

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
September 17, 2014**

Mayor Nolan called the meeting to order at 7:13 p.m.

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

**ROLL CALL:**

**Present:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan  
**Late Arrival:** Mayor Nolan – arrived at 7:16 p.m.  
**Also Present:** Carolyn Cummins, Borough Clerk  
Tim Hill, Borough Administrator  
Patrick DeBlasio, Tax Collector  
Bruce Padula, Borough Attorney  
Dale Leubner, 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: Monmouth County Park System, NJ Natural Gas**
- 2. Contract: Sandy Insurance Settlement**
- 3. Real Estate: Municipal Facilities Update, Sale of Municipal Properties**
- 4. Personnel Matters: Nancy O’Neil – Proposal-RICED**  
**Barry Leeser-Contract/Payroll Issues**  
**F/T Code Enforcement Position**  
**Building Dept. Overview**  
**Personnel Assistance-Sandy Recovery**  
**PBA Grievance**
- 5. Investigation:**
- 6. Attorney-Client Privilege: Noise Ordinance Amendment Update**  
**Petition against Zone Change**  
**Meeting Conduct, Use of Electronics, Conversations**  
**Conflicts of Interest**  
**Mercantile License Amendment Update**  
**Larry Colby-Clam Plant Lease**

**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 members of 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 8:46 p.m.

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

**Opening Prayer :**

Mayor Nolan asked Reverend McGrail to lead us in prayer.

Reverend McGrail asked for a moment of silence for the Leeser Family who lost their son this week.

Reverend McGrail led the opening prayer.

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**Proclamation Raising Awareness of Childhood Cancer:**

Mayor Nolan spoke about Rachel Kovach and presented the Proclamation to her father, Mr. Kurt Kovach.

Kurt Kovach spoke about his daughter, Rachel's, fight with cancer and how well she is doing. He thanked the Mayor and Council.

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**Consent Agenda:**

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

Mr. Card spoke about the three minute rule. He approved for the three minute rule because he did not want it to go back to two minutes. He still strongly believes it should be unlimited. He knows we need to move forward on it and just wanted to say this for the record.

Ms. Kane asked Mr. Hill for an explanation of R-14-204.

Mr. Hill stated that it's for the EDA Streetscape. There is more paperwork received every day.

**R-14-200 – Resolution Establishing Tax Sale Fee:**

**R-14-200**

**RESOLUTION TO ESTABLISH A TAX SALE FEE**

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, and

WHEREAS, the rules and regulations require a municipality to send three (3) notices of the sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Highlands wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Borough of Highlands that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2014 electronic tax sale.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT

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

**R-14-202 – Resolution Increasing Public Comment Period – 3 Minutes:**

**Borough of Highlands  
County of Monmouth  
R-14-202  
Resolution Increasing Public Comment to Three (3) Minutes  
Per Person**

**WHEREAS**, by Resolution R-14-161, the Borough adopted procedures for public comment at meetings of the governing body; and

**WHEREAS**, the Borough wishes to increase the time limit for speakers at during the public comment portion of meetings of the governing body.

**NOW, THEREFORE, BE IS RESOLVED** that the governing body of the Borough of Highlands amends the previously-adopted resolution R-14-161 to provide for three (3) minutes of public comment per person.

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

**R-14-203 – Resolution Authorizing Refund of Tax Overpayment**

**R-14-203  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

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<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
Re: STATE TAX APPEAL				
115	6	2011	\$1,086.46	MORFORD, THOMAS & KAREN
115	6	2012	\$2,723.15	MORFORD, THOMAS & KAREN

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

**R-14-204 – Resolution Authorizing NJEDA Agreement:**

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

**R-14-204**

**RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO ENTER INTO  
A SUBRECIPEINT AGREEMENT WITH  
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

**WHEREAS**, the Borough of Highlands has applied for and will be receiving funding for Neighborhood Community Revitalization Project in the amount of \$1,499,081.00; and

**WHEREAS**, the Borough of Highlands is hereby approving the Subrecipient Agreement with the New Jersey Economic Development Authority and hereby authorizes Tim Hill, Borough Administrator to be the authorized signer for agreement.

