services provided by the Authority that are necessary for the health, safety and welfare of the recipients of such services within Highlands; and

WHEREAS, Highlands further desires to negotiate and enter into a service contract with TOMSA, if necessary, on terms substantially similar to those contained in the existing service contract by and between the Authority and TOMSA, with respect to that portion of the Highlands System that provides flow to TOMSA; and

WHEREAS, Highlands, in conjunction with Atlantic Highlands, desires to dissolve the Authority in accordance with, and in fulfillment of, the provisions of N.J.S.A. 40A:5A-20.

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

Section 1. Dissolution. Highlands hereby dissolves the Authority, subject to the approval of such dissolution by Atlantic Highlands and further subject to the terms and conditions hereof.

Section 2. Transfer of Title to Highlands of Authority Property and Facilities. Upon the effective date of the dissolution as set forth in Section 5 of this ordinance (the "Effective Date"), (i) the Highlands System and (ii) certain real and personal property, including but not limited to the property, facilities, contracts, leases and agreements of the Authority and certain monies and funds held by or for the Authority designated as being transferred to Highlands, as such designation is agreed to by both Highlands and Atlantic Highlands, which designation shall reflect as close to an equal division of such real and personal property as equitably possible, shall be deemed transferred to and become the property of Highlands (collectively, the "Highlands Property"). The existing officers of the Authority are hereby authorized and directed to execute any documents or instruments necessary to transfer legal title to the Highlands System and Highlands Property upon the Effective Date. At least one copy of all applicable documents and records of the Authority shall be delivered to the Highlands Clerk prior to the Effective Date.

Section 3. Payment of All Creditors and Obligees. Upon the Effective Date, Highlands and Atlantic Highlands shall initially jointly assume certain legal obligations to all existing and outstanding creditors and obligees of the Authority, subject to the specific terms and conditions of such obligations. It is the intention of Highlands and Atlantic Highlands that, immediately upon the Effective Date, Atlantic Highlands will pay such existing and outstanding creditors from Authority funds, to the extent available, and will thereafter divide any remaining funds equally between Highlands and Atlantic Highlands (such share to Highlands shall be considered part of the Highlands Property). The Highlands Debt shall be debt of Highlands, payable by Highlands out of the first funds becoming legally available to Highlands, but if not otherwise available, then from the levy of *ad valorem* taxes upon all the taxable real property located in Highlands.

Section 4. Assumption of Services Provided by the Authority. Upon the Effective Date, Highlands shall become successor to the Authority on the Highlands Property; provided, that Highlands shall not be required to, nor shall it assume the obligation to employ any of the Authority's employees or administrators nor shall it assume any professional service contracts, all of whom and all of which, respectively, shall be terminated as of the Effective Date.

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Section 5. Effective Date of Dissolution. The dissolution of the Authority shall take effect at 11:59 p.m., Eastern Standard Time, on December 31, 2013.

Section 6. Nature of Obligations Assumed; Limitation on Liability. Highlands assumes (i) the Highlands System and (ii) the Highlands Property, subject to the same terms, conditions, rights, responsibilities, obligations and limitations applicable to the Authority, and such assumption by Highlands shall not create, express or implied, any additional, extended, enhanced or modified obligation, liability, right or remedy of any party to any such contracts, leases and agreements, or holders of any Highlands Debt.

Section 7. Authorization of Highlands and Authority to Take all Necessary Action and to Execute Documents for the Provision of Treatment Services. (a) The Mayor, Business Administrator, Chief Financial Officer, Clerk and other Highlands officers, as directed by the Mayor and/or Business Administrator, are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance. The members of the Authority, its officers, employees, engineers, accountants, counsels and consultants are hereby authorized and directed to take all steps necessary to effectuate the purposes of this ordinance.

(b) The Mayor, Business Administrator, Chief Financial Officer, Clerk and other Highlands officers, as directed by the Mayor and/or Business Administrator, are hereby authorized and directed to negotiate, enter into and execute (i) a service contract with TOMSA on substantially similar terms contained in the existing service contract by and between the Authority and TOMSA and (ii) if necessary, a service contract and/or a shared services contract with Atlantic Highlands, each to provide for treatment services and water pollution control facilities necessary to preserve and maintain the water quality of Highlands in accordance with Federal, state and local requirements for the benefit of the residents of Highlands.

