

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

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

Mayor Nolan called the meeting to order at 7:04 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, Mr. Francy, Ms. Kane, Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Bruce Padula, Borough Attorney

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION R-13-248
EXECUTIVE SESSION**

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

1.Litigation: Captain's Cove Marina, 196 4th Ave., LLC vs Borough, Branin Invoices

2.Contract: Tim Hill - Riced

3.Real Estate:

4. Personnel Matters: CFO Position

5. Attorney-Client Privilege: Non-Partisan Election

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.

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

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

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

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

ROLL CALL:

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

Mayor and Council entered Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:00 p.m.

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

ROLL CALL:

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

Consent Agenda:

Mayor Nolan offered the following motion to approve the consent agenda with the removal of the following resolutions; R-13-253, R-13-259, R-13-260, R-13-265, and R-13-270; seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

**R-13-249
RESOLUTION
AUTHORIZING LEAVE OF ABSENCE FOR PART-TIME RECREATION LEADER**

WHEREAS, Melissa Festa, Part-Time Recreation Leader has requested a Maternity Leave of Absence effective January 27, 2014 for a period of three months.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Governing Body that the Maternity Leave of Absence of Melissa Festa is hereby approved for the requested period of three months effective January 27, 2014. Employee will only receive salary for leave based on accrued number of sick/vacation hours. After accrued sick/vacation hours are used employee will no longer receive a salary from the Borough.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-13-250
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ARCHTECTURAL SERVICES
REPAIRS TO WILSON COMMUNITY CENTER & DESIGN PHASE STUDY FOR
NEW MUNICIPAL BUILDING
JOSEPH P. TOMAINO, A.I.A. P.P**

WHEREAS, the Borough of Highlands has a need for professional architectural services for the repairs to the Robert D. Wilson Community Center and design phase study for new municipal building 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 Joseph P. Tomaino, A.I.A, P.P, 4 Main Street, Allenhurst, N.J. 07711 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 \$45,000 plus reimbursable expenses per preliminary construction cost estimate dated November 25, 2013 for Professional Architectural Services for the repair to the Robert D. Wilson Community Center and the design phase study for new municipal building to the Borough of Highlands for the period of one year; and

WHEREAS, Joseph P. Tomaino, A.I.A, P.P. Associates has completed and submitted a Business Entity Disclosure Certification which certifies that J. Tomaino 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 Joseph P. Tomaino from making any reportable contributions through the term of the contract, and

WHEREAS, Joseph Tomaino has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

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 13-29 contingent upon expiration of 20 day estoppels period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced:

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. Joseph P. Tomaino, A.I.A, P.P. is hereby retained to provide professional architectural services as described above for an amount not to exceed \$45,000 (\$25,00 Community Center & \$20,000 for New Municipal Bldg) plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-13-251

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

**BOROUGH OF HIGHLANDS
 Mayor & Council
 Regular/Workshop Meeting
 December 4, 2013**

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (not less than two thirds of the governing body affirmatively concurring) that transfers between 2013 Budget Appropriations be made as follows:

CURRENT FUND	FROM	TO
Streets:		
Salaries & Wages	\$ 15,000.00	
Community Center:		
Salaries & Wages	7,000.00	
Central Services:		
Salaries & Wages	7,000.00	
Code Enforcement:		
Salaries & Wages	5,000.00	
Police:		
Salaries & Wages		\$ 20,000.00
Fire Department:		
Other Expenses		10,000.00
Uniform Fire:		
Salaries & Wages		3,000.00
Tax Collector:		
Salaries & Wages		1,000.00
	\$ 34,000.00	\$ 34,000.00

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

ROLL CALL:

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

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

**R-13-252
 RESOLUTION
 AUTHORIZATION FOR SECOND REVISED MUNICIPAL ALLIANCE GRANT
 APPLICATION FOR FISCAL YEAR JANUARY 1, 2014 – JUNE 30, 2014**

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:

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

1. The Borough of Highlands Council does hereby authorizes submission of an application for the Highlands Municipal Alliance grant for the period of January 1, 2014 through June 30, 2014 in the amount of \$28,525.00 and a cash match of \$3,565.63.
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 Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-13-254
Resolution Approving a Lease between the Borough and 19 Bay Avenue LLC
For the Period of December 1, 2013 through November 30, 2014**

Whereas, Hurricane Sandy caused extensive damage to the Borough including the Borough Municipal Building, rendering it unusable; and

Whereas, as a result of Hurricane Sandy, a State of Emergency existed in the Borough; and

Whereas, it was necessary for the Borough to obtain office space to conduct municipal business; and ‘

Whereas, the Local Public Contracts Law (N.J.S.A. 40A: 11-6, “Emergency Contracts”) allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

Whereas, the provisions of Chapter 19, P.L. 2004 (as amended by P.L. 2005, c.5 1) of the Pay-to-Play Laws (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

Whereas the Borough has identified office space in a vacant commercial building located at 19 Bay Avenue, Highlands, New Jersey; and

Whereas, the Borough has negotiated terms of a lease with the owner of 19 Bay Avenue; and

Whereas, the Chief Financial Officer has certified that funding is available for the lease.

Now therefore, be it Resolved by the governing body of the Borough of Highlands that the Borough is authorized to enter into a lease with 19 Bay Avenue, LLC for office space to conduct Borough Business for a one-year term (December 1, 2013 through November 30, 2014) in substantially the form attached hereto.

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

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

ROLL CALL:

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

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

**R-13-255
PROPERTY TAX CANCELLATION AND REFUND
OVERPAYMENT OF TAXES**

WHEREAS, Block 56, lot 14, was awarded a county tax appeal for the 2012 tax year reducing the assessed value from \$638,400 to \$601,000, and

WHEREAS, the assessed value was not subsequently reduced for the 2013 tax year, and

WHEREAS, the Tax Assessor is recommending that the value be adjusted accordingly for the 2013 tax year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel \$970.16 for the 2013 tax year and refund the excess taxes paid to Stelios, H & Petropoulos, Yankopoulo.

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

ROLL CALL:

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

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

R-13-256

**RESOLUTION AUTHORIZING THE APPLICATION & AGREEMENT FOR THE
ACCEPTANCE OF FUNDING THROUGH THE COMMUNITY FOUNDATION OF NJ
& THE SNOWFLAKE NY/NJ YOUTH FOUNDATION FUND**

WHEREAS, Timothy Hill, Borough Administrator has reviewed the program guidelines for and submitted information to the Community Foundation of New Jersey; and

WHEREAS, the Community Foundation of NJ provided guidance towards meeting the stated goals for the potential use of grant funds for Superstorm Sandy impacted communities and worthy projects; and

WHEREAS, the Community Foundation has agreed to provide funds in the amount of \$135,000.00 to the following projects as deemed appropriate through the review process: Main Room Flooring at Community Center, Snug Harbor Park - Outdoor Court area repairs & renovations, & construction of a new playground at Snug Harbor; and

WHEREAS, the Mayor and Council of the Borough of Highlands agree with the terms and conditions as outlined in the CF of NJ Agreement and that the Borough's participation in this program will be of benefit to the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, NJ, that the Borough Administrator, & the Recreation Assistant are hereby

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

authorized to make application and enter into the Agreement provided by Community Foundation of NJ for the specific use of these funds as outlined above.

