

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

Mayor Nolan called the meeting to order at 7:01 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, Mayor Nolan
Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Patrick DeBlasio, Tax Collector
Bruce Padula, Borough Attorney
Dale Leubner, Borough Engineer

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:** Captains Cove Marina, Kavanaugh vs Certified Clam
- 2. Contract:** C-2 Sewer Operations, CWA Contract
- 3. Real Estate:** Municipal Facility Properties
- Block 68 Lot 1/ Holly Street
- 4. Personnel Matters:** Building Dept. Staffing & Nancy O'Neil -RICED
- 5. Investigation:**
- 6. Attorney-Client Privilege:**

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

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

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

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned

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(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.

Mr. Card questioned why the building department staffing was being discussed in Executive. He feels it should be discussed in public. He also feels that the conflict of interest should be discussed in public as well as the results of the Fire Department Investigation.

Mr. Padula asked if the building department issue is separate from Nancy O'Neil.

Mrs. Cummins stated that she is building department staff. The Building Department Staffing was carried as well as Nancy O'Neil.

Mr. Hill stated that we are considering restructuring the Building Department.

Mr. Card said that the restructuring of the building department in general, he believes should be discussed publicly.

Mrs. Cummins stated that she has a motion to go into Executive Session, and needed a second.

Ms. Kane seconded.

Mr. Card wants conflict of interest and Fire Department taken out of Executive.

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Mr. Padula stated that the conflict of interest is on Executive to discuss his memo from last executive meeting.

Mr. Card asked if there was any decision being made on that tonight.

Mr. Padula stated that there were different conflicts of interest raised. There is one to the Local Finance Board and one that was the subject of his memo. The subject of the memo dealt with the Building Staffing issues. If Charlie Wells comes up, it would lead to a conflict and Ms. Kane would have to recuse herself. The Local Finance Board refused to opine on a hypothetical situation. He is preparing a response.

Mr. Padula stated that he does not want to discuss in public the Fire Department situation because it dealt with a personal matter involving Mr. Caizza.

Mr. Card said that it was the public that brought this to our attention regarding Mr. Caizza. He feels the public has the right to know the resolution.

Mr. Padula stated that it was only one person who turned in the petition. He does not have a problem with speaking to the individual.

Mr. Card said that the public signed the petition. He wants to inform the public that action has been taken.

Mr. Padula suggested that we state that the investigation has been concluded and we will reach out to the individual who brought it forward. She can relay the information to the signers of the petition.

Discussion continued.

Mr. Card feels that we have an obligation as a governing body to voice to the community that we have addressed the issue, agreed on the report and this is the recommendations going forward.

Mr. Padula stated that he does not have a problem saying that in public.

Mr. Card he requests to say it. He feels the recommendations are fair.

Mr. Hill stated that a letter was sent to Mr. Caizza with regards to the incident and the recommendations from the report were forwarded to him. The context of the letter it stated that any conduct of this nature occurs in the future, he will be notified that his conduct will warrant further action. They will also be providing Harassment Training. They will be working with the Fire Department to initiate the training.

Mr. Card asked who will pay for the classes.

Mr. Hill stated that the training would be appropriate for the Borough to provide to all employees.

Ms. Kane agreed and feels we should do every year.

Discussion continued regarding training.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting to order at 8:07 p.m.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

R-14-240:

Mrs. Cummins read the title of R-14-240.

Resolution R-14-240 – Resolution Appointing Two Police Officers:

Mayor Nolan offered a motion on the adoption of the following Resolution:

**R-14-240
RESOLUTION APPOINTING RYAN CLARK AND
RONALD OSADACZ AS POLICE OFFICERS IN THE
BOROUGH OF HIGHLANDS**

WHEREAS, the Borough of Highlands has a need to hire additional police officers; and

WHEREAS, the Chief of Police has recommended appointing Ronald Osadacz and Ryan Clark as Police Officers within the Borough, subject to successfully completing the appropriate background, medical and psychological tests.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough Highlands, that Ryan Clark and Ronald Osadacz are hereby appointed as Police Officers in the Borough of Highlands, subject to successful completion of the appropriate background, medical and psychological tests.

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Swearing in of Two Police Officers:

Mayor Nolan swore in Police Officer Ryan Clark.

Mayor Nolan swore in Police Officer Ron Osadacz.

Mayor Nolan and Governing Body congratulated the officers.

Consent Agenda:

Mr. Card asked to remove R-14-235, R-14-238 and R-14-239.

**RESOLUTION R-14-232
AUTHORIZING REFUND
OF UNUSED ZONING BOARD ESCROW FUNDS**

WHEREAS, the Borough Clerk of the Borough of Highlands has reviewed the escrow records and has determined that certain monies are due and payable by the Borough of Highlands to certain applicants; and

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WHEREAS, the Borough Clerk recommends the immediate reimbursement of the remaining funds collected by the Borough of Highlands in the amounts listed below: and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer is authorized to immediately refund and pay the remaining escrow funds listed below to the applicants listed below.

- 1. Markou, George ZB#2013-10 Block 43 Lot 10 \$194.27
Escrow Number T-03-56-856-810-122**

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

BOROUGH OF HIGHLANDS

R-14-233

AMENDING RESOLUTION NO. 14-227 TO CHANGE THE EFFECTIVE DATE OF THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1317-33-017-002 HELD BY L&P TAVERN, INC. D/B/A CORK AND BOTTLE TO FRANK J. FESTA, J.R. FROM NOVEMBER 5, 2014 TO JUNE 30, 2014

WHEREAS, by Resolution No. R-14-227, the Borough previously approved of the person-to-person transfer of the Borough of Highlands Plenary Retail Consumption License No. 1317-33-017-002 from L&P Tavern, Inc. d/b/a Cork and Bottle to Frank J. Festa, J.R.; and

WHEREAS, Resolution No. R-14-227 identified the effective date of the transfer as November 5, 2014; and

WHEREAS, the liquor license was previously renewed effective July 1, 2014, *nunc pro tunc*, for the period July 1, 2014 through June 30, 2015 and, therefore, the effective date of the transfer should have been identified as June 30, 2014; and

WHEREAS, the Governing Body has determined that it is appropriate to amend Resolution No. R-14-227 to correct the effective date of the person-to-person transfer of the aforesaid Plenary Retail Consumption License to Frank J. Festa, J.R from November 5, 2014 to June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby amend Resolution No. R-14-277 to correctly identify the effective date of the person-to-person transfer of the aforesaid Plenary Retail Consumption License to Frank J. Festa, J.R from November 5, 2014 to June 30, 2014 and does hereby direct the Borough Clerk to endorse the license certificate as follows: "This license, subject to all its terms and conditions, is hereby transferred to Frank J. Festa, J.R., effective June 30, 2014, 2014."

