

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
December 18, 2013

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

Ms. Kane called the meeting to order at 7:03 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
Late Arrival: Mayor Nolan at 7:11 p.m.
Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Dustin Glass, Borough Attorney filling in for Bruce Padula
Dale Leubner, Borough Engineer
Steve Pfeffer, Borough CFO

Executive Session Resolution

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

R-13-275

RESOLUTION
EXECUTIVE SESSION

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

- 1.Litigation: Capt's Cove Marina**
- 2.Contract: Shore Grafx, Review of Draft Shared Services for Sewer, Gateway Village Municipal Service Agreement**
- 3.Real Estate:**
- 4. Personnel Matters: Appoint 2 New Police Officers**
- 5. Attorney-Client Privilege: Setback Issues, Code Enforcement – James Butler**

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.

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

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

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

ROLL CALL:

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

Mayor and Council entered Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:08 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

Arcadis Presentation:

Lee Wordsman gave his detailed presentation of updated FEMA reimbursements.

Mr. Hill stated that we recently received five work projects sign off on.

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Mr. Wordsman answered questions from the governing body and explained the Project Worksheet Process. We have to spend money before getting reimbursed. Once the project is done, we submit for reimbursement.

Mr. Hill said we did meet with FEMA and architect today for mitigation to the Community Center and Borough Hall.

Lee Wordsmen will do monthly updated documents.

INSERT PW SUMMARY

HIGHLANDSNJ.COM

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INSERT PW SUMMARY

HIGHLANDSNJ.COM

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Consent Agenda:

Mayor Nolan asked the governing body if they had any questions on the resolutions.

Mr. Francy asked for Resolution R-13-286 to be removed.

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

R-13-276
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION - SPECIAL ITEM OF REVENUE
N.J. DEPARTMENT OF LAW AND PUBLIC SAFETY
2013 DRIVE SOBER OR GET PULLED OVER YEAR END
HOLIDAY CRACKDOWN

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

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for 2013 in the amount of \$4,400.00 which is now available from State of New Jersey Department of Law and Public Safety.

BE IT FURTHER RESOLVED that a like sum of \$4,400.00 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
2013 Drive Sober or Get Pulled Over Year End	
Holiday Crackdown	\$4,400.00

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

Seconded by Ms. 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:

R-13-277
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION - SPECIAL ITEM OF REVENUE
N.J. OFFICE OF HOMELAND SECURITY AND PREPAREDNESS

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FFY 12 URBAN AREAS SECURITY INITIATIVE (UASI-STATE SHARE)

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

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for 2013 in the amount of \$85,800 which is now available from State of New Jersey Office of Homeland Security and Preparedness.

BE IT FURTHER RESOLVED that a like sum of \$85,800 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
FFY 12 Urban Areas Security Initiative	
(UASI-State Share)	\$85,800

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

Seconded by Ms. 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 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 for its adoption:

R-13-278

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

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

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

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the 2013 budget in the amount of \$10,000.00 which is now available from the County of Monmouth as additional funding to a previously approved and amended Hurricane Sandy National Emergency Grant of \$125,908.72.

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

County of Monmouth	
Hurricane Sandy National Emergency Grant	\$10,000.00

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

Seconded by Ms. 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:

R-13-279

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR TY 2012

WHEREAS, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

WHEREAS, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the Transition Year 2012.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH**

R-13-280

**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;

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
P.E.O.S.H.A.:		
Other Expenses	\$ 2,500.00	
Finance:		
Other Expenses	2,000.00	
Legal:		
Other Expenses	13,000.00	
Sanitation:		
Salaries & Wages	2,000.00	
Other Expenses:		
Contractual Services	4,000.00	
DCRP	2,000.00	
Building & Grounds:		
Other Expenses	3,500.00	
Assessor:		
Other Expenses		\$ 4,000.00
Borough Clerk:		
Other Expenses		5,000.00
Fire Department:		
Other Expenses		10,000.00
Interest on Bonds		10,000.00
	\$ 29,000.00	\$ 29,000.00

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 its adoption:

**BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH**

R-13-281

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

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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:

ORDINANCE NUMBER	PROJECT DESCRIPTION	FUNDED CAPITAL SURPLUS	UNFUNDED	DOT GRANT
O-10-14	Reconstruction of			
O-11-6	Highland Avenue	\$31,145.75		\$31,441.34

**AMOUNTS TO BE
CANCELED**

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 its adoption:

R-13-282
RESOLUTION ACCEPTING TFY 2012 AUDIT
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the transitional year ending December 31, 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

- General Comments
- Recommendations
- Auditors' Opinions

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and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the governing body: and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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-13-283
RESOLUTION AUTHORIZING EXTENSION OF HOURS OF OPERATION FOR
SALE OF ALCOHOLIC BEVERAGES

WHEREAS, the Chubby Pickle has submitted a written request 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.