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

ROLL CALL:

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

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

**Borough of Highlands
County of Monmouth
R-13-257
Resolution of the Borough of Highlands Requesting
Designation as a Transit Village**

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

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

WHEREAS, the NJDOT along with NJ TRANSIT, the Department of Community Affairs, the Department of Environmental Protection, the Redevelopment Authority, the Council on the Arts, Main Street New Jersey, the Economic Development Authority, the Office for Planning Advocacy and the Housing and Mortgage Finance Agency are partners in the Transit Village Initiative and make up the Transit Village Task Force; and

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

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

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

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

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

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

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

BE IT FURTHER RESOLVED that the governing body of the Borough of Highlands has identified Tim Hill, Borough who is knowledgeable in municipal planning, development and/or economic issues, to be the primary contact person to the Transit Village Task Force; and

BE IT FURTHER RESOLVED that if designated a Transit Village, the governing body of the Borough of Highlands will commit to submitting annual updates as required by the Transit Village Task Force; and

BE IT FURTHER RESOLVED that if designated, the governing body of the Borough of Highlands will continuously strive to improve the quality of the transit village district; and

BE IT FURTHER RESOLVED that in the event that the Transit Village Task Force determines that a designated Transit Village is no longer acting consistently with the Transit Village program goals, the Transit Village Task Force may suspend designation and/or withhold program benefits.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-13-258

RESOLUTION CONFIRMING WAYNE P. O'NEIL'S APPOINTMENT AS PUBLIC WORKS REPAIRER

WHEREAS, the Borough previously appointed Wayne P. O'Neil as Public Works Repairer (previously known as "Road Repairer"); and

WHEREAS, Mr. O'Neil began employment as Public Works Repairer on June 30, 1988; and

WHEREAS, Mr. O'Neil has remained employed by the Borough continuously since that time and without interruption; and

WHEREAS, the Civil Service Commission notified the Borough that it did not have a record of Mr. O'Neil as a permanent employee.

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Highlands hereby resolves and confirms that Wayne P. O'Neil is a current employee of the Borough serving in the position of Public Works Repairer; and

BE IT FURTHER RESOLVED that Mr. O'Neil was previously appointed to the position of Public Works Repairer and began employment on June 30, 1988; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this Resolution to the New Jersey Civil Service Commission.

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

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

ROLL CALL:

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

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

**R-13-261
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
REAL PROPERTY DATA COLLECTION AND VERIFICATION SERVICES**

WHEREAS, the Borough of Highlands has advertised for bids for Real Property Data Collection and Verification Services in in Accordance with the Assessment Demonstration Program in accordance with the Local Public Contracts Law; and

WHEREAS, the following one (1) bid was received:

<u>Name</u>	<u>Bid</u>
Realty Data Systems, LLC	\$53,382

; and

WHEREAS, Realty Data Systems, LLC is the lowest responsible bidder; and

WHEREAS, certification of funds is hereby made by the Chief Financial Officer that funds are available in 2013 municipal budget for 1/5 of contract for said purpose:

Acct 3-01-20-150-000-152	\$10,676.40
Future Year Budgets	\$42,705.60

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the Real Property Data Collection and Verification Services is hereby awarded to Realty Data Systems, LLC, 55 White Road, Suite C, Shrewsbury, NJ 07702 in the sum of \$53,382.

BE IT FURTHER RESOLVED that the award of the contract to Realty Data Systems, LLC is contingent upon review of Realty Data's bid proposal for legal sufficiency by the Borough Attorney.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby Authorized to Execute Contract.

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

ROLL CALL:

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

Mayor Nolan offered the following and moved its adoption:

BOROUGH OF HIGHLANDS

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

COUNTY OF MONMOUTH

R-13-262

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE
GENERAL CAPITAL FUND**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations or grant awards may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

**AMOUNTS TO BE
CANCELED**

ORDINANCE NUMBER	PROJECT DESCRIPTION	FUNDED CAPITAL SURPLUS	DOT UNFUNDED GRANT
O-03-13	2003 Road Program	\$5,804.54	\$65,250.00

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

ROLL CALL:

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

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

**R-13-263
RESOLUTION AUTHORIZING
THE REMOVAL OF ONE DISABLED PARKING SPACE
AT TWINLIGHT TERRACE**

WHEREAS, the Governing Body previously approved a disabled parking space for a resident residing on Twinlight Terrace; and

WHEREAS, the resident no longer resides on Twinlight Terrace and it is the recommendation of the Police Department that said disabled parking spot designation be eliminated; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the disabled parking sign that was previously approved located on Twinlight Terrace is hereby eliminated and the DPW Supervisor is hereby directed to remove said disabled parking sign.

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

ROLL CALL:

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

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

ABSTAIN: None

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

**R-13-264
RESOLUTION ACCEPTING RESIGNATION
OF ZONING BOARD MEMBER**

WHEREAS, Helen Maresca, Alternate #2 Zoning Board Member has submitted her letter of resignation to become effective December 31, 2013.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Helen Maresca.

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

ROLL CALL:

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

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

**R-13-266
RESOLUTION AUTHORIZING SIGNATURES
ON CERTAIN MUNICIPAL BANK ACCOUNTS**

WHEREAS, the Borough of Highlands has entered into a Shared Service Agreement with the Borough of Atlantic Highlands for shared municipal court services; and

WHEREAS, the borough is hereby authorizing the following officials from the Borough of Atlantic Highlands to be added to the Borough of Highlands Municipal Court Bank Account and the Bail Bonds Account which are located at the Two Rivers Community Bank:

Sonia K. Salinas, Court Administrator
Adam Hubeny, Borough Administrator of the Borough of Atlantic Highlands
Gerard T. Gagliano, CFO Borough of Atlantic Highlands
Dwayne Harris, Borough Clerk of the Borough of Atlantic Highlands

NOW, THEREFORE, BE IT RESOLVED that the above referenced officials from the Borough of Atlantic Highlands are hereby authorized signatures on both the Borough of Highlands Municipal Court and Bail Bond bank accounts.

BE IT FURTHER RESOLVED that the following person be immediately removed from both the Highlands Municipal Court and Bail Bond bank accounts located at Two Rivers Community Bank: Blanch Reed and Betty Searcy.

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

ROLL CALL:

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

Mayor Nolan offered a motion and moved on the adoption of the following Resolution:

**R-13-267
RESOLUTION APPROVING FIRE DEPARTMENT**

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

MEMBERSHIP APPLICATION

WHEREAS, Connor McGrath and Joseph Blewett II have both submitted a Fire Department Membership Application to the Highlands Fire Department; and

WHEREAS, the Fire Chief has reviewed the membership application submitted by Mr. McGrath and Mr. Blewett and recommends that the applications be approved.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Fire Department Membership applications submitted by Connor McGrath and Joseph Blewett, II are hereby approved and the Borough Clerk is hereby authorized sign the approved application.