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

5	ODUCED	ONDED			LAIN	ENT
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CARD	X		X			
KANE			X			
REDMOND			X			
RYAN		X	X			
NOLAN			X			
ON CONSENT AGENDA			X	YES		NO

**R-14-236
RESOLUTION AUTHORIZING AGREEMENT
FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)
BETWEEN THE BOROUGH OF HIGHLANDS AND
THE BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Borough of Highlands has a need for eligible residents to have transportation to and from local food markets; and

WHEREAS, the Monmouth County Board of Chosen Freeholders has established the Special Citizens Area Transportation System (referred to as SCAT) which provides such transportation services at a rate of \$155.00 per half day.; and

WHEREAS, the Borough of Highlands has reviewed an agreement for said services for the period of January 1, 2015 through December 31, 2015 and finds it to be acceptable; and

WHEREAS, certification of availability of funds here hereby made contingent upon the adoption of the 2015 Municipal Budget.

Account – Community Center Other Expenses

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for the period of January 1, 2015 through December 31, 2015 at a rate of \$155 per half day for the purpose of providing transportation to eligible residents.

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

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R-14-237

**RESOLUTION AUTHORIZING THE REMOVAL OF A DISABLED PARKING SPACE
DESIGNATION**

WHEREAS, a removal of a designated Disabled Parking Designation has been requested to be removed by the Chief of Police because the Designee no longer resides at designated location at 70 Fourth Street.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the request for the removal of a designated disabled parking for Ms. Arlene Dorsy (P1163353) located at 70 Fourth Street is hereby approved and the DPW is instructed to remove sign.

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

**RECAP OF PAYMENT OF BILLS
12/03/2014**

CURRENT:		\$	73,384.14
Payroll	(11/30/2014)	\$	300,714.57
Manual Checks		\$	195,409.65
Voided Checks		\$	
SEWER ACCOUNT:		\$	6,730.71
Payroll	(11/30/2014)	\$	6,090.50
Manual Checks		\$	53,557.04
Voided Checks		\$	
CAPITAL/GENERAL		\$	3,812.94
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	22,859.51
Payroll	(11/30/2014)	\$	5,200.00
Manual Checks		\$	369.00
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	

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DOG FUND	\$	
GRANT FUND	\$	80.00
Payroll (11/30/2014)	\$	4,822.80
Manual Checks	\$	
Voided Checks	\$	
 DEVELOPER'S TRUST	 \$	
Manual Checks	\$	
Voided Checks	\$	

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

Minutes Approved on Consent Agenda:

Mr. Card offered a motion for the approval of the October 22nd and November 5th, 2014 Regular Minutes and Executive Session Minutes, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

- AYES:** Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan
NAYS: None
ABSENT: None
ABSTAIN: Mayor Nolan – November 5th Regular and Executive Meetings

R-14-235 – Resolution Authorizing Transfer Between Budget Appropriations:

Mr. Card asked Mr. DeBlasio to explain the \$6,000 transfer of funds for the First Aid.

Mr. DeBlasio explained that their line item expended. They have forthcoming expenditures.

Mr. Hill stated that part was unanticipated expenses due to the storm. It was recommended for them to put in a request and we would try to help them.

Mr. Card expressed his concern about going over budget.

Mr. Hill explained that they needed assistance in emergency repairs.

Discussion continued about emergency repairs.

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RESOLUTION – AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A.40A:4-58

WHEREAS, N.J.S. 40A:4-58 provides for the transfer as permitted between budget appropriations during the last two months of the fiscal year:

NOW, THEREFORE, BE IT RESOLVED By the Council of the Borough of Highlands (not less than two thirds of the governing body affirmatively concurring) that transfers between CY 2014 budget appropriations effective as of December 3, 2014

<u>A/C#</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
CURRENT FUND			
4-01-20-120-000-020	CLERK O&E	-1,000.	
4-01-20-120-000-010	FINANCE S&W	-5,500.	
4-01-25-275-000-010	PROSECUTOR S&W	-2,000.	
4-01-26-290-000-010	STREETS & ROADS S&W	-5,000.	
4-01-31-430-000-215	ELECTRIC	-5,000.	
4-01-20-120-000-010	CLERK S&W		1,000.
4-01-25-260-000-020	FIRST AID O&E		6,000.
4-01-20-165-000-020	ENGINEERING O&E		10,000.
4-01-25-265-000-010	FIRE SAFETY S&W		1,500.
	TOTAL	-18,500.	18,500.

WATER/SEWER FUND

4-05-55-502-000-020	SEWER O&E	-44,000.	
4-05-55-502-004-152	SEWER OPERATOR ATL.		33,000.
4-05-55-502-025-251	SEWER INSURANCE		1,000.
4-05-55-502-100-288	SEWER DEBT SERVICE		10,000.
	TOTAL	-44,000.	44,000.

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

R-14-238 – Resolution Authorizing Shared Service Agreement w/County for 911:

Mr. Card questioned the number of calls to 911.

Ms. Kane explained that this is a dual dispatch.

Chief Blewett explained that this is for 911. We don't have facilities, equipment or employees.

Mr. Card spoke about overtime budget for dispatchers.

**R-14-238
RESOLUTION APPROVING SHARED SERVICE AGREEMENT
WITH THE MONMOUTH COUNTY SHERIFF'S OFFICE**

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WHEREAS, the Borough's Shared Service Agreement with the Monmouth County Sheriff's Office is going to be expiring; and

WHEREAS, the Borough wishes to renew the shared services agreement with the Monmouth County Sheriff's Office for Emergency Dispatch Services for the calendar year 2015.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Borough hereby approves the shared services agreement with the Monmouth County Sheriff's Office for emergency dispatch services for the year 2015 and the Borough Administrator and Clerk are hereby authorized to execute agreement.

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

R-14-239-Resolution Authorizing Grant Application:

Mr. Card questioned Mr. Hill if we met the mandatory sessions for the grant.

Mr. Hill said yes and further explained.

RESOLUTION R-14-239

Whereas, the Borough of Highlands

(formal name of organization)

desires to apply for and obtain a grant from the New Jersey Department of Community Affairs

for approximately \$ 200,000.00 to carry out a project to assess, reduce or

(dollar amount of request)

remediate lead-based paint hazards in single and multifamily residential

(briefly describe the project)

units impacted by Superstorm Sandy throughout the Borough of Highlands.

Be it therefore RESOLVED,

1) that the Borough of Highlands

(formal name of organization)

does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between

the Borough of Highlands

(formal name of organization)

and the New Jersey Department of Community Affairs.

Be it therefore RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)

(signature)

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Timothy Hill
(type or print name)
Borough Administrator

(title)

Carolyn Cummins
(type or print name)
Clerk

(title)

CERTIFICATION:

I, Carolyn Cummins, the Borough Clerk
(name of Board Secretary / Government Clerk) (title of position- Board Secretary or Government Clerk)

of the Borough of Highlands
(formal name of organization)

herby certify that at a meeting of the Board of Directors/ Governing Body held on 12/03/2014
(meeting date)

the above *RESOLUTION* was duly adopted.

AFFIX GOV'T
CORPORATE OR
NOTARY SEAL

(Signature of Secretary of the Board of Directors or Government Clerk)
(12/03)

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

Other Resolutions:

R-14-234 – Resolution Awarding Contract for Bay Street Retaining Wall:

Mrs. Cummins read the title of R-14-234.

Mr. Leubner explained the project.

