

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
July 16, 2014**

Ms. Kane called the meeting to order at 7:07 p.m.

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

**ROLL CALL:**

**Present:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan

**Absent:** Mayor Nolan

**Also Present:** Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Rob Keady, Borough Engineer

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**Executive Session Resolution**

Ms. Kane 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: Payment to Atl. Highlands, Navesink Capital Fill Material**

**2.Contract:**

**3.Real Estate:**

**4. Personnel Matters: Code Enforcement Officers Position, Police Officer Position**

**5. Attorney-Client Privilege: Open Public Meeting Act, Meeting Conduct, Mayor's Committee Appointments, Conflicts of Interest, Executive Session: Pre or Post Public Portion, Noise Ordinance, Cat Ordinance, Zoning Ordinance Amendment.**

**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,

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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 publics interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

Mr. Padula stated that Navesink Capital Fill Material will be covered under Attorney-Client Privilege.

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

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan**

**NAYS: None**

**ABSENT: Mayor Nolan**

**ABSTAIN: None**

Mrs. Cummins asked a resident in the audience to leave the meeting.

Kim Skorka of 315 Shore Drive questioned why the noise ordinance is under Attorney-Client Privilege.

Mr. Padula stated that he drafted the Noise Ordinance based on the draft. It may be amended based on discussions of council.

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The Governing Body then entered into Executive Session.

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Ms. Kane called the Regular Meeting back to order at 8:25 p.m.

Ms. Kane asked all to stand for the Pledge of Allegiance.

Mrs. Cummins made an announcement to the public regarding the start time for the meetings. The meetings start at 7:00 p.m. and the public can be present for the reading of the executive session resolution. You will then be asked to leave.

Peter Mullen questioned the purpose of resolution.

Mr. Padula explained.

**Opening Prayer:**

Reverend McGrail led the opening prayer.

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan**

**NAYS: None**

**ABSENT: Mayor Nolan**

**ABSTAIN: None**

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**Consent Agenda:**

Mrs. Cummins asked if there were any items on the consent agenda that they wanted pulled or discussed.

Ms. Kane stated that she was not present for the June 18<sup>th</sup> Meeting and will abstain from the voting and also to correct the error showing that she was present for the Executive Session.

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

**R-14-162**

**RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL EMPLOYEES  
FOR THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough has the need for temporary summer employees to work with the DPW; and

**WHEREAS**, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

**WHEREAS**, the positions listed have been included in the Municipal Budget within each department, the 2014 SFSP Approved Budget and use of 2013 SFSP carryover funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following seasonal temporary appointments be and hereby are approved effective July 7, 2014:

<u>DPW</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
	Laborer	Barry McKellar	\$15.00
	Laborer	Jeffrey Gardiner	\$15.00

Seconded by Mr. Redmond adopted on the following Roll Call Vote:

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan**

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**NAYS: None**  
**ABSENT: Mayor Nolan**  
**ABSTAIN: None**

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

**R-14-163  
RESOLUTION APPROVING  
COMPENSATION IN LIEU OF PAID  
MEDICAL BENEFITS FOR JASON ZITO**

**WHEREAS**, the governing body adopted Resolution R-14-38 on January 15, 2014 appointing Jason Zito as a full-time permanent Police Communication Operator; and

**WHEREAS**, Jason Zito's current salary is \$20,987.20; and

**WHEREAS**, as of January 15, 2014 Jason Zito is entitled to receive medical benefits which are partially paid for by the Borough; and

**WHEREAS**, Jason Zito submitted a letter May 14, 2014 stating that he is waiving his rights to receive medical benefits and opting to receive monetary compensation in lieu of medical benefits; and

**WHEREAS**, the State Health Benefits allows an employee who is covered as a dependent, spouse or partner's employer provided health benefits other than the State, to waive State Health Benefits coverage and to be paid \$5,000.00 annually or 25% of savings by employer; whichever is less.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands hereby authorizes compensation to Jason Zito for an annual amount of \$5,000.00 in lieu of medical benefits to be paid in addition to his annual salary of \$20,987.20 retroactive to January 15, 2014.

