

**Borough of Highlands
Mayor & Council
Regular Meeting
October 22, 2014**

Ms. Kane called the meeting to order at 7:10 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 Arrivals: Mayor Nolan – arrived at 7:14 p.m.

Bruce Padula – arrived at 8:05 p.m.

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Sal Alfieri, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution

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

**RESOLUTION
EXECUTIVE SESSION**

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

- 1. Litigation:** Captains Cove Marina
- 2. Contract:** RFP Prof. Services RE: Transit Village
- 3. Real Estate:**
- 4. Personnel Matters:** Building Dept. Staffing Overview
Nancy O'Neil - RICED
- 5. Investigation:**
- 6. Attorney-Client Privilege:** House Lifting Requirements
Zoning Ordinance Amendments
RE: Bungalow Colonies

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

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

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

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or

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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 collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. **Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the 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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:20 p.m.

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

Mayor Nolan asked Pastor. McGrail to lead us in a prayer.

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ROLL CALL:

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

Pilot Programs Presentation – Sal Alfieri, Esq:

Sal Alfieri gave an overview of the Pilot Program. It's a private agreement with a developer to develop an area. They would pay a Pilot payment, not taxes. The town gets the revenue. There would be no school tax. There is a process to do this. It encourages developers because your tax bill will lower than normal. He continued to explain and spoke of COAH's.

Mayor Nolan stated that we are doing our Master Plan.

Mr. Alfieri stated that he will work with Marty Truscott, the Planner. We need to designate an area in need of redevelopment.

Mayor Nolan said we want to find out as much as we can about this program and the process.

Mr. Padula stated that the process is complicated.

Mayor Nolan thanked Mr. Alfieri and stated that we would contact him if they need to bring this before Planning Board or sub-committee.

Consent Agenda:

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

Mayor Nolan asked to remove Resolution R-14-220 to discuss it separately.

R-14-211

RESOLUTION URGING TRANSPORTATION TRUST FUND REUTHORIZATION AND INCREASED FUNDING FOR LOCAL TRANSPORTATION

WHEREAS, local officials know that investments in our rapidly deteriorating transportation infrastructure must be made, since failure to do so can compromise the safety of the public, the economic vitality of our communities and the security of our neighborhoods; and

WHEREAS, the New Jersey Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64 percent (28,539 center line road miles) of our roads, county governments are responsible for another 22 percent (6,649 center line road miles), and together, local governments are responsible for 39 percent of our bridges; and

WHEREAS, local roadways and bridges carry about 55 percent of all of New Jersey's traffic; and

WHEREAS, just last year, the American Society of Civil Engineers reported that 651 of the 6,554 bridges in New Jersey (9.9%) are considered structurally deficient and 1,717 (26.2%) are considered functionally obsolete, and that driving on roads in need of repair costs New Jersey motorists \$3.476 billion a year in extra vehicle repairs and operating costs – \$601 per motorist, and that 66% of New Jersey's roads are in poor or mediocre condition; and

WHEREAS, in the first year of the Transportation Trust Fund (FY 1985), Local Aid funding represented almost 22 % of total Transportation Capital funding, but over the years, the Local Aid portion was reduced to 16% in FY 1997, 12% in FY 2004, and 15% in FY 2013, so that the average Local Aid funding over the first 29 years of the Transportation Trust Fund was just under 15%, and

WHEREAS, the need for investments in local roads and bridges has not decreased since 1985, and no one has suggested that it will decrease in the future; and

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WHEREAS, On May 1, New Jersey DOT then-Commissioner Jim Simpson announced that the State’s Transportation Trust Fund is just 14 months away from a \$620 million deficit; now, therefore, be it

BE IT RESOLVED, that the governing body of the Borough of Highlands joins with the New Jersey League of Municipalities in supporting the “Forward New Jersey” coalition, and we call on State policy-makers to:

1. Reauthorize the Transportation Trust Fund to ensure adequate and reliable funding to meet State and local transportation infrastructure funding needs for the next 10 years;
2. Increase Local Aid funding to ensure adequate and reliable funding to meet all local transportation infrastructure needs; and
3. Increase the municipal share of Local Aid funding and ensure fair funding for all municipalities; and be it, further,

BE IT RESOLVED, that given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we will call for assurances that Local Aid will represent, at a minimum, 25% of annual Transportation Capital spending, and for adjustments in funding, to account for the effects of inflation; and be it, finally,

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Commissioner of the Department of Transportation Jamie Fox, our State Senator Joseph M. Kyrillos, Jr. , our two representatives in the General Assembly Declan J. O’Scanlon, Jr. Assemblyman and Amy Handlin, Assemblywoman, and to the New Jersey League of Municipalities.

| | 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-14-212
BOROUGH OF HIGHLANDS**

**RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO REQUEST AN
EXTENSION FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
TO AWARD A CONTRACT FOR PHASE II IMPROVEMENTS
TO SHORE DRIVE**

WHEREAS, in October 2012, the Borough of Highlands was devastated by Superstorm Sandy;

WHEREAS, due to the aforementioned Superstorm, the Borough of Highlands has been recovering and rebuilding;

WHEREAS, the Borough of Highlands has received aid through the New Jersey Department of Transportation (“NJDOT”) Municipal Aid Program to assist in rebuilding roads throughout the Borough, including Shore Drive Phase II;

WHEREAS, the Borough of Highlands, with the recommendation of its Engineer from T&M Associates, Robert R. Keady, Jr., PE, CME, seeks an extension of six (6) months from NJDOT to award a contract to complete the Phase II Improvements to Shore Drive;

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WHEREAS, the Borough of Highlands anticipates authorizing the design of the Phase II Improvements by December 2014, having the design completed by March 2015; advertise for bid by April 2015; and award the contract by May 2015; and

WHEREAS, the Governing Body of the Borough of Highlands has determined that it is in the best interests of the Borough of Highlands to request an extension of time in which to award a contract for completion of Phase II Improvements to Shore Drive.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the Borough of Highlands is hereby authorized to request a six (6) month extension from the New Jersey Department of Transportation to award a contract for completion of Phase II Improvements to Shore Drive.