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

**ROLL CALL:**

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

**R-14-205 – Resolution Removing Expired Disabled Parking Designation:**

**R-14-205**

**RESOLUTION AUTHORIZING ELIMINATION OF A DSIGNAGED DISABLE PARK  
SPACE PLACARD P844277**

**WHEREAS**, handicap placard #P84277 expired in April 2014 and was not renewed; and

**WHEREAS**, the Chief of Police has requested the removal of Disabled Parking Designation #P844277 be removed;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the handicap parking space sign #P844277 located on Rogers Street shall be removed.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
5						

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

**R-14-206 – Resolution Authorizing 2014-2015 Mun. Alliance Agreement:**

**R-14-206  
RESOLUTION  
AUTHORIZING MUNICIPAL ALLIANCE GRANT AGREEMENT FOR FISCAL  
YEAR July 1, 2014 – June 30, 2015**

**WHEREAS**, the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor’s Council of Alcoholism and Drug Abuse through the County of Monmouth;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands, County of Monmouth, State of New Jersey recognizes the following:

1. The Borough of Highlands Council does hereby authorizes submission of an application for the Highlands Municipal Alliance grant for the period of July 1 2014 through June 30, 2015 in the amount of \$28,525.00 and a cash match of \$3,440.63
2. The Borough of Highlands Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

**Payment of Bills:**

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**RECAP OF PAYMENT OF BILLS  
09/17/2014**

<b>CURRENT:</b>		\$	95,896.92
Payroll	(09/15/2014)	\$	
Manual Checks		\$	12,625.00
Voided Checks		\$	
 <b>SEWER ACCOUNT:</b>		 \$	 73,890.04
Payroll	(09/15/2014)	\$	
Manual Checks		\$	
Voided Checks		\$	
 <b>CAPITAL/GENERAL</b>		 \$	 20,543.83
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
 <b>TRUST FUND</b>		 \$	 48,658.37
Payroll	(09/15/2014)	\$	
Manual Checks		\$	58,698.68
Voided Checks		\$	
 <b>UNEMPLOYMENT ACCT-MANUALS</b>		 \$	
 <b>DOG FUND</b>		 \$	
 <b>GRANT FUND</b>		 \$	 3,791.25
Payroll	(09/15/2014)	\$	
Manual Checks		\$	
Voided Checks		\$	
 <b>DEVELOPER'S TRUST</b>		 \$	
Manual Checks		\$	
Voided Checks		\$	

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

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			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 August 20<sup>th</sup>, 2014 Regular and Executive Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

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**ROLL CALL:**

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

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**Other Resolutions:**

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

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

Mr. Leubner explained that this is a proposal from Pumping Services to repair the station to run off generator power and improve the electrical panel and the transfer switch.

Mr. Card asked if this meets FEMA mandates for elevations.

Mr. Leubner responded no that it will not. He further explained.

Council discussed elevation.

Mr. Card would like a cost difference to elevate it to be FEMA compliant.

Council agreed.

Ms. Kane suggested approving the resolution and then does a change order.

Ms. Ryan agreed to do change order later.

**R-14-181**

**RESOLUTION DECLARING AN EMERGENCT CONDITION AND AUTHORIZING  
REPAIRS AT THE SOUTH BAY AVENUE PUMP STATION**

**WHEREAS**, the Borough Engineer has certified that an emergency condition exists within the South Bay Avenue Pump Station due to a malfunction which resulted in the Engineer's decision to repair/replace the unit on an expedited basis and;

**WHEREAS**, this certification of Request for an Emergency Purchase is attached to the original of this resolution, a copy of which is on file in the Office of the Borough Clerk; and

**WHEREAS**, the Borough Engineer has deemed it necessary to invoke the provisions of N.J.S.A. 40A:11-6 to obtain the expeditious abatement of the above dangerous condition in a legal and timely manner and the Borough Purchasing Agent, and the Borough Administrator concurred that an emergency contract outside public bidding procedures was necessary to ensure the public health, safety and welfare of our employees as well as the citizens of Highlands; and

**WHEREAS**, Pumping Services submitted a proposal for said work to be performed at the South Bay Avenue Pumping Station, for the sum of \$38,845.00, as per their proposal attached to the original of this resolution, a copy of which is on file in the Office of the Borough Clerk; and

**WHEREAS**, the Borough Engineer has verbally advised Pumping Services to prepare for work on this project with the concurrence of the Purchasing Agent and Borough Administrator; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this work in Account 3-01-26-290-100-020  
in the sum of \$38,845.00,

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Patrick DeBlasio, Chief Financial Officer



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**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Highlands that the issuance and payment of an Emergency Purchase Order to Pumping Services for this verbal commitment, in the Total Amount of \$38,845.00 is hereby authorized and ratified at the completion of the task.

