

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

Mayor Nolan called the meeting to order at 7:07 p.m.

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

ROLL CALL:

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

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

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

**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: Martin Britton Property Taxes
1 Locust Street
Captain's Cove Marina**
- 2. Contract:**
- 3. Real Estate:**
- 4. Personnel Matters:**
- 5. Attorney-Client Privilege: Municipal Website
Workforce Development Programs
Zoning Ordinance Amendments for Driveways
Windansea Resolution**

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

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, 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 8:23 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

Ordinance: Introduction & Set Public Hearing Date for April 16th:

O-14-9 – Ordinance to Exceed CAP Bank

Ms. Dailey read the title of Ordinance O-14-9 on for introduction and setting of a public hearing date of April 16th, 2014.

Mr. Redmond offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 16, 2014 at 8:00 p.m. and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**O-14-9
CALENDAR YEAR 2014**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Governing Body of the Borough of Highlands hereby determines that a 3.5% increase in the budget for said year, amounting to \$200,923.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body of the Borough of Highlands hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$234,410.56 and that the CY 2014 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

Seconded by 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-14-90 – Resolution Introducing 2014 Budget

Mayor Nolan read the title of Resolution R-14-90 on for introduction and set of a public hearing date for April 16th, 2014.

Mr. Pfeffer read the resolution in to the record.

INSERT R-14-90

O-14-10 – Ordinance to Reduce the Quarterly Sewer Rate

Mr. Padula read the title of Ordinance O-14-10 on for introduction and set of a public hearing date for April 16th, 2014.

Mr. Padula read the ordinance in to the record.

Mr. Francy explained that there is a surplus of \$400k-\$430k. We will now see a slower increase in surplus. He feels that we owe it to our residents to move on this.

Mayor Nolan asked what the past yearly budget is.

Mr. Francy stated that it is \$1.2 million.

Mayor Nolan explained that this process of separating from Atlantic Highlands for over 18 months. He stated that he is in favor of this.

Ms. Ryan stated that she feels this is too soon.

Ms. Kane feels that we do not have a bench mark yet. We need to do it on our own first.

Mr. Francy offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 16, 2014 at 8:00 p.m. and failed on its adoption due to lack of votes at roll call:

County of Monmouth

An Ordinance amending Section 9-8.1, "Sewer Rates and Charges," of the Revised General Ordinances of the Borough of Highlands reducing the quarterly rate to \$120.00 for residences and reducing the minimum quarterly rate to \$120.00 for nonresidential (including schools)

WHEREAS, the Municipal and County Sewerage Act, N.J.S.A. 40A:26A-1 et seq. authorizes, inter alia, a local unit to prescribe or alter the rates to be charged for users of sewerage services; and

WHEREAS, the governing body has determined to reduce the rates prescribed by Highlands Borough Code § 9-8.1.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

SECTION ONE. Section 9-8.1 of the Revised General Ordinances of the Borough of Highlands shall be amended as follows:

A. Reduce the residential quarterly charge from \$140.00 to \$120.00, effective January 1, 2015 and expiring January 1, 2017, at which time, the quarterly charge shall revert back to \$140.00; and

B. Reduce the Nonresidential (including schools) minimum quarterly charge from \$140.00 to \$120.00, effective January 1, 2015 and expiring January 1, 2017, at which time, the minimum quarterly charge shall revert back to \$140.00;

All other provisions of § 9-8.1 not specifically amended by this Ordinance shall remain unchanged.

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

Seconded by Mayor Nolan and not adopted on the following roll call vote:

ROLL CALL:

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

Consent Agenda:

Mayor Nolan asked if anyone had questions or concerns on any of the items. There were none.

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

R-14-92
RESOLUTION AUTHORIZING DISPOSAL OF
BOROUGH EQUIPMENT

WHEREAS, the Borough Administrator has determined that the following public works equipment which no longer works and is of no value; and

1. Digital Oscilloscope Model #MT3000 SN#19923578
2. Cool Tech 34788/Refrigerant Recharging Station SN#203349
3. Fire Power Welding System SN#503180
4. Blue Star Welder, 6000 Watt AC Generator SN#LA023879
5. Tire Changer Model 7600 SN#L1-1JL267
6. Snap On Computer Wheel Balancer Model WB260 SN#S-243-004514

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the above listed equipment may be disposed of or salvaged as listed above.

