

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
April 16, 2014**

Mayor Nolan called the meeting to order at 7:08 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

Absent: None

Also Present: Debby Dailey, Deputy Clerk
Tim Hill, Borough Administrator
Steve Pfeffer, Chief Financial Officer
Patrick DeBlasio, Tax Collector
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution

Mayor Nolan offered the following Resolution for approval:

**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: Potential Litigation between NJ Natural Gas and the Sewerage Authority with Highlands as successor in interest.**
- 2. Contract: Shared Service Agreements
Borough Website Agreements**
- 3. Real Estate:**
- 4. Personnel Matters: Purchasing Agent
Finance Clerk**
- 5. Attorney-Client Privilege: Noise Ordinance**

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.

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3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
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
NAYS: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:19 p.m.

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

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ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil. Mr. Francy, Ms. Kane, Mayor Nolan
NAYS: None
ABSENT: None
ABSTAIN: None

Presentation of Plaques to Steve Pfeffer, CFO:

Mayor Nolan explained that Steve Pfeffer will be retiring April 30th and this will be his last council meeting.

Mayor Nolan read the plaque and presented it Mr. Pfeffer from the Borough of Highlands.

Mayor Nolan stated that Mr. Pfeffer was one of the best CFO's around. We really appreciate everything he has done for the town.

Mr. Pfeffer thanked everyone who he worked for and with. He thanked the community and past mayor and council members. It has been a great time but after 28 years, it's his time to retire. He appreciated all the support from all.

Chief William Caizza, Fire Department, thanked Mr. Pfeffer for his years of service.

Ms. Kane read the inscription and presented the plaque to Mr. Pfeffer.

Officer Charles Wells, OEM Officer, read the inscription and presented the plaque to Mr. Pfeffer.

Ordinances: 2nd Reading, Public Hearing & Adoption:

O-14-9 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to establish a CAP Bank

Ms. Dailey read the title of O-14-9 on for 2nd reading and public hearing.

Mr. Padula stated that Ordinance O-14-9 being read now for procedural purposes. We had to take this ordinance out of order.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-9 on for 3rd and final reading and adoption.

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

**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

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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 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

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2014 Budget Public Hearing & Adoption:

R-14-120 – Resolution Approving the Adoption of the 2014 Municipal Budget

Ms. Dailey read the title of Resolution R-14-120 for public hearing and adoption of the Municipal Budget.

Mayor Nolan opened the public hearing.

Audience members requested for an explanation of O-14-9 and to make comments.

Mr. Pfeffer explained that the adopted ordinance O-14-9 allows municipalities to exceed CAP and CAP Bank any extra when preparing the budget.

Barbara Ianucci of Shrewsbury Avenue asked if we used last year's CAP.

Mr. Pfeffer explained that this is a standard ordinance that most municipalities use. This ordinance covers two years. The 2013 Cap bank covers 2014 and 2015. This Cap bank is for 2015 and 2016.

Mayor Nolan closed questions on O-14-9.

R-14-120 – Resolution Approving the Adoption of the 2014 Municipal Budget

Mayor Nolan asked if anyone had questions on Resolution R-14-120.

Kim Skorka of 315 Shore Drive asked how this will affect the property taxes.

Mr. Pfeffer explained about 9.5% - 10%. He further explained the various reasons. Additional money was needed for lawyers and tax appeals. We hired two police officers to the budget. He further explained additions to code enforcement, demolitions, construction computer software and debt services are up.

Mr. Pfeffer further explained that the UCC money. The money has started to slow down. The bulk of the permit fees were in 2013. He continued to speak about surplus projections. We need to be careful with the budget going forward because of revenue projections and surplus. He projects the budget going into 2015 to be \$1.6 million. He continued to explain the loans.

Jennifer Olson of 61 Barbarie Avenue spoke how residents are spending money to repair their homes so they can stay in town. She spoke negatively about increasing taxes.

Mr. Pfeffer said it is not his choice to make. Taxes are the only true revenue source.

Carla Cefalo-Braswell of 52 Gravelly Point Road spoke about different complaints being made. She feels we need the services. We have to pay. It can't be done without money such as; street sweeping, code enforcement and police officers.

Barbara Ianucci of 28 Shrewsbury Avenue asked Mr. Pfeffer what percentage he would attribute to Hurricane Sandy.

Mr. Pfeffer stated most of it attribute to the storm. The software program was needed because of Hurricane Sandy as well as additional debt services. The revenue we receive from FEMA is slowly coming in. He further explained expenses.