Mr. Card asked about the engineering estimate.

Mr. Leubner explained it's just a basis.

**R-14-234
RESOLUTION
AWARDING CONTRACT FOR THE REPLACEMENT OF 8 BAY STREET
RETAINING WALL PROJECT**

WHEREAS, the Borough of Highlands has advertised for bids for the Replacement of 8 Bay Street Retaining Wall Project in accordance with the Local Public Contracts Law; and

WHEREAS, the following two (2) bids were received and reviewed by the Borough Engineer and Borough Attorney:

Name	Bid Amount
Black Rock Enterprises, LLC	\$487,030.00
Berto Construction, Inc.	\$271,303.00

; and

WHEREAS, the Berto Construction appears to be the lowest responsible bid ; and

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WHEREAS, certification of funds is hereby made by the Chief Financial Officer that funds are available in the municipal bond ordinance adopted for said purpose:

Bond Ord. O-13-17 \$271,303.00

Patrick DeBlasio, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the Replacement of 8 Bay Street Retaining Wall Project is hereby awarded to Berto Construction, Inc. in the sum of \$271,303.00.

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

Ordinances: Introduction & Set Public Hearing Date for January 7, 2015:

O-14-34 – Ordinance Vacating the Right of Way Easement Reserved for Atlantic Coast Enterprises and Conveyed to Atlantic Highlands-Highlands Regional Sewerage Authority over a portion of Locust Street:

Mrs. Cummins read the title of O-14-34 on for introduction and setting of a public hearing date of January 7th, 2015.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of January 7, 2015 at 8: 00 P.M.

O-14- 34

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**ORDINANCE VACATING THE RIGHT-OF-WAY EASEMENT RESERVED TO
ATLANTIC COAST ENTERPRISES AND CONVEYED TO THE ATLANTIC
HIGHLANDS-HIGHLANDS REGIONAL SEWERARGE AUTHORITY OVER A
PORTION OF LOCUST STREET**

WHEREAS, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(4), a municipality, by ordinance and at private sale, may “release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes;” and

WHEREAS, by Deed dated May 12, 1969 and recorded in the Monmouth County Clerk’s Office in Deed Book 3636, Page 456 on May 26, 1969, John J. Torox reserved to Atlantic Coast Enterprises a right-of-way easement (for a sanitary sewer) over a portion of Locust Street in the Borough of Highlands, County of Monmouth, State of New Jersey (“the Easement”); and

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WHEREAS, by Deed dated March 25, 1971, and recorded in the Monmouth County Clerk's Office in Deed Book 3728, Page 20 on March 30, 1971, Atlantic Coast Enterprises conveyed the Easement to the Atlantic Highlands-Highlands Regional Sewerage Authority ("AHHRSA"); and

WHEREAS, the AHHRSA has since been dissolved by concurrent action by the Borough of Highlands and the Borough of Atlantic Highlands; and

WHEREAS, the Borough of Highlands will now administer, govern, and regulate water and sewerage operations in the Borough of Highlands, which includes regulation and administration of the Easement; and

WHEREAS, on or about March 13, 2014, memorialized in Resolution No. PB#2013-3, the Borough of Highlands Planning Board granted Final Site plan Approval to Navesink Capital Partners, LLC ("Navesink") to construct a residential development; and

WHEREAS, the Borough must extinguish the Easement in order for Navesink to proceed with its development as approved by the Borough of Highlands Planning Board; and

WHEREAS, Navesink will relocate the sanitary sewer in accordance with its development plans and in accordance with the final site plan approval granted by the Planning Board; and

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to extinguish the Easement and for new easements to be provided, as appropriate.

WHEREAS, the Governing Body has determined that it would be appropriate to vacate and release the Easement; and

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

SECTION ONE. The Borough hereby vacates and extinguishes any and all right, title and interest to the public in and to certain lands described as a portion of Locust Avenue to be vacated, and more fully described in the Deeds recorded with the Monmouth County Clerk's Office in Book 3636, Page 456 and Book 3728, Page 20, subject to all conditions set forth hereinabove. In the event Navesink does not comply with the terms of the Final Site Plan Approval, as approved by the Planning Board on March 13, 2014 and memorialized in Resolution No. PB#2013-3, this Ordinance shall be void *ab initio* upon adoption of an Ordinance rescinding this Ordinance.

SECTION TWO. The Borough Clerk, Mayor, his designee, and such Borough Professionals as are necessary, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing an Extinguishment of Easement in a form acceptable to the Borough Attorney.

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

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

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ROLL CALL:

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

O-14-35 – Ordinance Amending Chapter X “Buildings and Housing” of the Borough Code to Create a Vacant Property Registration Process:

Mrs. Cummins read the title of O-14-35 on for introduction and setting of a public hearing date of January 7th, 2015.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of January 7, 2015 at 8:00 P.M.

O-14-35

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING CHAPTER 10 “BUILDINGS AND HOUSING” OF THE
BOROUGH CODE TO CREATE A VACANT PROPERTY REGISTRATION PROCESS**

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 Borough of Highlands contains many structures that are vacant in whole or in part; and

WHEREAS, in many cases, the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain or secure them to adequate standards, or restore them to productive use; and

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; and

WHEREAS, the governing body finds that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, loss of property, tax revenues, accumulation of trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the Borough of Highlands incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to police calls, fire calls, and property inspections; and

WHEREAS, it is in the public interest for the Borough of Highlands to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough of Highlands; and

WHEREAS, it is in the interest of the Borough of Highlands to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures;

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NOW, THEREFORE BE IT ORDAINED as follows:

Section One. The Borough Code, Article X, “Buildings and Housing” shall be amended and a new chapter, Chapter 10-13 shall hereinafter be adopted to provide as follows:

**10-13 VACANT STRUCTURE LICENSING AND VACANT PROPERTY
REGISTRATION PROCESS.**

10-13.1. Definitions.

A. “Municipal Officer” shall mean the Administrator or Designee as may be designated by the Administrator in writing.

B. “Owner” shall include any private title holder, any agent of a private title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Municipal Officer of the Borough of Highlands to have authority to act with respect to the property. This Ordinance exempts any municipal, county or state owner of a vacant building or structure.

C. “Vacant Property” shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair and rehabilitation, including but not limited to, any property meeting the definition of vacant property in N.J.S.A. 55:19-80, *et seq.*, provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owners for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

10-13.2.

A. Effective January 1, 2015, the owners an any vacant property, as defined herein shall, within thirty (30) days after the building becomes vacant or within thirty (30) days after assuming ownership of the vacant property, whichever is later; or within ten (10) days of receipt of notice by the municipality, file a registration statement for such vacant property with the Municipal Officer on forms provided for that purpose by the Municipal Officer along with any fee required by this Ordinance. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

B. Each property having a separate tax block and lot number shall be registered separately.

C. The registration shall include the information required under Section 10-13.4 of this Ordinance, the insurance certificate required by Section 10-13.7 of this Ordinance, as well as any additional information that the Municipal Officer may reasonably require.