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
12/04/2013**

CURRENT:		\$	622,657.83
Payroll	(11/15/2013)	\$	167,982.24
Manual Checks		\$	23,722.82
Voided Checks		\$	
SEWER ACCOUNT:		\$	129,767.60
Payroll	(11/15/2013)	\$	2,994.31
Manual Checks		\$	3,096.81
Voided Checks		\$	
CAPITAL/GENERAL		\$	10,556.14
CAPITAL-MANUAL CHECKS		\$	75,540.94
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	25,538.36
Payroll	(11/15/2013)	\$	350.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	135.41
Payroll	(11/15/2013)	\$	7,192.97
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

**SUPPLEMENTAL BILL LIST
December 4, 2013**

CURRENT FUND

Arcadis	FEMA Services 9/30-10/27	23,574.00
Bayview Condo Association	Street Lighting Reimb. Aug - Oct	1,052.04
Cleary, Giacobbe, Alfieri & Jacobs	Labor Services 10/24/13-11/23/13	319.00
Comcast	Internet 27 Shore DR	161.25
Continental Fire & Safety	Adaptors & Nozzles	3,598.00
Fallon & Fallon	Transition Year 2012 Audit	27,580.00
Firecompanies.com	Web Services	259.97
Future Sanitation	Garbage/Recycling 11/16/13-11/30/13	8,450.00
Highlands Fire Dept.	2013 Clothing Allowance	10,500.00
Horizon	Dental Insurance Jan 2014	2,890.14
NJSHBP	Health Insurance December 2013	71,163.17
Stephen Pfeffer	Mileage, Tolls & Postage	91.05
Principal Life Insurance Co	Life Insurance Dec 2013	812.15
Skylands Area Fire Equipment	BH 20PPV Dual Powered	3,495.00
Verizon	Police Repeaters	249.32
Verizon Wireless	Cell Phones 10/10/13-11/09/13	1,572.58
VSP	Vision Plan Dec 2013	776.10
Total Current Fund		156,543.77

CAPITAL FUND

Total Capital Fund 0.00

GRANT FUND

Total Grant Fund 0.00

SEWER UTILITY FUND

Fallon & Fallon	Transition Year 2012 Audit	14,320.00
Horizon	Dental Insurance Jan 2014	89.17
NJSHBP	Health Insurance December 2013	2,141.84
Principal Life Insurance Co	Life Insurance Dec 2013	21.95
VSP	Vision Plan Dec 2013	23.97

Total Sewer Utility Fund 16,596.93

TRUST FUND

Giordano Contracting	Rubber Safety Surface - New Sandy Playground	20,000.00
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Total Trust Fund 20,000.00

Total Supplemental Bill List 193,140.70

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the November 6, 2013 Executive and Regular Meeting minutes, seconded by Ms. Kane and all were in favor on the following roll vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

R-13-253 – Resolution Authorizing Extended Hours of Sale of Alcohol

Ms. Ryan stated that this resolution is for Driftwood and Windansea and both had submitted a letter requesting this.

There was a brief discussion at the table.

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

R-13-253

**RESOLUTION AUTHORIZING EXTENSION OF HOURS OF OPERATION FOR
SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, the Windansea Restaurant and the Driftwood Liquors have both submitted written requests to the Borough of Highlands for approval to extend the hours of operation for the sale of alcoholic beverages from 2AM to 5AM for the New Year's Eve Holiday.

WHEREAS, the Borough of Highlands retains the right pursuant to its Police Powers to regulate the times permitted for the sale and service of alcoholic beverages within the Borough; and

WHEREAS, New Year's Day extended hours is permitted in the Borough of Highlands General Ordinance 6-4.3.

WHEREAS, the Mayor and Council of the Borough of Highlands has determined that this extension of hours for the sales and service of alcoholic beverages is consistent within its authority as the Local Liquor Board for regulation of hours.

WHEREAS, it is the desire of the Governing Body of the Borough of Highlands to grant such a time extension to both the Driftwood Liquors and the Windansea Restaurant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that request for extension of hours of operation for the sale of alcoholic beverages from 2AM to 5AM on the morning of January 1, 2014 is hereby granted to the following:

**Dan-Rob Restaurant Associations Liquor License 1317-33-012-005
t/a Windansea Restaurant, 56 Shrewsbury Avenue**

**Wunderbar Liquor License 1317-32-018-004
t/a Driftwood Liquors, 300 Bay Avenue**

BE IT FURTHER RESOLVED, that the establishments listed above who have sought extended hours shall be required to reimburse the Borough in advance for one Police Officer that shall be dedicated to be at or around the licensed premises between the hours of 1:30 AM and 5:30 AM..

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

ROLL CALL:

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

NAYES: None

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

ABSENT: None
ABSTAIN: None

R-13-259 – Resolution Authorizing Advertisement to Solicit Bids

Mr. Francy questioned why this resolution is on.

Mr. Pfeffer stated that this is where you solicit contractors.

Mr. Padua stated that the town bids it out.

Mr. Pfeffer said that Arcadis is just managing the project.

Mr. Francy continued to question.

Mr. Hill explained the program.

Mr. Hill will get the list Arcadis for Council.

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

**R-13-259
RESOLUTION AUTHORIZING
ADVERTISEMENT TO SOLICIT REQUEST FOR PROPOSALS
FOR PRIVATE PROPERTY DEBRIS REMOVAL & DEMOLITION**

WHEREAS, the Borough is desirous of soliciting Request for Proposals for services for the Private Property Debris Removal and Demolition; and

NOW, THEREFORE, BE IT RESOLVED that the Clerk is authorized to publish advertise to solicit bids for the Private Property Debris Removal & Demolition for the Borough of Highlands.

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

ROLL CALL:

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

R-13-260 – Resolution Authorizing Grant Application:

Mr. Hill explained that this is for DBIZ loan funding and correcting language.

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

SCHEDULE I: RESOLUTION R-13-260

Whereas, the Borough of Highlands desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$525,000 to carry out a project to Flood Improvements).

Be it therefore RESOLVED,

1) that the Borough of Highlands

(formal
name of
organization
)

does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore,

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between
Borough of Highlands

**(formal
name of
organization
)**

and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

<hr/> (signature) Timothy Hill	<hr/> (signature) Carolyn Cummins
<hr/> (type or print name) Borough Administrator	<hr/> (type or print name) Borough Clerk
<hr/> (title)	<hr/> (title)

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

ROLL CALL:

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

R-13-265 – Resolution Authorizing RFP:

Mr. Francy questioned the reason for the RFP.

Steve Nelson explained that NJ Future wants us to stretch money further. They want us to do RFP to do certain things they can't do, such as; cost estimates. He continued to explain to Mr. Francy.

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

**R-13-265
RESOLUTION AUTHORIZING
ADVERTISEMENT TO SOLICIT REQUEST FOR PROPOSALS
FOR STRETEGIC RECOVERY PLANNING REPORT**

WHEREAS, the Borough is desirous of soliciting Request for Proposals for services to prepare Strategic Recovery Planning Report; and

NOW, THEREFORE, BE IT RESOLVED that the Clerk is authorized to publish advertise to solicit bids for the preparation of the Stategic Recovery Planning Report for the Borough of Highlands.

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

ROLL CALL:

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

R-13-270 – Resolution Authorizing Waiver of Bldg Permit Fees to First Aide & Fire Depts:

Mr. Francy asked how we can do this.

Discussion continued.