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

**R-14-199 – Resolution Approving Strategic Planning Report:**

Mrs. Cummins read the title of resolution R-14-199.

Mr. Nelson of NJ Future explained that the plan allows access for some funds. He needs council approval of report and then will send to the State. He further explained the plan and process. There is \$300,000.00 available but each project is given a certain dollar amount. The power point that he presented to the public on Monday is available on our website.

Barbara Ianucci of 28 Shrewsbury Avenue questioned T&M assistance needed.

Mr. Nelson explained that the State had \$20,000.00 to help write the plan. T&M did some engineering work to close chapters in the plan.

Kim Skorka of 315 Shore Drive asked what the turnaround time is for plans submitted to the State.

Mr. Nelson responded that it is one week.

Tom Reed of Snug Harbor asked if this effects FEMA elevations.

Mr. Nelson replied yes.

Tom Reed asked what if FEMA adopts different elevations.

Mr. Nelson explained that he does not know the impact.

Mr. Leubner explained that FEMA will not be changing. The Borough could change elevations. It does not penalize the residents.

Discussions at the table continued about flood requirements.

Mr. Leubner stated that FEMA elevations are not final for a year or two.

Chris Francy of 36 Fifth Street asked by adopting this report does it puts hand cuffs on our Master Plan. Can we deviate from it.

Mr. Nelson said yes we can deviate from the plan. We would rewrite the master plan.

Mayor Nolan stated that they had discussed having sub committees about recommendations to give to the planning board. The Planning Board will be discussing all the information they received in their October meeting.

**R-14-199  
RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO**

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**APPROVE STRATEGIC RECOVERY PLANNING REPORT AND TO  
SUBMIT IT TO NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, on October 1, 2013, the Borough of Highlands (Borough) and New Jersey Future (NJF) entered into a Memorandum of Agreement for NJF to perform certain technical services for the Borough; and,

**WHEREAS**, on February 10, 2014, the Borough and NJF executed a Letter of Agreement that further describes and delineates these technical services, including the preparation of a Strategic Recovery Planning Report for the Borough for submission to the New Jersey Department of Community Affairs; and,

**WHEREAS**, on March 10, 2014, the Borough entered into a Subrecipient Agreement with the State of New Jersey, Department of Community Affairs implementing grants under the Community Development Block Grant Disaster Recovery Program through the Post-Sandy Planning Assistance Grant Program; and,

**WHEREAS**, the purpose of the grant is to assist in the preparation of a Strategic Recovery Planning Report for the Borough to address conditions created or exacerbated by Superstorm Sandy, identify approaches to rebuilding that will be more resistant to damage from future storms and encourage sustainable economic growth; and,

**WHEREAS**, the Mayor and Borough Council of the Borough of Highlands accepted the bid of T&M Associates, planning consultant, for assistance in the preparation of the Strategic Recovery Planning Report for the Borough; and,

**WHEREAS**, NJF, with the assistance of T&M Associates has prepared the Highlands Borough Strategic Recovery Planning Report, dated September 2014; and, the report sets forth a description of the storm impacts of Superstorm Sandy on the Borough, and an evaluation of the planning goals, strategies and priorities for actions that are necessary for public safety and economic recovery; and,

**WHEREAS**, The Highlands Mayor and Borough Council have reviewed the Highlands Borough Strategic Recovery Planning Report with the planning consultant and the Borough Administrator.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, County of Monmouth, that it does hereby approve the Highlands Borough Strategic Recovery Planning Report attached hereto as Exhibit A and authorizes NJF to submit said report to the New Jersey Department of Community Affairs consistent with the terms and conditions of the grant agreement.

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

**R-14-201 – Resolution Postponing Tax Sale of 1  
Locust Street**

Mrs. Cummins read the title of resolution R-14-201.

Mr. Padula explained that the bulk of the lien is a result of the house collapsing when it was being lifted. The owner asked how it the lien was split up because it involved two

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other homes. This is postponing the tax sale of his property until it is worked out.