D. The registration shall remain valid for one year from the date of registration. The Owner shall be required to renew the registration annually as long as the building or structure remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 10-13.5 of this Ordinance for each vacant property registered.

E. The Municipal Officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration

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fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

F. i. Any Owner of vacant property who submits plans to the Municipal Officer that completely rehabilitate or restore the property to productive use and occupancy within the twelve (12) month period following the date of the initial property registration shall be exempt from payment of the registration fee if the Municipal Officer deems that the rehabilitation or restoration project may be complete in that twelve (12) month period, but shall comply with all other provisions of this Ordinance. In the event that the property has not been restored to productive use and occupancy at the end of the twelve (12) month period, the owner shall be liable for any fee waived. The Municipal Officer may extend the waiver of the registration fee for not more than one (1) additional year in response to a written request by the Owner where the Municipal Officer finds that compelling conditions outside the Owner's control made it impossible for the Owner to restore the property within the initial twelve (12) month period.

ii. Where the Owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property is subject to this Ordinance is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, marketing or other conditions that project may require more than one (1) year for realization, the Municipal Officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the Owner as long as the Municipal Officer finds that the Owner is making reasonable progress toward completion of the project. The Owner shall provide the Municipal Officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

G. The Owner shall notify the Municipal Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Officer for such purpose.

H. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Owner or Owners of the building

10-13.3.

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or designated agent.

10-13.4.

A. The registration statement shall include (i) the name, street address, email address and telephone number of a natural person twenty-one (21) years of age or older, designated by the Owner or Owners at the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner or Owners in connection with the enforcement of any applicable code; and (ii) the name, street address, email address, and telephone number of the firm or individual responsible to maintain the property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons.

B. An owner who is a natural person may designate him or herself as agent or as the individual responsible for maintaining the property.

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C. By designating an authorized agent under the provision of this section the Owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding and administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any Owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the Owner notifies the Municipal Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

D. Any Owner who fails to register a vacant property under the provisions of this Ordinance shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

10-13.5.

A. The registration and renewal fee for each building or structure shall be as follows:

Initial Registration	\$250.00 or pro-rated amount per Sec. 10-13.2 of this Ordinance
First Renewal	\$400.00
Second Renewal	\$750.00
Any Subsequent Renewal	\$1,000.00 or 5% of assessed value, whichever is higher.

B. At least 50 percent of all fee income resulting from the application of this Ordinance shall be deposited in a trust fund that shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to, code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and/or promote further productive reuse of properties.

10-13.6.

The Owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within thirty (30) days of the structure becoming vacant or thirty (30) days of the Owner taking title to the property shall:

- (1) Enclose and secure the structure as provided in the applicable code of the Borough of Highlands or as set forth in rules and regulations adopted by the Municipal Officer to supplement those codes;
- (2) Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash and debris;
- (3) Post a sign affixed to the structure with the name, address, and telephone number of the Owner and the Owner's authorized agent for the purpose of service of process, and the name, address, and telephone number of the entity responsible for the maintenance of the property, which may be the same as the authorized agent. The sign shall be at least 8" x 24" in dimension, shall include the words "to report problems with this building, call ...", and shall be placed in a location where it is clearly legible from the nearest public street sidewalk; and
- (4) Maintain the structure in a secure and closed condition, keep the grounds in a clean and well maintained condition, and ensure that the

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sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

10-13.7.

The Owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within thirty (30) days of any lapse, cancellation or change in coverage. The Owner shall attach evidence of the insurance to the Owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed an invalid registration.

10-13.8.

The Borough of Highlands shall establish an on-line procedure by which citizens can provide the Municipal Officer with information on unkempt or unregistered properties that may be subject to this Ordinance through electronic means.

10-13.9.

A. Any person who violates any provision of this Ordinance or of the rules and regulations issued hereunder shall be fined not less than \$250.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the Owner and shall be a lien on the property.

B. For purposes of this section, failure to file a registration statement within thirty (30) days after a building becomes vacant property or within thirty (30) days after assuming ownership of a vacant property, whichever is later; or within ten (10) days of receipt of notice by the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of section 10-13.6 or 10-13.7 of this Ordinance, or such other matters as may be established by the rules and regulations of the Municipal Officer shall be deemed to be violations of this Ordinance.

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
ABSENT: None
ABSTAIN: None

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O-14-36 – Ordinance Authorizing the Borough of Highlands to Amend and Supplement Sections 7-3.4 and 7-4 of the Borough Code to Prohibit Parking on Twinlights Terrace at the Intersection of Light House Road and Twinlights Terrace and the entire south side of Twinlights Terrace and to Designate Twinlights Terrace a One Way Street from Lighthouse Road toward South Peak Street:

Mrs. Cummins read the title of O-14-36 on for introduction and setting of a public hearing date of January 7th, 2015.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of January 7, 2015 at 8:00 P.M.

O-14-36

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE AUTHORIZING THE BOROUGH OF HIGHLANDS TO AMEND AND SUPPLEMENT SECTIONS 7-3.4 AND 7-4 OF THE BOROUGH CODE TO PROHIBIT PARKING ON TWINLIGHTS TERRACE AT THE INTERSECTION OF LIGHT HOUSE ROAD AND TWINLIGHTS TERRACE AND THE ENTIRE SOUTH SIDE OF TWINLIGHTS TERRACE AND TO DESIGNATE TWINLIGHTS TERRACE A ONE-WAY STREET FROM LIGHTHOUSE ROAD TOWARD SOUTH PEAK STREET

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 of Transportation, 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 the parking of vehicles on streets and portions thereof and the designation of a one-way street; and

WHEREAS, the Borough of Highlands previously allowed parking on Twinlights Terrace; and

WHEREAS, the Borough of Highlands additionally allowed motor vehicle traffic, in both directions, for the entire length of Twinlights Terrace; and

WHEREAS, the Borough wishes to amend Code Section 7-3.4 to prohibit parking on the on Twinlights Terrace from the intersection of Twinlights Terrace and Light House Road to a point 204 feet west of that intersection on Twinlights Terrace Road; and

WHEREAS, the Borough wishes to further amend Code Section 7-3.4 to prohibit parking on the entire south side of Twinlights Terrace; and

WHEREAS, the Borough wishes to also amend Code Section 7-4 to designate Twinlights Terrace a one-way street from Light House Road west toward South Peak Street; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Sections 7-3.4 and 7.4 to amend the parking and driving restrictions on Twinlights Terrace; 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 Sections 7-3.4 “Parking Prohibited at All Times on Certain Streets” and 7.4 “One-Way Streets” shall be amended as follows:

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Schedule I, No Parking

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
<i>Twinlights Terrace</i>	<i>North</i>	<i>From the intersection of Twinlights Terrance and Light House Road to a point 204 feet west</i>
<i>Twinlights Terrace</i>	<i>South</i>	<i>Entire length.</i>

Schedule II, One Way Streets

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
<i>Twinlights Terrace</i>	<i>West</i>	<i>Entire Length: Light House Road west toward South Peak Street</i>

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 Mr. Card 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-14-37 – Ordinance Authorizing the Borough of Highlands Construction Office to Accept Certified Checks or Money Order in Lieu of a Personal Check:

Mrs. Cummins read the title of O-14-37 on for introduction and setting of a public hearing date of January 7th, 2015.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of January 7, 2015 at 8:00 P.M.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE NO. O-14-37

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
AUTHORIZING THE BOROUGH OF HIGHLANDS CONSTRUCTION
OFFICE TO ACCEPT CERTIFIED CHECKS OR A MONEY ORDER IN
LIEU OF A PERSONAL CHECK**

WHEREAS, the Uniform Construction Code (“UCC”) provides standards for municipal fees, but is silent on forms for payment of fees; and

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WHEREAS, the Borough of Highlands Construction Office wishes to request payment for fees in the form of a Certified Check or Money Order, in lieu of a personal check, for those individuals whose previous payment of fees was returned to the Office for lack of funds;

WHEREAS, the Borough of Highlands Construction Office shall also recoup any and all funds associated with receipt of a returned check for insufficient funds from the individual responsible for such;

WHEREAS, the Governing Body of the Borough of Highlands find that it is appropriate and in its best interest to permit the Construction Office to request payment of fees via Certified Check or Money Order;

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

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

E. Certified Check or Money Order

If, within the last twenty-four (24) months, an applicant has previously provided payment by check that was returned with insufficient funds, the Construction Code Official and/ or an agent of the Construction Code Official shall require a Certified Check or Money Order as payment for fees due and owing.

F. Any individual who provides the Construction Office with a check that is returned to the Office as insufficient funds shall be responsible to reimburse the Borough for any and all fees or penalties resulting from the insufficient funds.

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

Section 3. **EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

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

Carolyn Cummins, Borough Clerk

Frank Nolan, Mayor

Seconded by Ms. Kane 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

=====
Ordinances: 2nd Reading, Public Hearing and Adoption:

O-14-25 – Ordinance Approving Stop Sign

Mrs. Cummins read the title of O-14-25 on for 2nd reading and public hearing. This ordinance was published in the October 31st edition of the Two River Times and may now be open for a public hearing.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive asked if this is where Eastpointe's driveway comes out.

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Mr. Redmond responded – yes.

There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-25 on for 3rd and final reading and adoption.

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

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

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. Kane and adopted on the following roll call vote:

ROLL CALL:

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

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ABSENT: None

O-14-29 – Ordinance Repealing Depuration Commission

Mrs. Cummins read the title of O-14-29 on for 2nd reading and public hearing. This ordinance was published in the Two River Times and may now be open for a public hearing.

Mayor Nolan opened the public hearing.

Peter Mullen questioned the reason for the dissolution.

Mayor Nolan explained due to lack of action. He further explained.

Mr. Card said that they received no feedback from the Depuration Commission.

There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-29 on for 3rd and final reading and adoption.

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

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 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

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

Mrs. Cummins read the title of O-14-30 on for 2nd reading and public hearing. This ordinance was published in the October 25th edition of the Two River Times and may now be open for a public hearing.

Mr. Padula explained the location on Bay Avenue by Atlantic Street. We have received some bids on the property which is below the reserve price. This is a process that we have to go thru. It is opened to neighboring properties first. If the bids are not received, it will then go to public bid.

Mayor Nolan opened the public hearing.

Kim Skorka of 315 Shore Drive asked if we do not receive a \$60,000.00 bid, we can't sell.

Mr. Padula stated that if we do not receive a bid for \$60,000.00 or more, we then go to public auction. We can set a reserve.

Barbara Ianucci of 28 Shrewsbury Avenue asked if this has been considered for open space.

Mr. Hill explained that it is a very small lot.

There were no further questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of O-14-30 on 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
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

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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.

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.

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(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.

(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.

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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

O-14-31 – Ordinance Amending Mercantile License Ordinance

Mrs. Cummins read the title of O-14-31 on for 2nd reading and public hearing. This ordinance was published in the October 31st edition of the Two River Times and may now be open for a public hearing.

Mr. Padula explained that this does not remove what we have now, it provides an alternate.

Mayor Nolan opened the public hearing.

Carla Braswell-Cefalo of Gravelly Point Road commented positively on the ordinance.

Mayor Nolan closed the public hearing.

Mr. Card offered the following ordinance pass final reading and moved on its adoption:

O-14-31

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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 ~~strike throughs~~ 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:

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*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.

Seconded by Mayor Nolan 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

O-14-33 – Ordinance Exempting Existing Bungalow Colonies for Requirements

Mrs. Cummins read the title of O-14-33. We need to review the Planning Board Recommendations for this ordinance.

Mr. Padula explained the Planning Boards recommendations. They found it to be consistent with the Master Plan. They recommend that we define a bungalow colony and that a c/o be required for seasonal rentals. Also recommend amending a section of the proposed ordinance to exempt from the site plan requirement any application that is filed to elevate a structure to mitigate a flood issue. We can make the changes. It really doesn't change the substance of the ordinance.

Mayor Nolan wants to include the recommendations.

Mr. Padula stated that we would re-introduce at the next meeting.

Mayor Nolan offered a motion to except the Planning Boards recommendations, and 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

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Committee Reports:

Finance

Mr. DeBlasio explained that on November 13th we had our special emergency note come in for \$3,360,000.00. We had reductions and FEMA proceeds. We re-issued the new note for \$1,644,000.00. We got that note at a rate of 1.625%. This note started at \$4,200,000.00. It's a good reduction in two years.

Mr. DeBlasio spoke of a bond anticipation note maturing. That was for \$2,765,000.00 at an interest rate of 1.5%.

Mr. DeBlasio spoke of our recent tax sale that was held on line on December 1st. We generated \$78,000.00 in revenues. We had \$215,600.00 in premium paid to us. He further explained the online process. He also stated that he was asked to provide online tax and sewer payments for 2015. The cost of that is \$2400.00 in maintenance charge per year. We are negotiating with Edmunds. They can do it for \$1200.00 per year.

Council supports on line payments.

Mr. DeBlasio will do a purchase order.

Public Safety

Chief Blewett briefly read thru his report.

POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1156
FAX: 732-872-9240

***Report to Council
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- * A resident reported her identity stolen after she was advised by Bank of America that there was an attempt to access and withdraw money from her Visa debit card on October 20, 2014. Internal protocols at the bank stopped the transaction and since no money was lost the investigation was closed.
- * On October 21, 2014, a Shore Drive resident reported being harassed by telephone. As a result of a preliminary investigation officers learned that the complainant was involved in a civil court matter and the caller represented an authorized court mediator. No further investigation or action was warranted.
- * Robert Hartsgrove, 50 years of age, and his wife Audra Hartsgrove, 47 years of age, both reportedly

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homeless were arrested on October 22, 2014 and charged with defiant trespass after they were found at a vacant private residence that they were not authorized to be at.

