

**Borough of Highlands
Mayor & Council
Regular Meeting
September 3, 2014**

...

Mayor Nolan called the meeting to order at 7:09 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, Ms. Ryan, Mayor Nolan

Absent: Mr. Redmond

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Bruce Padula, Borough Attorney

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: 1 Locust St., and J. Holmfield vs Highlands Housing Auth.**
- 2. Contract: Barry Leaser - Riced**
- 3. Real Estate:**
- 4. Personnel Matters: Judge Locascio-RICED-RE: Formal Complaint
PBA Grievance – Update from Padula
Request for P/T Secretary for PB/ZB**
- 5. Investigation:**
- 6. Attorney-Client Privilege: Navesink Capital Tax Abatement
Navesink Capital Request to Construct Retaining Wall
Mayor's Committee Apointments-Conflicts of Interest
Noise Ordinance Amendment – Status
Zone Change Request for RA Multimedia
OLPH Request for Bldg Permit Fee Waiver
Mercantile Liense Requirements-Update from Padula
2 Minute Rule-Legal Opinion from Padula
Depuration Commission Ordinance Review**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.

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3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. **Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).**
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

ROLL CALL:

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

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

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:25 p.m.

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

Mayor Nolan asked for a moment of silence for the American reported that was murdered by a terrorist group in a foreign country.

ROLL CALL:

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

Consent Agenda:

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

**Borough of Highlands
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

RESOLUTION NO. R-14-195

**RESOLUTION ACKNOWLEDGING THE HURRICANE SANDY RECOGNITION PLAQUE AND SAFETY AWARD
RECEIVED FROM THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND'S
EXECUTIVE SAFETY COMMITTEE**

WHEREAS, the Borough of Highlands is a member of the Monmouth County Municipal Joint Insurance Fund (Monmouth JIF); and

WHEREAS, the Monmouth County Municipal Joint Insurance Fund's Executive Committee and Executive Safety Committee recognize the exemplary safety performance of its member municipalities, the Governing Body, Municipal Employees and Volunteers during Hurricane Sandy which occurred on October 29, 2012, and in the aftermath in the weeks following the storm; and

WHEREAS, the Monmouth County Municipal Joint Insurance Fund recognized the outstanding safety performance of their entire membership at the Monmouth JIF's Annual Safety Breakfast Event with a recognition plaque and safety award; and

WHEREAS, the Governing Body of the Borough of Highlands has reviewed the recognition plaque and award and has publically acknowledged receipt of the said award in this meeting; and

NOW; THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund Recognition be accepted; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution be sent to the Executive Director of the Monmouth County Municipal Joint Insurance Fund.

ATTEST _____

ATTEST _____
Mayor

Date: September 3, 2014

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

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**RECAP OF PAYMENT OF BILLS
09/03/2014**

CURRENT:		\$	590,008.39
	Payroll (08/30/2014)	\$	252,789.95
	Manual Checks	\$	
	Voided Checks	\$	
SEWER ACCOUNT:		\$	2,634.12
	Payroll (08/30/2014)	\$	7,400.46
	Manual Checks	\$	
	Voided Checks	\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
	Voided Checks	\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	3,794.87
	Payroll (08/30/2014)	\$	3,400.00
	Manual Checks	\$	
	Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	548.42
	Payroll (08/30/2014)	\$	7,779.49
	Manual Checks	\$	
	Voided Checks	\$	
DEVELOPER'S TRUST		\$	
	Manual Checks	\$	
	Voided Checks	\$	

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

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

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Other Resolutions:

**R-14-145 – Resolution Appointing Depuration Commission Members and
R-14-146 – Resolution Appointing Depuration Commission Members**

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

Mayor Nolan offered a motion to table this resolution to the October 1st meeting, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Redmond

ABSTAIN: None

R-14-192 – Resolution-Intent to Grant Tax Abatement

Mrs. Cummins read the title of R-14-192.

Mrs. Cummins read the resolution in its entirety into the record.

Mayor Nolan explained that this is relation to the re-zoning we did about two years ago.