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

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

**R-13-270
RESOLUTION AUTHORIZING WAIVER OF BUILDING DEPARTMENT FEES
(MUNICIPAL PORTION ONLY) FOR THE HIGHLANDS FIRST AIDE SQUAD AND
FIRE DEPARTMENT**

WHEREAS, both the Highlands First Aide Building and Fire House were both received damage from Hurricane Sandy and will require repairs which will require various building permits; and

WHEREAS, both the Highlands First Aide Squad and Fire Department are mostly funded by the Borough; and

WHEREAS, it is the desire of the Governing Body to waive all municipal portion building permit fees for both the First Aide Squad and Fire Department. The Borough will still pay the State portion of the building permit fees.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that all municipal portion of various building permit fees is hereby exempt for both the Highlands First Aide Squad Building and the Fire Department Building.

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

ROLL CALL:

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

Ordinances – Introduction & Setting of P.H. Date:

O-13-35 – Ordinance Amending Regulations for Home Lifting

Mrs. Cummins read the title of Ordinance O-13-35 for introduction and setting of a public hearing for December 18th, 2013.

Mr. Padula explained the ordinance.

Ms. Kane would like a time frame to be included.

Mr. Padula will research this.

Mayor Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for December 18, 2013 and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-13-35
AN ORDINANCE AMENDING ORDINANCE O-13-27 AND SECTION 10-3
OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS
REGULATING HOME ELEVATION CONTRACTORS WITHIN THE
BOROUGH**

WHEREAS, at its meeting on November 6, 2013, the Borough adopted Ordinance O-13-27 which, among other things, required use of a unified jacking system to raise homes; and

WHEREAS, the Borough find that requiring a unified jacking system severely limits residents options for raising their homes; and

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

WHEREAS, the Borough nonetheless reaffirms that several sections of O-13-27 remain essential to the health, safety and welfare of the residents of the Borough.

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

SECTION ONE: That portion of Section One of O-13-27 defining “unified jacking machine,” codified in Borough Code Section 10-3.1, “Definitions,” shall be amended to delete the definition of “unified jacking machine.”

SECTION TWO: That portion of Section Two of O-13-27 requiring use of a unified jacking machine, codified as Borough Code Section 10-3.8(c), shall be deleted and the remaining paragraphs relettered accordingly.

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

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

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

O-13-36 – Ordinance Amending Temporary Permit Parking Requirements for Guests:

Mrs. Cummins read the title of Ordinance O-13-36 on for introduction and setting of a public hearing date of December 18th, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction, setting of a public hearing date of December 18, 2013 and authorized its publication according to law:

BOROUGH OF HIGHLANDS

ORDINANCE NO. O-13-36_

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF
MONMOUTH STATE OF NEW JERSEY AMENDING BOROUGH ORDINANCE 7-
3.8A SO AS TO REFLECT THE TEMPORARY PERMIT PARKING REQUIREMENTS
FOR GUESTS**

WHEREAS, The Borough of Highlands by ordinance No. O-12-5 repealed Section 7-3.8 of the Revised Ordinances of the Borough of Highlands entitled “Permit Parking for Residents,” in its entirety; and

WHEREAS, Section 7-3.8A of the Borough Ordinances entitled “Temporary Permit Parking for Residents during Washington Avenue Reconstruction Project” refers to Section 7-3.8(d), which has since been repealed; and

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

WHEREAS, The Borough wishes to amend Section 7-3.8A to clarify the Temporary Permit Parking Requirements for Guests and to eliminate any confusion that may arise because of the reference to Section 7-3.8(d); and

WHEREAS, The Borough of Highlands finds that it is in its best interest to amend Section 7-3.8A of the Borough Ordinances to clarify the Temporary Permit Parking Requirements for Guests and to eliminate any confusions that may arise because of the reference to Section 7-3.8(d).

NOW, THEREFORE, BE IT ORDRAINED BY THE BOROUGH OF HIGHLANDS as follows:

Section 1. Section 7-3.8A(a), entitled: "Temporary Permit Parking for Residents during Washington Avenue Reconstruction Project" shall be amended to provide as follows:

7-3.8A Temporary Permit Parking for Residents during Washington Avenue Reconstruction Project

a. Parking on the above named streets or portions of said streets shall be restricted at all times to vehicles of residents, their family members and gusts displaying a proper permit or placard issued by the Borough Clerk. Guest placards, not to exceed two per residence, shall be available at the Borough Clerk's office upon application. These shall be assigned permanently to the applicant for use at the residence and shall be used by guests and/or visitors while parked on the said streets.

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 introduced on the following roll call vote:

ROLL CALL:

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

Ordinances – 2nd Reading/Public Hearing & Adoption:

O-13-28 – Ordinance Eliminating Longevity for New Employees

Mrs. Cummins read the title of Ordinance O-13-28 on for 2nd Reading, Public Hearing and Adoption. This was published in the November 1st edition of the Two River Times and may now be open for the public hearing.

Mayor Nolan closed public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

Mrs. Cummins read the title of Ordinance O-13-28 for 3rd and final reading and adoption.

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

**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:

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

ROLL CALL:

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

NAYES: None

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

ABSTAIN: None

ABSENT: None

O-13-30 – Zoning Ordinance Amendment/Review of Planning Board Comments

Mrs. Cummins read the title of Ordinance O-13-30 for the governing body to review the Planning Boards Recommendations.

Mr. Padula stated that the Planning Board made no recommendations. They found it is consistent with the Master Plan.

Mr. Leubner explained.

Mr. Francy asked if this affected us.

Mr. Leubner stated that it does not and he further explained.

Mr. Francy continued to question Mr. Leubner about the ordinance.

Mrs. Cummins read the title of Ordinance O-13-30 on for 2nd Reading, and Public Hearing. This was published in the October 27th edition of the Asbury Park Press and a motion was approved at the November 6th meeting to carry the public hearing to the December 4th meeting.

Mayor Nolan opened the public hearing.

Barbara Ianucci of 28 Shrewsbury Avenue questioned the footprints.

Mr. Leubner stated that this has nothing to do with footprints. It is for use issues.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-30 on for final reading and adoption.

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

**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.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

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

ROLL CALL:

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

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

Mrs. Cummins read the title of Ordinance O-13-31 and stated that was scheduled for a public hearing and adoption tonight but we are still waiting for approval from the Local Finance Board. We need a motion to carry the public hearing and adoption to the December 18th meeting.

Mayor Nolan offered a motion to carry O-13-31 public hearing and adoption to the December 18th meeting, seconded by Mr. Francy and all were in favor on the following roll call vote:

ROLL CALL:

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

O-13-33 – Bond Ordinance for Purchasing of Ambulances

Mrs. Cummins read the title of Ordinance O-13-33 on for 2nd Reading, Public Hearing and Adoption. This was published in the November 9th edition of the Asbury Park Press and may now be open for the public hearing.

Mayor Nolan opened the public hearing.

Melissa McAleer of 52 Barberie Avenue said her husband sent a letter to the council regarding this bond. She wants his questions answered before we adopt this bond ordinance. We should look into getting grants. She would also like stats for calls.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

Kim Skorka of Shore Drive agreed with Melissa McAleer. We should not bond money and should look into grants.

Ed Santorum from the First Aid stated that they are looking into grants. He further explained that it took 10 years for Atlantic Highlands to get a grant. They are at the point beyond where we can wait for replacement ambulances. The average life of an ambulance is 5 years.