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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 the Chubby Pickle.

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 3AM on the morning of January 1, 2014 is hereby granted to the following:

The Chubby Pickle
23 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 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-13-285
RESOLUTION AUTHORIZING
ALCOHOLISM AND DRUG ABUSE GRANT FOR FISCAL CYLE
JULY 2014 – JUNE 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organization, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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 person of all ages; and therefore has an established Municipal Alliance Committee; 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 on Alcoholism and Drug Abuse through the County of Monmouth;

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Highlands/Atlantic Highlands Municipal Alliance grant for fiscal year 2014 in the amount of

DEDR	\$28,525
Cash Match	\$7,131.25
In-Kind	\$21,393.75
2. The Borough 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-13-287
RESOLUTION APPROVING
Highlands Business Partnership
2014 Events Calendar

Whereas, the Highlands Business Partnership has submitted their 2014 events calendar as follows:

Sunday	January 26	Beef & Brew Pre-Super Bowl Bash St. Patrick's Parade Fundraiser
Sunday	February 23	Chili Cook-Off St. Patrick's Parade Fundraiser
Saturday	March 1	Highlands Guinness Run Fundraiser
Saturday	March 22	St. Patrick's Day Parade, Bay Avenue 2PM
Sunday	May 25	Seaport Craft Show, Huddy Park 10AM-5PM
Saturday	June 28	Taste of Highlands, Noon-6PM
Saturdays	July - October	Farmer's Market, Huddy Park 8:30AM
Thurs-Sun	July 31 – Aug 3	Clamfest, Huddy Park Thursday 6-10PM Friday 6-11PM

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Saturday 12-11PM
Sunday 12-8PM

Sunday	September 28	Twin Lights Bike Ride, Huddy Park 7AM
Saturday	October 4	Oktoberfest, Veterans Park 2-9PM
Sunday	October 5	Rain date
Friday	December 5	Tree Lighting, Huddy Park 6PM
Saturday	December 6	Rain date

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Highlands Business Partnerships 2014 Events Calendar is hereby approved.

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-13-288

**RESOLUTIO OF CONCURRENCE
OF NJDOT BUS STOP LOCATIONS**

WHEREAS, the New Jersey Department of Transportation is preparing an inventory of certain designated bust stop location on State and US Highways in several counties; and

WHEREAS, the New Jersey Department of Transportation has requested that the Borough of Highlands review and approve the following bus stop locations:

1. Route 36 NB at Miller Street, MP 12.13
2. Route 36 SB at Miller Street, MP 12.13
3. Route 36 NJ at Waterwitch Avenue, MP 12.59
4. Route 36 NB at Orchard Avenue, MP 13.14

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the above referenced bus stop locations along Route 36 in the Borough of Highlands are hereby approved.

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

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-13-290

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**RESOLUTION APPOINTING
PROVISIONAL PART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, Philip Paone has submitted a letter of resignation to Chief Blewett to become effective December 30, 2013.

WHEREAS, this resignation has created a need within the Police Department to appoint one part- time Police Communications Operator to fill open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Kyle Weimer be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Kyle Weimer is hereby appointed as a part-time provisional Police Communications Operator effective December 16, 2013.

BE IT FURTHER RESOLVED that said provisional appointments be compensated at an hourly rate of \$9.50 per hour.

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-13-291
RESOLUTION AUTHORIZING AGREEMENT
FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)
BETWEEN THE BOROUGH OF HIGHLANDS AND
THE BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Borough of Highlands has a need for eligible residents to have transportation to and from local food markets; and

WHEREAS, the Monmouth County Board of Chosen Freeholders has established the Special Citizens Area Transportation System (referred to as SCAT) which provides such transportation services at a rate of \$155.00 per half day.; and

WHEREAS, the Borough of Highlands has reviewed an agreement for said services for the period of January 1, 2014 through December 31, 2014 and finds it to be acceptable; and

WHEREAS, certification of availability of funds here hereby made contingent upon the adoption of the SFY 2014 Municipal Budget.

Account 1262 – 3805

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for the period of January 1, 2014 through December 31, 2014 at a rate of \$155 per half day for the purpose of providing transportation to eligible residents.