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County of Monmouth  
R-14-201**

**Resolution Postponing Tax Sale on Property located at 1 Locust Street,  
known as Block 101, Lot 19 on the Official Tax Map of the Borough of  
Highlands**

WHEREAS, the Borough issued a tax bill in the amount of \$46,919 to the property owner of Block 101, Lot 19, commonly known as 1 Locust Street; and

WHEREAS, the majority of the tax bill was the result of a dangerous condition which occurred during the lifting of the residence, which collapsed, resulting in damage to the two adjacent properties; and

WHEREAS, the Borough abated the dangerous condition and placed a lien on the property; and

WHEREAS, the property owner has requested clarification on the amount of the lien; and

WHEREAS, the Borough wishes to investigate this matter and respond to the property owner prior to placing the property up for tax sale.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that any tax sale for the property known as 1 Locust Street (Block 101, Lot 19) be postponed indefinitely, to the extent permitted by law, so that the Borough may review this matter respond to the property owner's questions.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
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 22<sup>nd</sup>:**

**O-14-25 – Ordinance Approving Installation of Stop Sign**

Mrs. Cummins read the title of O-14-25 on for introduction and setting of a public hearing date of October 22<sup>nd</sup>.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of October 22, 2014 at 8:00 P.M.

**O-14-25  
ORDINANCE AUTHORIZING THE BOROUGH OF HIGHLANDS  
TO PLACE A STOP SIGN AT THE INTERSECTION OF ORCHARD AVENUE  
AND OCEAN BOULEVARD**

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**WHEREAS**, the Borough of Highlands has determined an immediate risk of harm exists to motor vehicle drivers traveling on or through the intersection of Orchard Avenue and Ocean Avenue; and

**WHEREAS**, if not abated, this present hazard can cause substantial bodily harm to motor vehicle drivers and/or damage to property without the erection of a stop sign at the intersection of Orchard Avenue and Ocean Avenue; and

**WHEREAS**, the intersection itself is located in the Borough of Highlands, with the municipal boundary with Atlantic Highlands being located along the Ocean Avenue street curb line; and

**WHEREAS**, the Borough of Highlands has received permission from Atlantic Highlands to locate and place a Stop Sign on the property owned and/or controlled by Atlantic Highlands;

**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 7-6.1 “Stop Intersections” shall be supplemented to include the following:

*Schedule IV Stop Intersections*

*Ocean Avenue:*

*a. STOP sign shall be installed on Orchard Avenue*

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

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

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

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

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

**ABSENT: None**

**O-14-26 – Bond Ordinance for Comm. Center Playground, Shore Drive Phase II**

Mrs. Cummins read the title of O-14-26 on for introduction and setting of a public hearing date of October 22<sup>nd</sup>, 2014.

Mr. Card asked why the bonds are joined together.

Mr. DeBlasio explained that it’s the same cost in one ordinance.

Mr. Card feels they should be separated. A playground can wait.

Ms. Ryan agreed.

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Mr. Hill stated that the playground portion is different from the Community Center.

Discussion continued at the table.

Mr. Hill will speak with the Snow Flake Foundation and report back.

Mr. Leubner stated that thru the DOT, they only can get a 6 month extension for Shore Drive from November. We don't want to lose the \$200,000.00 grant. He further explained.

Mr. Card recommends filing an extension with the State.

Mr. Hill said that the Snow Flake Foundation is very patient and will work with us.

Mr. Redmond would like Seastreak to contribute to the road project. He feels we should approach them. He spoke of how Atlantic Highlands charges Seastreak per car.

Mayor Nolan offered a motion, but failed due to no second.

**Ordinance: Second Reading/Public Hearing/Adoption:**

**O-14-18 – Zoning Ordinance – RE: Additions for Nonconforming Structures**

Mrs. Cummins read the title of O-14-18 on for second reading and public hearing

Mrs. Cummins that we have the Planning Boards comments to review and have the public hearing.

Mr. Leubner explained the ordinance change.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-18 on for 3<sup>rd</sup> and final reading and adoption:

Mayor Nolan offered the following Ordinance and moved on its final reading and adoption.:

**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:

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

**ROLL CALL:**

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

**NAY:** None

**ABSENT:** Kane

**ABSTAIN:** None

**O-14-19 – Zoning Ordinance – RE: Driveway Widths**

Mrs. Cummins read the title of O-14-19 on for second reading and public hearing.