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-14-93

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

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Drainage Improvements project as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$21,000 plus reimbursable expenses per T & M Associates proposal dated March 3, 2014 for Professional Engineering Services for the Drainage Improvement project provided to the Borough of Highlands for the period of one year; and

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

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

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

I hereby certify funds are available from Bond Ordinance _____ .

Stephen Pfeffer, Chief Financial Officer

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$21,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by 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

The following resolution was adopted at a regular meeting of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey held at the Municipal Building in the Borough on March 19, 2014 and the same shall be reflected in the minutes of such meeting.

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

ABSENT: None

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

R-14-94

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

Borough of Highlands
Mayor & Council
Regular Meeting
March 19, 2014

WHEREAS, the Borough of Highlands (the "Borough"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Borough to provide for the force main replacement project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2014, in an aggregate principal amount not to exceed \$1,682,800, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Borough Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Borough and the escrow agent named therein.

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

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Borough by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Borough (collectively, the "Borough Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Borough Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Borough as determined hereunder and to affix the corporate seal of the Borough to such Financing Documents.

Section 2. The Authorized Officers of the Borough are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

ROLL CALL:

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

NAYES: None

ABSENT: None
ABSTAIN: None

The following resolution was adopted at a regular meeting of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey held at the Municipal Building in the Borough on March 19, 2014 and the same shall be reflected in the minutes of such meeting.

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

ABSENT: None

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

R-14-95

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,682,800 SEWER UTILITY BONDS, SERIES 2014, OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

WHEREAS, the Borough of Highlands (the "Borough"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Borough to provide for the replacement of the Borough's force main (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's Sewer Utility Bonds, Series 2014, in an aggregate principal amount not to exceed \$1,682,800, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the

Borough of Highlands
Mayor & Council
Regular Meeting
March 19, 2014

governing body of the Borough as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$1,682,800 in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in a bond ordinances of the Borough, entitled, "Bond Ordinance of the Borough of Highlands, in the County of Monmouth, New Jersey, in Furtherance of the Dissolution of the Atlantic Highlands- Highlands Regional Sewerage Authority, Appropriating \$5,731,272 Therefor and Authorizing Not to Exceed \$5,731,272 Principal Amount of Bonds or Notes in Connection Therewith" and "Bond Ordinance Providing a Supplemental Appropriation of \$50,000 for Replacement of Force Mains in and by the Borough of Highlands, in the County of Monmouth, New Jersey, and Authorizing the Issuance of \$50,000 Bonds or Notes of the Borough to Finance the Cost Thereof", finally adopted by the Borough at meetings duly called and held on February 5, 2014 and March 5, 2014, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$1,682,800;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;
- (e) The purchase price for the Borough Bonds; and
- (f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or

before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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-14-96
RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT
FOR THE HIGHLANDS FIRE DEPARTMENT**

WHEREAS, the Highlands Fire Department has filed an application for a Social Affairs Permit for an event to be held on April 12, 2014 with no rain date; and

WHEREAS, the submitted application forms are complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands do hereby approve the Social Affairs Permit for an event to be held on April 12,, 2014.

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

ROLL CALL:

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

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

**R-14-97
RESOLUTION
APPROVING RAFFLE LICENSES
APPLICATION NO. RA#1317-14-5
HI-MAR STRIPER CLUB, INC.**

WHEREAS, the Hi-Mar Striper has submitted a Raffle License Applications No. RA1317-14-5 and the Highlands Business Partnership.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands hereby approves Raffle License Application RA#1317-14-5 for the Hi-Mar Striper and the Borough Clerk is authorized to sign off on licenses.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**RECAP OF PAYMENT OF BILLS
03/19/2014**

CURRENT:		\$	71,071.85
Payroll	(03/15/2014)	\$	120,330.47
Manual Checks		\$	32,154.00
Voided Checks		\$	
SEWER ACCOUNT:		\$	1,071.00
Payroll	(03/15/2014)	\$	3,853.27
Manual Checks		\$	36.07
Voided Checks		\$	
CAPITAL/GENERAL		\$	6,091.50
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	37,611.95
Payroll	(03/15/2014)	\$	2,825.00
Manual Checks		\$	13,175.05
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	3,805.00
Payroll	(03/15/2014)	\$	3,480.39
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
March 19, 2014**