Melissa McAleer asked what the states of the ambulances are.

Ed Santorum stated that one is over 20 years old.

Melissa McAleer continued to question the need for two ambulances.

Doug Card of Shrewsbury Avenue feels the shame is on the town for having a 20 year old ambulance. He also spoke about the town looking for a grant writer.

Barbara Ianucci of Shrewsbury Avenue spoke of steps to upkeep ambulances.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-30 on for final reading and adoption.

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

O-13-33

BOND ORDINANCE PROVIDING FOR ACQUISITION OF
AMBULANCES IN AND BY THE BOROUGH OF HIGHLANDS, IN
THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING
\$240,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$228,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE
PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$240,000, including a \$20,000 contribution anticipated to be received by the Borough from the Borough first aid squad (the "First Aid Squad Contribution"), and further including the sum of \$12,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of the First Aid Squad Contribution, negotiable bonds are hereby authorized to be issued in the principal amount of \$228,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of ambulances, which may be new and/or refurbished, including all related costs and expenditures necessary therefor and incidental thereto.

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

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

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

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

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

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

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years. To the extent that the Borough determines to acquire one or more refurbished ambulances, the Borough reasonably expects that such refurbished ambulance or ambulances will be in operation for at least 5 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 \$228,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

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

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

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

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

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

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

ROLL CALL:

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

O-13-34 – Salary Ordinance

Mrs. Cummins read the title of Ordinance O-13-34 on for 2nd Reading, Public Hearing and Adoption. This was published in the November 15th edition of the Two River Times and may now be open for the public hearing.

Mayor Nolan opened the public hearing.

Mr. Padula stated that this is an annual ordinance.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-34 on for final reading and adoption.

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

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

O-13-34

**AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF
CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF HIGHLANDS FOR 2013**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, a municipal Corporation of the State of New Jersey;

Section 1. The annual salaries and compensation exclusive of longevity benefits of the officers and employees holding the offices or positions hereinafter described shall be shown on Schedule A, annexed hereto, for 2012 and beyond unless amended , payable semi-monthly unless herein described.

Except as provided by labor contract, all salary ranges shall constitute minimum and maximum to be determined by subsequent Resolution of the Mayor and Council within those limits.

Section 2. OTHER POSITIONS AND DUTIES

A. All other persons employed by the Borough not otherwise mentioned herein shall be paid at a rate to be fixed by a Resolution of the Mayor and Council.

B. Additional duties associated with the administration of grants awarded to the Borough may be compensated out of the proceeds of said grants at a rate to be fixed and determined by Resolution of the Mayor and Council.

Section 3. LONGEVITY BENEFITS.

There shall be no longevity benefit other than where the benefit is specifically mandated by agreement or contract.

Section 4. EFFECTIVE DATE:

The salaries and compensation set forth herein shall be effective and payable as of and after January 1, 2012 unless otherwise set forth by contract or agreement..

Section 5. REPEALED

All ordinances or parts of ordinances inconsistent with this ordinance are hereby superseded.

Section 6. IMPLEMENTATION

This ordinance shall take effect immediately upon its passage and publication in accordance with law.

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

ROLL CALL:

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

Other Resolutions:

R-13-223 – Resolution Assumption of Obligations-Public Hearing/Adoption

This resolution was pulled.

R-13-268 – Resolution Providing General Obligation Bonds

Mrs. Cummins read the title of Resolution R-13-268.

Mr. Pfeffer gave a brief explanantion.

**BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013**

Mayor Nolan introduced and moved the adoption of the following resolution, and Mr. Redmond seconded the motion:

R-13-268

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES
OF GENERAL OBLIGATION BONDS OF THE BOROUGH OF HIGHLANDS, IN
THE COUNTY OF MONMOUTH, NEW JERSEY INTO A SINGLE ISSUE OF
BONDS AGGREGATING \$1,494,985 IN PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS:

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Obligation Bonds in the principal amount of \$1,494,985 (the "Bonds").

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 4, 2013

The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$347,485	O-11-12	Various road improvements, finally adopted May 4, 2011.	11.39 years
\$150,000	O-12-12	Bulkhead replacement and various improvements to Washington Avenue, finally adopted April 18, 2012.	15 years
\$522,000	O-12-17	Acquisition of a fire truck and various equipment, finally adopted September 5, 2012.	10 years
\$475,000	O-13-17	Wall reconstruction, finally adopted September 18, 2013.	15 years

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 12.41 years.

The Bonds of the combined issue shall be designated "General Obligation Bonds" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

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

None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

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

NAYES: None

R-13-269 – Resolution Determining Form of Sale

Mrs. Cummins read the title of Resolution R-13-269.

Mr. Pfeffer gave a brief explanation.

Mayor Nolan introduced and moved the adoption of the following resolution and Ms. Kane seconded the motion:

R-13-269

**RESOLUTION DETERMINING THE FORM AND OTHER
DETAILS AND PROVIDING FOR THE DETERMINATION OF
OTHER TERMS OF NOT TO EXCEED \$1,494,985 GENERAL
OBLIGATION BONDS, SERIES 2013 OF THE BOROUGH OF
HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY
AND PROVIDING FOR THEIR SALE TO THE MONMOUTH
COUNTY IMPROVEMENT AUTHORITY.**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS (not less than 2/3 of all members thereof affirmatively concurring):

Section 1. General Obligation Bonds of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough"), referred to and described in a resolution of the Borough, finally adopted December 4, 2013, and entitled, "Resolution Providing for the

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

Combination of Certain Issues of General Obligation Bonds of the Borough of Highlands, in the County of Monmouth, New Jersey Into a Single Issue of Bonds Aggregating \$1,494,985 in Principal Amount", and the bond ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued in an amount not to exceed \$1,494,985 as "General Obligation Bonds, Series 2013" (the "Bonds").

Section 2. The Bonds are hereby authorized to be sold to The Monmouth County Improvement Authority (the "Authority") at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the application submitted by the Authority to the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board") and approved by the Local Finance Board on November 13, 2013 (the "Application"):

- (a) the aggregate principal amount of the Bonds does not exceed \$1,494,985;
- (b) the True Interest Cost of the Bonds does not exceed an interest rate that would enable the Borough to issue the Bonds to the Authority and achieve the economic benefit (consisting of the AAA/Aaa/AAA guaranty from the County of Monmouth which is a higher credit rating than the current credit rating of the Borough) of financing through the Authority versus financing on its own;
- (c) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board any adjustments recommended by the Underwriter or the Authority on the sale date designed to reduce the total costs of the borrowing of the Borough; and
- (d) all conditions described in the Application as submitted to the Local Finance Board for the sale of the Bonds are satisfied.

Section 3. The Bonds are hereby authorized to be sold and issued to the Authority in accordance with the terms of a bond purchase agreement to be entered into by and between the Authority and the Borough (the "Bond Purchase Agreement"). The Bonds may be issued in one or more series. The purchase price for the Bonds shall be as set forth in the Bond Purchase Agreement. The Mayor and Chief Financial officer are each hereby authorized and directed, without further authorization, to enter into and execute the Bond Purchase Agreement on behalf of the Borough in the form satisfactory to McManimon, Scotland & Baumann, LLC, bond counsel to the Borough ("Bond Counsel"), upon the terms consistent with the parameters set forth in this resolution. Upon execution of the Bond Purchase Agreement, the signature of the Mayor and Chief Financial Officer shall be conclusively presumed to evidence any

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

necessary approvals for the sale and issuance of the Bonds. If the Chief Financial Officer, after consultation with the Authority, determines that the above parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Borough Council.

