

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
August 20, 2014**

Mayor Nolan called the meeting to order at 7:02 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, Mr. Redmond, Ms. Ryan, Mayor Nolan

**Absent:** Ms. Kane, Tim Hill

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

Patrick DeBlasio, Tax Collector

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Rob Keady, Borough Engineer

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**Executive Session Resolution**

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION  
EXECUTIVE SESSION**

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

**1. Litigation:** New Jersey Natural Gas

**2. Contract:**

**3. Real Estate:**

**4. Personnel Matters:** Police Dept. Todd Gardiner – RICED

Judge Locascio-RICED-RE: Formal Complaint

Nancy O'Neil-RICED-RE: Request for F/T Position

PBA Grievance

F/T Code Enforcement Officer

**5. Investigation:**

**6. Attorney-Client Privilege:** Conflicts of Interest w/Mayor Committee Appointments

R-14-186 Regulations

Peddlers License Ordinance-Possible Increase # of Lic.

Noise Ordinance Amendments

Mercantile License Ord-Modify Application Req

Petition Against 2 Minute Rule

**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. Ryan and adopted on the following roll call vote:

**ROLL CALL:**

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

Mrs. Cummins asked residents in the audience to leave the meeting.

Barbara Ianucci of 28 Shrewsbury Avenue asked that the two minute petition be discussed in public.

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Mr. Padula stated that it will be discussed in executive for him to give legal advice. It will be discussed in public.

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:32 p.m.

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

**Opening Prayer:**

Reverend McGrail led the opening prayer.

**ROLL CALL:**

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

**Borough of Highlands  
County of Monmouth  
R-14-173  
Resolution Accepting the Resignation of Todd Gardiner  
And R.Austin O’Neil**

**Whereas**, the Chief of Police is in receipt of a letter of resignation from Todd Gardiner;  
and;

**Whereas**, the Chief of Police informed Mr. Gardiner that his resignation has been  
accepted; and

**Whereas**, the Borough Administrator is in receipt of a letter of resignation from R.  
Austin O’Neil effective August 26, 2014; and

**Whereas**, the Borough wishes to formalize the acceptance of Mr. Gardiner’s and R.  
Austin O’Neil resignations.

**Now, therefore, be it Resolved** that the governing body of the Borough of Highlands  
hereby accepts the resignation of Todd Gardiner and R. Austin O’Neil; and

**Be it further Resolved** that the Borough Clerk is directed to inform both Mr. Gardiner  
and Mr. O’Neil that their resignations have been accepted by sending a certified copy of this  
Resolution to Mr. Gardiner and R. Austin O’Neil via certified mail.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES		NO

**R-14-174**

**Borough of Highlands  
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 RESOLUTION APPROVING TWO (2) SOCIAL AFFAIR PERMITS**

**WHEREAS**, the Highlands Fire Department has filed an application for a Social Affairs Permit for an event to be held on September 28, 2014 with no rain date; and

**WHEREAS**, the Highlands VFW has filed an application for a Social Affairs Permit for an event to be held on September 13, 2014 with no rain date; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor & Council of the Borough of Highlands do hereby approve the Social Affair Permits for both the Highlands Fire Department and the Highlands VFW.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES		NO

**RESOLUTION FOR MEMBER PARTICIPATION  
 IN A COOPERATIVE PRICING SYSTEM:**

**A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO ENTER  
 INTO A COOPERATIVE PRICING AGREEMENT**

**RESOLUTION  
 R-14-175**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on (DATE OF ACTION) the governing body of the Borough Of Highlands, County of Monmouth , State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

**NOW, THEREFORE BE IT RESOLVED** as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Highlands

**AUTHORITY**

Pursuant to the provisions of *N. J.S.A. 40A:11-11(5)*, the Borough of Highlands approved by Mayor Nolan is hereby authorized to enter into a Cooperative Pricing Agreement with the

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Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**CERTIFICATION**

\_\_\_\_\_  
Frank L. Nolan, Mayor

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES	NO		

**R-14-176**

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT**

**WHEREAS**, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

**WHEREAS**, an Agreement has been adopted under which the Borough of Highlands and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

**WHEREAS**, it is in the best interest of the Borough of Highlands to enter into such an agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Highlands , that the amendment to the agreement entitled

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"AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES		NO

**BOROUGH OF HIGHLANDS  
R-14-177  
RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSE FOR THE  
PERIOD OF JULY 1, 2014 TO JUNE 30, 2014**

**WHEREAS**, L & P Tavern, Inc., was the previous owner of liquor license number 1317-33-017-002; and

**WHEREAS**, the New Jersey Division of Taxation seized the aforementioned liquor license previously owned by L & P Tavern, Inc.; and

**WHEREAS**, the New Jersey Division of Taxation auctioned off liquor license number 1317-33-017-002 to Frank J. Festa, Jr. on July 22, 2014; and

**WHEREAS**, Frank J. Festa, Jr. paid the applicable renewal application and renewal fees on July 22, 2014; and

**WHEREAS**, no one having filed written objection to the renewal of said License, and no one appearing in person to object to the granting of said License.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council authorize and direct the renewal of liquor license Number 1317-33-017-002, owned by Frank J. Festa, Jr., effective July 1, 2014, *nunc pro tunc*, for the period July 1, 2014 through June 30, 2015; 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.