Mrs. Cummins stated that we need to review the Planning Boards Comments and public hearing.

Mr. Leubner explained the ordinance.

Mayor Nolan opened the public hearing.

Mr. Francy of Fourth Street questioned the wording of the ordinance.

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Mr. Redmond responded that the width of 18' or 22' is up to the homeowner.

There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-19 on for 3<sup>rd</sup> and final reading and adoption:

Mayor Nolan offered the following Ordinance and moved on its final reading and adoption:

**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
	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.

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**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 adopted on the following roll call vote:

**ROLL CALL:**

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

**O-14-20 – Ordinance Approving Annexation of Bl. 17 Lot 1.02:**

Mrs. Cummins read the title of O-14-20 on for second reading and public hearing.

Mr. Padula stated that this is a strip of land by Paradise Park that the developer has petitioned Atlantic Highlands to be annexed into Highlands. Atlantic Highlands approved it. This ordinance is accepting the property. It is a gain to the Borough.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-20 on for 3<sup>rd</sup> and final reading and adoption:

Mayor Nolan offered the following Ordinance and moved on its final reading and adoption:

**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

**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



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

**ROLL CALL:**

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

Mrs. Cummins made an announcement about Ordinances O-14-21, O-14-22 and O-14-24. At the last meeting, she announced the incorrect hearing date. The correct hearing date is October 22<sup>nd</sup> and has been republished.

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**Other Business:**

**Borough Engineer's Status Report**

Mr. Leubner read thru his report.

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

**Capital Improvement Projects**

**1. Stormwater System Improvements:**

- We have requested to be included in the 2015 EIT funding cycle at this time.
- As authorized, we are finalizing the plans, reviewing the plans to current codes and standards, reviewing for potential conflicts between the potential Army Corps project and supplemental drainage pipe from Route 36.
- Potential chamber sizing concerns to accommodate pipe from the Waterwitch Avenue and Linden Avenue drainage project.
- We have updated the Army Corps permit for submission.
- We met with the Council Subcommittee as requested regarding the Tier IV requirements and potential impacts.
  - We have requested an additional \$10,000 to further investigate the impacts and develop a spreadsheet of costs as requested by the subcommittee. Once authorized, we can complete the task requested.

**2. The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.

- Design is substantially complete.
  - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
  - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.

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- Draft plans have been submitted to the Governing Body for review. We will advertise the project once we are authorized to do so.
  - Awaiting further direction from the Governing Body with regards to the overall size of the station.
  - Access agreements are required from the adjacent property owners for construction purposes.
  - Pumping Services repaired and installed the existing pump to operate the station.
3. **The Reconstruction of Bayside Drive:** The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.
- |             |   |
|-------------|---|
| Bid Date:   | April 30, 2013                          |
| Award Date: | May 1, 2013                             |
| Contractor: | Esposito Construction, LLC, Matawan, NJ |
| Amount:     | \$110,955.00                            |
- Project is complete.
  - Final payment to the Contractor has been processed by the Borough.
  - T&M Associate's overages have been submitted to the Borough for consideration.
4. **The Replacement of the Bay Street Retaining Wall:** This project will replace the failing retaining wall on Bay Street along the frontage of house #8.
- Project was recently authorized by the Mayor and Council.
  - Project design is underway.
  - Soil borings have been completed.
  - Direction provided by Council was to proceed with the imprinted concrete panel wall system as opposed to a more industrial option.
  - Plans are complete.
  - Signed plan cover received back from Borough.
  - Project bids to be received September 24, 2014.
5. **The Waterwitch Avenue & Linden Avenue Drainage Project:** The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.
- Design is progressing to completion.
  - Issues pertaining to chamber at Jones Creek. Investigating enlarging chamber further to accommodate the proposed piping as well as the piping from the Stormwater System Improvement Project.
  - Addressing concerns associated with crossing of 48" MCBOA sanitary sewer main on Shore Drive.

**Grants and Loans**

1. **Monmouth County Community Development Block Grant:** The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on prior discussions with the County.
2. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project. A project deadline extension needs to be requested or the Borough may be in jeopardy of losing funding.
3. **FY 2014 NJDOT Local Aid Applications:** As requested, T&M Associates prepared and submitted a Local Aid application for consideration for Shrewsbury Avenue from Bay Avenue to Miller Street. The Borough has been advised that the NJDOT will be funding \$210,000 towards this project.