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

ROLL CALL:

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

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

R-13-292
RESOLUTION
AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR EVERCLEAR DEVELOPMENT FOR PROPERTY LOCATED
AT 111 SHORE DRIVE ALSO KNOWN AS
BLOCK 60 LOT 7.01

WHEREAS, the applicant has requested a reduction of Performance Guarantees that were posted in the amount of \$7,533.00 (90% Performance Bond Amount posted with a Check) and \$837.00 (10% Cash Portion paid by check) for Block 60 Lot 7.01; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the reduction of said Performance Guarantees as follows:

Reduced Performance Guarantee	\$4,800.00
Reduced Bond Amount:	\$4,320.00
Cash to Remain on Deposit:	\$ 480.00

subject to the following conditions:

1. Engineer Inspection Fees be posted \$ 500.00
2. Payment of any outstanding inspection or other fees owed to the Borough; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for Everclear Development for Block 60 Lot 7.01, 111 Shore Drive is hereby reduced and the Chief Financial Officer is hereby authorized to refund the reduced portion of Performance Bond as listed above) plus any accrued interest **less the required reduced bond that must remain and less outstanding engineering invoices. Any remaining legal fees shall also be refunded if such exist.**

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-13-293
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR EVERCLEAR DEVELOPMENT FOR PROPERTY LOCATED
AT 113 SHORE DRIVE ALSO KNOWN AS
BLOCK 60 LOT 7.02

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WHEREAS, the applicant has requested the release of Performance Guarantees in the amount of \$7,839.00 (90% Performance Bond Amount posted with a Check) and \$871.00 (10% Cash Portion paid by check) for Block 60 Lot 7.02; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee be posted in the amount of \$1,306.50 for a two year period.
2. Payment of any outstanding inspection or other fees owed to the Borough; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for Everclear Development for Block 60 Lot 7.02, 113 Shore Drive is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Bond in the amount of \$7,839.000 (90% Bond Amount) and \$871.00 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$1306.50 and any outstanding engineering invoices. Any remaining legal fees shall also be refunded is such exist.**

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 list and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS
12/18/2013

CURRENT:		\$	145,788.20
Payroll	(12/15/2013)	\$	266,424.16
Manual Checks		\$	22,927.46
Voided Checks		\$	
SEWER ACCOUNT:		\$	6,925.50
Payroll	(12/15/2013)	\$	6,415.88
Manual Checks		\$	3,000.00
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	102,152.22
Payroll	(12/15/2013)	\$	1,025.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	

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GRANT FUND		\$	2,233.67
Payroll	(12/15/2013)	\$	10,256.22
Manual Checks		\$	
Voided Checks		\$	
 DEVELOPER'S TRUST		 \$	
Manual Checks		\$	
Voided Checks		\$	

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

SUPPLEMENTAL BILL LIST
December 18, 2013

CURRENT FUND

First Priority Emergency Vehicles	Repairs 1995 Seagrave Pumper	6,281.86
JCP & L	Electric Boro Facilities #2013-12	1,799.96
NJ American Water	Water/Hydrants #2013-11	640.35
Total Current Fund		<u>8,722.17</u>

CAPITAL FUND

Esposito Construction	Bayside Drive Improvements	9,918.38
Total Capital Fund		<u>9,918.38</u>

GRANT FUND

Total Grant Fund	<u>0.00</u>
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SEWER UTILITY FUND

Total Sewer Utility Fund	<u>0.00</u>
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TRUST FUND

Harry Muradi	Tax Title Lien Redemption 19/23	188.54
Total Trust Fund		<u>188.54</u>

Total Supplemental Bill List	<u>18,829.09</u>
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Seconded by Ms. Kane and approved for payment on the following roll call vote:

ROLL CALL

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

R-13-286 – Resolution Approving Change Order #1 Bayside Drive:

Mrs. Cummins read the title of R-13-286.

Mr. Francy asked for the status of the redo of the curb.

Mr. Leubner stated that he spoke with Exxon regarding the wall. He recommends letting them do their work first and then put up the wall.

Mr. Francy thinks the work has been done. He said they were to do another 20-30' on the left side and it been done.

Mr. Leubner said he will move forward with the wall. There is still money in the contract. Mayor Nolan offered the following Resolution and moved its adoption:

R-13-286
RESOLUTION – CHANGE ORDER #1
ESPOSITO CONSTRUCTION, LLC
DECREASE OF \$4,389.20
BAYSIDE DRIVE IMPROVEMENT PROJECT

WHEREAS, a contract was awarded to Esposito Construction, LLC for Bayside Drive Improvement Project as follows:

R-13-109	May, 1, 2013	\$110,955.00
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WHEREAS, change order # 1 dated December 4, 2013 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (adjustments various items have been reduced to reflect as built quantities),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 decreasing the original contract amount by \$4,389.20 is hereby authorized for the Bayside Drive Improvement Project. The contract amount is hereby amended to \$106,565.80.

Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 12-22.