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

**ROLL CALL:**

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

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

**R-14-164  
RESOLUTION  
RENEWING 2014-2015 LIQUOR LICENSES**

**WHEREAS**, Liquor License Renewal Applications were filed for the year 2014-2015 for the following Liquor Licenses; and

**WHEREAS**, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2014 to June 30, 2015:



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IBM Corporation	M-0483	70265
Lenovo United States	M-0483	70263
XerosCorp	M-0483	74851
Keyport Army Navy	T-0046	78920
Keyport Army Navy	T-106a	75942
Lanigan Associates	T-0106	73993
Eagle Point Gun/JJ Morris	A-0106	81296
Verizon	T-1776	4338
Arcadis		

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

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan**

**NAYS: None**

**ABSENT: Mayor Nolan**

**ABSTAIN: None**

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

**R-14-166  
Resolution Approving Hurricane Sandy National Emergency Grant Agreement  
NO. HS-PY12-22 Phase B with  
the Board of Chosen Freeholders of the County of Monmouth**

**Whereas,** Hurricane Sandy caused extensive damage within Borough of Highlands; and

**Whereas,** as part of the recovery effort additional employment is needed ; and

**Whereas,** the Board of Chosen Freeholders of the County of Monmouth have approved the Borough to receive Hurricane Sandy National Emergency Grant which covers the costs to employ temporary employees;

**Now, therefore, be it Resolved** by the governing body of the Borough of Highlands that the attached Hurricane Sandy National Emergency Grant agreement between the Borough, Highlands and the Board of Chosen Freeholders of the County of Monmouth is hereby approved.

**BE IT FURTHER RESOLVED** that the Borough Administrator is authorized to execute the agreement No. HS-PY12-22 Phase B on behalf of the Borough.

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

**ROLL CALL:**

**AYES: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan**

**NAYES: None**

**ABSENT: Mayor Nolan**

**ABSTAIN: None**

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

**BOROUGH OF HIGHLANDS  
R-14-167  
RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S  
AGREEMENT WITH FIRST HARTFORD REALTY CORPORATION FOR  
IMPROVEMENTS TO BLOCK 108, LOTS 2.04 (PREVIOUSLY LOTS 2.02 AND 2.03)**

**WHEREAS,** First Hartford Realty Corporation is the Developer, with the consent of the owner of Block 108, Lot 2.04 (previously Lots 2.02 and 2.03) as shown on the official Tax Map of the Borough of Highlands, County of Monmouth and the State of New Jersey; and

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**WHEREAS**, with the Owner's consent, the Developer filed an application with the Planning Board for preliminary and final site plan approval to make certain improvements to the property; and

**WHEREAS**, the preliminary and final site plan application was considered at a public hearing held on March 14, 2013; and

**WHEREAS**, the preliminary and final site plan application was approved on April 11, 2013 and memorialized in a resolution also dated April 11, 2013, which is annexed to the Developer's Agreement and any Amendment thereto (hereinafter collectively referred to as the "Developer's Agreement"); and

**WHEREAS**, pursuant to §§ 21-60 and -61 of the Code of the Borough of Highlands, First Hartford Realty Corporation is required to enter into a Developer's Agreement with the Borough, which shall be approved by the Governing Body of the Borough of Highlands; and

**WHEREAS**, the Governing Body of the Borough of Highlands has determined that it is in the best interest of the Borough of Highlands to enter into the Developer's Agreement with First Hartford Realty Corporation reflecting the approvals, conditions and requirements thereof in the form attached hereto and incorporated herein.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Highlands that the Borough of Highlands is hereby authorized to enter into the Developer's Agreement and any Amendments thereto with First Hartford Realty Corporation; and

**BE IT FURTHER RESOLVED** that the mayor, or his designee, is hereby authorized to execute a Developer's Agreement with First Hartford Realty Corporation and any other necessary documents to effectuate the purposes of this resolution.

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

**ROLL CALL:**

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

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

**R-14-168  
RESOLUTION-SPECIAL ITEM OF REVENUE  
STATE OF NEW JERSEY  
2014 MUNICIPAL ALLIANCE PROGRAM GRANT**

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

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the 2014 budget in the amount of \$28,525.00 which item is now available as a revenue from the Municipal Alliance Program Grant.