CURRENT FUND

Bayview Condo Association	Street Lighting Jan/Feb 2014	
Twin Lights Terrace Condo Association	Snow Plowing Reimb 1/29/14	834.64
Twin Lights Terrace Condo Association	Snow Plowing Reimb 2/4/14	112.50
Twin Lights Terrace Condo Association	Snow Plowing Reimb 2/13/14	375.00
Twin Lights Terrace Condo Association	Snow Plowing Reimb 2/14/14	196.88
Twin Lights Terrace Condo Association	Snow Plowing Reimb 3/03/14	112.50
		93.75

Total Current Fund

1,725.27

CAPITAL FUND

Total Capital Fund

0.00

GRANT FUND

Total Grant Fund

0.00

SEWER UTILITY FUND

Total Sewer Utility Fund

0.00

TRUST FUND

Total Trust Fund

0.00

Total Supplemental Bill List

1,725.27

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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the Regular & Executive Minutes from February 19th, 2014 and March 5th, 2014, and seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

Other Resolutions:

R-14-89 – Resolution Appointing Purchasing Agent

Mayor Nolan offered a motion to remove this resolution and advertise, and add to the April 16th meeting, and seconded Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

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

Ms. Kane asked that we add the different thresholds of purchasing.

Mayor Nolan offered a motion to amend the resolution to add the different thresholds of purchasing, and seconded by Mr. Francy 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

R-14-91 – Resolution Awarding Contract to Purchase Ambulances

Mayor Nolan read the title of R-14-91 and explained that we have been discussing this for a while.

Mr. Pfeffer gave a brief explanation of the resolution. We are purchasing a new ambulance and one used.

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

**Borough of Highlands
Resolution R-14-91
AUTHORIZING THE BOROUGH OF HIGHLANDS TO AWARD A CONTRACT FOR
TWO (2) AMBULANCES TO BAY HEAD INVESTMENTS, INC. D/B/A VCI
EMERGENCY VEHICLE SPECIALISTS**

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et. seq. the Borough of Highlands advertised and solicited bids for two (2) Ambulances; and

WHEREAS, the Borough of Highlands received bids from Bay Head Investments, Inc. d/b/a VCI Emergency Vehicle Specialists and Campbell Supply Co. LLC/Wheeled Coach Industries; and

WHEREAS, the Highlands First Aid Squad Engineer, Edward Cetron, has evaluated the proposal for qualifications, experience and cost reasonableness, and recommends the award of a contract to Bay Head Investments, Inc.; and

WHEREAS, the lowest responsible bid received was from Bay Head Investments, Inc. for two (2) Ambulances; and

WHEREAS, Bay Head Investments, Inc. will provide two (2) ambulances for the sum of \$239,837.00; and

WHEREAS, the Governing Body finds that Bay Head Investments, Inc. is the lowest responsible and responsive bidder.

WHEREAS, the Chief Financial Officer certified funds in the amount of \$239,837.00 are available from Bond Ordinance _____; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough awards the contract for two (2) ambulances to Bay Head Investments, Inc.

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

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to prepare a contract between the Borough and Bay Head Investments, Inc. in accordance with the Bid Specifications, Bay Head Investment, Inc.'s Bid Proposal and this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$239,837.00 are available for the above contract from Bond Ordinance _____.

Stephen Pfeffer, CFO

Seconded by Mr. Redmond 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

Ordinances: 2nd Reading, Public Hearing and Adoption:

O-14-3 – Zoning Ordinance Amendment for Nonconforming Lots/Review PB Comments

Ms. Dailey read the title of O-14-3 on for 2nd reading and public hearing.

Mr. Padula stated that the Planning Board reviewed and recommended adoption.

Mr. Leubner briefly explained that this ordinance allows for setbacks for various lots and removal of the 70% requirement.

Mayor Nolan opened the public hearing.

There were no comments or questions.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-3 on 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:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-14-3**

AN ORDINANCE AMENDING § 21-98 OF THE BOROUGH CODE REPEALING § 21-98(F)(1)(B) TO ELIMINATE THE REQUIREMENT FOR NON-CONFORMING LOTS THAT THE LOT AREA IS NOT LESS THAN SEVENTY PERCENT (70%) OF THE REQUIRED LOT SIZE AND RE-LETTERING THAT SUBSECTION AS APPROPRIATE

WHEREAS, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; 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; and

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:

NOTE: All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***. Sections of Chapter 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Section 98, Subsection F(1) “Nonconforming Lots in a Residential Zone” shall be amended as follows:

- (a) The proposed use will be a new single family dwelling or the enlargement of an existing single-or two-family use. A single family dwelling shall not be converted to a two-family dwelling.
- ~~(b) ***The lot area is not less than seventy (70%) percent of the required lot size.***~~
- (c) There is no available vacant land abutting the lot.
- (d) The lot either provides off-street parking or the proposed enlargement includes the provision of off-street parking.
- (e) The building and lot coverage will not be exceeded.
- (f) For lots which do not meet the lot width requirements, the side yards may be reduced in the same proportion as the reduced width bears to the required width, but in no case shall the proposed side yards be less than one-half of the required side yards.
- (g) For lots which do not meet the lot depth requirement, the front and rear yards may be reduced in the same proportion as the reduced lot depth to the required lot depth, but in no case shall the proposed front yard be less than the smallest front yard allowed under § 21-79B nor the proposed rear yard be less than eighty (80%) percent of the required rear yard for the zone.

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. 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

O-14-4 – Ordinance RE: Enclosure Openings/Review PB Comments

Ms. Dailey read the title of Ordinance O-14-8 on for 2nd reading and review of Planning Board Comments.

Mr. Leubner explained that there are outdated requirements for building codes that created hardships. The number of enclosures stays the same, we just do not designate placement.

Mr. Padula stated that the Planning Board reviewed this and recommends adoption as is.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-3 on 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:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-14-4**

**AN ORDINANCE AMENDING § 21-124.5 “ENCLOSURE OPENINGS” OF THE
BOROUGH CODE TO REMOVE THE REQUIREMENT THAT THERE MUST BE
ONE OPENING WITHIN THREE (3) FEET OF ANY BUILDING CORNER**

WHEREAS, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-124.5 to provide for the within changes; and

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:

NOTE: All additions are shown in ***bold italics with underlines***. The deletions are shown as ***~~strikeovers in bold italics~~***. Sections of Chapter 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Section 124.5, “Enclosure Openings” shall be amended as follows:

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade ~~and there must be one (1) opening within three (3) feet of any building corner.~~ Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. No. 0-09-30 § 21-124.5)

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

O-14-6 – Ordinance: Building Housing Nuisances

Mayor Nolan read the title of Ordinance O-14-6, on for second reading and public hearing.

Mr. Glass explained the ordinance. It makes it easier for the borough regarding buildings that are dangerous to the public welfare. This makes it easier to make emergency repairs.

Mayor Nolan opened the public hearing.

Peter Mullen of Marine Drive asked if this ordinance was made a priority because of the house behind Borough Hall.

Mr. Glass explained that the cost will get charged back to the owner.

Mr. Mullen was there something in the ordinance that prevented the Borough from doing this.

Mayor Nolan stated that our ordinance stopped us from putting a lien on the property. It will now set the parameter stricter.

Barbara Ianucci of Shrewsbury Avenue asked about the cost to the owner.

Mayor Nolan explained the lien process.

Maureen Welch of Valley Street asked what the relationship is with this ordinance and the ordinance for houses targeted to be taken down.

Mr. Hill stated that the list has shrunk exponentially. The role for this is to reestablish the sub-standard housing committee. They wanted a clear cut on what the council wants going forward.

Kim Skorka of Shore Drive spoke of her interpretation of the ordinance. There are homes that do not have front doors. What is the next step for the town to board up these houses?

Mr. Glass stated that this permits the governing body to make building safe.

Mr. Hill said there is one case before the courts.

Discussion continued about the lien process and notification.

Doug Card of Shrewsbury Avenue said the ordinance protects the negligent homeowner.

Mr. Padula asked Mr. Card to show him the particular ordinance the judge spoke of, we can talk about it. We can clean that up and introduce an ordinance.

Arnie Fuog of Valley Street asked if a property is going thru the court process, can the Borough still board it up.

Mr. Padula stated it depends on circumstances. If it is an abandoned building and its going thru the court we can board it up.

Mr. Fuog spoke in favor of the ordinance.