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

**Borough of Highlands
Resolution No. R-14-213**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the **Miller Street Reconstruction** project.

NOW, THEREFORE, BE IT RESOLVED that Council of **the Borough of Highlands** formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the **Administrator** and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2015-Miller Street Reconstruction-00401** to the New Jersey Department of Transportation on behalf of **the Borough of Highlands**.

BE IT FURTHER RESOLVED that **Administrator** and Clerk are hereby authorized to sign the grant agreement on behalf of **the Borough of Highlands** and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 22 day of October, 2014

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

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ATTEST and AFFIX SEAL _____

(Clerk)

(Presiding Officer)

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

**Borough of Highlands
Resolution No.
R-14-214**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Highlands Borough Bikeability Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council for the Borough of Highlands formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2015-Highlands Borough-00059 to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Mayor and Council
On this 22nd day of October, 2014.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____

Clerk

Mayor

| | | | | | | |
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| 6 | TRODUCED | CONDED | YE | AY | 3STAIN | 3SENT |
|---|----------|--------|----|----|--------|-------|

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

**R-14-215
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:

BLOCK LOT YEAR AMOUNT NAME

Re: STATE TAX APPEAL

115 6 2014 \$2,104.44 MORFORD, THOMAS & KAREN

| | 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- 218
NEG Grant
Resolution Amending Resolution R-14-194
Appointing Temporary Employees For Various Positions Within The Workforce Development
NEG Sandy Emergency 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

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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

WHEREAS, Ms. D'Alessandro, Mr. Tierney and Mr. Ayala gained NON-NEG employment, and are no longer eligible to participate in the NEG program;

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: 4 at an hourly rate of 15.00 for 30 hours per week.

- | | |
|---------------------|--------------------------------|
| 1. Roseanne Trevean | Hours: Up to 30 hours per week |
| 2. Michelle Jensen | Hours: Up to 30 hours per week |
| 3. Susan Ambrunzo | Hours: Up to 30 hours per week |
| 4. Barbara Parcells | 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. Fred Ecke (Correction) | Hours: Up to 30 hours per week |
|---------------------------|--------------------------------|

Building Maintenance Inspectors # of Openings: 1 at an hourly rate of \$20.00

- | | |
|---------------------|---------------------------------|
| 1. Steven Carpenter | Hours: Up to 30 hours per week. |
|---------------------|---------------------------------|

BE IT FURTHER RESOLVED that these appointments will be for a period effective immediately, through December 31, 2014, unless the grant program is extended.

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 | | x | YES | NO | | |

**R-14-219
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING SETTLEMENT WITH
AMERICAN LEGION POST #143**

WHEREAS, the American Legion Post #143 (the American Legion) at 85-87 Bay Ave in Highlands, New Jersey has been charged with violations of the New Jersey Alcoholic Beverage Content Act, N.J.S.A. 33:1-1 *et seq*; and

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WHEREAS, the Borough of Highlands (the Borough) and the American Legion are seeking to settle the charges against the American Legion via amicable resolution; and

WHEREAS, the Borough and the American Legion have agreed upon the terms and conditions of an amicable resolution and Stipulation of Settlement in the form annexed hereto; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the Borough approves the Stipulation of Settlement in the form annexed hereto so as to bind the Borough and the American Legion to the terms within.

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

**RECAP OF PAYMENT OF BILLS
10/22/2014**

| | | | |
|------------------------------|---------------|----|------------|
| CURRENT: | | \$ | 632,700.01 |
| Payroll | (10/15/2014) | \$ | 227,774.09 |
| Manual Checks | | \$ | 599,185.37 |
| Voided Checks | | \$ | |
| SEWER ACCOUNT: | | \$ | 20,034.52 |
| Payroll | (10/15/2014) | \$ | 6,413.45 |
| Manual Checks | | \$ | 1,799.79 |
| Voided Checks | | \$ | |
| CAPITAL/GENERAL | | \$ | 4,847.49 |
| CAPITAL-MANUAL CHECKS | | \$ | |
| Voided Checks | | \$ | |
| WATER CAPITAL ACCOUNT | | \$ | |
| TRUST FUND | | \$ | 14,886.15 |
| Payroll | (10/15/2014) | \$ | 7,275.00 |
| Manual Checks | | \$ | |
| Voided Checks | | \$ | |

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|----------------------------------|----|----------|
| UNEMPLOYMENT ACCT-MANUALS | \$ | |
| DOG FUND | \$ | |
| GRANT FUND | \$ | 415.00 |
| Payroll (10/15/2014) | \$ | 4,384.13 |
| 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 | | | | | | |
| KANE | | | | | | |
| REDMOND | | | | | | |
| RYAN | | | | | | |
| NOLAN | | | | | | |
| | | | | | | |
| | | | | | | |
| ON CONSENT AGENDA | | | YES | NO | | |

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the September 17th, 2014 and October 1st, 2014 Regular and Executive Minutes, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

R-14-220 – Resolution RE: Face Book Page:

Mayor Nolan explained that this is to make it known that the Highlands, NJ Face Book page is not an official Highlands website. There are comments made on there that he gets questioned on.