6	TRODUCED	CONDED	YE	AY	3STAIN	3SENT
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CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES			NO

**R-14-178  
RESOLUTION  
APPROVING RAFFLE LICENSES  
& SOCIAL AFFAIRS PERMIT**

**WHEREAS**, the Highlands Business Partnership has submitted two Raffle License Applications No. RA1317-14-15 and RA1317-14-17 and a Social Affairs Permit for an event to be held on October 4, 2014 with a Rain Date of October 15, 2014; and

**WHEREAS**, the Sea Bright Fire Department has submitted two Raffle License Applications RA1317-14-08 and RA1317-14-19

**WHEREAS**, all paperwork appears to be in order and the Social Affairs permit has been approved by the Chief of Police

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands does hereby approve Raffle License Application RA#1317-14-15, RA#1317-14-17, RA#1317-14-18, RA#1317-14-19 and the Social Affairs Permit for the Highlands Business Partnership and the Borough Clerk is authorized to sign off on licenses.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA		x	YES			NO

**R-14-179**

**RESOLUTION OF THE BOROUGH OF HIGHLANDS  
DIRECTING THE UNDERTAKING OF A CONTINUING  
DISCLOSURE REVIEW AND AUTHORIZING  
PARTICIPATION IN THE MUNICIPALITIES CONTINUING  
DISCLOSURE COOPERATION INITIATIVE OF THE  
DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES  
AND EXCHANGE COMMISSION**

**WHEREAS**, the Borough of Highlands (the "Governmental Entity") has entered into continuing disclosure agreement(s) in connection with certain of its prior bond

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and/or note issuance(s) (the "Prior Issuances"), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the "MSRB") pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"); and

**WHEREAS**, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and note offering documents in connection with its Prior Issuances; and

**WHEREAS**, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of Enforcement (the "Division") of the U.S. Securities and Exchange Commission (the "Commission") has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative"), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

**WHEREAS**, pursuant the Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the "LFB Recommendation");

**NOW, THEREFORE**, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY, as follows:

. The Governmental Entity, through its Administrator, Chief Financial Officer or Treasurer, as applicable (the "Governmental Entity Officer"), or through the engagement of a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the "Review"), and the Governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity's continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations. The Governmental Entity Officer is hereby authorized and directed, if necessary, to appoint and engage a third-party disclosure-dissemination agent and any fees and costs associated with such third-party disclosure-dissemination agent are hereby approved or ratified and confirmed.

. The Governmental Entity, through its Governmental Entity Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Governmental Entity Officer after consultation with Governmental Entity officials, it is determined that the Governmental Entity may have made materially inaccurate statements in its bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

. The Governmental Entity Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done any and all acts and things necessary or proper for participating in the



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MCDC Initiative and all related transactions, including the Review, contemplated by this resolution.

. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

. This resolution shall take effect immediately or in accordance with applicable law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES		NO

**R-14-180  
RESOLUTION SUPPORTING THE DRIVE SOBER  
OR GET PULLED OVER 2014 STATEWIDE CRACKDOWN**

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

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

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2014 Statewide Crackdown; and

**WHEREAS**, the project will involve increased impaired driving enforcement from August 15 through September 1, 2014; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Highlands declares its support for the Drive Sober or Get Pulled Over 2014 Statewide Crackdown from August 15 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving.

9	TRODUCED	CONDED	YE	AY	3STAIN	3SENT
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CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA	x	YES	NO			

**R-14-182**

**RESOLUTION TO SUPPORT MONMOUTH COUNTY COMPLETE STREETS BIKE LANE IMPROVEMENTS THROUGH VARIOUS MONMOUTH COUNTY MUNICIPALITIES**

**WHEREAS**, the County of Monmouth adopted the Complete Streets Policy on July 22, 2010; and

**WHEREAS**, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and mobility challenged, as well as those that cannot afford a car or choose to live car free; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities, promoting healthy lifestyles; creating more livable communities, reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

**WHEREAS**, numerous municipalities in Monmouth County, including the Borough of Fair Haven have also adopted a Complete Streets Policy; and

**WHEREAS**, bicycle lanes, which promote road sharing, are a key component of a comprehensive complete streets initiative on both the local and County roads; and

**WHEREAS**, a road sharing initiative can be designed using existing county and local public right of way, using a combination of bike lane symbols, shared lane markings (“sharrows”) and road signage along existing roadways and cartways, which will be both practical and cost effective, while increasing safety awareness for motorists, cyclists and pedestrians.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Highlands requests that Monmouth County act as the lead agency in support of a bike lane initiative that would increase the connectivity of Monmouth County municipalities using both local and County roads.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be sent to the Monmouth County Board of Freeholders, Borough of Red Bank, Borough of Little Silver, Borough of Rumson, Borough of Eatontown, Borough of Oceanport, Borough of Sea Bright, Borough of Monmouth Beach, Borough of Atlantic Highlands, Borough of Fair Haven, Middletown Township and the City of Long Branch.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
10						

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CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA	x	YES	NO			

**RECAP OF PAYMENT OF BILLS  
08/20/2014**

<b>CURRENT:</b>		\$	252,624.00
Payroll	(07/30/2014)	\$	247,727.34
Manual Checks		\$	637,347.02
Voided Checks		\$	
 <b>SEWER ACCOUNT:</b>		\$	92,652.26
Payroll	(07/30/2014)	\$	6,413.45
Manual Checks		\$	7,000.68
Voided Checks		\$	
 <b>CAPITAL/GENERAL</b>		\$	44,037.01
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
 <b>TRUST FUND</b>		\$	102,291.30
Payroll	(07/30//2014)	\$	2,200.00
Manual Checks		\$	32,386.25
Voided Checks		\$	
 <b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
 <b>DOG FUND</b>		\$	
 <b>GRANT FUND</b>		\$	4,216.52
Payroll	(07/30/2014)	\$	6,035.86
Manual Checks		\$	
Voided Checks		\$	
 <b>DEVELOPER'S TRUST</b>		\$	
Manual Checks		\$	
Voided Checks		\$	

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

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND			x			
RYAN		x	x			
NOLAN	X		x			
ON CONSENT AGENDA		x	YES		NO	

**Minutes Approved on Consent Agenda:**

Mayor Nolan offered a motion for the approval of the July 1<sup>st</sup> and July 16th, 2014 Regular Minutes and Executive Session Minutes, seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Card, Mr. Redmond, Ms. Ryan, Mayor Nolan

**NAYS:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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**Other Resolutions:**

**R-14-181 – Resolution Authorizing Emergency Repairs S. Bay Pump Station**

Mrs. Cummins read the title of R-14-181.

Mr. Card questioned the repairs needed.

Mr. Leubner explained repairs and also there is no backup if power goes out.

Ms. Ryan wants to know if these repairs will be FEMA complaint first.

Ms. Ryan offered a motion to table this resolution to the September 17<sup>th</sup> meeting, seconded by Mr. Card and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Card, Mr. Redmond, Ms. Ryan, Mayor Nolan

**NAYS:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

**R-14-183 – Resolution Authorizing Temporary Move of a Structure**

Mrs. Cummins read the title of R-14-183.