Mayor Nolan closed the public hearing.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-14-6**

**AN ORDINANCE AMENDING CHAPTER X "BUILDINGS
AND HOUSING" TO CONFORM TO THE
REQUIREMENTS OF N.J.S.A. 40:48-1, ET SEQ. AND TO
ALLOW THE BOROUGH TO DETERMINE AND ABATE
CERTAIN NUISANCES**

WHEREAS, the Borough regulates Buildings and Housing by and through Chapter X of the Borough Code; and

WHEREAS, the Borough regulates the emergency repair, vacation and demolition of "dangerous buildings" by and through subsection 10-4.14 of the Borough Code; and

WHEREAS, the Borough wishes to amend subsection 10-4.14 of the Borough Code to conform to the requirements of N.J.S.A. 40:48-2.5; and

WHEREAS, the Borough regulates nuisances, in part, by and through subsection 10:4-7 of the Borough Code; and

WHEREAS, the Borough Code does not presently provide a mechanism for the Borough to abate certain nuisances; and

WHEREAS, the Borough wishes to amend subsection 10-4.7 of the Borough Code to provide a mechanism for the Borough to abate nuisances; and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided; and

NOW, THEREFORE BE IT ORDAINED as follows:

Section One. The Borough Code, subsection 10-4.14, "Emergency Cases," shall be amended to provide as follows:

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated or demolished, the building inspector or other designated official shall report such facts to the public officer and if an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof. The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in subsection 10-4.11 hereof.

Section Two. The Borough Code, subsection 10:4-7, "Dangerous Buildings; Nuisances," shall be amended to provide as follows:

- (a) All "dangerous buildings" within the terms of subsections 10-4.5 and 10-4.6 paragraph b. of this section are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.
- (b) The Borough, by resolution of its governing body, may abate a nuisance, correct a defect, or put the premises in proper condition so as to comply with the requirements of any Borough ordinance or State law applicable thereto, at the cost of the owner or lessor, and expend Borough funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the Borough shall be a lien against the premises and collectible as provided in subsection 10-4.11 hereof.

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

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

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

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

ROLL CALL:

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

O-14-8 – Bond Ordinance for Drainage Project

Mayor Nolan offered a motion to carry Ordinance O-14-8 public hearing to the April 16th meeting because we are still waiting for the Local Finance Board Approval, and 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

Other Business:

Borough Engineer's 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:** 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. We have submitted a proposal to the Governing Body to finalize the plans, review to current codes and standards and update permits as required.
2. **The Dredging of Jones Creek at Snug Harbor:** Permit applications and associated plans are completed.
 - 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.
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 a more permanent pump is installed.
 - 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.
 - Pumping Services repaired and installed the existing pump to operate the station.
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. That work to be completed in the near future as weather permits.
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.
 - Soil borings have been completed.
 - We provided the Mayor and Council with two options for wall systems. Once an option is chosen, we can proceed with finalizing the design.
 6. **The Waterwitch Avenue & Linden Avenue Drainage Project:** The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.
 - Project study and design are underway.
 - Project survey has been completed.
 - DPW and PD provided assistance to access paved over sanitary sewer manholes throughout the project area. However, due to an equipment failure, the remaining work will have to be rescheduled.

Grants and Loans

1. **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.
2. **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.
3. **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. Francy stated that there is a large sink hole at Highland and Ocean Avenues, is it a warranty issue.

Mr. Leubner stated he sent Fiore Paving to inspect. It is not his inlet. This is an inlet that was installed 10-12 years ago. The DPW can remove the lid and reset some of the blocks.

Mr. Hill will send the DPW to make the repairs.

Mr. Francy spoke of the drainage project proposal, when will we get the information and how will it be presented.

Mr. Leubner explained that they will present and review plans with council.

Mr. Leubner further explained the reports that were to be completed for review.

Transportation Alternative Program Grant (TAP)

Mr. Hill stated that he met Millennium Strategies, our grant writing firm. We will be soliciting recommendations for long term recovery plan. He further explained areas of improvement that will be available thru this program. The deadline is in May. Millennium Strategies will be working on this for us. We just need to give them direction from the Governing Body. He will have more information at the next meeting.

Safe Routes to School Program Grant (SRTS)

Mr. Hill explained that this is a very competitive program. One area that has been brought up is that there are no sidewalks along trailer park. He spoke with the grant writer. They would need direction from the

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governing body on where they see needs for improvement. They are open to any ideas from the community also. You can reach out to him.

Mr. Francy stated that the Environmental Committee suggested the Stymie's Project, the Overlook Park, to be considered. He will email information to Mr. Hill.

Mr. Hill clarified that this goes under the TAP Program. He will have more information at the next meeting.

Mr. Hill will have monthly updates regarding all grants and non- profits organizations. Any committee or individual can send him an update or idea. It will be helpful to Millennium Strategies.