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4. **FY 2015 NJDOT Local Aid Applications:** Applications are due October 14, 2014. We will prepare an application for submission once a roadway is chosen by the Governing Body.

Mayor Nolan asked if the electric back-up generator will automatically kick on.

Mr. Leubner explained that it will be automatic.

Mr. Card said that it will also back up the Community Center.

Council continued to discuss the extra \$10,000.00 for Professional Engineering Services for this project.

Mayor Nolan offered a motion to approve the extra \$10,000.00 for Profession Engineering Services for the storm water project, seconded by Mr. Card and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**NAY: None**

**ABSENT: None**

**ABSTAIN: None**

Mr. Leubner stated that he will start working on this and will forward the spreadsheet as soon as possible.

Mr. Leubner continued his report.

Mr. Card said that he would like to investigate clean water finance money. We need a letter of intent by October 10<sup>th</sup>.

Ms. Kane feels a motion should be done so that if the money does apply to us, we can do the letter.

Mr. Card offered a motion for Mr. Leubner to investigate the Clean Water Finance Project if it applies to our project and if it does, he can send a letter of intent, seconded by Mayor Nolan and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**NAY: None**

**ABSENT: None**

**ABSTAIN: None**

Mr. Leubner continued his 2015 NJDOT Road Report

Ms. Kane spoke of Spring Street and would like to add it to the schedule.

Mr. Leubner spoke of possibly vacating Spring Street.

Ms. Ryan spoke of Miller Street from Shore Drive to Bay Avenue.

All agreed.

**First Street Vacation:**

Mr. Leubner said there is an applicant requesting the vacating of this street.

Council discussed.

Mr. Leubner explained that this was requested in the past but never formally done.

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Mayor Nolan said the applicant would have to make sure all permits are done and costs.

Mr. Padula stated that he will work with Mr. Leubner and get a letter out to the applicant.

**American Legion Liquor License Violation Hearing**

Mr. Padula stated that they request an adjournment to Oct. 22<sup>nd</sup>. He has no problem with that.

Mrs. Cummins explained that the police never sent the discovery.

Mr. Card has a problem with the delay from the Police Department with getting the discoveries to the attorney's.

Mayor Nolan offered a motion to have Chief Blewett attend the next council meeting to discuss a plan to help us expedite this, seconded by Mr. Card and all were in favor on the following roll call vote:

**ROLL CALL:**

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

**NAY: Mr. Redmond**

**ABSENT: None**

**ABSTAIN: None**

**Valley Avenue – Request to be made into a One Way Street:**

Mr. Hill stated that a resident requested Valley Avenue to be made one way. It is not safe. He spoke of the placement pillars on the property to help the problem. Mayor Nolan spoke of past accidents regarding the property.

Mr. Redmond asked if it Highland Avenue to Hwy. #36 only.

Mrs. Roberts, owner of the property, stated yes.

Mayor Nolan explained that it would one way toward the highway.

Mrs. Roberts spoke of 16 accidents there since she moved in eighteen years ago.

Mr. Padula stated that we would need NJDOT approval.

Mayor Nolan directed Mr. Padula to send a letter to NJDOT seeking approval.

Jim Bemis of Twinlights does not think NJDOT will approve because there is no jug handle.

Carol Bucco of 330 Shore Drive said that part of hwy. #36 is very dangerous.

Mr. Hill will work on NJDOT getting the three poles/pillars back up. There are requirements that have to be met.

**Municipal Facilities Update:**

Mr. Hill spoke of the dollar amount and working with FEMA on the Community Center and Borough Hall. The Borough Hall may have to be elevated. He expects to have the final numbers within the next two weeks that we can formally present to FEMA. They will then weigh in on the maximum funding.

Ms. Kane stated that we are moving forward with different firms to assist in obtaining FEMA and Insurance monies.

Mr. Hill explained.

Mayor Nolan added that the additional assistance we get from these firms will only get paid if we get the funding. They get 10%.

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**Millennium:**

Mr. Hill explained that they are working with the architects and the engineers. They have been meeting to get the costs. Millennium did provide him with a current report. Going forward, they will give us reports twice a month. Mr. Hill will email these reports to Borough Clerk to distribute to the Council.