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**BE IT FURTHER RESOLVED** that a like sum of \$28,525.00 is hereby appropriated under the caption of:

2014 Municipal Alliance Program Grant, and

**BE IT FURTHER RESOLVED** that the sum of \$7,000.00 representing a portion of the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2014 under the caption of "matching funds for grants" and the sum of \$131.25 representing the balance of the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2014 under the caption of "Community-School Substance Abuse Program" are hereby appropriated under the caption of:

2014 Municipal Alliance Program Grant

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

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

**ROLL CALL:**

**AYES:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan

**NAYS:** None

**ABSENT:** Mayor Nolan

**ABSTAIN:** None

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

**R-14-169**

**RESOLUTION APPROVING LIST OF VOLUNTEER FIRST AIDE MEMBERS WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2013**

**WHEREAS**, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

**WHEREAS**, the Highlands First Aid Squad is required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

**WHEREAS**, the Highlands First Aide have submitted certified lists of qualified volunteers for the year 2013; and

**WHEREAS**, the First Aide Department list has been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the list and found it to be accurate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands First Aide Department of qualified volunteers for the year 2013 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

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



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**ROLL CALL:**

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

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

**R-14-172  
RESOLUTION AUTHORIZING  
THE SUBMISSION OF MAIN STREET NEW JERSEY  
ASSOCIATE TIER APPLICATION - 2014**

**WHEREAS**, the Highlands Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the need for services and assistance to meet a variety of community commitment and readiness levels; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Borough Administrator is hereby authorized to submit Main Street New Jersey Associate Tier Application for 2014 and is hereby designated as the Contact person and authorized agent for the Borough of Highlands.

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

**ROLL CALL:**

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

**Ms. Kane offered the following Payment of Bills and moved on in its approval for payment:**

**RECAP OF PAYMENT OF BILLS  
07/16/2014**

<b>CURRENT:</b>		\$	556,727.01
Payroll	( 06/30/2014)	\$	
Manual Checks		\$	
Voided Checks		\$	
<b>SEWER ACCOUNT:</b>		\$	14,435.05
Payroll	(06/30/2014)	\$	
Manual Checks		\$	1,827.80
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	23,392.55
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$	22,299.88
Payroll	(06/30//2014)	\$	
Manual Checks		\$	

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Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	
<b>GRANT FUND</b>		\$	15,416.22
Payroll	(06/30/2014)	\$	
Manual Checks		\$	
Voided Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	
Manual Checks		\$	
Voided Checks		\$	

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

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

**ROLL CALL:**

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

**Minutes Approved on Consent Agenda:**

Ms. Kane offered a motion for the approval of the June 18th, 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:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan  
**NAYS:** None  
**ABSENT:** Mayor Nolan  
**ABSTAIN:** None

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**Other Resolutions:**

**R-14-145 – Resolution Mayor's Appointments to Depuration Commission with Council Consent**

and

**R-14-146 – Resolution Mayor's Appointments to Depuration Commission – 1 Council Member**

Mrs. Cummins read the titles of R-14-145 and R-14-146.

Ms. Kane offered a motion to table to next meeting due to the Mayor's absence, and was seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

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

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**R-14-158 – Resolution Authorizing Temporary Move of House onto Roadbed**

Mrs. Cummins read the title of R-14-158. She stated that this will have to be tabled due to the fact that we just received the plans tonight.

Ms. Kane offered a motion to table R-14-158, and seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**R-14-170 – Resolution Approving Change Order #2/Final for Bayside Drive Project**

Mrs. Cummins read the title of R-14-170. She explained that it is for an increase \$3,094.37.

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

**R-14-170  
RESOLUTION – CHANGE ORDER #2/FINAL  
ESPOSITO CONSTRUCTION, LLC  
INCREASE OF \$3,094.37  
BAYSIDE DRIVE IMPROVEMENT PROJECT**

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

R-13-109	May, 1, 2013	\$110,955.00
R-13-286	December 18, 2013 c/o#1	-\$ 4,389.20

**WHEREAS**, change order # 2 dated June 18, 2013 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Increase - Removed Curbing and Install Additional Retaining Wall ),

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that change order #2/Final increasing the original contract amount by \$3,094.37 is hereby authorized for the Bayside Drive Improvement Project. The contract amount is hereby amended to \$114,049.37.