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Barbara Ianucci asked if there was not a storm but still had the additional expenses, would we be under the 2% CAP.

Mr. Pfeffer explained that we are under the 2% CAP in the statutory frame of how it's crafted. No one is ever under the 2% CAP because there are so many exceptions. We are within the legal guidelines of the CAP.

Governing Body continued to discuss.

Ms. Ryan asked Mr. Pfeffer for a dollar amount per household.

Mr. Pfeffer stated that it would average about \$234.00 per year per household.

Ms. Ryan said that amount sounds more reassuring.

Mr. Pfeffer spoke of the budget hearing he attended today and how the budget is built.

Mr. Pfeffer will email the spreadsheets to council.

Kim Skorka of 315 Shore Drive asked what percent of the taxes is going up.

Mr. Pfeffer is still waiting for the Monmouth County portion. He stated that last year, the municipal portion made up 40% of the tax bill.

Ms. Ryan stated that the school budget increase is zero.

Kim Skorka asked if Millenium is looking into covering these expenses.

Mr. Hill said yes, they are searching and are aware of our needs and concerns.

Mr. Pfeffer spoke of a grant to cover drains. We are in line for a significant amount of money. It is not yet finalized.

Ron Dowling of 68 5th Street asked about new ratables and businesses.

Mayor Nolan acknowledged that would be a positive for the residents.

Don Tarpey of 365 Shore Drive asked if we have a number of residents and businesses that are not paying taxes.

Mr. Pfeffer stated that our collection rate was high. We are about the same as last year. For 2013 we had a 95% collection rate, which is excellent.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of R-14-120 on for 3rd and final reading and adoption.

Mr. Pfeffer read the resolution into the record.

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Insert R-14-120

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Consent Agenda:

Mayor Nolan asked if anyone had an item they would like to discuss separately.

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

R-14-112
RESOLUTION DIRECTING AND AUTHORIZING PLANNING BOARD
REEXAMINATION OF THE ENTIRE MASTER PLAN AND EXTENDING THE REVIEW
PERIOD TO SEPTEMBER 1, 2014

WHEREAS, the Planning Board has the statutory power to prepare a Master Plan, pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89, a municipality is required, at least once every ten (10) years, to provide for a general reexamination of the Master Plan and development ordinance, the results of which are to be documented in a report prepared and adopted by the Planning Board; and

WHEREAS, it has been ____ years since the last reexamination of the Borough's Master Plan, and a reexamination is appropriate at this time to address substantial changes in development trends and real estate market conditions, new redevelopment plans and amendments, and as a result of Hurricane Sandy, the damage it caused and its effects on future development, among other things; and

WHEREAS, it is also appropriate to review and update the individual elements of the Master Plan at this time; and

WHEREAS, by letter dated March 14, 2014 from its Counsel, the Highlands Planning Board requested that the proposed review of the Master Plan by the Board be expanded to include a review of the entire Master Plan and the adopted of a new Master Plan due to the massive damage the Borough suffered as a result of Hurricane Sandy; and

WHEREAS, the Board also requested to extend the review period in order to consider the results of numerous studies being conducted by various governmental agencies and Rutgers University related to Hurricane Sandy recovery and rebuilding.

NOW, THEREFORE, BE IS RESOLVED that the governing body of the Borough of Highlands:

(1) directs and authorizes the Highlands Planning Board to undertake a general reexamination of the Master Plan, pursuant to N.J.S.A. 40:55D-89, subject to funding appropriation; and

(2) hereby grants the request of the Planning Board as stated in its counsel's March 14, 2014 correspondence, incorporated herein by reference, including a review of the entire Master Plan and extending the review period until September 1, 2014, subject to funding appropriation.

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
NAYE: None
ABSENT: None
ABSTAIN: None

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

**R-14-113
RESOLUTION APPROVING PETITION TO EXTEND LICENSED PREMISES
FOR THE CLADDAGH**

WHEREAS, the Claddagh located at 297-299 Bay Ave has filed an application for a petition to extend licensed premises for an event to be held on May 3, 2014 with no rain date; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the application for a petition to extend licensed premises Permit for the Claddagh located at 297-299 Bay Ave for an event to be held on May 3, 2014 with no rain date.

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'
NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-14-114
RESOLUTION
APPROVING THE 2014 RENEWAL OF FERRY LICENSE
FOR SEASTREAL FERRY
AT 326 SHORE DRIVE**

WHEREAS, Seastreak has submitted the required fees for the renewal of the Ferry License for 2014, to operate a ferry service at one location within the Borough of Highlands; and

WHEREAS, the ferry location is located at 326 Shore Drive; and

WHEREAS, the Borough requires at least one million dollars in liability insurance be provided.