NO CERTIFICATION NECESSARY

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

Ordinances –2nd Reading, Public Hearing & Adoption:

O-13-31 – Bond Ordinance for Disolution of AHHRSA &

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O-13-32 – Ordinance Dissolving AHHRSA

Mrs. Cummins read the title of Ordinance O-13-31 and O-13-32 and stated that are being pulled.

Mr. Pfeffer explained that he received an email from Matt Jessup requesting that we pull these.

Mayor Nolan offered a motion to table O-13-31 and O-13-32 for a date to be determined later, and seconded by Ms. Kane.

Ms. Kane asked for a brief discussion on the delays.

Mr. Francy said the issues for delay are that we did not have a shared services agreement in writing. There was also an objector in the audience and we need to address some of his concerns.

Discussion continued on the dissolution.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

O-13-35 – Ordinance Amending Home Elevation Regulations

Mrs. Cummins read the title of Ordinance O-13-35 on for 2nd Reading and Public Hearing. This was published in the December 7th, 2013 edition of the Asbury Park Press and may now be open to public hearing.

Mr. Francy stated that this removes the requirement of the unified lifting system from the ordinance. There are not enough of these systems available. The houses can be lifted safely without this.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-13-35 on for final reading and adoption.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-13-35
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

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.

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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 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-13-36 – Ordinance Amending Section 7-3.8A Parking

Mrs. Cummins read the title of O-13-36 on for 2nd reading and public hearing. This is to clean up our ordinance.

Dustin Glass explained that temporary parking during construction on Washington Avenue. The reference no longer exists.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-13-36 on for final reading and adoption.

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

BOROUGH OF HIGHLANDS

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

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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

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. Ryan and adopted on the following roll call vote:

ROLL CALL:

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

Other Resolutions:

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

Mrs. Cummins read the title of Resolution R-13-223.

Mayor Nolan offered a motion to table R-13-223 to a date to be determined, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

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NAYES: None
ABSENT: None
ABSTAIN: None

R-13-284- Resolution-Introduction and Set Public Hearing Date for HBP 2014 Budget

Mrs. Cummins read the title of Resolution R-13-284 and setting of the public hearing date of January 15th, 2014.

Ms. Kane offered the following HBP 2014 Budget and moved on its introduction and setting of a public hearing date of January 15, 2013 at 8:00 P.M. and authorized its publication according to law:

R-13-284
HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2014– December 31, 2014

<u>COMMERCIAL DISTRICT</u>	2014
<u>PROGRAM BUDGET</u>	EXPENSE
Visual Improvement.....	25,000.00
<input type="checkbox"/> Beautification	
<input type="checkbox"/> Maintenance	
<input type="checkbox"/> Holiday & Seasonal	
<input type="checkbox"/> Street Banners	
Special Events Calendar.....	\$55,000.00
<input type="checkbox"/> Creation of events	
Marketing & Communications.....	\$15,000.00
<input type="checkbox"/> Ad campaigns	
<input type="checkbox"/> Tourism	
<input type="checkbox"/> Public Relations	
<input type="checkbox"/> Image Building	
<input type="checkbox"/> Visitor Guide 2014-2015	
<input type="checkbox"/> Audio & Video Media	
<input type="checkbox"/> Maintain Website & Database & Graphic Ad Design.....	\$10,000.00
Economic Development.....	\$15,000.00
• Business Recruitment/Retention & Redevelopment	
Administrative Budget	
Personnel.....	\$30,000.00
Miscellaneous.....	\$10,000.00
<input type="checkbox"/> Legal	
<input type="checkbox"/> Audit	
<input type="checkbox"/> Insurance	
<input type="checkbox"/> Office Supplies	
<input type="checkbox"/> Utilities – Telephone, fax & electric	
<input type="checkbox"/> License & fees	

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TOTAL Expenses.....\$160,000.00

HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2014 – December 31, 2014

<u>COMMERCIAL DISTRICT</u>	2014
<u>PROGRAM BUDGET</u>	Income

Special Events Income.....\$85,000.00
• Vendor Fees Income
• Event Income (Social Affairs & Raffle Permit income)

Marketing & Communications.....\$25,000.00
• Sponsorship Income
• Barter Goods & Services (approx. \$12k)

TOTAL Income\$110,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$50,000.00

Seconded by Mayor Nolan 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

R-13-289 – Resolution Approving MOD Space Trailer Lease

Mrs. Cummins read the title of R-13-289.

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

R-13-289
Resolution Approving a Lease between the Borough and MOD Space
For the Period of December 11, 2013 through December 11, 2014

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

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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 space with MOD Space Trailers; and

Whereas, the Borough has negotiated terms of a lease with the MOS Space; 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 MOD Space for office space to conduct Borough Business for a one-year term (December 11, 2013 through December 11, 2014) in substantially the form attached hereto.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute lease agreements with MOD Space.