Certification of Funds:

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

\_\_\_\_\_  
Patrick DeBlasio  
Chief Financial Officer

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

**ROLL CALL:**

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

**R-14-171 – Resolution Authorizing Purchase of Bldg. Dept. Software**

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Mrs. Cummins read the title of R-14-171.

Mr. Hill gave a brief explanation.

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

**Borough of Highlands  
Resolution R-14-171  
AUTHORIZING THE BOROUGH OF HIGHLANDS TO AWARD A CONTRACT FOR  
PURCHASE OF CONSTRUCTION/CODE/PLANNING SOFTWARE LICENSING,  
DATABASE AND MAINTENANCE SERVICES FOR THE  
CONSTRUCTION/CODE/PLANNING/ZONING OFFICE**

**WHEREAS**, pursuant to N.J.S.A. 40A:11-1 et. seq. the Borough of Highlands advertised and solicited Request for Proposals (RFP) for purchase of Construction/Code/Planning Software Licensing, Database and Maintenance Services for the Construction/Code/Planning/Zoning Office; and

**WHEREAS**, the Borough of Highlands received two proposals from Jungle Lasers, LLC and the Davenport Group USA, LTD; and

**WHEREAS**, the Highlands Purchasing Agent, Borough Administrator and Construction Official have evaluated the proposals for qualifications, experience and cost reasonableness, and recommends the award of a contract to Jungle Lasers, LLC.; and

**WHEREAS**, the lowest responsible bid received was from Jungle Lasers, LLC

**WHEREAS**, Jungle Lasers, LLC will provide Construction/Code/Planning Software Licensing, Database and Maintenance Services for the Construction/Code/Planning/Zoning Office; and for the sum of \$23,000 for database and 2 years of service; 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 \$ 23,000 are available from Account # \_\_\_\_\_; 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 the purchase of Construction/Code/Planning Software Licensing, Database and Maintenance Services for the Construction/Code/Planning/Zoning Office; and

**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.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$23,000.00 are available for the above contract from Account # \_\_\_\_\_.

\_\_\_\_\_  
Patrick DeBlasio, CFO

Seconded by Ms. Ryan and adopted on the following Roll Call Vote:

**ROLL CALL:**

**AYES:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan

**NAYES:** None

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**ABSENT:** Mayor Nolan  
**ABSTAIN:** None

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**Ordinances: Introduction & Set Public Hearing Date for August 20th:**

**O-14-16 – Ordinance - Noise Ordinance Amendments**

Mrs. Cummins read the title of O-14-16 on for introduction and setting of a public hearing date of August 20<sup>th</sup>.

Mr. Card offered a motion to table the introduction of O-14-16, and seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

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

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**Committee Reports:**

**Finance**

Mr. DeBlasio gave a brief report. He explained that the tax bills will be mailed out on Friday. The tax rate increase was 4%.

**Public Safety**

Chief Blewett gave a brief report.

**DOLICE DEPARTMENT**  
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT  
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

***Report to Council  
July 2014***

- \* On June 1, 2014, Gerald Devereaux, 53 years of age, was arrested and charged with aggravated sexual assault of a minor and endangering the welfare of a child. The charges were the result of a several months long investigation and bail was set as \$550,000.00 by Monmouth County Superior Court Judge Sheedy. Mr. Devereaux was subsequently transported to the Monmouth County Correctional Institution, Freehold, N.J. in lieu of bail.
  
- \* Ptl. George Roxby arrested Matthew Occhipinti, 21 years of age, Highlands, N.J. on June 7, 2014. Mr. Occhipinti was charged with burglary and possession of a controlled dangerous substance as the result of an investigation into a burglary of a motor vehicle on South Linden Avenue. Mr. Occhipinti was subsequently transported to the Monmouth County Correctional Institution, Freehold, in lieu of \$35,000.00 bail.