Mr. Padula stated this is structured after the school ethics and code of conduct school board members. When they post something, they have to say that it is not the schools opinion but their own.

Mr. Card asked Mr. Padula to put it in writing why he feels this is or is not unconstitutional.

Mr. Padula stated that he would put it in writing now. It does not prohibit speech in any manner.

Mr. Card does not feel he has to do a disclaimer. If you don't like what's on face book, then don't go on it.

Mr. Padula stated that you just need to add that you are not speaking on behalf of the Borough.

Mr. Redmond spoke with other elected officials. He spoke of false information being posted.

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Ms. Ryan does not think this is necessary. She feels it gives the appearance that we are infringing on free speech. She feels that most people do say if they are speaking for the town or not. She does not feel we should be regulating this. She will not be voting for it.

Ms. Kane read her notes to support this resolution.

Ms. Kane feels the resolution was not drafted as a waste of time. But it is a resolution that will save the time in administration. On a typical day, our administration is dealing with two to three hours of calls, concerns and follows back to this unofficial page. We deal with employee issues, executive agenda issues, others statements that need further clarity. The resolution was drafted to protect the Borough while allowing the same discussion to take place. This model was crafted from many other boards; the resolution was not crafted to stifle the public and take away their rights, as Councilman Card and Ms. Ryan have said. It was drafted to keep our employees working to show them that we believe in them and that it's really a very negative thing that is going on out there while we work to rebuild Highlands. In closing, I was a little upset to read the Asbury Park Press because as Mr. Card prides himself on communication, he did not reach out to any member up here. Not about this.

Mr. Card stated that he sent an email to the editor of the paper so he would have the proper emails to get a hold of everyone and he did not think it was his place to reach out to her on this.

Ms. Kane said that if you want something to pass, she thinks he would talk to council.

Mr. Card was flabbergasted that it was even choreographed.

Ms. Kane and Mr. Card continued to disagree on the resolution.

R-14-220

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**A RESOLUTION CONCERNING THE FACEBOOK PAGE “HIGHLANDS NJ” AND
POSTINGS THEREON, OR ON ANY SOCIAL MEDIA SITE, BY ELECTED
OFFICIALS OF THE BOROUGH OF HIGHLANDS AND OTHER OFFICIALS,
EMPLOYEES, AGENTS, REPRESENTATIVES AND VOLUNTEERS**

WHEREAS, the page “Highlands New Jersey” has been established on Facebook and, as of the date of preparing this Resolution, had 1,830 members; and

WHEREAS, elected and other officials of the Borough have been approached by residents and employees concerning information contained therein which was neither true nor accurate; and

WHEREAS, as a result, it is necessary to clarify that the “Highlands New Jersey” Facebook page is not an official media outlet of the Borough of Highlands; and

WHEREAS, the governing body recognizes that individuals possess a First Amendment right to comment on items in that forum; and

WHEREAS, the governing body further finds that it is necessary to adopt protocols for its elected officials, other officials, employees, agents, representatives and volunteers so that statements posted to that site by those individuals are not misinterpreted as official statements of the Borough of Highlands.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Facebook page “Highlands New Jersey” is not an official media outlet of the Borough of Highlands; and

BE IT FURTHER RESOLVED that any elected Borough official, or other Borough official, employee, agent, representative or volunteer, including appointees to boards, commissions, committees or subcommittees, who wishes to post on the Facebook page “Highlands New Jersey,” or other similar social media site which is currently or may be in the

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future established, shall state in such posting that the comment, posting or statement from that individual is a statement, comment or posting of that individual only and does not represent an official statement, comment or posting on behalf of the Borough of Highlands.

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

Other Resolutions:

R-14-216 – Resolution Appointing P/T Recreation Aide:

Mrs. Cummins read the title of resolution R-14-216.

Mr. Hill explained that we had a resignation.

**R-14-216
RESOLUTION APPOINTING
A PART TIME RECREATION AIDE**

WHEREAS, R. Austin O’Neil, part-time Recreation Aide has resigned from his position;
and

WHEREAS, this resignation has created a part-time opening for a Recreation Aide; and

WHEREAS, interviews were conducted with applicants and it is the recommendation of Jennifer Strehl, Recreation Assistant and Timothy Hill, Borough Administrator that Krystal Dos Santos be appointed to said position.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Krystal Dos Santos is hereby appointed to the position of Recreation Aide (Part-Time) effective immediately; and

BE IT FURTHER RESOLVED that said appointment is to be compensated at an hourly rate of \$8.25 per hour for up to ten hours per week.

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

R-14-221 – Resolution Approving Special Council:

Mrs. Cummins read the title of resolution R-14-221.

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Mr. Hill explained that a RFP was sent out. We have received a few proposals. We have a fixed amount from FEMA. He recommends hiring the Bathgate Firm.

R-14-221

**Special Counsel for Super Storm Sandy Related
FEMA and Insurance Issues**

WHEREAS, due to the effects of Superstorm Sandy, the Borough of Highlands has submitted claims to Federal Emergency Management Agency (“FEMA”) and the Monmouth JIF for any and all loss and damages the Borough has sustained or incurred as a result of the storm; and

WHEREAS, there exists a need for the Borough of Highlands to have access to an attorney and professionals with specialized knowledge of FEMA and Insurance Regulations; and

WHEREAS, the provider of such services must be qualified and possess unique expertise in the review, development, preparation, and presentation of such claims and submissions; and

WHEREAS, the Borough has received proposals to conduct this service and wishes to retain: Bathgate, Wegener & Wolf, P.C., One Airport Road, Lakewood, NJ as the Special Counsel for Super Storm Sandy Related issues as agreed to.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands, County of Monmouth, State of New Jersey, that the Mayor and / or Borough Administrator are authorized to sign a fee agreement with Bathgate, Wegener & Wolf, P.C. to retain said professional services.