**Borough of Highlands
Resolution R-14-192**

**A RESOLUTION INDICATING THE BOROUGH’S INTENT TO GRANT A TAX
EXEMPTION TO NAVESINK CAPITAL PARTNERS, LLC FOR THE
CONSTRUCTION OF MULTIPLE DWELLING UNITS ON BLOCK 101, LOT 27.02
PURSUANT TO BOROUGH CODE § 2-8.5 AND N.J.S.A. 40A:21-1, ET SEQ.**

WHEREAS, Navesink Capital Partners, LLC (“Navesink”) has submitted a development plan (“the Project”) to the Borough to construct forty-nine (49) townhomes (“multiple dwelling units”) on Block 101, Lot 27.02 of the Official Tax Map of the Borough of Highlands; and

WHEREAS, multiple dwelling units, including the within Project, are projects eligible for tax exemptions pursuant to Borough Code § 2-8.5; and

WHEREAS, Navesink has applied to the Borough pursuant to Borough Code § 2-8.5 and N.J.S.A. 40A:21-1, et seq. for tax exemptions for the construction of multiple dwelling units on Block 101, Lot 27.02; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1, et seq. a tax exemption cannot be granted until completion of the Project; and

WHEREAS, following the “completion” of the Project, as defined in N.J.S.A. 40A:21-3(e), the Borough will take formal action on Navesink’s tax exemption application including, but not limited to, enacting ordinances, entering into tax agreements, and/or approving Navesink’s application, as appropriate.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough of Highlands finds that Borough Code § 2-8.5 and N.J.S.A. 40A:21-1, et seq. apply to the Project and that, upon satisfaction of all of the requirements of the Borough Code and Statute, and approval by the Tax Assessor, the Borough intends to enter into an agreement to provide a tax exemption to the Project as provided by Borough Code § 2-8.5 and N.J.S.A. 40A:21-1, et seq.

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

R-14-193 – Resolution Supporting College Tuition Credit for Volunteers

Ms. Cummins read the title of R-14-193.

Mr. Hill gave a brief explanation of the law, there is no cost to the Borough. He will keep a file as well as the Borough Clerk.

R-14-193

A Resolution for the Borough of Highlands to support and participate in the Volunteer Tuition Credit Program (P.L. 1998, c. 145)

WHEREAS, the Borough of Highlands, in the County of Monmouth, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in Highlands, NJ; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE BE IT RESOLVED, by the Borough of Highlands, in the County of that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that Timothy Hill, Borough Administrator is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files (which will be kept at the Municipal Clerks Office) of all documents as may be required under the P.L. 1998, c. 145, a copy of which is herewith made part of this resolution.

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

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R-14-194 – Resolution Appointing Work Force Dev. Employees

Mrs. Cummins read the title of R-14-194.

Mr. Hill explained that we received funding that allows us to continue to provide help in the Borough for the remainder of the year.

**R-14-194
RESOLUTOIN AMENDING RESOLUTION R-14-171
APPOINTING TEMPORARY EMPLOYEES FOR VARIOUS POSITIONS WITHIN
THE WORKFORCE DEVELOPMENT NEG GRANT**

WHEREAS, Monmouth County has a grant program which allows for hurricane damaged municipalities to apply for and receive funding to hire various temporary employees for up to a six month period in which the Borough of Highlands has applied for said grant; and

WHEREAS, the Borough still has the need to hire temporary employees to continue to help various departments and organizations with our rebuilding and recovery efforts; and

WHEREAS, Mr. Tim Hill, Borough Administrator has conducted interviews in conjunction with the resumes submitted through the Work Force Development Program; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands that the following people are hereby appointed to the following temporary positions:

Office/Clerical # of Openings: 3 at an hourly rate of 15.00 for 30 hours per week.

- 1. Barbara Parsells Hours: Up to 30 hours per week**
- 2. MaryAnn D’Alessandro Hours: Up to 30 hours per week**
- 3. Timothy Tierney Hours: Up to 30 hours per week**

Volunteer Coordinator: # of Openings: 1 at an hourly rate of \$15.00 per hour.

- 1. Michael O’Laughlin Hours: Up to 30 hours per week.**

Distribution Center Coordinator: # of Openings: 1 at an hourly rate of \$15.00 per hour.

- 1. Robert Ecke Hours: Up to 30 hours per week**

Building Maintenance Inspectors # of Openings: 2 at an hourly rate of \$20.00

- 2. Steven Carpenter Hours: Up to 30 hours per week.**
- 3. Robert Ayala Hours: Up to 30 hours per week.**

BE IT FURTHER RESOLVED that these appointments will be for a period effective immediately.

BE IT FURTHER RESOLVED that temporary appointments do not include any benefits.