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- \* Georgios Arvanitakis, 45 years of age, Raritan, N.J. was arrested on June 8, 2014. Mr. Arvanitakis was charged with driving while intoxicated and driving while intoxicated with a juvenile in the car as the result of a motor vehicle stop. He was processed and released to a family member pending a court appearance.
- \* After being called to a Highland Avenue residence regarding a landlord/tenant issue on June 11, 2014, officers arrested Timothy M. O'Hare on an outstanding theft charge from Hazlet Township. As the investigation continued methamphetamine and paraphernalia were found inside the residence. Mr. O'Hare was subsequently charged with possession of a controlled dangerous substance (methamphetamine) and possession of paraphernalia for the production of a controlled dangerous substance. He was transported to the Monmouth County Correctional Institution, Freehold, in lieu of bail.
- \* As the result of a motor vehicle stop on June 12, 2014 officers found Matthew Murphy, 28 years of age, Highlands, N.J. to be in possession of suspected marijuana and a switch blade style knife. Mr. Murphy was subsequently arrested and charged with possession of a controlled dangerous substance, possession of a controlled dangerous substance within a motor vehicle, possession of a weapon and failure to stop at a stop sign. Mr. Murphy was processed and released on his own recognizance pending a court appearance.
- \* Cagliano Ulysse, 31 years of age, Highlands, was arrested on June 12, 2014 and charged with terroristic threats, simple assault and resisting arrest as the result of an investigation into a reported disturbance. Bail was set at \$25,000.00 and Mr. Ulysse was subsequently transported to the Monmouth County Correctional Institution, Freehold, in lieu of bail.

\* **Administration:**

- Equipment
  - Recording equipment installed at temporary facility
    - Telephones and radios are now recorded
  - Quality Communications (radio company)
    - Recently received written notification that the company will no longer be able to honor our maintenance agreement.
    - Currently researching alternate companies for a maintenance agreement and upgrading our radio capabilities allowing officers to communicate from surrounding municipalities.
  - Narcan
    - Monmouth County Prosecutor's Office
      - Supplied initial training and Narcan units
      - Patrol vehicles on duty are now equipped
  - Electric – S. Bay Avenue Pump Station
    - Working with Dale Leubner, T&M Associates, to provide a second power source for the HPD repeater.
    - Requesting Governing Body to review submitted cost estimates
- Grants
  - The Highlands Police Department participated in the 2014 Click It or Ticket Campaign. The State Division of Highway Traffic and Safety awarded the department funds that covered the cost of hiring off-duty officers for the enforcement of the seat belt laws.
    - Program: May 21, 2014 and June 1, 2014
    - Officers Worked: Ten (10) shifts
    - Total Summons Issued: Fifty-Nine (59)
    - Seat Belt Violations: Twenty-Two (22)
    - Arrests: Six (6)
  - Body Armor Grant – The department is replacing (5) officers vests totaling approximately \$4400.00. Monies from both the State and Federal

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Grant awards will cover the costs 100%. The officers body armor is replaced every (5) years on a rotating basis.

- Homeland Security
  - FFY12 Urban Areas Security Initiative Grant – State Department of Homeland Security
    - Approximately \$80,000.00 for security upgrades
    - Equipment obtained through grant include:
      - License plate readers
      - Mobile Data Terminals (2) (patrol vehicles)
      - Cameras (SeaStreak dock area)
      - Barricades
- Manpower
  - Weekend night shifts supplemented patrol
    - (1) Special Officer
    - Officer – hired at off duty rate on Shrewsbury Ave by WindanSea
      - Ending Labor Day Weekend
- Policies
  - Issued (1) new policy
  - Revised (2) existing policies
- Traffic
  - Orchard Street
    - Stop sign requested to make a 3-way stop intersection after Quick Chek relocated due to the increased number of vehicles utilizing the intersection.
    - Recently contacted the NJ State Department of Transportation for assistance
    - Currently waiting for NJ DOT recommendations
- Liquor Licenses
  - American Legion charged with an ABC violation for violating the conditions of their club license.
  - Charges are currently pending a hearing

\* Total Calls for Service: 770

\* Arrests: Adults: 30 ( 8 for possession of CDS)

JV: 0

\* Summons: Total: 175

Moving Violations: 61

Non-Moving: 83

DWI: 3

Boro Ordinance: 28

**Administration**

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Mr. Hill gave his report.