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-13-294 – Resolution Creating Advisory Committee

Mrs. Cummins read the title of R-13-294.

Mayor Nolan said we will establish the committee and have the names at the Reorg.

Mr. Francy questioned if this committee would have monthly meetings and a secretary.

Mayor Nolan stated no, not at this time.

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

R-13-294
RESOLUTION CREATING ADVISORY COMMITTEE

WHEREAS, the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey has previously requested the Federal Emergency Management Agency (FEMA) provide assistance to the Borough through the FEMA Federal Disaster Recovery Program by adopting Resolution R-13-160; and

WHEREAS, the Borough, in cooperation with FEMA, has completed a Community Recovery Plan entitled the Highlands Community Recovery Plan (Plan) as part of the FEMA Federal Disaster Recovery Program; and

WHEREAS, the Borough Council has adopted the plan on November 6, 2013 (Resolution R-13-238); and

WHEREAS, the plan contains numerous recommendations for action by a variety of organizations, governments and other entities; and

WHEREAS, the Borough Council desires to undertake the implementation of the project and other recommendation in the Plan in a timely and coordinated manner.

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that a Advisory Committee be established and members will be appointed at the January 1, 2013 annual Reorganization Meeting.

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-13-295 – Resolution Awarding Contract for Solid Waste Removal

Mrs. Cummins read the title of R-13-295.

Dustin Glass stated that this resolution is being tabled. We prepared an emergency contract with Future for up to 120 days. They could go up to four months.

Mayor Nolan explained the issues that they are having with the bids they received.

R-13-296 – Resolution Appointing Chief Financial Officer

Mrs. Cummins read the title of R-13-296.

Mayor Nolan stated that he would have liked this position to be advertised. He likes Patrick DeBlasio but felt that the council should have gone in a different direction.

Ms. Kane spoke favorably of Patrick DeBlasio.

Ms. Ryan spoke in favor of Patrick DeBlasio also.

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

R-13-296
RESOLUTION APPOINTING PATRICK DeBLASIO AS
CHIEF FINANCIAL OFFICER

WHEREAS, the Borough's Chief Financial Officer has announced his retirement, effective May 1, 2014; and

WHEREAS, the Borough wishes to appoint Patrick DeBlasio to the position of Chief Financial Officer, effective May 1, 2014; and

WHEREAS, DeBlasio currently serves as Borough Tax Collector and will continue to serve in that position; and

WHEREAS, prior to starting employment as Chief Financial Officer, DeBlasio, in his role as Tax Collector will assist the current Chief Financial Officer to effectuate a smooth transition to the Chief Financial Officer position.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Borough does hereby appoint Patrick DeBlasio as Chief Financial Officer, effective May 1, 2014, for a term in accordance with N.J.S.A. 40A:9-140.10; and

BE IT FURTHER RESOLVED that the Borough shall provide DeBlasio with an annual salary of \$40,000.00, pro rated, for service as Chief Financial Officer; and

BE IT FURTHER RESOLVED that the governing body does hereby approve the attached Employment Agreement, incorporated herein by reference, and authorizes and directs the Mayor to sign the Agreement on behalf of the Borough.

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

ROLL CALL:

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

R-13-297 – Resolution Approving Raffle License for HBP

Mrs. Cummins read the title of R-13-297.

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

R-13-297
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-13-16
HIGHLANDS BUSINESS PARTNERSHIP

WHEREAS, the Highlands Business Partnership has submitted a Raffle License Applications No. RA1317-13-116.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands hereby approves Raffle License Application RA#1317-13-16 for the Highlands Business Partnership and the Borough Clerk is authorized to sign off on licenses.

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

ROLL CALL:

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

R-13-298 – Resolution Appointing Two New Police Officers

Mrs. Cummins read the title of R-13-298 appointing Nicholas Riker and Todd Gardiner.

Mayor Nolan explained the need for more officers and that we will be losing two officers this year.

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

R-13-298
RESOLUTION APPOINTING NICHOLAS RIKER AND
TODD GARDINER AS POLICE OFFICERS IN THE
BOROUGH OF HIGHLANDS

WHEREAS, the Borough of Highlands has a need to hire additional police officers; and

WHEREAS, the Chief of Police has recommended appointing Nicholas Riker and Todd Gardiner as Police Officers within the Borough, subject to successfully completing the appropriate background, medical and psychological tests.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough Highlands, that Nicholas Riker and Todd Gardiner are hereby appointed as Police Officers in the Borough of Highlands, subject to successful completion of the appropriate background, medical and psychological tests.

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

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ROLL CALL:

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

R-13-299 – Resolution Endorsing Env. Comm. To Pursue Grant Funding for Overlook Park located on Route 36

Mrs. Cummins read the title of R-13-299.