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

R-14-222 – Resolution Hiring Temp Clerical Help for Recovery Efforts:

Mrs. Cummins read the title of resolution R-14-222.

Mr. Hill explained that we needed someone with experience to prepare paperwork for future funds and prepare the required reports for future auditing compliance.

RESOLUTION 14-222

**HIRE TEMPORARY HELP FOR SANDY RECOVERY EFFORTS
Clerical / Data Input**

WHEREAS, there is a need for assistance with Borough of Highlands Superstorm Sandy recovery efforts; and

WHEREAS, this position requires that the person possesses the knowledge, familiarity, experience and expertise needed in working with established data bases, documentation requirements, reports, purchasing, and preparation for future auditing compliance, & associated work; and

WHEREAS, such expenses incurred are deemed eligible for reimbursement by FEMA under Direct Administrative Costs associated with DR 4086 Sandy at 90% that the Borough will apply for; and

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WHEREAS, it is the recommendation of Tim Hill, Borough Administrator that Ms. Kim Gonzalez be appointed to this temporary position and be compensated at the rate of \$25.00 per hour (not to exceed 400 hours) with no additional benefits.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that Ms. Kim Gonzalez be appointed to this position and all records of such hours will be recorded and tracked by the Borough Administrator.

| | 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-14-223 – Resolution Authorizing Resident to Park Modular Home in Municipal Lot:

Mrs. Cummins read the title of resolution R-14-223

Mr. Hill explained that he was approached by a modular home firm. They are requesting the use of the municipal lot on Shore Drive for a staging area. It is for Snug Harbor.

Mr. Padula stated that they provided a certificate of insurance and notified Police, Fire and Construction Departments.

Mrs. Cummins read R-14-223 in to the record.

**R-14-223 - RESOLUTION AUTHORIZING RESIDENT TO
PARK MODULAR HOME IN MUNICIPAL LOT**

R-14-223

WHEREAS, a Resident of the Borough has requested to store for forty-eight (48) hours her modular home in the municipal lot at Bay and Central Avenues;

WHEREAS, the Administrator, Police Chief, Fire Chief, and Construction Official have approved the temporary placement; and

WHEREAS, the Resident has provided a Certificate of Insurance and agreed to indemnify the Borough.

NOW, THEREFORE, BE IT RESOLVED, that the Borough approves the temporary placement of modular home storage at the aforementioned parking lot for the time period of October 27, 2014 through October 29, 2014.

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--|------------|----------|-----|-----|---------|--------|
| | | | | | | |

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

Ordinances: Introduction & Set Public Hearing Date for December 3rd:

O-14-29 – Ordinance Repealing Depuration Commission

Mrs. Cummins read the title of O-14-29 on for introduction and setting of a public hearing date of December 3rd.

Mayor Nolan offered a motion and moved on the introduction and setting of a public hearing date of December 3, 2014 at 8:00 P.M.

O-14-29

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

AN ORDINANCE REPEALING SECTION 2-33, “HIGHLANDS DEPURATION COMMISSION,” AND ASSIGNING THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE DEPURATION COMMISSION TO THE GOVERNING BODY OF THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough, by prior ordinance, established a Highlands Depuration Commission (hereinafter referred to as “Commission”), codified in Section 2-33 of the Borough Code of the Borough of Highlands; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to eliminate the Commission and assume its functions, duties and responsibilities.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE. Section 2-33 (2-33.1 through 2-33.5) of the Code of the Borough of Highlands is hereby repealed in its entirety. Section 2-33 shall be subsequently identified as “Reserved;” and

SECTION TWO. Any duties, functions and responsibilities of the Commission are hereby assumed by the governing body, unless assigned by law to another individual or entity; and

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.

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

Seconded by Mr. Redmond and introduced 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

O-14-30 – Ordinance Authorizing Sale of Borough Property Bl 72 Lt 2

Mrs. Cummins read the title of O-14-30 on for introduction and setting of a public hearing date of December 3rd.

Mr. Nolan offered the following Ordinance pass introduction and that a public hearing date be set for December 3, 2014 at 8:00 P.M. and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-14-30**

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN PROPERTY
OWNED BY THE BOROUGH OF HIGHLANDS NOT REQUIRED FOR PUBLIC
PURPOSES PURSUANT TO N.J.S.A. 40A:12-13(b)**

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes local governmental units to sell real property owned by the governmental unit, not needed for public use, by private sale, to the owner of the real property contiguous to the real property being sold provided that the property being sold is less than the minimum size required for development under the Borough's zoning ordinance and is without any capital improvement thereon; and

WHEREAS, when there is more than one continuous property owner, N.J.S.A. 40A:12-13(b)(5) requires a local governmental unit to first offer to sell the real property to the highest bidder from among all such contiguous property owners; and

WHEREAS, the sale price shall be for not less than the fair market value of said real property; and

WHEREAS, the Borough is the owner of real property identified as Block 72, Lot 2 ("the Property") on the Official Tax Map of the Borough of Highlands; and

WHEREAS, the Governing Body has determined that the Property is not needed for public use; and