- * On October 29, 2014 officers received an early morning report from a Navesink Avenue resident that he had been assaulted by his roommate. The investigation revealed that the accused, Levi Souza, had also attacked his girlfriend while restraining her from leaving the residence and threatening her with a knife. The girlfriend was able to leave the residence at which time she returned home to Fair Haven. The accused continued to threaten the girlfriend through social media before taking a taxi to the residence and committing a burglary there. As a result of a joint investigation with the Fair Haven Police Department Levi Souza, 24 years of age, Navesink Avenue, Highlands was charged with (6) counts of aggravated assault, kidnapping, criminal restraint, tampering with a witness, retaliation against a witness, possession of a weapon, possession of a weapon for an unlawful purpose and (2) counts of criminal mischief in Highlands and his bail was set at \$400,000.00 with no ten percent option. Mr. Souza was also charged by Fair Haven Police with burglary, criminal trespass and violation of a restraining order and bail was set at \$28,500.00 with no percent option. Mr. Souza was subsequently transported to the Monmouth County Correctional Institution in lieu of bail and while enroute he struck his head on the patrol vehicle partition requiring a medical clearance from Centra State Medical Center.
- * Douglas R. Mollema, 68 years of age, Colts Neck was arrested and charged with driving while intoxicated, reckless driving, speeding and failure to maintain lane following a motor vehicle stop on October 31, 2014.

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- * **Administration:**
 - Hiring
 - Anticipate hiring (2) SLEO II's for spring
 - Advertising & hiring process needs to be started now
 - Grants
 - The State Division of Highway Traffic and Safety awarded the department grant mobilization funds to cover the cost of hiring off-duty officers for the enforcement of driving while intoxicated laws during the Holiday season.
 - Program: October 2014 through September 2015
 - Grant Amount: \$10,000.00
 - Once again this department was awarded DWI grant funds based on prior successful enforcement.
- * **Training:**
 - Firearms – all officers attended mandatory range qualifications for sub guns/AR-15

* **Investigations:**

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During this period the detective bureau handled (4) new initial burglary investigations that which included sexual assault, simple and aggravated assaults and theft that required additional follow up including witness interviews/statements, referrals/meetings with other agencies (Monmouth County Prosecutor's Office/Division of Youth and Family Services) and is in addition to investigations that were handled by other officers but does not include routine calls handled on a daily basis or carry over investigations from previous months.

* **Community Policing:**

- Events
 - Participants attended the Eastern State Penitentiary Terror Behind the Walls Haunted House on Friday, October 25, 2014.
- Training
 - Participants attended a Terrorism and Biological Agents training session hosted by the West Long Branch Police Explorer Post with an FBI guest speaker on October 22, 2014.
 - November 12, 2014 participants attended a training session hosted by the Marlboro Police Explorer Post on Emergency Response Teams.

* Total Calls for Service: 539

* Arrests: Adults: 12
 JV: 0

* Summons: Total: 71

 Moving Violations: 31
 Non-Moving: 23
 DWI: 3
 Boro Ordinance: 14

(Report covers the period from October 16 to November 15, 2014)

JRB/dla

Administration

Mr. Hill read thru his report and updates.

1. Various Recovery Related items:

- a. Borough Hall / Community Center – Meeting was held on Dec. 2nd. All additional information, recommended updates, and changes to scope of projects have been submitted for final review. We anticipate having the findings from FEMA inclusive of maximized funds that could be allocated by December 30th.
- b. NJ DCA Unsafe Structure Program – We continue to be in weekly contact with NJDCA - no determination has been made as to the number of properties that will be included.
- c. FEMA Private Property Demo Program Appeal: We met again with NJ State Office of Emergency Management Public Assistance officials and the Region II Appeals Unit representative on Dec. 2nd. We are continuing our appeal of the process and expect findings to be forwarded to us within 90 days.

2. **Department of Public Works / Sanitation Services / Sewer**

- a. Bulk Pick-Up is scheduled for December as per collection Zones.
- b. Brush & Leaf pick-up held Nov continue into December as per collection Zones.

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- d. DPW continued general rounds, basin clean-outs, and responded to Sewer issues – 1 emergency repair had to be performed and clean out took place at one other location.
- e. Bid Opening for Street Sweeper – was held November 25th – under review.
- f. We are accepting applications for seasonal snow removal personnel.

3. Building and Housing: November 2014

a. CONSTRUCTION OFFICE

No Report – will be provided at 12/10 meeting.

- b. **Zoning Office:** 8 Approvals, 6 Letters of Compliance, 2 Floodzone Inquiry Letters.

Floodplain: 16 Approvals, 2 Denials, 1 Requested Ordinance Change

- c. **Code Enforcement:** 21 inspections - 4 failed, 19 CO's issued - 1 violation corrected.

Continue site inspections with regards to vacant homes & cross referencing potential properties identified by the NJDCA & FEMA PPD programs.

4. Recreation Dept.

- a. Kids on the Move Program held Monday, Tuesday & Wednesdays at HES.
- b. Senior Citizen Business Meeting held Nov. 13th at VFW.
- c. High School Teen Night, Nov. 14th - 29 participants; (Will resume in January)
- d. Men's Basketball League, ended on Nov. 18th - 41 registered total;
- e. Middle School Teen Night, Nov. 21st - 12 participants (Will resume in January)

Upcoming Recreation Events / Programs

1. **Kids on the Move Program** - Monday, Tuesday, & Wednesday afternoons from 3-5 pm at the Highlands Elementary School.
2. **Adult Open Gym Indoor Soccer** - Wednesday evenings, December 3, 2014 - March 25, 2015 from 7:00 pm - 9:00 pm at the Henry Hudson Regional School Gym.
3. **Holiday Tree Lighting Event - December 5th at 6:00 pm at Huddy Park**, the Recreation Dept. will be providing Hot Chocolate and Cookies during the Tree Lighting. (Rain Date, December 6th at 6:00 pm.)
4. **Holiday Helpers - December 6th from 9:00 am - 3:00 pm at Henry Hudson Regional School Media Center;** The Recreation Dept. along with the Henry Hudson Key Club will be offering Free Child Care Service for busy Holiday shoppers. The event is for Highlands and Atlantic Highlands children ages 5 to 11 and will include games, activities, arts & crafts, and a snack. Please send your child with a bagged lunch. You must fill out a registration form at the time you drop your child or children off. Please Pre-Register by December 4th by calling 732-872-1224 ext. 232.
5. **Breakfast with Santa - December 13th from 9:00 am - 11:00 am at the Henry Hudson Regional School Cafetorium.** Sponsored by the Highlands Recreation Dept. and the Henry Hudson Key Club, breakfast will include bagels, muffins, cereal, fruit, juice, and coffee. Bring your cameras for pictures with Santa Claus!
6. High School Teen Night - for ages 14-18, Jan. 9th at the Highlands Elem. School Gym from 7-9:30 pm. The event is free and pizza & soda will be served.