WHEREAS, Seastreak has also submitted a copy of the Certificate of Liability Insurance and it has been reviewed by the Borough Attorney and found to be sufficient.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Ferry License for Seastreak to operate at 326 Shore Drive is hereby renewed for the calendar year 2014; and

BE IT FURTHER RESOLVED, and the Borough Clerk is hereby authorized to issue the proper licenses for the operation of ferry service.

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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

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

**R-14-117
RESOLUTION AUTHORIZING PAYMENT TO TIM HILL
PURSUANT TO CONTRACT**

WHEREAS, Paragraph 17 of the Employment Agreement between the Borough Administrator and the Borough provides that the Administrator may sell back unused accrued time within a certain time period; and

WHEREAS, the Administrator has complied with that time period and notified the Borough of his intent to sell back ninety-six (96) hours of accumulated sick time.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to contract previously approved by the Borough, the Borough is authorized and directed to pay the Administrator the equivalent of ninety-six (96) hours at his current rate of pay.

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

NAYS: None

ABSENT: None

ABSTAIN: None

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

**R-14-118
RESOLUTION AUTHORIZED SIGNATURES
ON ALL BOROUGH BANK ACCOUNTS**

WHEREAS, Stephen Pfeffer, Chief Financial Officer will be retiring effective April 30, 2014; and

WHEREAS, the Governing Body adopted Resolution R-13-296 appointing Patrick DeBlasio as Chief Financial Officer for the Borough of Highlands effective May 1, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that effective May 1, 2014 Stephen Pfeffer be removed as an authorized signature on all borough bank accounts held in both TD Bank, National Association and Two River Community Bank.

BE IT FURTHER RESOLVED that effective May 1, 2014 Patrick DeBlasio is hereby an authorized signature on all the Borough of Highlands Bank Accounts at the Two River Community Bank and TD Bank, National Association.

Seconded by Mr. Redmond 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
NAYS: None
ABSENT: None
ABSTAIN: None

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

**R-14-119
RESOLUTION AUTHORIZING
REFUND OF REMAINING
UNUSED ZONING BOARD ESCROW FUNDS**

WHEREAS, the Board Secretary has reviewed the following escrow accounts and has received authorization from both the Board Attorney and Board Engineer that there are no outstanding invoices due to them; and

<u>Account #</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
T-03-56-856-810-140 ZB#2014-6	95-99 Bay Ave, LLC	41	13.001	\$1,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicants their remaining escrow funds.

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

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

**R-14-121
RESOLUTION**

**RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES MANUAL
AND EMPLOYEE HANDBOOK**

WHEREAS, it is the policy of the Borough of Highlands to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the Governing Body has determined that there is a need to adopt (1) a Policies and Procedures Manual; and (2) an Employee Handbook to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the (1) Policies and Procedures Manual; and (2) Employee Handbook are hereby adopted in the forms attached hereto and supersede and replace all prior such policies, manuals and/or handbooks;

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective negotiations agreement,

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personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail;

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Highlands;

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will;” and

BE IT FURTHER RESOLVED that the Municipal Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Municipal Administrator in the implementation of the policies and procedures in this manual.

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

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

R-14-122

A RESOLUTION TO AFFIRM THE BOROUGH OF HIGHLANDS’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Highlands Borough to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Highlands Borough has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Governing Body of the Borough of Highlands that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough’s business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or

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support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the April 2nd and April 2nd, 2014 Regular Minutes and Executive Session Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mayor Nolan

ABSTAIN: None

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Other Resolutions:

R-14-115 – Resolution Appointing P/T Qualified Purchasing Agent

Ms. Dailey read the title of R-14-115 Resolution Appointing P/T Purchasing Agent.

Mr. Hill explained that this position was advertised and three interviews were conducted.

Mr. Hill stated that based on the interviews, he recommends Kim Gonzalez for the position.

Mr. Padula stated that we will be amending the resolution to increase the bid threshold to \$36,000.00. He then read the resolution into the record.

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

**Borough of Highlands
R-14-115
Resolution**

**AUTHORIZING THE BOROUGH OF HIGHLANDS TO INCREASE THE BID
THRESHOLD AND TO APPOINT A QUALIFIED PURCHASING AGENT**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. permits local contracting units to increase their bid threshold up to \$36,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5, et seq., established the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Kim Gonzalez possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5, et seq.; and

WHEREAS, the Borough of Highlands wishes to increase the bid threshold and to appoint Kim Gonzalez as Qualified Purchasing Agent.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough of Highlands increases its bid threshold to \$36,000.00.