BE IT FURTHER RESOLVED that said appointments are subject to the approval by the Monmouth County Work Force Development.

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

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R-14-196 – Resolution Approving Raffle and Social Affairs Permits

Mrs. Cummins read the title of R-14-196.

**R-14-196
RESOLUTION
APPROVING RAFFLE LICENSES
& SOCIAL AFFAIRS PERMIT**

WHEREAS, the Highlands Business Partnership has submitted a Social Affairs Permit Application for an event to be held on September 20, 2014 with no Rain Date; and

WHEREAS, the Hi-Mar Striper Club has submitted a Raffle License Application RA#1317-14-21 for October 24, 2014; and

WHEREAS, the Highlands Fire Department has submitted a Raffle License Application #RA1317-14-20 for November 11, 2014; and

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#1317-14-20, RA#1317-14-21 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			YES	x	NO	

R-14-197 – Resolution – Electronic Tax Sale

Mrs. Cummins read the title of R-14-197.

Mr. DeBlasio explained the process.

Mayor Nolan stated that this will be the norm going forward.

R-14-197

AUTHORIZING AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services,

WHEREAS, the Director of the Division of Local

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Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Highlands wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE		x	x			
REDMOND						x
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	xNO		

R-14-198 – Resolution – Tax Cancellation

Mrs. Cummins stated that we are ready to return to R-14-198.

Mr. DeBlasio explained that a small house was demolished and we did not have it removed from the tax rolls in time for the new tax bills. This is a way of making it right.

R-14-198

PROPERTY TAX CANCELLATION

WHEREAS, Block 102, lot 1, Qual –Bldg–, for property located at Locust and Willow Street, was assessed for improvements in the 2014 tax year, and

WHEREAS, the Tax Assessor, upon receipt of a notification that the house was demolished in 2013, requests that the values placed upon the 2014 tax year be removed accordingly, and

WHEREAS, the Tax Collector is recommending that the 2014 taxes be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Year</u>
102	12.02	\$777.02	2014

	RODUCED	CONDED	E	Y	STAIN	SENT
9						

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

Ordinances: Introduction & Set Public Hearing Date for October 22nd:

O-14-24 – Ordinance - RE: Abandoned Properties

Mrs. Cummins read the title of O-14-24 on for introduction and setting of a public hearing date of October 22nd.

Mr. Padula explained that this is the result of a bill that the Governor signed today.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-14-24**

AN ORDINANCE AMENDING CHAPTER X “BUILDINGS AND HOUSING” OF THE BOROUGH CODE TO ADOPT LAWS REGARDING THE CARE, MAINTENANCE, SECURITY, AND UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE

WHEREAS, the Borough of Highlands regulates the maintenance of commercial and residential property within the Borough by and through Chapter X of the Borough Code, “Buildings and Housing”; and

WHEREAS, the Legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c.35, described as “[a]n Act concerning the maintenance of certain residential properties, supplementing chapter 48 of Title 40 of the Revised Statutes....” (the Act); and

WHEREAS, the Act authorizes the Borough to adopt an ordinance for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, the Act authorizes designated Borough officials to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public official determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security, and upkeep of the exterior of the property; and

WHEREAS, the Act authorizes the Borough to impose monetary fines and penalties for each violation of this ordinance and its respective provisions in the Borough Code; and

WHEREAS, the Borough wishes to amend the Borough Code to enact the provisions of P.L. 2014, c.35; and

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WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided to enact the provisions of P.L. 2014, c.35.

NOW, THEREFORE BE IT ORDAINED as follows:

Section One. The Borough Code, Article X, "Buildings and Housing" shall be amended and a new chapter, Chapter 10-12 shall hereinafter be adopted to provide as follows:

10-12 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES.

10-12.1. Definitions.

A. "Creditor" shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

B. "Vacant and Abandoned" residential property shall mean, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 10-12.3 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35. Where a notice of violation has not been issued pursuant to Section 10-12.3 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35, residential property shall be deemed "Vacant and Abandoned" where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to section 4 of the "Fair Foreclosure Act," P.L. 1995, c.244 and at least two of the following conditions exist:

- (1) overgrown or neglected vegetation;
- (2) the accumulation of newspapers, circulars, flyers or mail on the property;
- (3) disconnected gas, electric, or water utility services to the property;
- (4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) the accumulation of junk, litter, trash or debris on the property;
- (6) the absence of window treatments such as blinds, curtains or shutters;
- (7) the absence of furnishings and personal items;
- (8) statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;

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(12) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;

(13) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

(14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and

(15) any other reasonable indicia of abandonment.