Section 4. (a) The Bonds shall be dated and shall bear interest at the interest rates per annum as the Chief Financial Officer shall determine.

(b) The Bonds shall be numbered and have such prefix as determined necessary by the Chief Financial Officer or as required by the Bond Purchase Agreement, and shall be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Bond Purchase Agreement.

(c) The Bonds shall mature in the years 2014 through 2025, or such other years as may be determined by the Chief Financial Officer and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(d) The Bonds shall be sold at such price or prices as the Chief Financial Officer shall determine.

(e) The Bonds may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer.

(f) One certificate shall be issued for the entire principal amount of Bonds being issued by the Borough, unless otherwise required by the Authority pursuant to the Bond Purchase Agreement, and shall be numbered GO-1. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of "The Monmouth County Improvement Authority" unless otherwise specified in the Bond Purchase Agreement.

(g) Any other details that may need to be determined in connection with the sale and issuance of the Bonds shall be determined by the Chief Financial Officer.

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to conform the Bonds to the requirements of the Bond Purchase Agreement:

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

REGISTERED
NUMBER GO-1

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

BOROUGH OF HIGHLANDS,
IN THE COUNTY OF MONMOUTH

GENERAL OBLIGATION BOND, SERIES 2013

DATE OF ORIGINAL ISSUE:
December __, 2013

THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, New Jersey (the "Borough") hereby acknowledges itself indebted and for value received promises to pay to the:

MONMOUTH COUNTY IMPROVEMENT AUTHORITY (the "Authority"),
c/o _____ (the "Trustee")

the principal sums on the dates and in the amounts set forth on **Schedule A** attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on **Schedule A** attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on each _____ and _____ prior to each _____ and _____, respectively, commencing _____, 20__, in an amount equal to the interest accruing to each _____ and _____. This bond as to principal will be payable on _____ at the corporate trust office of the Trustee.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough, duly adopted on December 4, 2013 and entitled, "Resolution Providing for the Combination of Certain Issues of General Obligation Bonds of the Borough of Highlands, in the County of Monmouth, New Jersey Into a Single Issue of Bonds Aggregating \$1,494,985 in Principal Amount" and the bond ordinances referred to therein, each in all respects duly approved and published as required by law, and a resolution duly adopted by the Borough on December 4, 2013,

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, New Jersey has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual or facsimile signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

BOROUGH OF HIGHLANDS, IN
THE COUNTY OF MONMOUTH,
NEW JERSEY

[SEAL]

By: _____

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

Mayor

ATTEST:

By: _____
Clerk

By: _____
Chief Financial Officer

Section 6. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 7. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date. The Borough Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Borough Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC, is authorized to arrange for the printing of the Bonds. The proper officials of the Borough are hereby authorized and directed to execute the Bonds and to deliver them to the Authority upon receipt of payment therefor, including accrued interest from their date to the date of delivery, if any.

Section 9. The Chief Financial Officer is also authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bonds. In the alternative, the Authority is hereby authorized to pay such costs of issuance on behalf of the Borough.

Section 10. The Mayor and Chief Financial Officer, and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bonds, including preparing and executing all such agreements, documents, certificates and other instruments, on behalf of the Borough and take all steps necessary or desirable to effectuate the transactions contemplated thereby.

Section 11. The Mayor and Chief Financial Officer are each hereby authorized and directed, without further authorization, to enter into and execute a continuing disclosure agreement or such other agreement as may be required by the Authority for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), in a form satisfactory to Bond Counsel.

Section 12. The Borough hereby covenants that it will comply with any conditions

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 13. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

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

R-13-270 – Resolution Authorizing Waiver of Building Dept. Fees for Highlands First Aide and Fire Department Buildings

Mrs. Cummins read the title of Resolution R-13-270.

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

R-13-270
RESOLUTION AUTHORIZING WAIVER OF BUILDING DEPARTMENT FEES
(MUNICIPAL PORTION ONLY) FOR THE HIGHLANDS FIRST AIDE SQUAD AND
FIRE DEPARTMENT

WHEREAS, both the Highlands First Aide Building and Fire House were both received damage from Hurricane Sandy and will require repairs which will require various building permits; and

WHEREAS, both the Highlands First Aide Squad and Fire Department are mostly funded by the Borough; and

WHEREAS, it is the desire of the Governing Body to waive all municipal portion building permit fees for both the First Aide Squad and Fire Department. The Borough will still pay the State portion of the building permit fees.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that all municipal portion of various building permit fees is hereby exempt for both the Highlands First Aide Squad Building and the Fire Department Building.

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

ROLL CALL:

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

R-13-271 – Resolution Supporting the Drive Sober or Get Pulled Over Crackdown

Mrs. Cummins read the title of Resolution R-13-271.

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

R-13-271
RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER
2013 YEAR END HOLIDAY
STATEWIDE CRACKDOWN

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highways Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over Year End Holiday Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 6, 2013 through January 2, 2014; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Borough of Highlands declares its support for the Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown from December 6, 2013 through January 2, 2014 and pledges to increase awareness of the dangers of drinking and driving .

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

R-13-272 – Resolution Authorizing Solicit Request for Debris Removal & Demolition

Mrs. Cummins read the title of R-13-272.

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

R-13-272
RESOLUTION AUTHORIZING
ADVERTISEMENT TO SOLICIT REQUEST FOR PROPOSALS
FOR PRIVATE PROPERTY DEBRIS REMOVAL & DEMOLITION

WHEREAS, the Borough is desirous of soliciting Request for Proposals for services for the Private Property Debris Removal and Demolition; and

NOW, THEREFORE, BE IT RESOLVED that the Clerk is authorized to publish advertise to solicit bids for the Private Property Debris Removal & Demolition for the Borough of Highlands.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

R-13-273 – Resolution Authorizing payment to Blanche Reed

Mrs. Cummins read Resolution R-13-273 in its entirety.

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

R-13-273

**Resolution Authorizing payment to Blanche Reed, Municipal Court Administrator,
pursuant to N.J.S.A. 40A:65-11 and collective negotiations agreement**

Whereas, the Borough entered into a shared services agreement from Municipal Court services with the Borough of Atlantic Highlands; and

Whereas, as a result, it became necessary to eliminate the position of Municipal Court Administrator within the Borough; and

Whereas, the Borough submitted a layoff plan to the New Jersey Civil Service Commission, which it approved; and

Whereas, pursuant to N.J.S.A. 40A:65-11, an employee whose position is eliminated as a result of a shared services agreement, such as the Municipal Court Administrator here, is entitled to severance pay equal to one month pay for each five-year period of past service as an employee with the Borough; and

Whereas, Blanche Reed (“Reed”) has been employed for six (6) years and is, therefore, entitled to one (1) month severance pay; and

Whereas, Reed is entitled to payment for any unused accrued leave time equal to 33 compensatory hours and 11 vacation hours, pursuant to the agreement between the Borough and the Communication Workers of America (CWA).