**1. Various Recovery Related items:**

- a. Architect continues to work with State Liaison for concurrence on Community Center mitigation plan. Cost estimates are being gathered for various project costs as required. Same process is in place for the Borough Hall site.
- b. FEMA Demolition appeal process is still under review. Additional information has been submitted as requested.
- c. Although NJ DCA Unsafe Structure Program announced in the media that we are being considered for program funds – no official notification has been made.

**2. Department of Public Works**

- a. Continued with pothole repairs
- b. Tended to (3) sewer clogs – 2 were property owner issues.
- c. Brush picked up in all zones for June.
- e. Tending to grass mowing, etc. throughout parks and other areas
- f. Hired two seasonal workers to assist with duties

**3. Building and Housing: June 1-30, 2014**

- a. Const. Office No of Applications Received: 14 Permits Issued: 42

Total Construction Fees Received: \$29,639

Inspection Details: Building 81 Electric 70 Plumbing: 22 Fire: 5

Total Value of Construction Performed \$1,340,553

YTD: 254 permits, \$116,557 fees, \$4.112 M Value

- b. Zoning Office: 30 Approvals 5 Denials 2 Mercantile Approvals

1 letter of consistency for grant purposes, 1 Use Determination

Floodplain: 19 Approvals 4 Flood Zone Determinations 6 Letters of Compliance

- c. Other Activity:

10 Violations cited, 4 summonses issued. 12 Complaints resolved prior to violation issued, 4 Complaints referred to outside / other agencies.

**4. Recreation Department –**

"Kids on the Move" Program - 55 registered total (program ended on June 11th); Middle School Teen Night, June 6th - 0 participants; High School Teen Night,



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June 20th - 30 participants; Summer Kidfest Registration - 111 registered so far (as of July 15th).

Upcoming Recreation Events / Programs

1. Summer Kidfest began July 7th - The Summer Kidfest program is for Highlands children ages 6-14. This year the program will be held at the Highlands Elementary School from July 7th - August 15th from 8:30 am - 2:00 pm. The program includes weekly special events, a nutritious breakfast & lunch, games, arts & crafts, and field trips. For further information please call 732-872-1224 ext. 232 or via email at [communitycenter@highlandsnj.us](mailto:communitycenter@highlandsnj.us).

2. Summer Teen Nights - Friday Nights July 11th - August 29th (No Teen Night on August 1st) at the Highlands Elementary School from 7:00 pm - 9:30 pm. The event is FREE for ages 14-18 and pizza & soda will be served. For more information please contact Heather DiBlasi at 908-601-5091.

3. Twinlights Summer Sports Camps (Revised Times) - The Borough of Highlands Recreation Dept. is offering sports camps during the Summer of 2014. The camps are for boys & girls in grades 1-8 and will be held at Henry Hudson Regional School Gym & Athletic Fields from 1:00 pm - 4:00 pm. The sports camps being offered are: Basketball - July 7th - July 11th; Baseball/Softball - July 14th - July 18th; Soccer - July 21st - July 25th; and Field Hockey - July 28th - Aug. 1st. The fee is \$60 per participant for 1 week; \$100 per participant for 2 weeks; and \$150 per participant for 3 weeks. Registration forms are available at the Borough Hall trailer located at 42 Shore Drive. For further information please call 732-872-1224 ext. 232 or via email at [communitycenter@highlandsnj.us](mailto:communitycenter@highlandsnj.us).

4. Baby Costume Contest at the Clamfest - Sunday, August 3rd at Huddy Park at 1:00 pm. Registration starts at 12:00 noon at Huddy Park. The theme is "A Day at the Shore". Trophies will be awarded to winning entrants in the following age groups: (Age as of 8/3/14) Infant to 18 months; 19 months to 2 1/2 years; and 3 years to 5 years. For further information please call 732-872-1224 ext. 232 or via email at [communitycenter@highlandsnj.us](mailto:communitycenter@highlandsnj.us).