Mr. Francy introduced Steve Szulecki from the Environmental Commission.

Steve Szulecki stated that the Borough has been discussing this matter since April/May 2011. He gave a brief presentation and explained that when this was first discussed, it incorporated the bike path which is now completed. He wants to refocus our efforts to pursue grants for this property. He has a drawing that he will send to the council of the vision of the park. He described that parts of the old bridge will be used in the park as well. He then spoke of the cost. He did speak to two contractors. It would be about \$30,000.00 to get the work done. It is also looking into grant to do the greater part of the park. He further explained the work that would be done in the park.

Mayor Nolan stated that this will be a bike to - walk to park, not a drive to park.

Steve Szulecki said that the size of the lot would not accommodate parking.

Discussion continued.

Ms. Ryan asked about a name for the park

Ms. Kane said we have a sketch from before Sandy for Volunteer/First Responder Park.

Mr. Francy feels we should adopt this resolution to endorse this project. He would like to put the drawing on the website.

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

R-13-299
RESOLUTION ENDORSING THE HIGHLANDS ENVIRONMENTAL COMMISSION
TO PURSUE GRANT OPPORTUNITIES REGARDING
IMPROVMENTS TO BOROUGH LAND LOCATED ON ROUTE 36

WHEREAS, the Highlands Environmental Commission has expressed interest in seeking grant funds to make improvements to Borough owned property located on Route 36 known as Block 40 and Lot 11.01 Highlands Overlook Park; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands does hereby endorse efforts made by the Highlands Environmental Commission to pursue grant funding for improvements to be made at the Highlands Overlook Park located on Highway known as block 40 and lot 11.01.

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

Additional Resolutions:

R-13-300 – Resolution Appointing Member to Housing Authority

Mrs. Cummins read the title of R-13-300. Ms. Kane's appointment recently expired.

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Mayor Nolan offered the following Resolution and moved its adoption:

R-13-300
RESOLUTION APPOINTING MEMBER OF HOUSING
AUTHORITY

WHEREAS, Rebecca Kane's term as Housing Authority Board Member has recently expired on November 30, 2013; and

BE IT RESOLVED that the following appointment to the Housing Authority be and hereby is made:

Rebecca Kane	Five Year Term to Expire November 30, 2018
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Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Ms. Kane

R-13-301 – Resolution Authorizing Awarding Emergency Contract to Future Sanitation

Dustin Glass read the title of R-13-301. He explained this is still the current supplier of the services. The time frame is up to 120 days.

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

Borough of Highlands
Resolution R-13-301
AUTHORIZING THE BOROUGH OF HIGHLANDS TO AWARD AN EMERGENCY
CONTRACT FOR SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION
SERVICES TO FUTURE SANITATION, INC.

WHEREAS, pursuant to N.J.S.A. 40A:11-1, et seq. the Borough of Highlands solicited bids for the provision of solid waste and recyclable material collection services; and

WHEREAS, the bids submitted in response to the Borough's request for bids for the provision of solid waste and recyclable material collection services are currently under review; and

WHEREAS, the Borough's current contract to provide solid waste and recyclable materials collection services with Future Sanitation, Inc. will expire on December 31, 2013; and

WHEREAS, the Borough has determined that it requires the immediate performance of solid waste and material collection services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6 the Borough of Highlands is authorized to award an emergency contract for the provision of services without public advertising for bids when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the Borough has determined that, without an emergency contract for the provision of solid waste and recyclable materials collection services, commencing on January 1, 2014, an emergency will occur which affects the public health, safety and welfare of the Borough's residents; and

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WHEREAS, Future Sanitation, Inc. has agreed to continue to provide solid waste and material collection services to the Borough for a period of up to one hundred and twenty (120) days; and

WHEREAS, the Governing Body has determined that an emergency exists and it is in the best interests of the residents of the Borough to enter into an emergency contract with Future Sanitation, Inc. for the provision of solid waste and recyclable material collection services commencing on January 1, 2014.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough of Highlands awards an emergency contract for solid waste and recyclable materials collection service throughout the Borough of Highlands to Future Sanitation, Inc. for a period of up to one hundred and twenty (120) days to commence on January 1, 2014.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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

Other Business:

Borough Engineer's Status Report

Mr. Leubner read thru his report.