WHEREAS, an appraisal report prepared for the Property determined that the Property's fair market value is sixty thousand dollars (\$60,000.00), that the Property is less than the minimum size required for development under the Borough's zoning ordinance, and is without any capital improvement thereon; and

WHEREAS, the Governing Body has determined that it is in the public interest that Lot 2, Block 72 be sold the highest bidder from among all owners of real property contiguous to the Property for an amount not less than the fair market value of the Property; and

WHEREAS, the Governing Body has determined that the list of property authorized to be sold pursuant to this Ordinance and N.J.S.A. 40A:12-13(b)(5) is: Block 72, Lot 2 (Lot size is approximately 2,460 square feet) at a minimum price of \$60,000.00, said amount being not less than fair market value; and

WHEREAS, in accordance with N.J.S.A. 40A:12-13(b)(5), the opportunity to bid will be available to all contiguous property owners.

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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.

(a) The Governing Body hereby declares that the Property is no longer needed for public use and should be sold in accordance with N.J.S.A. 40A:12-1, et seq.

(b) The Governing Body hereby authorizes the Borough Clerk to offer the Property for sale to the highest bidder among continuous property owners by sealed bid.

(c) Any owner of real property contiguous to the Property may submit a sealed bid to the Borough Clerk on or before 11:00 a.m. on November 13, 2014 at the Temporary Borough Hall, 42 Shore Drive, Highlands, New Jersey. The bid must be accompanied by a deposit made payable to the Borough of Highlands in the form of cash, bank check, or cashier's check in the amount of 10% of the total bid.

(d) The sale, if not canceled, shall take place by sealed bid and by private sale to the highest bidder among the owners of property contiguous to the Property. The minimum bid shall be \$60,000.00.

(e) Any person bidding on behalf of a corporation or limited liability company must either submit a copy of a resolution of the corporation/company or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.

(f) The successful bidder, at the conclusion of the bidding, shall execute an Agreement of Sale. The balance of the purchase price shall be paid at closing which shall occur not later than 60 days following the acceptance of the bid by the Borough. The purchaser shall be entitled to possession immediately following closing of title.

(g) The Borough reserves the right to accept or reject any and all bids at the private sale and to not award to the highest bidder.

(h) In the event the Borough is unable to convey marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a quitclaim deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough in connection with the quality of title conveyed.

(i) The Property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Borough makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is." A prospective purchaser shall have examined the Property or otherwise waived the right to examine the Property prior to submitting the stated bid to the Borough. The Borough does not make any representations, express or implied, that the Property is buildable or usable for any purpose whatsoever.

(j) The Borough represents that the property which is the subject matter of this ordinance is a non-conforming parcel by virtue of the zoning ordinance requirements of the Borough of Highlands. If sold to a contiguous property owner, this property will merge with and become a part of the lot owned by the successful bidder that is contiguous to this property. The sale of this property by the Borough shall in no way be construed as an indication that a construction permit can be secured for the property.

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(k) All conveyances by the Borough shall be made by quitclaim deed.

(l) The Governing Body reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Governing Body as set forth in Paragraph (m) hereof.

(m) The acceptable bid shall be confirmed by resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such sale.

(n) In the event that the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

(o) The successful bidder shall indemnify and hold the Borough harmless from any claim whatsoever arising out of the Borough's ownership interest including but not limited to environmental cleanup costs.

Section 2. NOTICE. The Borough Clerk shall post and advertise copies of this ordinance as required by N.J.S.A. 40A:12-13(b)(5). A copy of this Ordinance shall also be sent by the Borough Clerk to each contiguous property owner.

Section 3. AUTHORIZATION. The Mayor, Clerk, Borough Attorney, and such other officials as may be necessary are authorized to prepare and execute a deed and all other necessary documents to convey the Property to the successful bidder, subsequent to the Governing Body adopting a resolution awarding the bid.

Section 4. 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 5. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. 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
ABSENT: None
ABSTAIN: None

O-14-31 – Ordinance Amending Mercantile License Ordinance

Mrs. Cummins read the title of O-14-31 on for introduction and setting of a public hearing date of December 3rd.

Mr. Padula stated that this allows us alternative besides the entity we use now. It does not eliminate it but gives us an alternative.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of December 3, 2014 at 8:00 P.M.

O-14-31

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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AN ORDINANCE SUPPLEMENTING SECTION 4-9, "MERCANTILE LICENSES," TO PERMIT BACKGROUND CHECKS BY AN ENTITY OTHER THAN FOR FINGERPRINT/ CRIMINAL RECORD HISTORY BACKGROUND CHECKS

WHEREAS, pursuant to N.J.S.A. 40:52-1, the Borough has determined to license merchants within the Borough and adopted Section 4-9, "Mercantile Licenses," in the Code of the Borough of Highlands; and

WHEREAS, Section 4-9.4 provides that on submission of the application and required fee to the borough clerk, the borough shall cause an investigation to be made by the police department of, *inter alia*, an applicant's criminal record history background check by submitting an applicant's fingerprints, which is performed by an outside entity designated by the State of New Jersey; and

WHEREAS, applicants have informed the Borough that it takes an inordinate amount of time to get an appointment and results from this outside entity; and

WHEREAS, the Borough wishes to provide applicants with other options for the criminal record history background check in order to expedite the process.