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Highlands hereby appoints Kim Gonzalez as the Qualified Purchasing Agent authorized to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

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 Mayor Nolan 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-14-116 – Resolution Appointing P/T Finance Clerk:

Ms. Dailey read the title of Resolution R-14-116 Appointing a P/T Finance Clerk.

Mr. Hill explained the various positions she will fill due to Mr. Pfeffer's retirement.

Mr. Hill interviewed three candidates and based on her experience, he recommends hiring Kathleen Intravartolo for P/T Finance Clerk.

Mayor Nolan asked if any current staff member could fill this position.

Mr. Hill replied not at this time.

Mr. Francy asked if there was an increase in any money being spent.

Mr. Pfeffer explained that all three of these salaries will be less than his salary.

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

**R-14-116
RESOLUTION MAKING APPOINTMENT OF A PROVISIONAL:
PART-TIME FINANCE CLERK**

WHEREAS, there is a need for assistance with the Finance Department; and

WHEREAS, the borough advertised for said position and interviews were conducted by the Borough Administrator; and

WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Kathleen Intravartolo be appointed Part-time Finance Clerk.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that Kathleen Intravartolo be a appointed part-time finance clerk, provisionally.

BE IT FURTHER RESOVLED that said appointment be compensated at an annual salary of \$10,000 per year prorated. The office hours will be established by the Borough Administrator.

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

ROLL CALL:

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

R-14-123 – Resolution Authorizing Proposals for System Operator License Services

Mr. Padula read the resolution into the record.

Mr. Francy suggested the title should be System Operator.

Mr. Francy offered the following Resolution and moved on its adoption:

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R-14-123

**Resolution Authorizing Proposals for
System Operator License Services**

Whereas, the Borough wishes to obtain proposals for Systems Operator Services; and

Now, therefore, be it resolved that the Borough authorizes and directs the Administrator and Clerk to advertise for and acceptance of requests for proposals for System Operator Services.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinances: On for Introduction and Setting of a Public Hearing Date of May 7th:

Ordinance O-14-13 Ordinance Amending Noise Ordinance:

Ms. Dailey read the title of O-14-13 on for introduction and setting of a public hearing date of May 7th.

Mr. Padula read the ordinance into the record.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of May 7, 2014 at 8:00 p.m. The public hearing will be held at the Highlands Elementary School located at 360 Navesink Ave, Highlands, NJ.

O-14-13

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING SECTION 3-2.3, "ENUMERATION OF NOISES" TO
PERMIT THE PLAYING OF OUTDOOR MUSIC UNTIL UNTIL 11:00 P.M. ON
SUNDAY, MAY 25, 2014 AND SUNDAY, AUGUST 31, 2014**

WHEREAS, the Borough of Highlands regulates the emanation of noise by and through Section 3-2, "Noise" of the Code of the Borough of Highlands; and

WHEREAS, adjusting the permitted hours for outdoor music is anticipated in increase tourism and enable local business to attract more patrons on the Sunday evenings on Memorial Day and Labor Day Weekends, which are traditionally the start and end of the summer season at the Jersey Shore; and

WHEREAS, the Borough finds that it is in its best interests to amend Section 3-2.3 of the Code of the Borough of Highlands to permit to permit the playing of outdoor music until until 11:00 p.m. on Sunday, May 25, 2014 and Sunday, August 31, 2014; and

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

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SECTION ONE. Borough Code Section 3-2.3(b)(2), "Enumeration of Noises" shall be amended to provide as follows:

(2) On Sunday, May 25, 2014 and Sunday, August 31, 2014, the time restriction provided by subparagraph (b)(1) above shall read "the playing of music outdoors, either live or recorded, between the hours of 11:00 p.m. and the following 8:00 a.m. on Friday, Saturday and Sunday is hereby prohibited;"

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

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

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

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

ROLL CALL:

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

NAYS: Mr. Francy

ABSENT: None

ABSTAIN: Mr. Redmond

Ordinances – 2nd Reading, Public Hearing and Adoption:

O-14-8 – Bond Ordinance for Drainage Improvements

Ms. Dailey read the title of O-14-8 on for 2nd reading and public hearing. This was published in the April 2nd edition of the Two River Times and may now open the public hearing.

Mayor Nolan asked Mr. Pfeffer to give a brief explanation.

Mr. Pfeffer explained that this will help reduce the debt of the borough wide drainage system improvement.

Mayor Nolan opened the public hearing.