5. Administration

- a. RFP's sent out for Master Plan (due Dec. 5) and NJEDA Streetscape Project Engineer (due Dec. 19th)

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- b. Received additional Grant funds from Monmouth County in the amount of \$3,435 for Highlands/AH Municipal Alliance program. Heather DeBlasi, Alliance Coordinator reported that it was the largest additional amount of funds given in Monmouth County.
- c. Monmouth County Park System - Battery Lewis Restoration Project – anticipate project early 2015.
- e. Working with QPA regarding State Contract for Fuel Card Services – will result in cost savings and potential 1% return on costs incurred.
- f. NJLOM Conference - attended 7 sessions and had multiple on site consults with various vendors.
- g. Workforce Development Grant – We have been notified that the NEG Grant will be ending on December 31, 2014. This will result in the loss of 5 temporary employees who have been assisting with various departments and functions.
- g. Working with Millennium Strategies on various grant applications.

Ms. Kane added that the Fire Department will be doing Toys for Tots on Sunday, December 21st at 1:00 for needy families.

Board of Education Report

Ms. Ryan explained that we have one superintendent for the tri-district. Under her direction, they had a strategic planning session. The results will be published. A lot of residents showed up. There is also a Tri-District Foundation that was kicked off six weeks ago. She further explained. She also stated that Henry Hudson is in the process of becoming a series of Academies. They hope to attract students from all over the bayshore. They hope to have the academy opened in 2017. She will continue to give updates.

Mayor Nolan added that Atlantic Highlands School representatives were also present at the meeting.

HBP

Marketing & Events

Oktoberfest – was scheduled for October 4th, with a rain date of October 5th. We called the rain date 3 days prior to the event. Sunday we had perfect weather, but attendance was low due to the use of the rain date and it being on a Sunday. The total income was \$17,539.00 and the total expenses were \$14,571.86.

Holiday Tree Lighting and Holiday Lights – The Holiday Tree Lighting will take place on December 5th, (rain date Dec. 6th) at 6PM at Huddy Park. The Henry Hudson A Capella Choir, Highlands Girl Scout troop and Carol Elaine Dancers will be performing. There will be free hot chocolate and goodies courtesy of the Highlands Recreation Department and free horse & buggy rides courtesy of the HBP. We will be having the second annual Holiday Lights Contest that is open for any residential home within the Highlands Borough limits. You will be able to find the entry form on www.highlandsnj.com. You must register by December 19th, judging will take place on December 20th. There will be up to \$500 in BID Bucks awarded.

Visual Improvement

Fall decorations in public areas included mums at the Highways sign, cornstalks and scarecrows on Bay Ave and in Huddy and Veterans Park in time for the Fall Farmers Market, Twin Light Ride and Oktoberfest.

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Holiday decorations include installation of lights on the Huddy Park fence with special thanks to Ken Braswell and Diane Keaveny. Sixty Five Candy Canes were installed on Bay Ave., the Parks and highway signs. Fresh green roping and red bows were placed on the fencing at Huddy and Veterans Park and the tree was installed in Cornwall Square. All decorations were funded by HBP and installed by volunteers and HBP staff.

HBP also hired In the Garden to decorate the planters on Bay Avenue and the bulkhead sign.

Economic Development – On October 11th, a volunteer crew of 10 deconstructed the portion of the Veterans Park boardwalk that will not be rebuilt. Barry Hefferman of Tribar has completed phase I of the drainage portion as part of his barter agreement. HBP has purchased the composite material required for the new boardwalk, Tamko Evergrain Capecod Gray and will coordinate delivery with Mr. Hill and Barry Hefferman.

Robin Hood Grant –As of today 23 projects have been completed. One home is in progress, and one pending bids. We will submit the final report to Robin Hood as required.

HBP final Board of Directors meeting was held on November 24th and our 2015 Event Calendar, Budget and Goals & Objectives will be submitted to the Council for approval by the required dates.

We would like to take this opportunity to wish everyone a Happy & Safe Holiday Season.

Shared Services

No report.

Other Business:

North St. Pump Station

Mr. Leubner explained that he was directed to move forward with this project. He needs a decision from the council to finalize plans. He further explained.

Mr. Card stated that he reviewed the projects. The CDBG has additional grants. We need to move forward on this. He spoke about electric pump vs. diesel pump. He feels we should go with electric based on the report.

Snug Harbor Pump Station Project

Mr. Leubner spoke of additional cost estimate for Tier IV Electric which will power the Station and the Community Center. The initial cost is \$1,100,000.00 for electric and \$986,000.00 for diesel. In year two, the operating cost for the diesel is about \$300,000.00 per year and about \$70,000.00 for the electric. We will save \$230,000.00 if we go with electric with diesel back up.

Ms. Kane questioned bonding and additional money.

Mr. Leuebner explained that it is an EPA Mandate.

Mr. Card spoke of mandates. He feels that diesel is just opening a can of worms down the road.

Mr. Leubner stated that North Street is already bonded.

Mr. Card offered a motion to move forward on the North Street Pump Station and 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

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Mr. DeBlasio will look into funding for Snug Harbor additional cost. He will come back with bonding information at the next December meeting.

DBIZ Pipe Project

Mr. Leubner explained that they are trying to get pipes to work toward Jones Creek. We looked at using the pipe behind the bank with some improvements. If we go that route, he can save \$400,000.00. He further explained the project. He is asking council if this is something they want him to pursue.

Governing body told Mr. Leubner to move forward with looking at the pipe for the project.

Website Committee Report

Ms. Ryan stated that the website committee is present.

Al Prichard gave his report to council and explained report.

Ms. Ryan gave the website where the report can be viewed at www.tinyurl.com/HighlandsWebReport.

Al Prichard stated that the goal is to have a RFP by mid-January.

Ms. Ryan said that the committee will continue to meet and have a RFP to present to the council.

Rick Korn-Highlands Health & Fitness Summary

Mayor Nolan explained that there is a sub-committee for finance. They have met several times. Mayor Nolan, Ms. Kane, Mr. DeBlasio, Mr. Hill and some residents have attended the meetings. They are working on a presentation of plans for development.

Rick Korn gave a presentation of a summary report he presented to the council. He explained the Hotel development. It would have parking, tennis courts, pool, etc. He wants to build from Bay Avenue to the hill including where Borough Hall Trailers are to Borough Police Trailers.

Mayor Nolan asked for a plan to review for the finance committee, tax assessor and Master Plan sub-Committee.

Ms. Kane stated that this creates jobs for our community.

Discussions continued between council and Rick Korn.

Mr. Card questioned the cost of the project.

Rick Korn explained that they are bringing in major companies and is planning to have a review project for the spring.

FEMA Directive

Mr. Leubner spoke of his directive notice he sent based on FEMA directive. He explained that FEMA won't put anything in writing and they told him to go back to the 2009 Flood Maps. We are going to do a resolution and get a FEMA representative here to support FEMA to adopt maps. These new maps were originally supposed to be adopted in 2013.

The discussions with Mr. Leubner and Council continued.

Mr. Leubner stated that FEMA won't adopt maps until 2016.

AnneMarie Tierney of 29 Shrewsbury Avenue questioned her house project and risk for REM Grant.

Mr. Leubner stated that he feels she is safe, but he cannot get anything in writing from FEMA.

AnneMarie Tierney stated that she was not sure if she should start her foundation.

Mr. Leubner stated that she should contact the Grant people.

Carolyn Broullon of Miller Street spoke of her REM Grant and compliance.

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Mr. Leubner said she should stand behind their approval.