NOW, THEREFORE, BE IS ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE. Section 4-9.4(a), "Investigation; Appeals," of the Code of the Borough of Highlands shall be amended as outlined below with underscores representing additions and ~~strikethroughs~~ representing deletions:

a. Investigation. On submission of the application and required fee to the borough clerk, the borough shall cause an investigation to be made by the police department. The applicant shall pay the fees set forth below for said investigations as follows:

*State/Federal Fingerprint Checks..... \$ 59.00
(Money order only - Payable to: NJ State Police SBI)*

The Borough may, annually, select an alternate entity to provide criminal record history background checks/fingerprint services by soliciting proposals and designating the most qualified entity responding to the solicitation of proposals.

Gateway Business Status Reports (for financial background checks)..... \$ 5.00

Standing Certificates..... \$ 40.00

Foreign Limited Liability Certificates..... \$ 75.00*

Domestic Limited Liability Certificates..... \$ 75.00*

**The police chief, or his designated representative will have sole discretion to determine whether it is necessary to obtain Foreign and/or Domestic Limited Liability Certificates.*

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.

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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

Ordinances: 2nd Reading, Public Hearing & Adoption:

O-14-21 – Ordinance Amending Fees

Mrs. Cummins read the title of Ordinance O-14-21 on for 2nd Reading, Public Hearing and Adoption.
We may now open the public hearing.

Mr. Padula stated that this is to amend section 4-2.3 fees to increase the fees with a vehicle from \$10.00 to \$50.00. A push cart would stay the same.

Mayor Nolan opened the public hearing.

Mr. Francy of 36 Fifth Street asked about the licenses that are not in use.

Mayor Nolan said they will be dealing with that in the next ordinance.

There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-14-21 for 3rd and final reading and adoption.

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

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**

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.

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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 | | | |
| KANE | | X | X | | | |
| REDMOND | | | X | | | |
| RYAN | | | X | | | |
| NOLAN | X | | X X | | | |
| | | | | | | |
| ON CONSENT AGENDA YES x NO | | | | | | |

O-14-22 – Ordinance Amending Increasing Number of Peddler Licenses

Mrs. Cummins read the title of Ordinance O-14-22 on for 2nd Reading, Public Hearing and Adoption. This was published in the September 12th edition of the Two River Times. We may now open the public hearing.

Mayor Nolan opened the public hearing.

Mr. Francy of 36 Fifth Street asked about a provision stating that they need to prove use of their license in the prior year. He suggests that we add that to the ordinance.

Rachel Stockton of 31 Grand Tour commented on increasing the number of licenses. She feels that mobile vendors on Bay Avenue are an eyesore. They do not contribute to the tax base.

Carla Cefalo-Braswell of 62 Gravelly Point Road spoke of a HBP meeting where they discussed vendors. If we have six but they are not being used, we should use those. We do not have to increase the number.

Kim Skorka a 315 Shore Drive said she is against increasing the peddler’s license. Increasing the number is only a temporary fix. The landlords need to fix stores fronts so we can get more businesses in town.

Carolyn Broullon of Miller Street feels the mobile vendors attract business to the town.

Melissa Pederson of South Bay Street spoke favorably of the ordinance.

Barbara Ianucci of 28 Shrewsbury Avenue spoke about people like this type of shopping. There are other issues in the town preventing rental of commercial space.

Carla Cefalo-Braswell said that this is not about Penelope’s Truck. We have six licenses now. We should fix the ones we have that are not being utilized. Only two are being used right now.

Rachel Stockton spoke of prior meetings. This was not the vision. She spoke about parking issues. She is not in favor of this.

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Stacy Pritcher of 130A Bay Avenue spoke in favor of increasing the number of peddler's licenses. Our vision is to fill our main street with businesses.

Jen Prekel of 179 Navesink Avenue asked if the licenses are renewable. If they have not used it in a year, they lose it.

Chris Francy of 36 Fifth Street said that Sea Bright does have pop up vendors. Pop up markets work.

Melissa Pedersen of 17 Bay Street said there is a waiting list for these peddler's licenses.

Mayor Nolan explained that the licenses are still paid for even if they do not use them.

Mayor Nolan closed the public hearing.

Mr. Card feels that we need to regulate them. They are happening everywhere. The vendors may go into a building. We can also reduce the number of licenses later. We should embrace it now.

Ms. Ryan likes the idea of pop up trucks. She would prefer to have them all in one designated place. She is concerned about the licenses that are not being used.

Mr. Redmond would like to see the inactive licenses active.

Ms. Ryan wants to work on the list and bring it back to the table in March.

Ms. Kane stated that the waiting list is smaller and they are mostly hot dog carts.

Mr. Card feels that Penelope will solicit other licenses. He does not want 10 hot dog vendors either.

Mayor Nolan stated that the peddlers have a vested interest. The customers are coming to Penelope's Truck. We need to make sure we are doing something to attract money not visions.

Mrs. Cummins read the title of Ordinance O-14-21 for 3rd and final reading and adoption.

O-14-22

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**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

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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-14-24 – Ordinance Amending Building & Housing Code RE: Vacant Property

Mrs. Cummins read the title of Ordinance O-14-24 on for 2nd Reading, Public Hearing and Adoption. This was published in the September 12th edition of the Two River Times. We may now open the public hearing.

Mayor Nolan opened the public hearing.

Jim Bemis of Twin Light Condos asked if this is legal.

Mr. Padula stated that he relied on a State Statute that was recently passed.

Chris Francy of 36 Fifth Street feels this gives the borough officials a tremendous amount of power.

Mayor Nolan said that this opens up on what we can do.

Mr. Hill stated that one of the big points of this, is it will put the pressure on the banks that have been negligent on properties.

Mr. Francy said that we have a lot of local property owned.