Barbara Johnson of Bay Avenue asked if the drainage problem would be fixed at Bay and Atlantic Streets.

Mr. Francy responded yes.

Doug Card of 28 Shrewsbury Avenue asked about the cost of maintenance after it's completed.

Mr. Leubner explained there will be maintenance of pipe work and drains as well as the pump station. The DPW and mechanics would maintain.

Mr. Pfeffer explained that there is a storm water budget and that is for routine cleaning. Money is put in there every year.

Mr. Francy feels that the cost will go down once the water is diverted from highway #36. He does not have a number.

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Eileen Scanlon of 24 5th Street asked what EIT is.

Mr. Pfeffer explained that is New Jersey Environmental Infrastructure Trust. It is a low interest loan.

Rick O'Neil of Hwy. #36 asked what the estimated cost of this project.

Mr. Leubner said approximately \$4.5 million.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-8 on for 3rd and final reading and adoption.

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

**O-14-8
BOND ORDINANCE PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$3,154,000 FOR THE CONSTRUCTION
OF THE STORMWATER PUMP STATION AND OTHER
STORMWATER SYSTEM AND DRAINAGE IMPROVEMENTS
IN AND BY THE BOROUGH OF HIGHLANDS, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, AND
AUTHORIZING THE ISSUANCE OF \$3,154,000 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE COST
THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$3,154,000, such sum being in addition to the \$446,000 and \$1,200,000 appropriated therefor by bond ordinances #O-9-28 and #O-12-20, respectively, of the Borough, finally adopted December 2, 2009 and October 17, 2012, respectively, (together, the "Original Bond Ordinances"). No additional down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7-(d).

Section 2. In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,154,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the construction of the Snug Harbor Stormwater Pump Station and other stormwater system improvements, including drainage improvements to its Waterwitch Avenue, Valley Avenue and North Street drainage sub-basins, replacement of an existing outfall and replacement of existing and installation of new drainage piping throughout the Borough, including all work and materials necessary therefor and incidental thereto, which improvements are anticipated to be financed as part of the New Jersey Environmental Infrastructure Trust Financing Program, as described in the Original Bond Ordinances.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$4,777,700, including the \$423,700 and \$1,200,000 authorized by the Original Bond Ordinances and the \$3,154,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$4,800,000, including the \$446,000 and \$1,200,000 appropriated by the Original Bond Ordinances and the \$3,154,000 appropriated herein.

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

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

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budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,154,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,436,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$446,000 and \$350,000 was estimated for these items of expense in the Original Bond Ordinances and an additional \$640,000 is estimated therefor herein.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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

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

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

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

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

Seconded by Ms. Ryan and 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-14-11 – Ordinance Emergency Appropriation for Master Plan

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Ms. Dailey read the title of O-14-11 on for 2nd reading and public hearing. This ordinance published in the April 6th edition of the Asbury Park Press and may now open the public hearing.

Mr. Pfeffer explained that they do not anticipate the cost being higher \$100,000.00. That is why they put in that amount.

Mayor Nolan opened the public hearing.

Kim Skorka of 315 Shore Drive asked if any of these items can be bid out.

Mr. Padula stated that it would be thru the Planning Board. They could do the RFP's.

Mayor Nolan directed Mr. Padula to ask the Chairman of that Board and Jack Serpico to come to the next meeting and speak about this.

Carol Bucco of 330 Shore Drive stated that the Planning Board should tweek the Master Plan before we hire experts.

Mr. Padula stated that the Planning Board requested this review.

Eileen Scanlon feels that all studies being done are not being shared with each group.

Mayor Nolan said they are waiting until September to gather all the data. It will be voted on then.

Council continued to discuss the process.

Carola Cefalo-Braswell of Gravelly Point Road asked Mr. Padula if we are mandated by State to update our Master Plan.

Mayor Nolan responded not yet.

Gert Hoffman of Bay Avenue asked why the Planning Board wants new Master Plan.

Mayor Nolan stated it's to stir development and improvements.

Doug Card of 28 Shrewsbury asked about the 2015 financial numbers, and if we can afford this.

Mr. Francy stated that we do not know.

Doug Card feels that we should wait.

Mr. Pfeffer stated that funding for the Master Plan get paid off over 5 years.

Discussion with residents about the Master Plan continued.

Mr. Francy spoke of empty building thru out the town.

Ms. Kane spoke about not having a Borough Hall yet.

Doug Card asked about redefining areas without redoing the Master Plan.

Mayor Nolan stated that would be spot zoning.

Doug Card feels we do not have the long term resources for a new Master Plan.