Now, therefore, be it Resolved that the Borough authorizes payment of one (1) month severance pay to Blanche Reed as required by N.J.S.A. 40A:65-11; and

Be it further Resolved that the Borough authorizes payment to Blanche Reed for 33 compensatory hours and 11 vacation hours pursuant to the collective negotiations agreement between the Borough and CWA.

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

ROLL CALL:

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

R-13-274 – Resolution Extending the Contract of Borough Administrator

Mr. Padula read Resolution R-13-274 in its entirety.

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

R-13-274

**RESOLUTION EXTENDING THE CONTRACT OF THE
BOROUGH ADMINISTRATOR FOR 60 DAYS**

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

Whereas, the Borough Administrator, Tim Hill's employment contract expires on December 6, 2013; and

Whereas, the Borough and Mr. Hill are in negotiations for a successor employment contract; and

Whereas, Mr. Hill and the Borough wish to extend the current agreement for 60 days while they negotiate a successor agreement.

Now, therefore, be it Resolved by the governing body that the administrators contract is hereby extended until February 6, 2014 upon the same terms and conditions as in Mr. Hill's current agreement.

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

ROLL CALL:

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

Committee Reports

Finance:

Mr. Pfeffer gave his report. He spoke of meeting with MCIA and potential credit rating problems for Sandy affected towns. The County has agreed to do notes. He then read the letter regarding MCIA sale. He also stated that despite Sandy, we have strong revenues. He further explained.

Public Safety:

Chief Blewett read thru his report.

POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

Report to Council
December 2013

- * The Highlands Police Department investigated a harassment complaint in which the victim reported that she had received over sixty telephone messages from her ex-boyfriend threatening her. As a result of the investigation complaints were filed and the victim was granted a Temporary Restraining Order. On October 20, 2013, Scott Kusch, 26 years old, Highlands, was arrested and charged with harassment. He was processed and released on his own recognizance along with the temporary restraining order pending a court appearance.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

- * While on routine patrol at approximately 2:00 a.m. on November 17, 2013, Sgt. Robert Burton observed a large group present outside the Claddagh Bar on Bay Avenue. As Sgt. Burton was speaking with a bouncer he observed a male holding a golf club over his head while threatening another male. Sgt. Burton immediately intervened and arrested Nicholas J. Alverson, 28 years old, Highlands, preventing him from striking the other male. Alverson was subsequently charged with aggravated assault, possession of a weapon and possession of a weapon for an unlawful purpose. After being held overnight Alverson was released on his own recognizance pending a court appearance.

- * During the early morning hours of November 17, 2013, the Highlands Police Department responded to Cumberland Farms, Bay Avenue, in regard to a reported robbery. The initial investigation indicated that a white male entered the store wearing a bandana over his face and neck, sunglasses and a hood then demanded money from the clerk. The clerk hesitated and the man again demanded money. It wasn't until a patron entered the store that the suspect fled the store. Ptl. Roxby located a male matching the description provided by the witnesses and subsequently arrested Christopher A. Silletti, 41 years old, Highlands, and charged him with attempted robbery and possession of a controlled dangerous substance believed to be heroin. Silletti was transported to the Monmouth County Correctional institution in lieu of \$152,500.00 bail pending a court appearance.

- * **Administration:**
 - Police Department –New Facilities
 - Line 1155 – Still have not received any answers from Broadview as to why this line is not in use.
 - Potts Line
 - Fax: having continued problems especially at night
 - Broadview technician responded and checked the line although the problem did not occur while the technician was on site he advised that he could not locate a problem with the line itself but reported it was most likely contributed to the fax number being a call forwarded number that is still going through the phone system.
 - United Computer – continued networking issues.
 - Homeland Security
 - Chief Blewett and Capt Clagett are working with school administrators to update School Safety Response Plans.
 - Hiring
 - Advertisements
 - PT dispatcher position – deadline November 26, 2013
 - SLEO II – deadline December 31, 2013
 - Ordinances
 - July 2013 - requested installation of 3-way stop sign on Orchard Street. At that time there was some question as to issues with municipal property lines and the matter was referred to the Borough Attorney for investigation. Since that time I have not received any updated information.
 - Awards
 - Capt Clagett has been working with the Council, Fire Department and First Aid squad representatives regarding a Borough Awards

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

Ceremony to honor all emergency service members and civilians
for their service during Hurricane Sandy.

* **Training:**

- Firearms – all officers attended mandatory range qualifications for sub guns/AR-15.

* **Investigations:**

Between October 16, 2013 and November 15, 2013 this department handled a total of **8** new investigations which included thefts, assaults, structure fire with an unattended death, robbery and criminal attempt that required additional follow up by the detective division including witness interviews/statements, referrals/meetings with other agencies (Monmouth County Prosecutor's Office/Division of Youth and Family Services).

- Total Investigations - 8
 - Closed - 5
 - Arrests – 3
 - Active Investigations – 3

* **Juvenile Complaints:**

During the same period two borough youths committed minor acts of criminal mischief and were ordered to perform community service hours in lieu of having formal complaints filed. In the event that the youths fail to complete the required community service hours complaints will be filed with Juvenile Court, Freehold for disposition.

* Total Calls for Service: 394

* Arrests: Adults: 12

JV: 5

* Summons: Total: 54

Moving Violations: 20

Non-Moving: 13

DWI: 4

Boro Ordinance: 17

(Statistical Information is from October 16 – November 15, 2013)

Administration:

Mr. Hill said that Lee Wordsman from Arcadis was present to give an update.

Mr. Wordsman spoke of house lifting. He is working on finalizing the contract with the Borough and finalizing homeowner guidance paperwork. Homeowners can get their own contractors.

He continued with updates on PPDR. He is asking the State for an extension of time for the PPDR. The deadline was in October. He is waiting to hear from the State.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

He spoke of Public Assistance FEMA Reimbursement. They have an additional \$300,000. He will come to the December 11th Special Meeting.

Mr. Pfeffer explained payments received.

Mr. Francy questioned total reimbursements. He would like a monthly report from Lee Wordsman.

Mr. Hill read thru his report.

1. Various Recovery Related items:

a. FEMA / ARCADIS – UPDATE

Irene House Lifting: Agreements are in place – program items to be reviewed with participants - eligible activities, bids, permits, etc. Arcadis will provide a checklist and guidance to direct the participants activities and to ensure that proper documentation is maintained. Guidance document to be submitted to the borough by December 20th.

PPDR/DEMO. We are working with our state liaison for Extension for PPDR/DEMO. Arcadis will be ready to go to bid pending the council's approval of the bid package. Arcadis is working with Paul Vitale to gather the needed paperwork to allow the contractor's to move forward in early January with the program.

PWs. We have submitted 1.7 million in Requests for Reimbursement to date. We are ready to submit an additional 300K. Meeting is being set with State liaison to review PW's, status of projects and further clarifications.

b. WorkForce Development Program – WFD program has notified us of funding that will carry program through till January 29, 2014

Continued reorganization of Distribution Center, Conducting visual inspections by Zones, reaching out to participating non-profits and charitable organizations to re-establish contacts and additional services to residents. To date, the following have provided additional resources: Monmouth Long Term Recovery Group, Jersey Shore United, Catholic Charities, Walmart, Mara Neska : The Store from River Road, St. Marks: Ignite 'n rise, Bethal Church Center, Our Lady of Perpetual Help, Calvary Chapel, Monmouth County-Pet Pantry. Over 300 residents have continued to be served through these efforts.