- Ongoing efforts are being made for Life Guards.

**5. Administration**

- a. 21 identified projects: 9 projects completed, 1 near completion, 11 underway.
- b. Continue working with the Borough of AH through the transition of the AHHRSA.
- c. NJEDA streetscape project is still in the environmental review process.
- d. Special Event Meeting held with HBP regarding Clam Fest
- e. Working with Purchasing Agent on Bid Spec doc's for Street Sweeper and Dump Truck

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- f. Vet's Park Proposal, Community Center Park, Community Access, Bayside Drive, Shore Drive Proposal, South Bay Pump

**Library**

Ms. Ryan stated that there is a lot of interest in a library but there is nothing happening now.

**HBP**

Carla Braswell-Cefalo gave her report. She spoke of Taste of Highlands which raised money for Veteran's Park. She spoke of the Farmer's Market and the ClamFest from July 31<sup>st</sup> to August 3<sup>rd</sup> and other various upcoming events and projects.

Mrs. Cefalo then read an email received by the Highlands Business Partnership from Havana regarding Kim Skorka addressing noise. Mrs. Cefalo stated that she had a meeting at with Havana and they compromised and lowered the music. Ms. Skorka continued to complain to Havana and she also contacted the entertainment to lower the music. They feel this is harassment. They all tried to fix the problem.

Mr. Padula stated that Kim Skorka is not representing HBP or the Borough of Highlands. It is not a matter for the governing body.

Mr. Card stated that he tried to resolve the issue. Both parties came to an agreement. He feels that Havana does violate the noise ordinance. We are working on a noise ordinance but until it is passed, both parties need to wait. He feels it is not harassment, but asking to be neighborly.

**Shared Services**

There was no report.

**Website Committee**

Ms. Ryan stated a meeting was held. They are meeting with residents who have suggestions. They will poll the residents on what they need or want on the website. They are meeting every other week. She will have a full report in September.

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**Other Business:**

**Borough Engineer's Status Report**

Mr. Leubner read thru his report.

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

**Capital Improvement Projects**

1. **Stormwater System Improvements:**
  - We have requested to be included in the 2015 EIT funding cycle at this time.
  - 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.
  - Potential chamber sizing concerns to accommodate pipe from the Waterwitch Avenue and Linden Avenue drainage project.
  - We have updated the Army Corps permit for submission.
  
2. **The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.

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- 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 we are authorized to do so.
  - Awaiting further direction from the Governing Body with regards to the overall size of the station.
  - Access agreements are required from the adjacent property owners for construction purposes.
  - Pumping Services repaired and installed the existing pump to operate the station.
3. **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                            |
- Project is complete.
  - Final payment has been submitted to the Borough.
  - T&M Associate's overages have been submitted to the Borough for consideration.
4. **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.
  - Direction provided by Council was to proceed with the imprinted concrete panel wall system as opposed to a more industrial option.
  - Plans are complete.
  - Project to be advertised the week of July 21, 2014.
5. **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.
- Design is progressing to completion.
  - Issues pertaining to chamber at Jones Creek. Investigating enlarging chamber further to accommodate the proposed piping as well as the piping from the Stormwater System Improvement Project.
  - Addressing concerns associated with crossing of 48" MCBOA sanitary sewer main on Shore Drive.

**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.

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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. The Borough has been advised that the NJDOT will be funding \$210,000 towards this project.

Mr. Card asked Mr. Leubner about the percentage of billing on the soil.

Mr. Leubner explained it was not discussed as part of the meetings. He was not a part of these meetings.

Mr. Leubner will get the breakdown for the next meeting.

Ms. Ryan would like names of who attended this meeting.

**Bayside Drive Project Engineer Invoices**

This was discussed in Mr. Leubner's Engineer's Report.

**Mayor's Appointments to Depuration Committee**

Tabled.

**Mayor's Committee Appointments – Conflicts of Interest**

Tabled.

**Executive Session – Pre or Post Public Portion Discussion**

Ms. Kane stated that Mrs. Cummins advised the public at the beginning of the regular session.