Mr. Francy of 36 Fifth Street said that he elevated to the AE standards. He is waiting for his last \$60,000.00 from REM. He also said that CBS wants to do a story on this situation. He does not feel that the publicity will help. He also stated to make sure you maintain your grandfathered insurance status.

Discussion continued.

Mayor's Appointments to the Planning Board

Mayor Nolan hereby makes the following appointments to the Planning Board:

4 YEAR UNEXPIRED TERM TO EXPIRE 12/31/2017 REGULAR MEMBER
Effective Immediately **Chris Francy**

4 YEAR TERM TO EXPIRE 12/31/2018 REGULAR MEMBER
Effective January 1, 2015 **Ryan Britton**

1 YEAR TERM TO EXPIRE 12/31/15 –Effective Jan 1, 2015 Boro Official Member
Tim Hill

2 YEAR Unexpired TERM TO EXPIRE 12/31/2014 ALT #1 MEMBER – Rick O'Neil
Effective Immediately

2 YEAR Unexpired TERM TO EXPIRE 12/31/2015 Greg Wells
Effective Immediately

Change in Curfew

Ms. Kane explained that she put this on the agenda for discussion. She has spoken with Chief Blewett about vandalism to Christmas decorations and in the park. She spoke about changing the curfew to eight o'clock from Labor Day to Memorial Day.

Chief Blewett feels it's pretty early. It may work. The curfew now is ten o'clock. He will look in to this and bring back recommendations.

Request for Repeal of R-14-220 – Claudette D'Arrigo

Claudette A'rrigo read her letter to repeal R-14-220. She feels that Ms. Kane is in violation and there have been no repercussions.

Mr. Card agrees with her. He supports Claudette D'Arrigo. He stated that he asked Ms. Kane for a legal disclaimer statement. He feels that the resolution is unconstitutional.

Mayor Nolan feels that it is not unconstitutional.

Public Portion:

Kim Skorka of 315 Shore Drive spoke in support of rescinding R-14-220. She feels that Ms. Kane should follow protocol. She also asked about the status of Captain's Cove.

Mr. Padula stated that a letter was sent to Mr. Rosiak. He was given a deadline of December 10th. Mr. Padula spoke of the various meetings with Mr. Rosiak, Mr. Hill and Code Enforcement telling him their specific concerns.

Kim Skorka questioned R-14-238. She asked if there was an increase to 911.

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Mr. Hill said that there was a slight increase. He further explained equipment upgrade costs.

Kim Skorka stated that Chief Blewett's report was not in packets. She would like to have all reports as part of minutes. She would also like to see the reports online separately.

Eugene VanWagner of 8 Beach Blvd. asked for the status of Army Corp of Engineers regarding the sea wall.

Mr. Hill responded that they have been in touch with the Army Corp of Engineers. They have not finalized the conceptual design of the southern section of Bay Avenue. They will present the final design to council and public.

Eugene VanWagner questioned his flood approval.

Mr. Leubner stated that he would stand by his flood approval.

Jen Olsen – passed.

Carla Braswell-Cefalo of 62 Gravelly Point Road spoke about the vandalism problems. It happens all summer long. The littering and graffiti is bad. She feels we need lighting and cameras.

Jerry Feliciano of 14 Peak Street questioned why a portion of Valley Avenue was changed to one-way.

Mayor Nolan explained that there were a number of accidents at the corner and the impact on the property owner. It was presented at a public meeting and voted on unanimously.

Jerry Feliciano expressed his frustration with the change and would like the council to reconsider.

Peter Mullen of 11 Marine Place asked for written directive from FEMA.

Mr. Leubner stated that he told no, they will not put it in writing.

Peter Mullen asked for the impact for ICC formerly approved homes.

Mr. Leubner explained that he stand behind his approvals. FEMA told him that those would be covered.

Carolyn Broullon of Miller Street wants R-14-220 repealed. She went to the convention in Atlantic City and spoke of this resolution. There isn't any reason for us to have this resolution. There is also a presentation on the NJLOM website.

Fred Rosiak of 9 Marine Place said that he spoke to the Army Corp of Engineers back in October. They said they were going to get back to the town about the Flood Mitigation Program by mid-December but they have not.

Mr. Hill stated that they were mandated to get moving on this study.

Mr. Rosiak thanked the council for meeting with him on Captains Cove problems. He described items he is to rectify. He further explained his progress and issues.

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Mayor Nolan thanked Mr. Rosiak for coming to the meeting and to keep the lines of communications open.

Barbara Ianucci of 28 Shrewbury Avenue spoke of R-14-220 and wants it repealed. She further expressed her opinion. She questioned Mr. Padula regarding chapter 2 section 2-3.3 ordinance about elections. The date will be changing January 1st. Based on the ordinance we will have to elect another council president.

Mr. Padula stated that we are not having a January 1st re-org meeting. We did it in July. He will look into it for the first meeting in January.

Mr. Card asked about non-partisan vacancy.

Mr. Padula will also look into this and get clarification.

John Caruso of 24 Gravelly Point Road – no comment.

Claudette D'Arrigo of 12 Seadrift Avenue asked if we are going to have a resolution invalidating R-14-220.

Mr. Card stated that if someone offered it, he would second it.

Mayor Nolan explained that it is not unconstitutional. Our lawyer has stated that it is not unconstitutional.

Claudette D'Arrigo stated that the resolution does not have repercussions. She feels she will be arrested.

Mr. Padula stated that the resolution does not say anything about being arrested. The resolution speaks about stating that it is your opinion not your position.

Claudette D'Arrigo continued her objection to the resolution.

Carol Bucco of 330 Shore Drive said that she wrote a letter on February 8, 2012 to Mr. Hill and Mr. Pfeffer about the Bayview Condo Agreement to re-negotiate the condo's services. She is still waiting.

Mr. Padula stated that he and Mr. DeBlasio are working on it and will have an agreement by the next meeting.

Mr. DeBlasio would like Mrs. Bucco to meet with Mr. Padula. There is a lot to iron out.

Mr. Francy of 36 5th Street spoke about the DBIZ project pipe location. He also spoke of the obstruction to Jones Creek.

Mr. Card stated that is will be fixed.

Mr. Francy spoke of the FEMA directive and that FEMA reacted to a homeowner's insurance bill.

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Mr. Leubner stated that yes, which is what started the conversation with him and FEMA. It was a resident on Shrewsbury Avenue. The official FEMA rep is Steve Ardeno. He further explained.

Mr. Francy asked what the status is on the Windansea bar under the building.

Mr. Card spoke about working on the noise ordinance attached to that. He stated that Mr. Shields has submitted blue prints and going thru process.

Mr. Leubner stated that he directed Mr. Shields to go to the Planning Board.

Mr. Card told Mr. Shield that he has to correct the problem.

Mr. Redmond said that if he does not go to the Board, than that bar does not open.

Mayor Nolan said they believe he will comply.

AnneMarie Tierney of 29 Shrewsbury Avenue asked if FEMA has directed other towns as well.

Mr. Leubner said yes.

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 10:13 p.m.

Debby Dailey, Deputy Clerk