Request for Refund of Sewer Payments

Mayor Nolan spoke about how some residents have not been able to live in their homes and we have denied them refunds. This request is stating that have been billed for a boat house that does not have a sewer. They are requesting reimbursement to 2005.

Mr. Padula stated that our general rule is that we don't do anything on these. He will look into this further and report back at the next meeting.

Ms. Kane questioned how they did not notice they were being billed.

Mr. Francy said they want to restore the boat shed as a structure. If we grant this, by that letter, they are stating that they have abandoned the structure and they will now have to pay \$4600 for a hook up fee. I don't know what they would get back.

Mayor Nolan stated we will wait for the Planning Boards decision.

Mr. Padula recommended that this be put on the Executive Session for the April 16th meeting.

Review Professional Engineering Proposal for Veterans Park

Mr. Leubner explained that Mr. Hill asked for a proposal to makes repairs to the park.

Mr. Hill stated that not all repairs are Sandy Storm related. Only storm related repairs can we seek funding or refunds. He recommends that we move forward, we will get some funds from FEMA.

Mr. Leubner stated that their fee will be \$49k.

Mr. Hill said there is not a design for the boardwalk yet.

Mr. Leubner said to make the repairs will be approximately \$100k.

Mr. Leubner will forward the cost estimate tomorrow.

Discussion continued.

Mr. Pfeffer stated that if repair are not all Sandy Storm related, that will change where this is funded from. When Mr. Leubner comes back with cost estimate, we can do a separate bond ordinance.

Mr. Francy spoke about plans by the Army Corp of Engineers.

Ms. Kane feels we do need to make it safe.

Mayor Nolan directed Mr. Leubner to have a real number for the next meeting.

Clam Plant Lease

Ms. Ryan asked to have this put on. She would like to know about the RFP and meetings.

Mr. Padula stated that their lease is up August 31st, 2015. There was a request to start negotiating the new lease by the current lease holders. We have not taken any action as of now.

Mayor Nolan directed Mr. Padula to send a letter tomorrow for them to start scheduling meetings with in 30 days.

Ms. Kane said they can use the Fire House for meetings.

Mayor Nolan asked Mr. Padula to add this to the letter as well as a tentative schedule for the rest of the year.

Mr. Padula said our negotiations should be discussed in the executive session.

Mayor Nolan said we need to give them a time frame and for them to come back with suggestions.

Planning Board Memo RE: Master Plan

Mr. Padula stated that Borough received a letter from the Planning Board attorney requesting that the Master Plan review be expanded to include a review of the entire Master Plan and adoption of a new Master Plan due to massive damage suffered by the Borough from Hurricane Sandy. They also requested to extend the review period in order to consider the numerous studies being done.

Mayor Nolan stated that they asked that they don't have to start until August of 2014. So we can extend it to September 2014.

Mr. Padula stated that a resolution would need to be done to grant the request to the Planning Board as stated in the 3/14/14 correspondence from their attorney to extend the review period and to include adoption of the new Master Plan.

Mayor Nolan offered a motion to extend the deadline to start review to September 2014, which was voted on unanimously by the Planning Board and seconded by Mr. Francy 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

MCPB Request for Representative

Mr. Hill stated that the MCPB requested that the Borough appoint someone to attend these meetings by April 1st, 2014. They are asking for one or two representatives, preferably from the Planning Board or the Governing Body.

Mayor Nolan offered a motion to nominate Mr. Francy as a Borough Representative to the MCPB, and seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

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

Mayor Nolan directed Mr. Hill to put this out to all the project champions and anyone in the audience that is interested, please see Mr. Hill after the meeting.

NJ EDA Neighborhood and Community Revitalization Grant Program

Mr. Hill this was brought up from a meeting with Millennium Strategies. They are still soliciting letters of intent due to some projects will not be approved. It could be up to \$5 million for infrastructure projects.

Mr. Francy said that it was proposed by Jennifer Delorenzo, of FEMA, that our I&I Project could qualify for the EDA grant. He will email information to Mr. Hill.

Mr. Hill will give direction to Millennium Strategies.

Open Space Committee Member:

Mayor Nolan stated that we have vacancies on this committee.

Ms. Kane said there is an Open Space Meeting on April 9th.

Mayor Nolan asked that Mrs. Cummins contact all members about the meeting on April 9th.

Public Portion:

Kim Skorka of 315 Shore Drive asked what the cost would be for a new Master Plan and what would it do?