Section 8. Approval of Local Finance Board; Filing. This ordinance shall be submitted to, and approved by, the Local Finance Board in the Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board") prior to final adoption in accordance with the requirements of N.J.S.A. 40A:5A-20 and the final adoption of this ordinance by Highlands shall represent conclusive proof of the fact that this ordinance has received the approval of the Local Finance Board. Immediately upon adoption of this ordinance, this ordinance shall be filed with the Local Finance Board and with the Secretary of State of the State of New Jersey, in accordance with N.J.S.A. 40A:5A-20.

Section 9. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 10. Repeal of All Inconsistent Ordinances. All ordinances of Highlands which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 11. Effective Date. This ordinance shall take effect immediately upon adoption and shall not be subject to referendum, provided, however, that the Local Finance Board has approved this ordinance in accordance with N.J.S.A. 40A:5A-20.

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

ROLL CALL:

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

Other Business:

Borough Engineer's Status Report:

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Mr. Leubner read thru his report.

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

Capital Improvement Projects

1. **Flood Reduction Program:** Permit applications were submitted to the various agencies on March 4, 2011, and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. A Tidelands License has been approved by the NJDEP to relocate the Valley Street Pumpstation outfall line to the Borough right-of-way. The permits for the project have been issued by the Army Corps of Engineers on July 7, 2011, and the NJDEP issued CAFRA and Waterfront Development Permits on July 27, 2011. As requested, we have prepared and submitted a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center. A presentation was held on September 20, 2011 to present the anticipated improvements of the overall project. The project has been put on hold. We have requested to be included in the 2014 EIT funding cycle at this time. We are also currently seeking other Federal funding options in an effort to move the project forward.

2. **The Dredging of Jones Creek at Snug Harbor:** Permit applications and associated plans are underway.
 - County has completed the dredging of the creek and removal of the spoils pile from the vacant lot on Shore Drive.
 - County has repairs to perform due to damage they caused during the operation.
 - Meeting was held with the County on September 16, 2013 to review damaged areas and reject recent repairs. County has agreed to make the requested repairs.
 - NJDEP permit application has been submitted.

3. **The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.
 - A 12" trailer pump is currently in place and utilized as needed until the station can be replaced. **FEMA reimbursement for this pump currently is scheduled to expire October 31, 2013.**
 - Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
 - Draft plans have been submitted to the Governing Body for review. We will advertise the project once bonding is in place and we are authorized to do so.
 - Awaiting further direction from the Governing Body with regards to the overall size of the station. Now that the new flood maps have been released, the overall height of the station can be reduced by four feet.
 - Access agreements are required from the adjacent property owners for construction purposes.

4. **The Reconstruction of Bayside Drive:** The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.

Bid Date:	April 30, 2013
Award Date:	May 1, 2013
Contractor:	Esposito Construction, LLC, Matawan, NJ
Amount:	\$110,955.00

- Contracts have been approved by the Borough Attorney.
- Concerns have been raised pertaining to material disposal and water levels within the ditch area. Test results have been received on the material and the material will be disposed of appropriately.

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- Project has been substantially completed.
 - Punchlist items remain including extending the retaining wall an additional 100 feet to the west.
5. **The Replacement of the Bay Street Retaining Wall:** This project will replace the failing retaining wall on Bay Street along the frontage of house #8.
- Project was recently authorized by the Mayor and Council.
 - Project design has been initiated.