Mr. Padula explained the resolution. The public are welcome to attend at 7:00 pm when the executive resolution is read which explains why items are in executive session.

**Review of Engineering Cost Estimate for Shore Drive Phase II Improvements**

Mr. Leubner gave cost estimates and reviewed all Engineering proposals. We need the NJDOT money to do this or we will lose the money.

Mr. Redmond questioned Veteran's Park work.

Mr. Card questioned the delay of repairs at Veteran's Park.

Mr. Hill explained we need to design.

Mr. Leubner explained that we need to do plans. We can piece meal it if that is the councils pleasure.

Mr. Card spoke of doing the deck with Open Space money.

Mr. Leubner will work up price for decking.

Mr. Leubner spoke of the South Bay pump station still needing work with a cost estimate of \$39,000.00.

Council continued discussion.

Mr. DeBlasio will review the Sewer Budget.

Mr. Leubner will give a pumping station proposal.

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**Review of Engineer's Cost Estimate for Snug Harbor Ave. Park**

Council briefly discussed.

**Review of Cat Ordinance**

Mr. Hill gave a brief explanation. The SPCA provided a TNR program that they are no longer doing. We must revisit the ordinance and change the language. When this is done, there will be a public hearing.

**Recommendation for Strategic Recovery Planning Report**

Steve Nelson went over his recommendations from a report dated 7/16/2014. He will need action at the August 20<sup>th</sup> for his final report.

Council discussed his report on various subjects.

Mr. Hill spoke of the Clam Depuration Plant and the studies needed to see what the status is of the clam beds since Sandy. How many are out there.

Steve Nelson said that he looked at other plans that FEMA and other groups did not look at.

Council thanked Steve Nelson for his report.

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**Public Portion:**

Claudette D'Arrigo of 12 Seadrift Avenue questioned if we have demo money for condemned houses.

Mr. Hill spoke of the FEMA PPDR program we applied for was denied. We are in the appeal process. There are no funds now.

Katie Reed of 7 Snug Harbor Avenue spoke about her frustration with condemned houses.

Barbara Ianucci of 28 Shrewsbury Avenue questioned Carla Cefalo-Braswell of the Highlands Business Partnership about looking at helping with abandoned houses. She further spoke of the environmental commission working with Exxon and questioned the engineer's bill overages, meeting conduct, OPMA and what was discussed with Exxon.

Mr. Padula stated that Mr. Card had asked Carolyn to move the executive session to after the public hearing. It is not necessary because the Executive Resolution is done in public. Highlands Business Partnership are another set of eyes for visual improvements. They do provide a list of homes to the borough.

Ms. Braswell of 62 Gravelly Point Road stated that she is tired of wasting tax payers money, that a select few people wasting officials time, constant bashing on social media.

Rita of Havana's asked for clarification of the noise ordinance. She feels that she is being harassed by one neighbor. The band she hire is also being harassed. The county already checked and the decimeters are ok. She continued questioning the noise ordinance.

Ms. Kane stated that we will invite Havanna to a round table meeting about the noise ordinance. We are working on it

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Lori Dibble of 2 Matthews Street said that grants were denied for Paradise Park owners. She further stated that it was in litigation and there has been a settlement with HUD grants. She wants to work with the town to help getting residents back in their homes.

Ms. Ryan stated that she has spoken with Ms. Dibble and plans to get together again.

Kim Skorka of 315 Shore Drive objects to the noise ordinance. She objects to the accusations of harassment with Havana. She just wants music lowered. She also objected to letting Carla Braswell speak about her.

Annemarie Tierney of 29 Shrewsbury Avenue feels it would be good to form a noise committee. She would like residents to be a part of noise meetings. She further stated that she would like to for patrol officers on Shrewsbury Avenue. She also asked about the status of the Windansea.

Ms. Kane stated that the proposed ordinance exceeded the State requirements.

Mr. Card added that the ordinance is being amended.

Mr. Hill added that the construction office has sent notices to 14 businesses asking for material and site plans.

There were no further questions.

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

The Meeting adjourned at 9:59 p.m.

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Debby Dailey, Deputy Clerk