Mr. Card said we need a judge to stand up and enforce ordinances. We are moving aggressively forward.

Lori Dibble of 2 Matthew Street questioned the measures that will be taken.

Mr. Padula stated that there is a process. We would put a lien on the property.

Mr. Card said this gives us broader options.

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Lori Dibble said there are a lot of vacant properties. Would we only be going after maintenance problems?

Mr. Card responded that we have to implement the ordinances that are in place. The people that are negligent will be fined.

Mayor Nolan added that we need to have the people to implement this. He further discussed issues.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-14-24 for 3rd and final reading and adoption.

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

**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

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:

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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;
- (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;

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(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.

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.

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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.

| | 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-14-25 – Ordinance Authorizing Installation of Stop Sign

Mrs. Cummins stated that this ordinance was never published. She needs a motion to table this to December 3rd meeting.

Mayor Nolan offered a motion to carry O-14-25 to the December 3rd meeting, seconded by Ms. Kane 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

O-14-28 – Ordinance Designating Portion of Valley Ave a One-Way Street

Mrs. Cummins read the title of Ordinance O-14-28 on for 2nd Reading, Public Hearing and Adoption. This was published in the October 10th edition of the Two River Times. We may now open the public hearing.

Mayor Nolan opened the public hearing.

Jim Bemis of Twin Lights Condos asked if we have State approval.

Mr. Padula stated that it is not required.

Jen Perkel of Navesink Avenue thanked the council for having the poles fixed and adopting this ordinance.

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There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-14-28 for 3rd and final reading and adoption.

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

**O-14-28
ORDINANCE AUTHORIZING THE BOROUGH OF HIGHLANDS
TO AMEND SECTION 7-4 OF THE BOROUGH CODE TO DESIGNATE
VALLEY AVENUE A ONE-WAY STREET IN THE DIRECTION OF NORTHEAST
FROM HIGHLAND AVENUE TO ROUTE 36**

WHEREAS, pursuant to N.J.S.A. 39:4-197, the Borough has the authority to pass an Ordinance, without the approval of the Commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, relating to the control of traffic in public streets, including designation of a one-way street; and

WHEREAS, the Borough of Highlands previously allowed individuals travelling in the Borough to utilize Valley Avenue as a two-way street; and

WHEREAS, the Borough wishes to amend Code Section 7-4 to designate Valley Avenue a one-way street in the direction of Northeast from Highland Avenue to Route 36; and

WHEREAS, the Chief of Police has recommended the aforementioned changes because of safety concerns of individuals travelling on Valley Road; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 7-4 to designate Valley Avenue a one-way street in the direction of Northeast from Highland Avenue to Route 36;

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 7-4 "One-Way Streets" shall be amended as follows:

Schedule II One-Way Streets

| <i>Name of Street</i> | <i>Direction</i> | <i>Limits</i> |
|-----------------------|------------------|-----------------------------------|
| Valley Avenue | Northeast | From Highlands Avenue to Route 36 |

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. 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

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ABSTAIN: None

Other Business:

Review of 2014 Best Practices

Mr. DeBlasio explained that the State came out with a best practice inventory. It's a questionnaire of about 50 questions. The purpose is to promote accountability, sound management and transparency. We received a score of 88. A score of 80 or lower the State withholds a percentage of your last 5%. We are in compliance.

Mayor Nolan asked if he had any recommendations that we can improve on to get a higher score.

Mr. DeBlasio will make recommendations moving forward.

Mr. Card will meet with Mr. DeBlasio to discuss recommendations.

Mayor Nolan offered a motion to adopt R-14-217, seconded by Mr. Redmond 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

House Raising Requirements

Mr. Hill spoke of new State regulations for contractors. The contractors must be licensed by the State of New Jersey. This is a State law. He further explained. Building permits will not be issued if the contractor for house lifting is not registered with the State.

Mr. Francy asked if you have a contractor before October 1st is it ok to proceed.

Mr. Padula – yes.

Discussion continued regarding contracting the house lifting out.

Mr. Hill explained that they should be registered also.

Noise Ordinance Update

Mr. Card stated that he is meeting with Kevin Redmond tomorrow and Chief Blewett. It is a noise ordinance that he wishes we would adopt and can adopt. It gives the Chief of Police two forms of enforcement. He could use a meter, which cost between \$85.00 to \$500.00. The other issue is working with the business owners. We will have a resolution ready for the next meeting.

Mayor Nolan recommended that they forward any documentation to our attorney for review

Veteran's Park Project

Mr. Card thanked Carla Braswell, Fire Department and the DPW for help in the cleanup. The boardwalk has started to be dismantled.

Ms. Ryan spoke about waiting until the spring due to the weather.

Mrs. Braswell stated that Tribar is waiting for the material.

Mr. Card spoke of the scope of work. A reduced material cost will determine how far we can go. He hopes we don't have to spend the whole \$150,000.00 in funds.

Discussion continued on what Tribar will be doing.

Mr. Card will keep council up to date on the progress.

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North Street Pump Station

Mr. Leubner spoke of revisiting this. The project is shovel ready. We need to finalize specs.

Ms. Kane spoke of the dollar amount to be in compliance.

Mr. Leubner said it will be a larger station.

Mr. Card feels we should move forward.

Mr. Leubner spoke of a second component. We have money to move to move the North St. pipe. We could move some of that money to the pump station.

Mr. Redmond offered a motion to move forward on the North Street Pump Station, seconded by Ms. Ryan 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 will complete plans and alternatives

Mayor Nolan suggested that he gives the completed plans to Mr. Hill.