Barbara Ianucci of 28 Shrewsbury Avenue asked about grants for various expenses for the Master Plan.

Mr. Hill stated that we have applied. There are many steps and he further explained. The money is not guaranteed but it could alleviate some expenses.

Mr. Hill and Barbara Ianucci continued to discuss various groups.

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Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-11 on for 3rd and final reading and adoption.

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

**BOROUGH OF HIGHLANDS
ORDINANCE NUMBER
O-14-11
ORDINANCE OF THE BOROUGH OF HIGHLANDS, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE
“BOROUGH”) PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$100,000 TO FUND THE PREPARATION OF A MASTER
PLAN**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than the majority of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. N.J.S.A. 40A:4-53 provides that a local unit such as the Borough of Highlands, in the County of Monmouth, State of New Jersey (the “Borough”), may adopt an ordinance authorizing a special emergency appropriation to fund the engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State of New Jersey (the “State”).

SECTION 2. The Borough has determined and does hereby authorize a special emergency appropriation in an amount not to exceed \$100,000 to fund the engagement of special consultants for the preparation, and the preparation of a master plan or plans, as required to conform to the planning laws of the State.

SECTION 3. To finance the appropriation authorized hereunder, and described in Section 2 hereof, special emergency notes of the Borough (the “Notes”) shall be authorized by a resolution of the Borough Council to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55.

SECTION 4. A certified copy of this ordinance as finally adopted will be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 5. This ordinance shall take effect 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

NAYS: None

ABSENT: None

ABSTAIN: None

O-14-12 – Ordinance to Incorporate AHHRSA Rules and Regulations

Ms. Dailey read the title of O-14-12 on for 2nd reading and public hearing. This ordinance published in the April 7th edition of the Asbury Park Press and may now open the public hearing.

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Mr. Francy explained that this is to adopt the AHHRSA rules and regulations.

Mr. Padula stated that it has no effect on the users.

Mayor Nolan opened the public hearing.

Barbara Ianucci of 28 Shrewsbury Avenue asked about items that were deleted, what was inserted.

Mr. Padula stated that anything bold and underlined is new additions.

Mr. Francy described the change of eliminating the town connection fees.

Mayor Nolan said it is a mechanism for us to collect fees since the Authority no longer exists.

Mayor Nolan closed the public hearing.

Ms. Dailey read the title of O-14-12 on for 3rd and final reading and adoption.

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

O-14-12

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING CHAPTER IX, WATER AND
SEWER, TO INCORPORATE ADDITIONAL RULES AND
REGULATIONS OF THE NOW-DISSOLVED AHHRSA AS
A RESULT OF THE BOROUGH'S ASSUMPTION OF THE
SEWERAGE AUTHORITY**

WHEREAS, the Borough of Highlands governs water and sewers by and through Chapter IX, Water and Sewer, of the Revised General Ordinances; and

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands were previously members of the Atlantic Highlands – Highlands Regional Sewerage Authority (“AHHRSA”); and

WHEREAS, the AHHRSA has since been dissolved by concurrent action by the Borough of Highlands and the Borough of Atlantic Highlands; and

WHEREAS, the Borough of Highlands will now administer, govern, and regulate water and sewerage operations in the Borough of Highlands; and

WHEREAS, the Borough of Highlands wishes to adopt certain rules and regulations of the now-dissolved AHHRSA as they apply to the Borough’s sewerage operations; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough of Highlands to adopt the forthcoming rules and regulations of the now-dissolved AHHRSA.

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

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

SECTION ONE. Section 9-8.9, “Connection Fee to Sewer System” of the Revised General Ordinances of the Borough of Highlands shall be repealed in its entirety.

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SECTION TWO. Section 9-8.13, "Sewer Connection Fees" shall be amended as follows:

9-8.13 Sewer Connection Requirements and Fees; Definitions.

~~a. Residential Unit. For each new residential unit that uses the sewer system of the Borough of Highlands there is established the following connection fees for the right to use the existing sewer facilities:~~

~~———— Sewer connection fee: \$1,500.00~~

~~———— For purposes of this section, a "new residential unit" means any new residential area, including but not limited to an apartment, cooperative apartment, condominium, mobile home, rented room with separate bath facilities, and single-family house, which unit is created either by new construction, or by conversion from an existing use. Included within the definition of "new residential unit" is a condominium or cooperative apartment created by conversion from an existing rental building, and an apartment created within an existing single-family house.~~

~~———— b. Nonresidential Unit. For each new nonresidential unit that uses the sewer system of the Borough of Highlands, there is established the following connection fees for the right to use the existing sewer facilities:~~