Mr. Keady explained that all his recommendations have been added.

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**Borough of Highlands**

**Resolution**

**R-14-183**

**AUTHORIZING THE TEMPORARY MOVE OF THE RESIDENCE LOCATED AT 11 MARINE PLACE FROM ITS CURRENT LOCATION INTO THE ROADBED OF MARINE PLACE FOR THE PURPOSE OF LIFTING THE HOME TO COMPLY WITH FEMA FLOOD REGULATIONS**

**WHEREAS**, the owner of 11 Marine Place (Block 85, Lot 6.01) has requested Borough approval to move his home from its present location into the roadbed of Marine Place, on a temporary basis, for the purpose of lifting his home to comply with FEMA flood regulations; and

**WHEREAS**, the Borough advised the Homeowner that in order to consider his request, the Borough would need The Homeowner to submit for Borough review, a proposal to temporarily move the home into the roadbed complete with architectural renderings and an engineering report; and

**WHEREAS**, the Borough required the Homeowner to obtain a review from the Borough Engineer of the Homeowner's proposed plans and documents, to insure that the Marine Place roadbed and corresponding bulkhead, as well as surrounding properties would not be damaged, in any way, by the temporary move of the home into the roadbed of Marine Place; and

**WHEREAS**, the Borough required the Homeowner to obtain approval from the Fire Department opining that the temporary move of the home into the roadbed of Marine Place would not be a fire hazard or hinder fire operations, in any way; and

**WHEREAS**, the Borough required the Homeowner to obtain approval from the Police Department opining that the temporary move of the home into the roadbed of Marine Place would not hinder police operations, in any way; and

**WHEREAS**, the Borough required the Homeowner to obtain approval from the Office of Emergency Management ("OEM") opining that the temporary move of the home into the roadbed of Marine Place would not hinder OEM operations, in any way; and

**WHEREAS**, the Borough required the Homeowner and/or the contractor performing the temporary move to post a bond or obtain insurance, in an amount sufficient to the Borough Attorney and Borough Insurance Broker, naming the Borough and its officials as additional insureds; and

**WHEREAS**, the Borough Engineer has reviewed the Homeowner's plan and takes no exception to the plan, subject to certain additional requirements and information being provided by the Homeowner, that the Marine Place roadbed, corresponding bulkhead and surrounding properties will not be damaged by the temporary move of the Homeowner's home into the Marine Place roadbed; and

**WHEREAS**, the Borough Fire Chief has reviewed the Homeowner's plan and approved the plan because it will not be a fire hazard nor will it hinder fire operations, in any way; and

**WHEREAS**, the Borough Police Chief has reviewed the Homeowner's plan and approved the plan because it will not hinder police operations, in any way; and

**WHEREAS**, the Borough OEM Director has reviewed the plan and approved the plan because it will not hinder OEM operations, in any way; and

**WHEREAS**, the Homeowner and/or Contractor performing the temporary move has obtained insurance, in an amount sufficient to the Borough Attorney and Borough Insurance Broker, naming the Borough and its officials as additional insureds; and

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**WHEREAS**, the Homeowner will be required to obtain all other required permits and approvals from the Borough and the appropriate State agencies, if any.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Homeowner’s proposed temporary move of his home located at 11 Marine Place into the Marine Place roadbed is hereby approved subject to:

(a) The Homeowner and/or the contractor providing the Borough engineer with such other information as requested in the letter dated July 30, 2014 and as may be further requested; and

(b) The Homeowner obtaining all other required permits and approvals from the Borough and the appropriate State agencies, if any; and

(c) Any damage caused by the temporary relocation and raising of the Homeowner’s Home will require repair by the Homeowner.

In the event the provisions of subsection (a) and (b) are not complied with within one (1) year, the Borough’s approval of the temporary move herein shall expire.

**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.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND	x		x			
RYAN			x			
NOLAN		x	x			
ON CONSENT AGENDA			YES	x	NO	

**R-14-184 – Resolution Authorizing Prof Eng Services Comm Ctr Walkway**

Mrs. Cummins read the title of R-14-184.

Mr. Leubner explained the project.

Mr. Hill is concerned with money sources. He would like to move forward with the walkway.

Discussion continued regarding the project and funding.

**R-14-184  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
FOR THE COMMUNITY CENTER WALKWAY IMPROVEMENTS  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the Robert D. Wilson Memorial Community Center Walkway Improvements project as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$6,200 plus reimbursable expenses per T & M Associates proposal dated July 16, 2014 for Professional Engineering Services for the Robert D. Wilson Community Center Walkway Improvements project provided to the Borough of Highlands for the period of one year; and

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

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

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

I hereby certify funds are available from Account Number T-03-56-854-000-000.

-----  
**Patrick DeBlasio, Chief Financial Officer**

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$6,200 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD				x		
KANE						x
REDMOND			x			
RYAN	x		x			
NOLAN		x	x			
ON CONSENT AGENDA			YES	x	NO	

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**R-14-185 – Resolution Amending Prof Eng Services RE: Bayside Drive**

Mayor Nolan read the title of R-14-185.

Mrs. Cummins stated that we do not have the funding right now, so she is asking for a motion to table this resolution indefinitely.

Mayor Nolan offered a motion to table R-13-185 indefinitely, seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**R-14-186 – Resolution Adopting Guidelines for use of Electronics**

Mrs. Cummins read the title of R-14-186.

**Borough of Highlands  
County of Monmouth  
R-14-186  
Resolution Adopting Guidelines for the use of Electronic  
Communication by the Governing Body**

**Whereas**, the Monmouth County Prosecutor’s Office has recommended that all governing bodies adopt guidelines for the use of electronic communication by members of the governing body; and

**Whereas**, the governing body wishes to adopt such guidelines.

**Now, therefore, be it Resolved** that the governing body of the Borough of Highlands hereby adopts the attached guidelines for use of electronic communication by the governing body.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD	x		x			
KANE						x
REDMOND			x			
RYAN			x			
NOLAN		x	x			
ON CONSENT AGENDA			YES	x	NO	

**R-14-187 – Resolution Approving Strategic Plan Recommendations - Table**

Mrs. Cummins read the title of R-14-187. She explained that it has not yet been finalized and needs to be tabled.