10-12.2. Creditor Responsibility for Vacant and Abandoned Properties.

A. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.

B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph A of this Section. Notice of said representative or agent shall be provided to the Borough clerk in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-State representative or agent.

10-12.3. Notice.

A. Any public officer designated by the Borough or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property.

Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 10-12.2 of this Chapter and the Save New Jersey Homes Act of 2008.

B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this Chapter.

10.12.4. Violations and Penalties.

A. A Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the violation.

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Any fines imposed pursuant to this sub-section shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation.

Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

C. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

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

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

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

INTRODUCTION OF ORDINANCE & SETTING OF A PUBLIC HEARING DATE OF OCTOBER 22, 2014.

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

O-14-21 – Ordinance - Peddlers License Fees

Mrs. Cummins read the title of O-14-21 on for introduction and setting of a public hearing date of October 22nd, 2014.

O-14-21

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING SECTION 4-2.3, "FEES" TO INCREASE THE
LICENSE FEE FOR A PEDDLER WITH A VEHICLE TO \$50.00 PER YEAR**

**Borough of Highlands
Mayor & Council
Regular Meeting
September 3, 2014**

WHEREAS, the Borough of Highlands regulates the licensing of peddlers by and through Section 4-2, “Peddlers, Hawkers and Vendors” of the Code of the Borough of Highlands; and

WHEREAS, the Borough wishes to increase the license fees for a peddler with a vehicle from twenty-five (\$25.00) dollars to fifty (\$50.00) dollars per year to increase the Borough’s revenue;

WHEREAS, the Borough finds that it is in its best interests to amend Section 4-2.3 of the Code of the Borough of Highlands to increase the license fees for a peddler with a vehicle; and

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

SECTION ONE. Borough Code Section 4-2.3, “Fees” shall be amended to provide as follows:

The license fee for a peddler on foot shall be ten (\$10.00) dollars per year. The license fee for a peddler with a vehicle shall be fifty (\$50.00) dollars per year. These fees are for the purpose of raising revenues. No portion of the fee shall be prorated for any part of the year.

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

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

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

Introduction of Ordinance and setting public of a public hearing date of October 22, 2014.

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

O-14-22 – Ordinance – Increase Number of Licenses Issued

Mrs. Cummins read the title of O-14-22 on for introduction and setting of a public hearing date of October 22nd, 2014.

Mayor Nolan explained that there are 30 people on a waiting list. We want to increase it.

O-14-22

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**Borough of Highlands
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ORDINANCE AMENDING SECTION 4-2.9, “NUMBER OF FOOD VENDOR LICENSES TO BE ISSUED” TO INCREASE THE NUMBER OF FOOD AND NON-FOOD VENDOR LICENSES TO BE ISSUED TO TEN

WHEREAS, the Borough of Highlands regulates the licensing of peddlers by and through Section 4-2, “Peddlers, Hawkers and Vendors” of the Code of the Borough of Highlands; and

WHEREAS, the Borough wishes to increase the number of food and non-food vendor licenses issued from six (6) to ten (10) to increase the Borough’s revenue;

WHEREAS, the Borough finds that it is in its best interests to amend Section 4-2.9 of the Code of the Borough of Highlands to increase the number of food and non-food vendor licenses it issues; and

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

SECTION ONE. Borough Code Section 4-2.9 shall be amended to read: “Number of Food and Non-Food Vendor Licenses To Be Issued,” and shall be further amended to provide as follows:

The number of licenses to be issued at any time in the Borough of Highlands for vending carts for the sale of food or goods shall be limited to not more than ten (10) licenses. The licenses shall be issued on January 1 of each year for applications which have been submitted not later than the preceding December 1. In the event the number of applications exceeds the number of licenses, licenses shall be awarded first to licensees who held a valid vendor’s license during the preceding calendar year and remaining available licenses shall be selected on a lottery basis by the borough administrator.

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

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

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

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

O-14-23 – Ordinance – Waiving Certain Fees

Mrs. Cummins read the title of O-14-23 on for introduction and setting of a public hearing date of October 22nd, 2014.

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Mayor Nolan offered a motion to table this resolutions. We need more clarification.