NJ Resiliency Coastal Community Imitative

Mr. Hill stated that this was sent out from the NJDEP to make us aware of this initiative. He spoke with Steve Nelson about this. It's basically a duplication of something we are already involved in. It does not give us any additional money, but we will keep an eye on it.

Highlands Post Office

Ms. Kane stated that she was approached by residents about picking up packages in the Rumson office if you are not home on first delivery. She wants to draft a letter of support to get this changed.

Rita Jacobe of 409 Bay Avenue said you can call the Rumson office and they will deliver it.

Jim Bemis said he has reached out to the Post Master to complain about this.

Mayor Nolan stated we will send a letter of support.

Public Portion:

Jim Bemis of Twin Lights Condos asked about R-14-219.

Mr. Padula explained it was the American Legion settlement.

Jim Bemis spoke of problems with parking on Portland Road.

Mr. Hill said we are working on it. There are recommendations from the Chief of Police. We will introduce an ordinance at the December 3rd meeting.

Lori Dibble of 2 Matthew Street finds it offensive to open the meeting with a prayer.

Kim Skorka of 315 Shore Drive stated that Captains Cove is still a disaster. She knows there is litigation but something needs to be done. She wants to know what the punishment is if she post on Facebook without a disclosure.

Mr. Padula stated that the resolution does not address any penalty for violating the resolution.

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Mr. Hill explained that it is addressed in our personnel policy for employees. It is more for employees.

Mayor Nolan said that he gets calls from employees from items posted on Facebook.

Mr. Card said you can say and believe whatever you want on Facebook. There are other forms of social media.

Carol Bucco of 330 Shore Drive asked about the status of the Municipal Service Contract with Bayview Condos.

Mr. DeBlasio stated that it is in the process of getting done.

Carol Bucco asked Mr. Leubner about the Matthew Street house.

Mr. Leubner stated that they did go thru the zoning officer.

Carol Bucco is concerned with the setbacks.

Mr. Leubner stated that their setbacks are in compliance.

Carol Bucco spoke about the PILOT Program. They pay an amount in lieu of taxes. She feels that could be dangerous, for us to be careful. She spoke to Mr. Card about Facebook and the law she followed when she was on the school board. You never address the public as a council person. You may only do so if you have permission from everyone on the council. You need to be very careful. She also asked about R-14-222, was this position advertised.

Mr. Hill stated that we advertised internally and went with our existing work force.

Jen Perkel of Navesink Avenue thanked council for the poles on her street.

Claudette D'Arrigio of Seadrift Avenue said that she contacted the media not Mr. Card. She is appalled that the council thinks its ok to take away her constitutional rights. She will never post a disclaimer.

Mr. Hill stated that you were never told not to comment.

Ms. Kane feels we need to discuss things as a team.

Mr. Card does not feel we are a team. There is a lack of communication.

Ms. Kane is concerned about our image when they go on that sight.

Melissa Pederson of 17 Bay Street questioned the definition of volunteer. There is a lack of definition and no consequences. She continued to speak against R-14-220.

Ms. Kane and Melissa Pederson continued a heated discussion about Facebook.

Ms. Kane feels there is cyber bullying.

Chris Francy of 36 Fifth Street asked about our community rating program.

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Mr. Hill said we may be able for funds to put someone in place.

Mr. Leubner stated that we are waiting for DEP and FEMA reports.

Chris Francy asked if we can fix the deficiencies.

Mr. Leubner said he will be trying to fix it.

Mr. Card feels that OEM should be on the team with Flood Plan Administrator.

Rita Jacobe of 409 Bay Avenue said that she received calls that Councilman Card was behind the dumpster recording Havana and taking pictures. There was a band playing from 6pm to 10 pm. She asked if he was there on advice of the Council.

Mr. Card said he was there in his car. He was there because a citizen registered a complaint. He used an app meter. The Police were on scene before he got there. He was not videotaping or taking pictures. He did not speak to anyone.

Ms. Kane did see him with his hand out holding something but not near the dumpster.

Rita feels that this is a personal vendetta against the Havana Restaurant.

Mayor Nolan said he was there also because he had received an email. He was there due to receiving a complaint.

Mr. Card said the issue was rectified. The noise level was brought down.

Mayor Nolan said that three council members did respond to the email and Mr. Redmond made a phone call.

Rita asked if the complaint was about the loud music.

Mayor Nolan stated yes.

Carolyn Broullon of Miller Street spoke of all the highlands websites. Who owns what? Why don't we own one?

Mayor Nolan does not have the answer. He recalls in 2005, we had highlands.org and we used that in cooperation with the BID. We put our emails thru that.

Ms. Ryan said that they were set up by prior administrator.

Barbara Ianucci of 28 Shrewsbury Avenue spoke of R-14-220. She is blown away by this and is ashamed of being a member of a town that adopted this. She further explained. She then resigned as a volunteer appointee, as a member of the Environmental Commission and FEMA Volunteer Advisory, effective immediately. This resignation is a direct result of Highlands passing R-14-220 enforcing terms on how as a volunteer, she can comment on a non-official page on a public social media. She feels this resolution is unconstitutional and a violation of the rights protecting her first amendment and free speech.

Lori Ann Nolan of Snug Harbor stated that the PTO is have a trunk or treat and the recreation department will have a costume contest with a magic show on Sunday, October 26th on Henry

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Hudson High School. The girl scouts will have a service on Veteran's Day at Veteran's Park at 6:30 p.m.

There were no further questions.

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

The Meeting adjourned at 10:33 p.m.

Debby Dailey, Deputy Clerk

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