Mayor Nolan offered a motion to table R-14-187 to the September 17<sup>th</sup> meeting, seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Card, Mr. Redmond, Ms. Ryan, Mayor Nolan



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**NAYS:** None  
**ABSENT:** Ms. Kane  
**ABSTAIN:** None

**R-14-189 – Resolution Approving TOMSA Agreement**

Mrs. Cummins read the title of R-14-189.

Mr. Padula stated that he needed to review the revised agreement from TOMSA.

Mayor Nolan stated that we will come back to R-14-189.

**R-14-190 – Resolution Authorizing payment to the Borough of Atlantic Highlands**

Mrs. Cummins read the title of R-14-190.

**R-14-190  
RESOLUTION AUTHORIZING  
PAYMENT TO THE BOROUGH OF ATLANTIC HIGHLANDS**

**WHEREAS**, a sewerage pipe leak occurred on October 21, 2013 involving a sewerage line servicing Monmouth Hills which line is part of the Highlands Borough Sewerage Authority system. As a consequence of the emergent situation (raw sewerage) being discharged onto Route 36 and the uncertainty of the Regional Sewerage Authority was contacted by Highlands Sewer Department on the belief that the leak involved a AHHRSA sewer pipe. The Sewerage Authority responded and on an emergent basis brought in contractors to locate and repair the leak; and

**WHEREAS**, the total cost incurred by the AHHRSA for this response and repair effort was \$20,461.16 and the invoices were sent to the AHHRSA and Monmouth Hills but said invoices were never paid to the AHHRSA.; and

**WHEREAS**, the allocation of the AHHRSA asset/liabilities (44.55% for Atlantic Highlands and 55.45% for Highlands and the approximately \$9,115.45 of the amount expended by AHHRSA on this repair is owed to Atlantic Highlands.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the CFO is hereby authorized to issue payment in the amount of \$9,115.45 to the Borough of Atlantic Highlands.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
KANE						x
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA YES x NO						

**R-14-191 – Resolution Consentiing to Deannexation**

Mrs. Cummins read the title of R-14-191.

Mr. Padula briefly explained.

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
R-14-191**

**Borough of Highlands  
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**RESOLUTION CONSENTING TO THE DEANNEXATION OF 280, 284,  
290, AND 294 BAYSIDE DRIVE TO THE BOROUGH OF ATLANTIC  
HIGHLANDS PURSUANT TO N.J.S.A. 40A:7-12**

**WHEREAS**, N.J.S.A. 40A:7-12 to 25 provides a process for the annexation/deannexation of property by adjoining municipalities; and

**WHEREAS**, in the Borough is in receipt of a petition/request requesting the Borough deannex to Atlantic Highlands four residential parcels on Bayside Drive now known and designated as:

Highlands Block 103, Lot 27	280 Bayside Drive
Highlands Block 103, Lot 25.01	284 Bayside Drive
Highlands Block 103, Lot 26	290 Bayside Drive
Highlands Block 103, Lot 28	294 Bayside Drive

**WHEREAS**, the Petition was filed and signed by persons residing on at least 60% of the land involved in the annexation, and is in the proper form; and

**WHEREAS**, pursuant to N.J.S.A. 40A:7-12, the request for deannexation was submitted to the Highlands Planning Board, which, by Resolution dated August 14, 2014, reported favorably on the petition and consented to the deannexation of the aforementioned properties to the Borough of Atlantic Highlands.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Highlands hereby consents to the deannexation of the following properties and the annexation of these properties by Atlantic Highlands:

Highlands Block 103, Lot 27	280 Bayside Drive
Highlands Block 103, Lot 25.01	284 Bayside Drive
Highlands Block 103, Lot 26	290 Bayside Drive
Highlands Block 103, Lot 28	294 Bayside Drive

**BE IT FURTHER RESOLVED** that the Borough waives the apportionment of the bonded and other indebtedness to the aforementioned properties as contemplated by N.J.S.A. 40A:7-17.

**BE IT FURTHER RESOLVED** that this resolution shall become effective October 1, 2014.

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

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND	x		x			
RYAN			x			
NOLAN		x	x			
ON CONSENT AGENDA			YES	x9*		NO

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**R-14-145 – Resolution Appointment of members to Depuration Commission by Mayor and R-14-146 – Resolution Appointment of member to Depuration by Governing Body**

Mrs. Cummins read the title of R-14-145 and R-14- 146 and asked if there were appointments.

Mayor Nolan stated that we were going to reappoint everyone.

Ms. Ryan said that we were going to wait until they made a report to the council.

Mayor Nolan offered a motion to table R-14-145 and R-14-146 to the September 3<sup>rd</sup> meeting, seconded by Ms. Ryan and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**R-14-189 – Resolution Approving TOMSA Agreement**

Mrs. Cummins stated that we are ready to return to R-14-189.

Mr. Padula explained that this deals with flow and charges of sewer. It will be meter read.

Mr. Francy stated that the penalty clause was supposed to be taken out.

Mr. Padula said he did not see it and it was taken out.

**R-14-189**

**Resolution Authorizing Agreement with the Township of Middletown Sewerage Authority (TOMSA) for Sewerage Treatment Services for a period of Thirty Years**

**Whereas,** the Atlantic Highlands Regional Sewerage Authority was recently dissolve and the Borough is in need of sewerage treatment services

**Whereas,** Arthur Sorensen, Esq., has reviewed the agreement and recommendation that the Borough approve it.

**Now, therefore, be is Resolved** by the governing body of the Borough of Highlands that the Agreement with TOMSA for a period of thirty years is hereby approved and the Borough Administrator and Borough Clerk are hereby authorized to execute agreement between the Borough, Highlands and the Township of Middletown Sewerage Authority..

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE						x
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

**Ordinances: Introduction & Set Public Hearing Date for September 17th:**

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**O-14-18 – Ordinance - Zoning Ordinance Amendments**

Mrs. Cummins read the title of O-14-18 on for introduction and setting of a public hearing date of September 17<sup>th</sup> and send to the Planning Board for review.

**Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of September 17, 2014 at 8:00 P.M.:**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
ORDINANCE NO. O-14-18**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF  
MONMOUTH AND STATE OF NEW JERSEY, AMENDING CHAPTER 21 ZONING  
AND LAND USE REGULATIONS, OF THE GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHLANDS CONCERNING AN ADDITION TO AN EXISTING  
NONCONFORMING BUILDING**

**WHEREAS**, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, the Borough wishes to amend Code Section 21-98 to remove the requirement that “any vertical addition [to an existing nonconforming building] may not exceed eighty (80%) percent of the original building footprint”; and

**WHEREAS**, the Governing Body have determined that it is in the best interests of the residents of the Borough to amend Code Section 21-98 to provide for the within changes.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

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

**Section 1.** Chapter 21, Part 4, Article XX, Section 98, Subsection A “Continuance” shall be amended to provide as follows:

A. Continuance. Except as otherwise provided herein, nonconforming uses or structures which lawfully existed at the time of passage of this chapter may be continued even though such uses or structures do not comply with the regulations of this chapter; provided, however, that:

1. A nonconforming use shall not be expanded or changed to another nonconforming use.
2. Any addition to an existing nonconforming building may be constructed to continue the existing building setback, but shall not be permitted to encroach further into the required setback than the existing structure. ***~~Furthermore, any vertical addition may not exceed eighty (80%) percent of the original building footprint.~~***
3. Abandonment. A nonconforming use that has been abandoned shall not thereafter be reinstated. A nonconforming use shall be adjudged to have been abandoned:
  - a. When it is changed to a conforming use.
  - b. In cases where such nonconforming use is a building or structure designed for such use, when it has been voluntarily discontinued for a period of twenty-four (24) consecutive months.
  - c. In cases where such nonconforming use is of a building or structure not designed for such use or is of a lot or land whereon there is no consequential building or

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structure devoted to such use, when it has been voluntarily discontinued for a period of twelve (12) consecutive months.

**Section 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**Section 3. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

Seconded by Mr. Card and introduced on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Card, Mr. Redmond, Ms. Ryan, Mayor Nolan**  
**NAY: None**  
**ABSENT: Ms. Kane**  
**ABSTAIN: None**

**O-14-19 – Ordinance - Zoning Ordinance Amendment - Driveway**

Mrs. Cummins read the title of O-14-19 on for introduction and setting of a public hearing date of September 17<sup>th</sup> and send to the Planning Board for review.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of September 17, 2014 at 8:00 P.M.

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
ORDINANCE NO. O-14-19**

**AN ORDINANCE AMENDING § 21-65.5 OF THE BOROUGH CODE REPEALING  
ONE-WAY AND TWO-WAY OPERATION FOR RESIDENTIAL DRIVEWAYS AND  
AMENDING THE WIDTH OF RESIDENTIAL DRIVEWAYS TO 18 FEET WIDE AT  
THE CURB AND 22 FEET WIDE ON-SITE**

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

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

**WHEREAS**, the Governing Body have determined that it is in the best interests of the residents of the Borough to amend Code Section 21-65.5 to provide for the within changes; and

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

**Section 1.** Chapter 21, Section 65.5, Subsection C(1) “Driveway Dimensions” shall be replaced in its entirety with the following:

C. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated on site.

1. Driveway Dimensions: The required maximum and minimum dimensions for driveways are indicated in the following table:

Residential	18 ft. Maximum at Curb 22 ft. Maximum at Interior
-------------	--

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	One-Way Operation Driveway Width (In feet)	Two-Way Operation Driveway Width (In feet)
Commercial	15-20	24-35

Where a range of widths is provided, the Board shall determine the width based on:

- a. Driveways serving large volumes of traffic shall be required to utilize high to maximum dimensions.
- b. Driveways serving low traffic volumes shall be permitted to use low to minimum dimensions.

**Section 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**Section 3. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

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

**ROLL CALL:**

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

**O-14-20 – Ordinance - Annexing Bl 7 Lot 1.02 into the Borough of Highlands**

Mrs. Cummins read the title of O-14-20 on for introduction and setting of a public hearing date of September 17<sup>th</sup>.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing for September 17, 2014 at 8:00 P.M.

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
O-14-20**

**AN ORDINANCE ANNEXING BLOCK 7 LOT 1.02 OF THE BOROUGH OF  
ATLANTIC HIGHLANDS INTO THE BOROUGH OF HIGHLANDS**

**WHEREAS,** N.J.S.A. 40A:7-12 to 25 provides a process for the annexation/deannexation of property by adjoining municipalities, and

**WHEREAS,** in conjunction with a petition/request that Atlantic Highlands deannex to Highlands a parcel known as Atlantic Highlands Block 7 Lot 1.02 (hereinafter referred to as the “Parcel”); and

**WHEREAS,** the Petition was filed and signed by persons owning or residing on at least 60% of the land involved in the annexation, and is in the proper form, and

**WHEREAS,** the Borough of Atlantic Highlands has properly adopted a Resolution dated August 20, 2014 consenting to the annexation of the Parcel by Highlands and also waiving any claims by Atlantic Highlands for liability/payment from Highlands of any pro rata proportion of bonded indebtedness of Atlantic Highlands that might otherwise be claimed or asserted as per N.J.S.A. 40A:7-17 through 22 by reason of said annexation/deannexation, and

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WHEREAS, the proposed annexation of the Parcel by Highlands had been referred to the Atlantic Highlands Planning Board for its report to the Governing Body on the impact of the deannexation on the Borough, and the Planning Board has advised that there is no significant adverse impact, and

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of Highlands that effective October 1, 2014, the Borough hereby Annexes and incorporates into the boundary and jurisdiction of the Borough of Highlands, pursuant to N.J.S.A. 40A:7-13, Block 7, Lot 1.02, as shown on the current Tax Map of the Borough of Atlantic Highlands.