Mayor Nolan directed Mrs. Cummins to contact O.L.P.H.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE NO. O-14-23

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
AUTHORIZING THE BOROUGH OF HIGHLANDS TO WAIVE THE
CONSTRUCTION PERMIT FEES FOR QUALIFIED NEW JERSEY
NONPROFIT CORPORATIONS, ESTABLISHED PURSUANT TO
N.J.S.A. 15A:1-1, ET SEQ.**

WHEREAS, the Uniform Construction Code (“UCC”) permits the waiver of the municipal portion of construction permit surcharge fees and enforcing agency fees for construction, reconstruction, alteration or improvements made to a building or structure in certain situations; and

WHEREAS, the Official Commentary to the UCC prepared by the Department of Community Affairs dated June 2012 permits municipalities by ordinance to waive construction permit surcharge fees and enforcing agency fees for construction, reconstruction, alteration or improvement made to a building or structure owned and operated by qualified New Jersey nonprofit corporations established pursuant to N.J.S.A. 15A:1-1, et seq.; and

WHEREAS, the Governing Body of the Borough of Highlands find that it is appropriate and in its best interest to waive construction permit surcharge fees and enforcing agency fees for construction, reconstruction, alteration or improvements made to a building or structure owned and operated by qualified New Jersey nonprofit corporations established pursuant to N.J.S.A. 15A:1-1, et seq.

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

Section 1. Section 10-2, Fees, of the Borough Code, shall be amended to provide as follows:

Waiver of building permit fees:

\$50.00 administration fee for all permits

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure or any of the facilities contained therein.

A disabled person or a parent, sibling or child of a disabled person shall not be required to pay a municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement designed and/or undertaken solely to promote accessibility to his or her living unit.

Disabled person shall mean any person who meets the requirements as set forth in the definition of N.J.S.A. 52:27D-126e and N.J.S.A. 40:55D-8 as the same may be amended from time to time.

No qualified New Jersey nonprofit corporation, established pursuant to N.J.S.A. 15A:1-1, et seq., shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration, or improvement to a building or structure owned and operated by such entity. In all such situations, the qualified New Jersey nonprofit corporation shall request a waiver of such fees and the Borough shall approve of all such requests by Resolution.

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

Section 4. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Adopted:

Motion to table indefinitely

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

Committee Reports:

Mayor Nolan stated that the Finance Committee will be having monthly meetings. The next meeting is September 10th at 8 p.m. at 19 Bay Avenue.

Finance

Mr. DeBlasio spoke of our bank accounts; our cash flow position is in excellent condition. He reviewed the budget, it is tight but manageable. We are reviewing our debt issues. In regards to our debt, on December 4th of 2014 we have \$8.3 million with notes rolling over. He will do a separate report on that. He recommends rolling those notes over.

Public Safety

Chief Blewett briefly gave a report. He spoke of phone scams stating that they are from the IRS. He said that Labor Day they did have some arrests and noise compliance but not an excessive amount.

Mayor Nolan spoke of the Noise Ordinance Committee. Two council members, Chief of Police and local businesses will meet at a date to be determined dealing with the noise ordinance.

Administration

1. Various Recovery Related items:

a. Borough Hall / Community Center – additional inspections were completed August 28th. Results to be forwarded to Architect and cost estimator. Final estimates will be sent to FEMA for review and final determination as to funds available for each facility through FEMA PW's that have already been generated.

b. NJDCA Unsafe Structure Program: Met with DCA officials today to review the entire program and how it will be put into place. There are items that will automatically disqualify a property that may have been suggested for this program – open construction permits (active work being performed), non-interest by property owner, oil tanks (above or below ground), commercial property, adjacent property owner objections for access if needed, non-responsive homeowner or lien holder, or environmental review process that would be too costly.

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The NJDCA is providing all management and oversight of this project. Inspectors will be conducting initial inspections the week of Sept. 22. As a caution, the actual funds being made available are not known at this time and although we anticipated at least

c. Meeting was held with various organizations that are providing residents will re-building assistance. Bayshore Resource Center, Future with Hope, Gateway Church, A Future With Hope, St Bernard Project and Monmouth County Long-Term Recovery representatives were present. All groups present were committed to helping Highlands residents in need of such assistance and are seeking more clients. There is a strong willingness to move projects forward even if the issues are complex. St Bernard Project did mention that they will be hiring and putting licensed plumbers and electricians in place to assist those organizations that are in need of such contractors ---- St B will pay the contractors, partner organization will still need to provide / pay for materials.

d. Capital Project Listing to be completed.

e. FEMA Volunteer PW – I have been working with our NJ Disaster Recovery Consultant / State Agency Liaison to obtain the format and the actual record keeping documents that organizations will need to provide to assist us. We have not missed out on this opportunity and I will be reaching out to any and all organizations that provided support. In speaking with various communities, not all that was submitted was accepted by FEMA and although the Asbury Park Press gave an overview, not all that they reported was accurate in terms of what may be eligible.