Mr. Hill also said that Millennium brought to his attention of a potential bikeway path grant program. They will look at our existing bike plan to see if we would be eligible.

**Zone Change Request – RA Multimedia:**

Mr. Padula stated that they have requested the Borough to hold off on considering any zone change.

Mayor Nolan said that this is Captains Cove Marina. There was a petition submitted.

Mr. Hill stated that the Planning Board requested it to be deferred. They are retaining their own expert and would like to present the expert's report. We can make their report available to the public.

Mr. Card stated that he spoke with residents in the area of the marina. He spoke of the hazardous conditions of the site.

Discussion continued.

Mr. Card feels we should move the pilings and bill him, put a lien on the property.

Mayor Nolan asked what our legal course that we can take today is.

Mr. Padula stated that we need to review the ordinance the talks about Sandy and abandoned properties. Hazardous conditions give us legal authority to fix it.

All council agreed that this is hazardous.

Mayor Nolan said we need to remove the pilings, move the boat, and fix the road.

Mr. Card added repair the bulk head. It needs to be back filled.

Mayor Nolan we have a plan of action and will work with Mr. Hill.

**Website Committee Report:**

Ms. Ryan asked to table to October 22<sup>nd</sup> meeting.

**Monmouth County Multijurisdictional Natural Hazard Mitigation Plan:**

Mr. Hill explained that this plan will be released soon by Monmouth County. It allows municipalities to apply for pre and post disaster mitigation grant funding through FEMA.

**Review of Bond/Debt Report:**

Mr. DeBlasio explained that the council had requested a list of one year notes. He provided the list to all at the table. He also provided a list of debt that's been authorized but not issued.

Mayor Nolan stated that they were asked to increase the seats on the finance board with residents. We will increase it by two. He received an application from Mr. Francy. He will appoint him tonight. They are still taking applications.

Mayor Nolan asked Ms. Kim Skorka if she would be interested. She accepted.

Mayor Nolan appointed Kim Skorka to the Finance Board.

Mr. Card feels there are other residents qualified. He does not agree with appointing Mr. Francy. He is busy with a lot of other projects in the community. He would like to see someone with credentials to back up the purpose of the committee.

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Mayor offered a motion to appoint Chris Francy and Kim Skorka to the Finance Committee, seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYE:** Ms. Ryan, Mayor Nolan

**NAY:** Mr. Card

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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**Public Portion:**

Jim Bemis of Twin Lights stated that no parking signs are missing along Portland Road. It is a very narrow street. The brush is also overgrown on the sidewalk.

Mr. Hill does not see Portland Road listed on the No Parking Ordinance. He will get a report from the Police Department.

Mayor Nolan will have Mr. Padula review the no parking ordinance.

Mr. Hill will have the DPW guys take care of the debris.

Mr. Bemis continued to complain about debris left on sidewalk from landscapers.

Kim Skorka of 315 Shore Drive is concerned with spending. Where are we getting the money? Are we cutting any of our spending to get the money for projects?

Mayor Nolan stated that we have to earn our way out. We need more revenues and development. We are looking at everything.

Kim Skorka asked if these extra items discussed tonight are budgeted.

Mr. DeBlasio explained.

Carol Bucco – passed.

Barbara Ianucci of 28 Shrewsbury Avenue stated that Highlands has some priority points for Clean Water. She also asked for an update on Veteran's Park Boardwalk.

Mr. Card explained that they held a meeting. He has been working with Mr. Leubner. The consensus was to not do the whole boardwalk, to scale back. They will be meeting with Tri-Bar to go over the scope of the project. He will give the report to Mrs. Cummins to distribute.

Ms. Ryan spoke about the meeting and feels it will get done.

Mr. Card said that Tri-Bar told him it will take 3 to 4 days of work.

Nancy O'Neil asked if there was a decision made in executive session regarding her position.

Mayor Nolan explained that Ms. Kane and Mr. Hill are doing an assessment and will have recommendations to discuss at the October 22<sup>nd</sup> meeting.

Mr. Francy asked about the Depuration Commission.

Mr. Card stated that Mr. Colby could not make it.

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Mayor Nolan explained that they will pick a new commission at the next meeting.

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 10:32 p.m.

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Debby Dailey, Deputy Clerk

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