**BE IT FURTHER RESOLVED** that the appropriate Borough official, including the Administrator, Engineer, Tax Assessor and Tax Collector promptly take such ministerial and administrative actions as may be necessary and appropriate to effectuate such annexation into the Borough of Highlands, and to place said properties on the tax rolls of the Borough of Highlands and that a certified copy of this Ordinance be sent by the Borough Clerk to the New Jersey Secretary of State and the Clerk of Monmouth County as per N.J.S.A. 40A:7-14 and the Borough Clerk of the Borough of Atlantic Highlands and the owners of the properties annexed.

Seconded by Mr. Card and introduced on the following roll call vote:

**ROLL CALL:**

**AYE:** Mr. Card, Mr. Redmond, Ms. Ryan, Mayor Nolan  
**NAYE:** None  
**ABSENT:** Ms. Kane  
**ABSTAIN:** None

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**Committee Reports:**

**Finance**

Mr. DeBlasio stated that the audit started last week. The budget is being reviewed constantly. We will make recommendations to the council if we have any transfers to be made in November. The tax collection ended August 11<sup>th</sup> and delinquent notices will be sent out next week. We are preparing for the tax sale for 2013. He is proposing to do an on line auction. It has been approved by the State. The sewer department has mailed out their bills.

**Public Safety**

Chief Blewett gave a brief report.

**POLICE DEPARTMENT**  
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT  
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

***Report to Council  
August 2014***

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- \* On June 20, 2014 a local business owner reported that unknown person(s) created fictitious checks in the name of the business totaling over \$3900.00 and cashed them.
- \* Daniel A. Deksnis, 37 years of age, Highlands was arrested and charged with obstruction by hindering the administration of justice on June 25, 2014 after he refused to leave a residence after an Order of Eviction was issued by NJ Superior Court.
- \* On June 25, 2014 officers were called to a Bayview Street residence after a neighbor threw animal feces on the resident's porch and screamed obscenities at him for allowing his cats to roam on the neighbor's lawn. However, the complainant does not own any animals and has been in a property dispute with the neighbor for years. Officers advised the resident of his rights to sign complaints, as well as, notifying animal control for further investigation.
- \* William G. Smith, 44 years of age, Highlands was arrested on June 28, 2014 and charged with contempt of court for violating a No Victim Contact Order issued by Municipal Court Judge Peter Locascio after officers found Mr. Smith outside his residence.
- \* As the result of a family dispute on July 2, 2014, Paul J. Young, Jr, 28 years old, Highlands was arrested and charged with aggravated assault, possession of a weapon, possession of a weapon for an unlawful purpose and simple assault. Bail was set at \$25,000.00 and Mr. Young was subsequently transported to the Monmouth County Correctional Institution, Freehold, in lieu of bail.
- \* Kelly F. Klosowski, 46 years old, Highlands was arrested and charged with simple assault and possession of prescription medication (hydrocodone) on July 3, 2014 following an altercation outside the Driftwood bar.
- \* On July 5, 2014, officers responded to report of juveniles inside a vacant house on Cheerful Place. As a result of their investigation officers arrested fourteen juveniles for curfew violations, as well as, James J. English, 18 years of age, Toms River for possession of marijuana.
- \* Patrick Kenny, 32 years of age, Manasquan was arrested for disorderly conduct on July 12, 2014 after jumping off the Seastreak ferry while intoxicated. Mr. Kenny was processed and released on a summons to a sober friend.

\* **Administration:**

- Equipment
  - Recently had the emergency facility generator serviced (control board replaced) after a lightning strike damaged the transfer switch.
  - Continuing to work with OEM on back up emergency communications systems at the firehouse.
  - Working with the Borough of Atlantic Highlands and ATC regarding video conferencing in an effort to reduce overtime costs associated with transporting and guarding prisoners for municipal court, which is now held in Atlantic Highlands.
- Vehicles
  - Humvee
    - Mechanics repaired it and it's in full service
    - Working with a vendor through OEM to replace the roof which is severely leaking
    - Waiting on estimates for painting and marking the vehicle
      - The Humvee has been instrumental to the department not only during Hurricane Sandy but also during last winter's severe snow.
- Ordinances



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- Noise ordinance
  - Met with members of the BID to discuss the changes but were not able to come to a resolution.
- 3-13.13: Leaving Vehicles within Park at Night
  - Need to discuss changes to the ordinance concerning vehicles parked overnight in municipal parking lots.
- Traffic Enforcement
  - 3-23.2: Portable On Demand Storage
  - 3-7.6: Roll Off Containers and Dumpsters
  - 7-3.7: Parking of Certain Vehicles
    - Because of the ongoing construction due to Hurricane Sandy there has been an increase in equipment, roll off containers and storage containers in the streets and are sometimes blocking the streets. Since it is imperative that emergency services have access the department has been working with both homeowners and contractors to ensure that the equipment is out of the streets and the streets are accessible.
- First Aid

On June 27, 2014, officers responded to a drug overdose. Upon arrival they found an adult male on the floor unresponsive. Officers maintained the man's airway and administered oxygen until first aid arrived and transported the individual to the hospital.

\* **Investigations:**

During this period the detective bureau handled (1) new initial investigation into an identity theft that required additional follow up including witness interviews/statements, referrals/meetings with other agencies (Monmouth County Prosecutor's Office/Division of Youth and Family Services) and is in addition to investigations that were handled by other officers but does not include routine calls handled on a daily basis or numerous carry over investigations from previous months.

The Highlands Police Department also worked in cooperation with the Monmouth County SPCA officers investigating the cause of death regarding (5) exotic parrots that were found inside a Huddy Avenue residence. The investigation revealed that the birds died from malnutrition and dehydration which resulted in Beth Devereaux being charged with animal cruelty.