2. Department of Public Works

a. Bulk & Brush Pick-ups by Zone completed continue November continue into December

b. Continued rounds of garbage removal, storm drains and park maintenance.

c. Various projects --- storm drain clean-outs, sewer clogs reported and addressed, power outage, etc.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

3. Building and Housing: BUILDING OFFICIAL REPORT

a. Construction Office:

Building Official Report November 1-30: No. Applications Received: 20

No. Permits Issued: 59 Total Construction Fees Received: \$21,186.

Total Value of Construction: \$ 720,000

Inspection Details: Building: 78 Electric: 69 Plumbing: 49 Fire: 10

b. Zoning Office - ___ Floodplain Approvals ,

___ Substantial Damage Letters

___ Floodzone Inquiry Letters

___ Substantial Damage Appeal Denial Letters

___ Zoning Approvals

___ Zoning Denials

c. Code Enforcement (11/1-11/30/13): 40 Inspections completed, - 16
Summonses issued for property maint. / other. New p/t CE/ Property Maint
officer Elaine Broyles hours will be Tuesdays & Wednesdays: 4 p.m. to 9p.m. and
Saturdays 8 am to 4:00 p.m.

4. Recreation Department

Kids on the Move Program - 34 registered

Parent / Teen Fall Fiesta Dinner: November 7th 47 participants;

Teen Night – November 22 – 20 participants;

Halloween Costume Contest, October 27th - 55 participants;

Upcoming Recreation Events / Programs

1. **Adult Open Gym Indoor Soccer** - December 4, 2013 - March 26, 2014,
Wednesday evenings, 7:00 pm - 9:00 pm at HHRS

2. The Recreation Dept. will be providing Hot Chocolate and Cookies at the
Tree Lighting event on Friday, December 6th at 6:00 pm at Huddy Park.

3. **Holiday Helpers - December 7th** at the HHRS Media Center from 9:00 am -
3:00 pm. The Henry Hudson Key Club along with the Highlands Recreation Dept.
will be offering Free Child Care Service for busy holiday shoppers. The event is for
Highlands and Atlantic Highlands children ages 5 - 11 and will include games,
activities, arts & crafts, and a snack. Children should bring a bagged lunch. Please
pre-register by calling Henry Hudson at 732-872-0900 ext. 2023. A registration
form must be filled out at the time you drop your child off.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

4. **Breakfast with Santa - December 14 at HHRS** Cafetorium from 9:00 am - 11:00 am. The event is sponsored by the Highlands Recreation Dept. and the Henry Hudson Key Club. Breakfast will include Bagels, Cereal, Yogurt, Fruit, Juice, and Coffee.

5. Administration

- a. HH Trail ---- work is still underway in cooperation with AH and MCPS to have the trail opened. Progress is being made and work continues.
- b. Working with various groups that are providing additional services to residents in town -

Work Force Development	Future with Hope
Operation Hope	CPC Behavioral Health
NJ Center Healing Arts	H/AH Municipal Alliance
Highlands Recreation Dept.	AH Rec. Committee
HBP	Affordable Housing Alliance
Community Y	
- c. Bid Opening for Sanitation Contract is Dec 12,
- d. Seasonal Snow Removal ---- accepting applications for seasonal, on-call assistance as scheduled.
- e. Working with Architect for Community Center & Boro facilities
- f. Rec'd inquiries, light poles, sanitary sewer items and other public works items.

Library:

There was no report at this time.

HBP:

Carla Cefalo-Braswell gave a brief report. The Visual Improvement Program finished installing the fence at Huddy Park. They allocated money for part time maintenance person for clean-up. They are working on marketing with the County for a 2014 Calendar. She stated that she received a letter from the DCA that Highlands will receive DBIZ loan funds for flooding district. She will send a copy of the letter to council. The Street Scape grant application is due very soon and that she is working on that.

Shared Services:

There was no report at this time.

Other Business

Paradise Mobile Park – Request for Waiver of Sewer Bills:

Mayor Nolan spoke of giving them a 30 day extension for tax sale.

Mr. Pfeffer stated that we cannot.

Mr. Francy said they may not want to cap sewer.

No action was taken.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

Valley to Vets Rutgers Studio:

Mr. Francy stated that Rutgers have conducted several studio studies. They decided to do studio for Highlands this spring.

Mayor Nolan directed Carla Cefalo-Braswell to post on the website.

Mr. Francy explained the location would be Veteran's Park to Valley Street. The timeframe for the process is January to June 2014.

Public Portion:

Kim Skorka of 315 Shore Drive is upset about council approving resolution for two bars to have late hours.

Mr. Redmond stated that he is not in favor but it is an ordinance and we require police presence.

Kim Skorka continued to express her frustration with late hours for New Year's Eve.

Chief Blewett stated that there were no problems in the past.

Kim Skorka asked what the lease terms for 19 Bay Avenue are for R-13-254.

Mr. Padula stated that it is \$3500.00 per month.

Kim Skorka questioned R-13-271 Drive Sober Crackdown.

Chief Blewett said that funding is provided for Highlands.

Kim Skorka spoke of problems with our website. We need to revisit the website in the New Year. She continued to ask questions about various items. She would also like plantings to help with flooding and I and I.

Loriann Nolan informed all of Highlands Day of Kindness and Christmas Bazaar at Mother Teresa School.

Doug Card of 28 Shrewsbury Avenue asked for the status on professional grant writer.

Mr. Padula stated that we have an RFP.

Doug Card asked about code violations and if they are being dismissed.

Mr. Hill will get the numbers and follow up.

Mr. Padula explained that we have prosecution to represent the Borough.

Doug Card continued to complain about violations being dismissed.

Mr. Padula stated that we can talk to the prosecutor.

Mayor Nolan directed Mr. Padula to have Mr. Butler come to the next executive meeting.

Mr. Padula will contact Mr. Butler and have him prepare a report.

Barbara Ianucci of 28 Shrewsbury Avenue feels we may want to start with recent 28 violations issues. She also spoke of insurance wants map information.

Mr. Leubner said he can spell it out for insurance company.

Barbara Ianucci would like the town to get the FEMA maps finalized.

Mr. Francy sent an email to FEMA regarding this issue.

Mayor Nolan will call the Congressmen's and Governor's Office.

Barbara Ianucci said that 30 Shrewsbury Avenue had gravel trucks and they broke the sidewalk.

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
December 4, 2013

Mr. Hill will contact NJAW to get sidewalk fixed.

Melissa McAleer of 52 Barbarie Avenue spoke of help information needed on the website. She also asked if there were other options for R-13-254 and the \$42,000 for the year in rent.

Mr. Hill stated that we have made investments to the building.

Melissa McAleer asked Arcadis what is percentage of houses that are bank owned and questioned recent fire.

Ms. Kane stated that the County is investigating.

Carol Bucco of 330 Shore Drive would like the ticket to Bayview Condo's dismissed. They received a summons in the mail that the curb next to the driveway needs to be painted.

Mr. Hill will get the facts.

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

The Meeting adjourned at 10:00 p.m.

Debby Dailey, Deputy Clerk

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