Grants and Loans

1. **FEMA Hazardous Mitigation Assistance Grant Application (Flood Reduction Program):** The Letter of Intent was submitted to FEMA on April 8, 2011 as required. FEMA has reacted favorably to the Borough's flood reduction project as described in the Letter of Intent. T&M Associates has prepared and submitted the grant application on behalf of the Borough. The application was submitted on October 28, 2011. The Borough has been notified that the project ranks third and fourth on the State funding list. We are currently researching other avenues of Federal funding to assist in moving the project forward.
2. **Monmouth County Community Development Block Grant:** As requested, we have prepared and submitted a grant application for the improvements to the North Street Pumpstation and the North Street inflow pipe between Bay Avenue and the pumpstation. T&M provided a formal presentation to the Committee on August 22, 2012. The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on prior discussions with the County.
3. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project.
4. **FY 2014 NJDOT Local Aid Applications:** The NJDOT has announced that Local Aid Applications are due on September 20, 2013. Applications can be submitted for Municipal Aid, Bikeways, Transit Village and Safe Routes to Transit.

Playground Sandy Project:

Mr. Hill stated that the Sandy Playground Project is having a ribbon cutting on Sunday, October 27th at Veteran's Park. The family of Daniel Barden will be there and he thanked all parties involved in helping with this project.

Ms. Kane explained that the artwork at the playground is from actual pictures drawn by Daniel Barden.

Building Department Computer Software:

Mr. Hill requested this program. It will enable the property maintenance and building departments to all work under one umbrella. It is a fee based program. The fee is estimated to be about \$17k for next year.

Mr. Hill also requested a correction to R-13-226. It is a full year grant period.

Ms. Kane asked about having special meeting in December 11th.

Mr. Redmond spoke of Sandy Rental Program. It is on the Department of Community Services.

Mr. Hill said he has been approached by various non-profits. We should share the information with the Housing Alliance. He will send a letter of support to them.

MCIA Pooled Financing:

Mr. Pfeffer informed the council of the various projects and based on the first preliminary run, we will probably pay back less.

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Public Portion:

Kim Skorka of 315 Shore Drive asked if there has been any discussion on getting volunteers to help with Borough Hall and the Community Center.

Mayor Nolan said that the town would be involved. It is a great idea. We are waiting for grants.

Kim Skorka spoke of the noise ordinance. Havana started their music at 4:00 p.m. She has called the police. They were very responsive. The music was not addressed. When the doors open, the music is very loud.

Ms. Ryan will speak with Chief Blewett. We have to address this issue. She will contact Ms. Skorka with updates.

Ida – passed.

John McAleer of 52 Barbarie Avenue noticed activity at 56 Barbarie Avenue. The house has been untouched since the storm. The contractors are from out of state. He spoke with the police based on the meeting with the police department regarding out of town contractors. The workers are not wearing masks. The house is filled with mold. The work has since stopped.

Mr. Leubner spoke with Paul Vitale. He is following up on this. He will contact Paul Vitale tomorrow. He may have spoken to them and that is why work stopped.

Melissa McAleer of 52 Barbarie Avenue asked about a list of condemned houses.

Mr. Hill stated that it is not finalized. It changes every day. The numbers are decreasing.

Mayor Nolan explained the process.

Mr. Francy arrived at 8:54 p.m.

Melissa McAleer questioned transit village. She wants a public hearing or a presentation before we apply for this. The residents can then decide if this is what the town wants.

Mayor Nolan stated that we should be ready to submit application by the second week of November. At that point, we can have a public meeting.

Council continued discussion with Melissa McAleer.

Mr. Francy asked what the pros and cons are that she heard.

Melissa McAleer explained her various concerns such as parking.

Mayor Nolan said we will have a meeting for the public.

Melissa McAleer asked Mr. Pfeffer about the best practices score card. Will it be on website?

Mr. Pfeffer said it can be.

Mrs. Cummins will take care of that.

Barbara Ianucci of Shrewsbury Avenue questioned the top three projects. Can we move lower projects be moved up.

Mayor Nolan said yes, we rely on Mr. Pfeffer and NJ Futures to let us know when there are openings.

Barbara Ianucci asked if the Transit Village was one of the top three.

Mayor Nolan stated that it is not part of this, it is a separate project.

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Doug Card – passed.

Tara Ryan stated that reports of her resignation are not true. She missed one council meeting. She thanked Doug Card for notifying her of this rumor.

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

The Meeting adjourned at 9:06 p.m.

Debby Dailey, Deputy Clerk

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