~~———— Sewer Connection Fee: An amount not less than one thousand five hundred (\$1,500.00) dollars equal to the projected daily sewerage flow divided by the average daily sewerage flow per residential unit, rounded up to the nearest whole number, times one thousand five hundred (\$1,500.00) dollars.~~

~~———— Projected sewer flows will be calculated by the applicant, and will be subject to review and approval by the Borough engineer.~~

~~———— For purposes of this subsection, a new nonresidential unit will be any new nonresidential area, including any new office or business with separate toilet facilities, created by new construction or by conversion from an existing use.~~

~~———— In the event that any subsection of the within section is declared to be illegal, unconstitutional or otherwise invalid, then the balance of the section shall not be deemed void, but shall remain in full force and effect.~~

a. Definitions

"Connection Fee" is an amount charged for new or additional units connecting to any collection system served by the Borough's system. State statute provides for this fee to compensate existing users for the parts of the system they have already paid for and that a new user will benefit from. Statute defines this fee as "fair payment toward the cost of the system" and requires that it be a proportionate share of the Borough's capital costs already paid by existing users. It does not include any materials or work related to the physical connection to any system. State statute requires that it be updated each year.

"Unit" or "sewage unit" means a residential property as defined in N.J.S.A. 40:14A-8.1(a). For residential uses, the term unit includes a single-family dwelling or apartment. For all non-residential users, "Unit", "sewage unit" or "EDU" shall be defined as 65,000 gallons per year of water consumption. Flow calculations for non-residential uses shall be rounded up to the nearest whole number of units, with a minimum of one unit. Additions to an existing home for the expanded residential use of a single family shall not create an additional "unit" unless there is Borough approval that increases the number of residential units permitted on the property.

b. Connection Fee(s) and Credits

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1. Fees: Prior to the start of construction, a connection fee of \$5,142.00 per sewage unit shall be paid to the Borough for every new connection or expansion of an existing connection or use, less a credit for the number of previously legally connected sewage units that are removed, except as otherwise provided for by N.J.S.A 40:14A-8.3.

2. Credits for Prior Connections

a. In calculations of credit for previous units on the property, full credit shall be given for units disconnected and removed from Borough sewer bills within two years of the application to the Borough; if over two years, a decreasing credit of 10% per year from the Borough billing removal date shall be received; if over ten years, no credit shall be received.

b. For projects where credit is claimed for three or more previous units, the maximum credit shall be the lesser of: the number of previous dwelling units, or for both residential and non-residential, the whole number of sewage units, without rounding, based upon the average annual water consumption of the previous units for the last five years divided by 65,000 gallons.

c. There shall be no accrual or transfer of connection rights or connection fee credits for units removed in excess of new units.

c. Connection Requirements

1. The size of the connection shall be limited to the minimum size needed to carry the estimated maximum daily flow for the number of units approved, a larger connection may be installed subject to Borough approval.

2. In the event that additional equipment, infrastructure or expansion of any part of the system is required to service a new project, additional fees shall be charged. These fees shall equal all costs related to the additional equipment, infrastructure or expansion of the system, including design, legal fees and other costs incurred. During the five years following completion, new connections using these items shall pay an additional fee proportionate to their use of these items. Previous payers of these items shall be reimbursed this fee on a proportional basis, less all related Borough expenses.

e-d. *Sewer Connection Inspection Fee.* Following the completion of the connection from any property to the Borough sewer system, a fee of fifty (\$50.00) dollars shall be due and payable to the Borough for the inspection of same by the Borough's Licensed Plumbing Inspector. The Inspector shall be given reasonable notice of the completion of the connection in order that he may schedule a connection inspection.

(Ord. No. O-88-16; Ord. No. O-94-30 §§ 1-5; Ord. No. O-13-1)

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. Francy 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
NAYS: None
ABSTAIN: None
ABSENT: None

Committee Reports:

Mayor Nolan announced that there is an opening on the planning board. If anyone is interested, please fill out a citizen participation form at Borough Hall.

Councilwoman Ryan is also looking for anyone interested in participating on the website committee.

Borough Engineer's Status Report:

Mr. Leubner gave the following 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. As authorized, we are finalizing the plans, reviewing the plans to current codes and standards, reviewing for potential conflicts between the potential Army Corps project and supplemental drainage pipe from Route 36 and have updated the Army Corps permit.
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.

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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

- 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.
- Remaining concrete wall has been constructed.
- Project has been substantially completed.
- Topsoil repair will be completed within the next week weather permitting.