\* **Community Policing:**

- Explorers
  - NJ Law Enforcement Explorer Youth Academy
    - Georgian Court University
    - July 5 – July 10, 2014
    - (6) explorers and (1) advisor attended
- Hurricane Awareness
  - Season – June through November (most occurring mid-August to late October)
    - Make a Plan
    - Learn Evacuation Routes
    - Assemble emergency kit – include food, water, medical supplies, battery operated radio, batteries and flashlights
    - Store important documents in a fire and flood safe location
    - Pay attention to advisory/evacuation warning from the H.O.E.M.
  - **Information – visit [ready.nj.gov](http://ready.nj.gov) or [fema.gov](http://fema.gov)**

\* Total Calls for Service: 660

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\* Arrests:     Adults:     27     ( 2 for possession of CDS)  
                  JV:            14

\* Summons: Total:        245

      Moving Violations: 77  
      Non-Moving:        59  
      DWI:                10  
      Boro Ordinance:    99

(Report covers the period from June 16, 2014 through July 15, 2014)

JRB/dla

Mayor Nolan read a letter from Keansburg Chief of Police commending Chief Blewett, Ptl. George Ruth and Highlands Explorer Post for assistance they provided in their 5k Wounded Warriors Run.

**Administration**

Mr. Hill is not present.

Mrs. Cummins stated that Mr. Hill provided a copy of his report and is in the councils packets.

Ms. Ryan spoke of the Recreation Programs. The Summer KidFest had a 117 people registered as of July 31<sup>st</sup>. It had a great daily attendance. She spoke of the success of the Recreation Trips and the registered participants. The Summer Food Program served 120 participants. She further updated of upcoming Recreation Events.

**Library**

Ms. Ryan had nothing new to report.

**HBP**

Mrs. Cummins stated that Mrs. Braswell supplied copies of her report in council packets.

She gave a brief report on events.

**Marketing & Events**

Clamfest – Clamfest is a tourist related event. The weather held out in general but rained in the surrounding regional areas and in North Jersey all week. The weather reports definitely kept the tourists home which affected our usual attendance. We are still paying event expenses and awaiting a few final invoices, we will give a final report at the next meeting.

Bike NY Twin Lights Ride - is around the corner, September 28th. We will be advertising our local business specials in a handout to give to cyclist after the ride. There will be local restaurants at the festival area, live entertainment, and sponsor activity.

Oktoberfest – is October 4<sup>th</sup>, with a rain date of October 5th. We are in the process of securing necessary permits. We have 7 vendor applications in to date. We have a great German Oompah Band booked with dancers and several new German beers in the beer/wine garden. We are changing the configuration of the food court and garden to avoid line congestion. There will be a best costume contest and beer stein holding contest. We also need volunteers so please sign up today or urge anyone you know that is interested to get in touch with our office at 732-291-4713 or email hbpadmin@highlandsnj.com.

**Visual Improvement**

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Frank Rahm Landscaping will continue weeding and cleaning the Bay Avenue sidewalk/curb areas through the end of September. For the fall, Rahm will be planting flowers on Miller Hill as part of his barter agreement. Sprinkler Master has installed battery-operated sensors for the sprinkler system in Veterans Park for his 2014 Barter agreement. We are in the process of organizing our sub-committee for the maintenance spreadsheet for property maintenance nightmares in the district. The committee will be lead by Katy Reed, a Commercial Property Owner and resident. We are hoping to enter into our sponsor agreement with Tri-bar in the very near future for the labor of the Veterans Park boardwalk. We will be replacing the chain link fence at Veterans with the proceeds from Taste of Highlands as advertised. We have met with Mr. Hill and marked out the area he measured to install the fence. We have prepared a sketch for review highlighting the area.

Economic Development – Continue to partner with Borough and FEMA long-term recovery planner to seek grant opportunities. We are eligible and have applied for the Main Street NJ Associate Tier Program to assist with free technical resources for downtown revitalization.

Robin Hood Grant - Sarah Thomas reported that as of today 22 projects have been completed. Two homes are in progress. We are wrapping up the program and will submit the final report to Robin Hood as required. The administrative fund from Robin Hood has been exhausted and Sarah's last day is August 22, 2014. All files have been secured and are confidential.

**Shared Services**

Mayor Nolan stated that the only new item is the agreement with Atlantic Highlands and we are still exploring other things.

**Website Committee**

Ms. Ryan stated that the committee has met four times. There will be a survey in September. The second newsletter has been sent out. The first Kiosk is up but has not been filled yet. She spoke of the full day Pre-K and the garden outside with the help of Nancy Burton.

Mayor Nolan spoke of the fence at Veteran's Park. This will be at no cost to the Borough.

Council had brief discussion.

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**Other Business:**

**Borough Engineer's Status Report**

Mr. Leubner read thru his report.

**INSERT REPORT**

**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**

Mr. Card stated that he is satisfied until Mr. Padula comes back with his report from the Local Finance Board.

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

Mrs. Cummins stated that Mr. DeBlasio will give a brief review bonding capacity.

Mr. DeBlasio stated that our bonding capacity is limited to 3 ½ % our net evaluation. We are about 2.5 million away from our cap. Any future projects may put us over our cap. The Capital Plan needs to be analyzed and put a priority on it.

Mayor Nolan stated that we will be making changes. We will add a new council person. We will have that for the next meeting.

Mr. Leubner would like to ask the DOT for an extension so we do not lose the grant money.

Mayor Nolan stated that we will discuss again at the September 17<sup>th</sup> meeting.

**Review of Engineer's Cost Estimate for Veteran's Park**

Mr. Card requested for Mr. Leubner to do an estimate for just the boardwalk repairs, material only for the next meeting.

**Review of Engineers Cost Estimate for Snug Harbor**

Mr. Leubner explained the court replacement.

Council agreed to table indefinitely.

**NJDOT 2015 State Aid Program**

Mr. Keady stated that we should wait until extension from DOT and make application then.

Mayor Nolan agreed to carry to September 17<sup>th</sup> meeting.

**Petition for Deannexation of Properties-Review of PB Recommendations**

Mr. Padula stated that this was adopted thru resolution. He did receive confirmation from Adam Hubeny, the Borough of Atlantic Highlands Administrator that they consented to the DE-annexation.

**American Legion**

Mrs. Cummins stated that they American Legion requested a postponement of their liquor license violation hearing and carry to the September 17<sup>th</sup> meeting.

Mayor Nolan offered a motion to carry American Legion Liquor License Violations hearing to the September 17<sup>th</sup> meeting, seconded by Mr. Card and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Card, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAYE: None**

**ABSENT: Ms. Kane**

**ABSTAIN: None**

**Application for Zoning Change**

Mr. Padula explained that this came from Captain's Cove. It is regarding an area that is zoned differently.