2. Department of Public Works

a. Continued with pothole repairs

b. Tended to (4) sewer clogs – 3 were property owner issues.

c. Brush & Bulk pick up scheduled for September Zone 1 first Friday, Zone 2 , second Friday, Zone 3, third Friday, Zone 4 – fourth Friday.

e. Tending to grass mowing, etc throughout parks and other areas

f. Continued clean-ups after storm / tidal events.

g. Made various repairs – pump station decking/ / fencing, small tree removal, and park clean ups.

h. scheduling South Bay Ave Beach items (signage, pole removal), installation of street signs and additional safety training.

i. will be seeking seasonal work force for snow removal.

3. Building and Housing: August 1-31, 2014

a. **Const. Office** No of Applications Received 104 Permits Issued 104

Total Construction Fees Received: \$29,639

Inspection Details: Building 156 Electric 86 Plumbing: 50 Fire: 15

Total Value of Construction Performed \$2,379,979

b. **Zoning Office:** 12 Approvals 2 Denials 0 Mercantile Approvals

1 letter of consistency for grant purposes, ____ Use Determination

Floodplain: 11 Approvals 2 Letters of Compliance 2 Sub Damage Appeals

c. **Code Enforcement:** (SEE INFO THAT WAS PUT IN M/C PACKETS)

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4. Recreation Dept.

- a. Summer Kidfest - 120 total registered; Average Summer Kidfest
- b. Summer Kidfest Field Trips - Middletown Ice World, Paper Moon Puppet Theatre "Pinocchio", Runaway Rapids Waterpark
- c. Activities and special events held at Kidfest - Challenge Course, Pitch, Hit, & Run, Art Contest, Relay Games, Arts & Crafts, and our annual Talent Show d
- d. Summer Food Service Program – Averaged 122 meals per day to Summer Kidfest participants.
- e. Baby Costume Contest at the Clam Fest - Teen Nights, Aug. 8, 15,22 & 29th -

Upcoming Recreation Events / Programs

- 1. Men's Fall Basketball League - Tuesday & Thursday evenings, September 16 - November 20, 7:00 pm - 8:30 pm at Henry Hudson Regional School. This program will be fee based.
- 2. Kids on the Move Program - September 22 - June 10, 2015, Monday, Tuesday, & Wednesday afternoons from 3-5 pm at the Highlands Elementary School. This program is for Highlands residents ages **8-14**. Registration will begin September 15th at the Borough Hall Trailer located at 42 Shore Drive.
- 3. **Flu & Pneumonia Shots - Thursday, October 9th from 11:00 am - 12 noon** at PTAK Towers located at 215 Shore Dr. Flu Shots are \$28 and Pneumonia Shots are \$80. No fee is charged if you have Medicare Part B Insurance. You must bring proof of Medicare coverage with you the day of the clinic. No other insurance is accepted.
- 4. Employment -Part Time Recreation Aide Position - up to 10 hours a week; Applicant would be responsible for working directly with our Drop - In Recreation Program after school from 3-5 pm as well as Teen Nights and Special Events.

5. Administration

- a. Continue working with the Borough of AH through the transition of the AHHRSA, Admin of close out of AHHRSA accounts by AH will end
- b. NJEDA Streetscape Project Meeting was held August 13th to review program compliance and guidelines. We continue to submit updated info. as requested. Env. Review of Project should be completed soon.
- c. Army Corp – Addressing complex issues around the Capt. Cove Marina and the eastern portion tie in (Vet's Park area). Meeting to be scheduled in conjunction with the draft report being released. Expect to set up a meeting in November.
- d. Purchasing agent is Finalizing Bid Documents Street Sweeper and Dump Truck
- e. Working with Property Maintenance / Tax Collection and existing borough ordinance for grass / weed issues on neglected properties. Will be obtaining quotes from contractors to address concerns, following procedures for purchasing and implementation of this effort.
- f. Working on Mass Notification Systems and review of various providers. (Nixel, SwiftReach, Blackboard Connect, ALERiTY, Red Alert) (ALERiTY) Cooper Business) Will be obtaining costs for borough / end user as may be applicable.
- g. We are seeking review of current Health Benefits / Enrollees to establish criteria that will be used to solicit providers hopefully resulting in cost savings.