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.

Municipal Facilities Update:

Mr. Hill explained that the Community Center Project information was sent to FEMA. We are waiting for word from them. He hopes to hear something by next week.

Mr. Hill spoke about the Borough Hall facility. FEMA is required to look at the mitigation of the HVAC system. It was done thru a grant and we did not have an actual cost, which FEMA required. We were able to track down the vendor and get the invoice. We are also working on getting additional money from other resources.

Arts and Education Center:

Ms. Ryan explained that this is a request for the Borough to take out an ad. There are quite a few students from Henry Hudson involved in this program.

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Ms. Ryan offered a motion for the Highlands Governing Body to place an ad of support, and seconded by Mayor Nolan and approved on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Open Space Report:

Kim Skorka read thru her report. The Open Space Committee had a meeting last week. She explained the various projects discussed past and present. Some new ideas are the repairing of Veteran's Park Boardwalk, Stymies Project, water or spray park to replace Skate Park, and also a dog park. All ideas are preliminary.

Finance Committee Report:

Mayor Nolan said they had a meeting on Monday night. They are looking at the budget for next year. We submitted questions to our CFO; he will forward his answers to the committee members. The next meeting is in May. He requested that Patrick DeBlasio, the new CFO, sit in on the June meeting.

Public Portion:

Carol Bucco of 330 Shore Drive thanked the new Sanitation Company. She did send them a letter. She would also like some attention on bulk pick up for her condo association. She also spoke of painting the curb.

Mr. Hill will follow up on that.

Mrs. Bucco also spoke of R-14-122 and how it will be enforced.

Mr. Padula stated that our Excess Liability requires us to do this.

Kim Skorka of 315 Shore Drive asked when she could get a copy of O-14-13.

Mr. Padula said tomorrow.

Jennifer Olson of Barbarie Avenue said she also likes the new sanitation company and she would like to see a dog park in town.

Ms. Ryan stated that she did try for that in the past.

Melissa Pederson asked Mr. Leubner about Veteran's Park cost.

Mr. Leubner will email it to her tomorrow.

Eileen Scanlon of 24 5th Street asked when the new code enforcer was hired.

Mayor Nolan responded in December.

Eileen Scanlon asked if she can enforce fines.

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Mr. Hill stated yes, they do have a lot of active cases. There are a list of properties getting letters and fines. He explained the process. They are trying to work with residents. The problems are downtown and in the hill.

Mr. Padula stated that summons can be viewed.

Mr. Hill said they can call or email the code enforcement officers.

Mayor Nolan also spoke with our court employees to uphold the law, not to bargain it down.

Barbara Ianucci – passed.

Rita Giacobbe of 490 Bay Avenue asked what was revisited on the noise ordinance.

Mayor Nolan spoke of the group that is working with our police chief. He further explained the problems with enforcement. The chief will also be reporting the biggest problems.

Doug Card of 28 Shrewsbury Avenue stated that the boardwalk area at Veteran's Park needs to be fenced off. Someone could get hurt.

Mr. Hill will look into getting a fence and cost.

Mayor Nolan asked Mr. Hill to also look into the bulkhead along Snug Harbor. There are large holes that a small child could fall thru.

Mr. Hill will also look into it.

Donald Tarpey of Shore Drive asked about the TNR program.

Mr. Francy stated that we are struggling to maintain the program. The ASPCA limits the number of cats. We are trying to work out other means.

Mr. Hill stated that the ASPCA leadership changed. We have constantly contacting them and they have not held up their end. We are working on other options.

Donald Tarpey spoke of a sink hole on Bayside Drive.

Mr. Francy said that road is closed. We do not know what we are going to do about it. Ten years ago it would cost \$750,000.00, now it would be \$2 million.

Mr. Hill stated that barricades put in place to keep people out have been moved.

Donald Ryan of 363 Shore Drive lives below the sink hole. He asked if the town can push back dirt and rocks at the corner of Shore Drive and Willow Street.

Mr. Hill stated that he has been there before. It is private property.

Mr. Leubner will speak with Don Ryan and get information. He will look into it tomorrow.

Carla Cefalo-Braswell of Gravelly Point Road asked about municipal agreement for Gravelly Point Road.

Mr. Pfeffer said it was done 5 years ago. The main thing was about a fire hydrant. We take care of it. He further explained what the association needs to do for outdoor lighting.

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Carla Cefalo-Braswell spoke of funds they have for future projects and will work together with the Borough.

There were no further questions.

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

The Meeting adjourned at 10:26 p.m.

Debby Dailey, Deputy Clerk

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