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

Capital Improvement Projects

1. **Flood Reduction Program:** Permit applications were submitted to the various agencies on March 4, 2011, and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. A Tidelands License has been approved by the NJDEP to relocate the Valley Street Pumpstation outfall line to the Borough right-of-way. The permits for the project have been issued by the Army Corps of Engineers on July 7, 2011, and the NJDEP issued CAFRA and Waterfront Development Permits on July 27, 2011. As requested, we have prepared and submitted a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center. A presentation was held on September 20, 2011 to present the anticipated improvements of the overall project. The project has been put on hold. We have requested to be included in the 2015 EIT funding cycle at this time. We are also currently seeking other Federal funding options in an effort to move the project forward.
2. **The Dredging of Jones Creek at Snug Harbor:** Permit applications and associated plans are underway.
 - County has completed the dredging of the creek and removal of the spoils pile from the vacant lot on Shore Drive.
 - County has repairs to perform due to damage they caused during the operation.
 - Meeting was held with the County on September 16, 2013 to review damaged areas and reject recent repairs. County has agreed to make the requested repairs but has been uncommitted to a date to complete the repairs.
 - NJDEP permit application has been submitted.

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3. **The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.
- A 12” trailer pump is currently in place and utilized as needed until the station can be replaced.
 - Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE’s.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
 - Draft plans have been submitted to the Governing Body for review. We will advertise the project once bonding is in place and we are authorized to do so.
 - Awaiting further direction from the Governing Body with regards to the overall size of the station. Now that the new flood maps have been released, the overall height of the station can be reduced by four feet.
 - Access agreements are required from the adjacent property owners for construction purposes.
 - Currently working with Pumping Services to re-install existing pump and make station operational until design of new station is completed.
4. **The Reconstruction of Bayside Drive:** The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.
- | | |
|-------------|---|
| Bid Date: | April 30, 2013 |
| Award Date: | May 1, 2013 |
| Contractor: | Esposito Construction, LLC, Matawan, NJ |
| Amount: | \$110,955.00 |
- Contracts have been approved by the Borough Attorney.
 - Concerns have been raised pertaining to material disposal and water levels within the ditch area. Test results have been received on the material and the material will be disposed of appropriately.
 - Project has been substantially completed.
 - The only remaining punchlist item is extending the retaining wall an additional 100 feet to the west.
 - Additional retaining wall may be removed from the contract due to additional remediation work being scheduled by Exxon.
5. **The Replacement of the Bay Street Retaining Wall:** This project will replace the failing retaining wall on Bay Street along the frontage of house #8.
- Project was recently authorized by the Mayor and Council.
 - Project design is underway.
 - Awaiting soil borings to finalize design.

Grants and Loans

1. **FEMA Hazardous Mitigation Assistance Grant Application (Flood Reduction Program):** The Letter of Intent was submitted to FEMA on April 8, 2011 as required. FEMA has reacted favorably to the Borough’s flood reduction project as described in the Letter of Intent. T&M Associates has prepared and submitted the grant application on behalf of the Borough. The application was submitted on October 28, 2011. The Borough has been notified that the project ranks third and fourth on the State funding list. We are currently researching other avenues of Federal funding to assist in moving the project forward.
2. **Monmouth County Community Development Block Grant:** The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on prior discussions with the County.
3. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project.

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4. **FY 2014 NJDOT Local Aid Applications:** As requested, T&M Associates prepared and submitted a Local Aid application for consideration for Shrewsbury Avenue from Bay Avenue to Miller Street.

Mr. Leubner added to his report the DBIZ pipe design. It is underway.

CFO Report:

Mr. Pfeffer stated that we had the tax sale last week. All listed properties were sold. We recouped \$159,850.00 in the current fund and \$65,695.77.00 in the sewer utility. We also brought in \$409,500.00 in premiums bids. That is a huge amount. It was a good for the Borough. He will have the final collection numbers in about a month as well as preliminary surplus numbers.

He then reported gave his bond report. The amount of bonds sold is on December 10th is \$1,300,500.00. We will be closing on Christmas Eve for the transfer of funds. This will fund several borough projects.

Mr. Pfeffer read the report that he received from the financial advisors of the MCIA. He further explained that the Borough funded a little short of \$1,500,000.0 in projects and will have to pay back \$1,350,000.00. We fared very well on this deal with the County. He thanked the County Freeholder for supporting this program with the guarantee.

Community Rating System Update:

Mr. Francy said that he read in the paper the list of towns that are being recognized for significant achievements. He did not see Highlands listed. He asked Dale what are status in our CRS Program.

Mr. Leubner stated that we did send a letter in asking to be included in to the system. We had a meeting in the summer with the State and FEMA. They expressed their displeasure with the way Highlands has conducted themselves with flood mitigation over the past several years. They want to have another inspection. We are not in the CRS system yet. He is working on getting us in. He will be able to show them the improvements that we have made over the past several months. He is hopeful for a favorable judgment. We can then work our way up the ladder.

Mr. Francy asked if there was anything that we mitigated that is keeping us from getting into the system.