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- h. NJ American Water Issue – emergency flushing of hydrants located on Beach Blvd and other locations 9/2/14. They did need to continue on Marine Place on 9/3/14. No hazard to water but flushing had to be done.

Library

Ms. Ryan had nothing new to report.

HBP

There was no report for tonight.

Shared Services

There is no report for tonight.

Other Business:

Create Sub Committee to Prepare Capital Project Priority List

Ms. Kane met with the Mayor to discuss and create a projects list. Veteran's Park needs the Boardwalk rehabbed. We need to get a boardwalk materials list. She also spoke of the Community Center being repaired. We can use it for offices and temporary home for meetings.

Mayor Nolan said he will forward all the information to the council to get ideas and get things moving forward.

Council continued to discuss.

Mayor Nolan added that he and Ms. Kane will be meeting with Congressman Pallone at the end of the month.

Ms. Kane stated that they will discuss their concerns with Congressman Pallone about flood control projects.

Mayor Nolan said they will also discuss possible funding.

Mr. Card asked for the Mayor to communicate about Capital Projects to him. He will go to the Pallone meeting.

Ms. Kane said it will break the Sunshine Law.

Mr. Card said we are a town in trouble.

FEMA Volunteer Grant Status

Mr. Hill gave an update. He explained the status and process. We need to provide actual documentation of all volunteers. The maximum is 10% of expenses on certain items. We did not miss out on this grant. There is not a deadline for the grant. We have reached out to all organizations that has helped us.

Review of Code Enforcement Violation Report

Mr. Hill stated that Mr. Mercado gave him a detailed report which he gave a copy to all council. He then explained the report to all.

Council discussed.

Mayor's Appointment to Depuration Commission

Mayor Nolan stated that this was tabled for tonight.

Millennium

Ms. Ryan stated that she asked for this because she was concerned about not seeing a report.

Mr. Hill explained the status of the initial grants and read thru the report.

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Mayor Nolan directed Mr. Hill to get an exit report from Arcadus.

Mr. Hill will be meeting with a firm tomorrow; they help communities thru various aspects.

Mr. Card asked for a report twice a month from Millennium.

Public Portion:

Carolyn Broullon of 12 Miller Street asked the Chief to remove the chain on Miller Street Parking Lot. Cones were better.

Mr. Card spoke to the Chief about it today.

Chief Blewett said we can continue the fence to stop people from driving on to the beach.

Art Cavalo of 33 Washington Avenue spoke the condition of Captain's Cove Marina. He would like to know the status.

Mr. Padula stated that there is a court date.

Art Cavalo said that something needs to be done. He further explained the conditions. He also asked about the storm drain on Washington.

Mr. Hill explained that the flap valve needs to be re-installed. We first one was the not the correct size. The contractor is working on this.

Peter Mullen of Marine Place questioned the process for zone changes.

Mr. Padula explained the process and the Planning Board Attorney's opinion.

Mr. Mullen spoke of his concerns.

Mr. Padula stated that the report will be a public record.

Mayor Nolan stated that he won't vote for it.

Mr. Card stated that we should be fining the marina every day.

Mr. Francy of 36 Fifth Street spoke about the debt load that Mr. DeBlasio spoke about at the last meeting. We should do away with bonds. He does not feel that they are needed.

Mr. DeBlasio explained that there is \$5 million left.

Melissa Pederson of 17 Bay Avenu asked about the time limit status.

Mayor Nolan explained that at the next meeting, we will be changing to 3 minutes.

Melissa Pederson asked about the formal volunteer hours report and getting it expedited.

Mr. Hill explained that the process is very time consuming.

Melissa Pederson asked about the delay.

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Mr. Hill explained that it has been started and further explained.

Ms. Kane asked Mr. DeBlasio to provide a bond ordinance listing.

Mr. DeBlasio will work on the list.

Chris Francy asked about the status of Bayside Drive debt. Exxon was supposed to repay us.

Mr. Hill said we are working on that.

There were no further questions.

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

The Meeting adjourned at 9:32 p.m.

Debby Dailey, Deputy Clerk