Mr. Rosiak explained that he is asking to change zone to waterfront commercial.

Mr. Padula could research.

Mayor Nolan will send this to the Zoning Board for review. Hope to have an answer for 2<sup>nd</sup> meeting of September.

**Review from Environmental Commission**

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Mr. Card said it is quite extensive. They will be making recommendations to the Planning Board for the Master Plan.

**Two minute Limit**

Mayor Nolan stated that a lot of good points have been brought up. We have asked Mr. Padula to research the flexibility on that and come back with recommendations for the first meeting in September.

**O.L.P.H.**

Mayor Nolan stated that they received a letter for council to waive building permits for OLPH.

Mr. Padula stated that we have done it for non-profits.

Mayor Nolan stated we will introduce an ordinance in September.

Mrs. Cummins will put in on the September 3<sup>rd</sup> meeting and notify O.L.P.H.

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**Public Portion:**

Kim Skorka 315 Shore Drive spoke of the two minute time limit. She questioned the Mayor's comments in a local newspaper. She also asked for an explanation of R-14-189 that was passed tonight. She also questioned the status of the noise ordinance and Clam depuration meetings.

Mayor Nolan responded on the noise ordinance that two council members will meet with all businesses and then have a public meeting.

Mr. Padula stated that the TOMSA agreement has been in the works for 18 months.

Kim Skorka asked if this was going to change the sewer rate.

Mr. Card said that yes it will go up.

Carolyn Broullon asked about the status of Nixel information.

Ms. Ryan stated that it would have to be operated by the Police Department. She will find out the status when Mr. Hill returns from vacation.

Carolyn Broullon asked when RFP's will be going out for the website.

Ms. Ryan said that this will be addressed when we do presentation.

Carolyn Broullon said that she would like to donate bike racks for Miller Beach.

Mayor Nolan directed her to contact Mr. Hill.

Sharon Butler of 2 Willow Street spoke of drugs in her neighborhood.

Mayor Nolan told her to call the Police.

Sharon Butler asked about the process after a robbery in your home.

Chief Blewett explained the process. They always do a follow up.

Mayor Nolan recommended Sharon Butler to contact the Police Department tomorrow for a follow up.

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Melissa Pedersen of Bay Street commented on the Mayor's newspaper comments on the two minute rule. She also asked about ownership of the corner of Bay & Waterwitch Avenues.

Mayor Nolan stated that it is private.

Melissa Pederson spoke about new businesses in town. What is their status?

Mayor Nolan said that they have applied to the Zoning Board. It has not come to the council yet.

Mr. Card said that they are planning to keep first floor retail and apartments above.

Melissa Pederson questioned peddlers and mercantile licenses and amendments discussed in executive session.

Mayor Nolan explained.

Lori Dibble – passed.

Rosemary Ryan asked about the FEMA volunteer Grant Status. She has not been contacted about her volunteer hours.

Ms. Ryan stated that Mr. Hill submitted the report. We did not miss out on this grant.

Mr. Card stated that he was not satisfied with Mr. Hill's communication to the volunteers.

Mayor Nolan agrees but Mr. Hill is not here

Barbara Ianucci of 28 Shrewsbury Avenue spoke of the volunteer issue. She stated that Monmouth County gave us a six month grant to hire a part time volunteer coordinator. She spoke of her concerns with the bond CAP. She feels that Mr. Hill's main focus is on parks. We should put that money into water pumps. She spoke of her concerns with the noise ordinance meeting and feels that it targeted one person. She feels that in regards to the deputation commission, why would you appoint the same members. We should get new appointees.

Mayor Nolan stated that he will look into this.

Rachel Stockton spoke of a drug raid on Bay Avenue during the Clam Fest. She was concerned about the safety of our community. What procedures are in place?

Mayor Nolan explained the new building department software that will put all department information together in one data base.

Mr. Redmond spoke of forcing background checks.

Mr. Card stated that we can force the landlords to adhere to the codes.

Discussion continued.

Chief Blewett explained that there was an investigation for 4 – 5 months. The raid was unavoidable.

Rachel Stockton spoke of boarded up buildings on Bay Avenue and would like the status of Borough Hall.

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Mayor Nolan stated that he will have code violation status at the next meeting.

Carla Cefalo-Braswell of Gravelly Point Road said there is a sink hole at Gravelly Point Road. She thanked Carolyn Cummins for helping to rectify the problem. She also spoke of the Landlord Registration annual fee. Where is that money going?

Mayor Nolan explained the new program will be more comprehensive.

A.J. Soloman of 102 Marina Bay Court said that she called the police about trash being put out on her street days before pick up. The police are not enforcing the ordinance.

Chief Blewett spoke with Mrs. Soloman. The issue is if Marina on the Bay is a public street. He is waiting for the prosecutor to respond.

Mayor Nolan directed Chief Blewett to get the prosecutor's response in writing so we can change the ordinance.

Mr. Card stated that this will all be addressed in the Master Plan.

John Bentham of Washington Avenue spoke of code enforcement and Captain's Cove Marina. It is continually getting worse.

Tony Catalano of 2 Private Road thanked Chief Blewett for fixing the parking problem at Miller Beach. He also asked if there is any plan in place for Labor Day to control the Windansea area.

Chief Blewett stated that we have a plan. Things are better, we have less calls.

Patty Federland stated that there has been a great improvement since the no parking at Miller Beach has been implemented. She said it is a pleasure.

Jennifer Perkell of 179 Navesink Avenue asked about warming centers for the elderly in the winter. She feels we would need this.

Mayor Nolan directed Mrs. Cummins to contact PTAK Towers to inquire if they have anything in place.

Jennifer Perkell would like the poles by her house replaced.

Mayor Nolan said he will have the DPW take care of it.

Jennifer Perkell said that the people across the street from her have chickens in their yard.

Mayor Nolan directed her to give the address to Mrs. Cummins after the meeting and she will take care of it.

Peter Mullen asked if road is part of the de-annexation.

Mr. Padula stated that it not.

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There were no further questions.

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

The Meeting adjourned at 10:18 p.m.

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Debby Dailey, Deputy Clerk

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