Mr. Leubner explained zoning changes and non-conforming uses. We need to get another inspection. He will follow up the email tomorrow. He will send a formal letter also.

Maureen Bosco – Request for Reduced Sewer Bills:

Mayor Nolan stated that we have a request for sewer bill reduction.

Mrs. Cummins said it was a two family home that was destroyed in the storm. It is not being used right now. She is requesting a reduced sewer bill.

Ms. Kane suggested putting a statement on the website that we are not entertaining these requests. We need to get the word out.

Council had a brief discussion.

Mr. Hill said the residents are not happy with the staff's response so the resident brings it to the council.

Mr. Pfeffer suggested that we workshop the current ordinance. If there are recommendations, we can change it.

Mayor Nolan wants to look at ways to help the property owner. We need to figure out something.

Public Portion:

Kim Skorka of 315 Shore Drive asked why the CFO position was not posted publicly.

Ms. Kane stated that it was not required. It has been negotiated with Mr. DeBlasio for a month.

Kim Skorka continued to complain about the hiring of Mr. DeBlasio.

Kim Skorka asked why the sidewalk isn't fixed on Shore Drive and asked about the status of the Transit Village application.

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Mr. Hill said the most recent application that had to be submitted was December 6th, 2013. It is in a holding pattern.

Doug Card of Shrewsbury Avenue stated that the website is not working. He asked for an explanation of Resolution R-13-280 transfer money to the fire department.

Mr. Pfeffer explained that the fire department had one truck where the repairs to the truck exceeded the estimated cost by approximately \$6,000.00. Another fire department vehicle also broke down with a cost of approximately \$2800.00 to repair.

Doug Card asked if we have a water response boat.

Ms. Kane said that we do, but it is out of the water at this time.

Doug Card questioned why we don't have it year round.

Chief Blewett explained that the marina is closed, so the boat cannot stay in the water. The Marine Task Force closes down this time of year. We use the Coast Guard.

Doug Card questioned article in paper about Sewer Authority and T&M.

Mr. Leubner responded. He said that article is wrong.

Mr. Francy explained the problem is with the hilltop pipes.

Don Mandrodt of 268 Bayside Drive said that Patrick DeBlasio was hired as Tax Collector years ago. He did a good job and will do a good job as CFO. He questioned the water leak on Bayside Drive. It is freezing, very icy.

Mr. Leubner will take another look at it.

Don Manrodt said that Exxon cut trees and left them. He also wanted to know where the wall is going.

Mr. Leubner explained the location of the wall on Bayside Drive.

Carol Bucco of 330 Shore Drive questioned why her condo association had to pay interest for paying their sewer bill late. Is there anything that can be done about that?

Mayor Nolan told her to write a letter, and they will discuss it in the next workshop meeting.

Carol Bucco asked about ordinances for AHHRSA.

Ms. Kane stated that they were tabled.

Carol Bucco spoke about Pat DeBlasio and his various jobs. She said that most good CFO's have several towns.

Mr. Francy explained his concerns.

Arnie Fuog of 50 Valley Street questioned Code Enforcement, did we hire a new one.

Mayor Nolan stated that we hired an additional one.

Arnie Fuog spoke of sewer hook-ups and reconnection fees. Before we separate from AHHRSA we should look into hook up that are not being charged. He also asked about the Transit Village and if we there is money that can be allocated for road repairs on Shrewsbury Avenue.

Mr. Leubner hoped to get money in the next funding cycle.

Arnie Fuog said that the apron in front of Eastpointe needs some attention.

Mr. Leubner stated that is a private road.

Lori Nolan of S. Bay invited all to a Winter Wonderland Celebration tomorrow at HHRS from 6 pm to 9 pm.

Art Gallagher asked about the garbage contract.

Mayor Nolan explained that the garbage contract expired.

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Art Gallagher asked about the CFO resolution.

Mr. Padula stated that it is a 4 year appointment.

Art Gallagher questioned continued to question the state statue.

Mr. Padula explained that the Statue Section refers to a change in the law, and people with tenure were grandfathered.

Mr. Pfeffer stated that in 1990, CFO's took courses and became certified. Then the law changed and tests and courses were required. CFO's were prior to this law, were grandfathered.

Art Gallagher asked if there is a difference between CFO and Municipal Finance Officer.

Discussion continued.

Mr. Padula will look up the statue.

A.J. Soloman questioned due diligence not being done by the governing body for the CFO position.

Governing body continued to discuss position with Ms. Soloman.

A.J. Soloman said she says garbage cans being put out days before pick up. The town looks awful. People should be fined. She has been looking at a mattress on Bay Avenue for four days. She continued to complain about how the town looks.

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

The Meeting adjourned at 9:51 p.m.

Debby Dailey, Deputy Clerk