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Mayor Nolan responded that the cost would be about \$80 - \$100k. They identify areas that should be updated or changed.

Kim Skorka asked about the reexamination cost.

Mayor Nolan stated about \$60k.

Mr. Francy said a public presentation will be made by all boards.

Mayor Nolan continued to discuss the Master Plan, Flood Mitigation and Code Enforcement with Kim Skorka.

Mr. Francy spoke about the Master Plan in 2004 and it talks about a vision for Bay Avenue. The reality is that Bay Avenue has had zoning and rezoning. Nothing has changed. We need a Master Plan to revisit to get a true planning function of the area. He further spoke of vacant buildings. We may have to have more residential on Bay Avenue.

Mr. Padula stated that the Mayor is required to review the Master Plan every six years.

Carol Broullon of 12 Miller Street said that trash cans are needed back on Miller Street beach.

Mr. Hill will get the two cans back there and at Snug Harbor beach.

Carol Broullon asked about the three power outages this week. Has JCP&L notified the town?

Mr. Hill said there has not been any correspondence. As a resident you can call JCP&L or check their website.

Mr. Hill will contact JCP&L to see if there is a problem.

Arnie Fuog of 50 Valley Street spoke if the Master Plan. We redone, is it done by people as in the past or does someone new do it.

Mayor Nolan responded that the Planning Board does it. We get feedback from other organizations. He further explained the process.

Mr. Leubner explained that changes to the Master Plan are not up to T&M; it is up to the table.

Mayor Nolan stated that the Governing Body then sends it to the Planning Board. He hopes all studies will be in by the summer.

Maureen Welch of 50 Valley Street spoke about the committees not being required to give reports. She feels that it should be a requirement. She also spoke about the Finance Committee being reinstated.

Ms. Kane spoke of the Clam Plant discussion tonight. She has a meeting on April 9th with the Open Space Committee. She will report on it at the next meeting.

Maureen Welch feels there should be requirements by the council to report back to the table.

Mr. Francy chose not to be on the Finance Committee because the process did not work for him. The end result was that not a lot was accomplished.

Mayor Nolan said that Hurricane Sandy has taken a lot of their time.

Maureen Welch requested this to be made a priority.

Barbara Ianucci of Shrewsbury Avenue agrees with Maureen Welch. She also spoke of the current Master Plan. There are many changes in the census. There is a lot of data that needs to be gathered due to the changes since Hurricane Sandy.

Mr. Hill said options are being sought whenever money is going to be spent. They are always looking at funding.

Mr. Francy spoke of the Rutgers group studies. The area of study is from Veteran's Park to Valley Avenue, from the water to Shore Drive. He explained the different criteria they are looking at. They walked down every street. He further explained the study. The Rutgers study is very aggressive.

Ms. Kane stated that the Master Plan will pull all the information together.

Mayor Nolan stated that a lot of the county studies will help out and should be out by the summer.

Borough of Highlands
Mayor & Council
Regular Meeting
March 19, 2014

Barbara Ianucci spoke of the proposal for Veteran's Park. She would rather see the money go the Borough Hall.

Mr. Francy stated that the council's priority is the I&I infrastructure. We need to reduce the flow to the sewer lines.

Mayor Nolan stated that since the storm, our water flow has not dropped. It should have due to vacant homes.

Discussion continued regarding the I&I.

Melissa _____ of 17 Bay Street spoke against spending the money for a new Master Plan. She would also like to know when Planning Board meetings are and what the agendas are.

Mr. Padula stated that legally not required and agendas are posted at Borough Hall.

Mayor Nolan directed Ms. Dailey to make sure the agendas are posted on the website for Planning and Zoning Boards.

Mayor Nolan asked if anyone would like to stream the Planning and Zoning Boards meeting.

Melissa asked about the Rutgers study and all the changes from last June to now.

Mr. Francy said they walked down each street. They did not use Google maps. He further explained the amount of vacancies from Veteran's Park to Valley. The current Master Plan for zoning for that area is not working.

Johnny Urbanski of North Street nobody wants to have a business where it will flood.

Mayor Nolan commented on the two hurricanes in two years made a big impact.

Mr. Francy said we have not turned down anyone who wants to have a business on Bay Avenue except residential.

Mayor Nolan said that is why we have to listen to the studies.

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

The Meeting adjourned at 10:10 p.m.

Debby Dailey, Deputy Clerk