

**Borough of Highlands
Mayor & Council
Regular Meeting
December 10, 2014**

Mayor Nolan called the meeting to order at 7:06 p.m.

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

ROLL CALL:

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

Absent: Mr. Redmond

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Bruce Padula, Borough Attorney

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, Fisher Complaint
- 2. Contract:** C-2 Sewer Operations, Street Sweeper Bids, Health Benefits, Bayview Condo's
- 3. Real Estate:**
- 4. Personnel Matters:**
- 5. Investigation:**
- 6. Attorney-Client Privilege:** Conflicts of Interest, 30 Jackson Strett, Havanna Request, Council President Vacancy, Noise Ordinance, BID

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

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individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. **Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).**
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting to order at 8:02 p.m.

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

ROLL CALL:

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

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Consent Agenda:

Mayor Nolan asked if anyone at the table had questions or would like a resolution pulled.

**R-14-240 A
RESOLUTION SETTING THE SCHEDULE FOR
MEETINGS OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2015**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following schedule is hereby designed as the official Meeting Calendar of the Governing Body for the year 2015. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where official action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

DATE

WORKSHOP/REGULAR MEEETINGS

January 7, 2015 HES
February 4, 2015 HES
March 4, 2015 HES
April 1, 2015 HES
May 6, 2015 HES
June 3, 2015 HES
No 1st Wednesday Meeting
No 1st Wednesday Meeting
September 2, 2015 HES
October 7, 2015 HES
November 4, 2015 HES
December 2, 2015 HES

REGULAR MEETINGS

January 21, 2014 HES
February 18, 2014 HES
March 18, 2014 HES
April 15, 2015 HES
May 20, 2015 HES
June 17, 2015 HES
July 15, 2015 HES
August 19, 2015 HES
September 2, 2015 HES
October 21, 2015 HES
No 3rd Wednesday Meeting
December 16, 2015 HES

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Elementary School located at 360 Navesink, Highlands, NJ at 7:00 p.m. for Executive Session and at 8:00 p.m. for Business Meetings; and

BE IT FURTHER RESOLVED that all Meetings shall have a General Public Portion as required by law.

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

**RECAP OF PAYMENT OF BILLS
12/10/2014**

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CURRENT:		\$	633,451.05
Payroll	(11/30/2014)	\$	300,714.57
Manual Checks		\$	
Voided Checks		\$	
 SEWER ACCOUNT:		 \$	 72,693.62
Payroll	(11/30/2014)	\$	6,090.50
Manual Checks		\$	
Voided Checks		\$	
 CAPITAL/GENERAL		 \$	
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
 TRUST FUND		 \$	 44,992.18
Payroll	(11/30/2014)	\$	5,200.00
Manual Checks		\$	
Voided Checks		\$	
 UNEMPLOYMENT ACCT-MANUALS		 \$	
 DOG FUND		 \$	
 GRANT FUND		 \$	
Payroll	(11/30/2014)	\$	4,822.80
Manual Checks		\$	
Voided Checks		\$	
 DEVELOPER'S TRUST		 \$	
Manual Checks		\$	
Voided Checks		\$	

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

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

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Other Resolutions:

R-14-241 – Resolution Appointing Prosecutor:

Mrs. Cummins read the title of R-14-241.

**R-14-241
RESOLUTION
APPOINTING BOROUGH PROSECUTOR**

WHEREAS, there exists the need for professional legal services for the Borough of Highlands; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands as follows:

1. James Butler, Esq. is hereby appointed Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2015.
2. The appointment is made without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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

R-14-242 – Resolution Appointing Alternate Prosecutor

Mrs. Cummins read the title of R-14-242.

**R-14-242
RESOLUTION
APPOINTING ALTERNATE BOROUGH PROSECUTOR**

WHEREAS, there exists the need for professional legal services for the Borough of Highlands; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be

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printed in a newspaper of general circulation not more than ten days after passage of the resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands as follows:

1. Steve Rubin, Esq. is hereby appointed Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2015.
2. The appointment is made without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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

R-14-243 – Resolution Appointing Zoning Board Members

Mrs. Cummins read the title of R-14-243.

**R--14-243
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF
ADJUSTMENT**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

- | | |
|----------------------|---|
| 1. Michelle Pezzullo | Regular Member for a 4 year term to Effective Jan 1, 2015 term to expire December 31, 2018 |
| 2. James Fox | Regular Member for a 4 Year Term Effective January 1, 2015 term to Expire December 31, 2018 |
| 3. Robert Knox | Regular Member for a 4 year term Effective Jan 1, 2015 term to expire on 12/31/18 |
| 4. Linda Ziemba | Alternate #1 Member for a 2Year Term Effective Jan 1, 2015 Term to Expire 12/31/2016 |
| 5. _____ | Alternate #2 Member for an unexpired term Effective Jan 1, 2015 Term to expire 12/31/16 |

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

R-14-244 – Resolution Appointing Council Rep. to Planning Board

**R-14-244
RESOLUTION APPOINTING COUNCIL REPRESENTATIVE
TO THE HIGHLANDS PLANNING BOARD**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointment be and is hereby confirmed to the Highlands Planning Board:

1. Kevin Redmond
Borough Council Representative for
a (1) year term Effective Jan 1, 2015
Term to expire 12/31/2015

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

R-14-245 – Resolution Appointing Juvenile Police Officer

Mrs. Cummins read the title of R-14-245.

**R-14-245
RESOLUTION
APPOINTING JUVENILE OFFICER**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that George Ruth is hereby appointed Juvenile Officer for the one (1) year term effective January 1, 2015 Term to expire December 31, 2015.

BE IT FURTHER RESOLVED that compensation for said position shall be as set forth in the Municipal Salary Ordinance.

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

R-14-246 – Resolution Appointing Special Police Officers for 2015

Mrs. Cummins read the title of R-14-246.

**R-14-246
RESOLUTION APPOINTING
SPECIAL POLICE OFFICER**

WHEREAS, the Borough of Highlands, being a resort community, from time-to-time has the need to employ Special Police Officers; and

WHEREAS, the Chief of Police has made recommendations to the Governing Body regarding appointment of said officers;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following persons be and hereby are appointed Special Officers of the Borough of Highlands for a one year term effective January 1, 2015 term to expire December 31, 2015:

Diane Alvator, Highlands	-	Special Officer Class I
Buck Ryan		Special Officer Class II

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

R-14-247– Resolution Appointing P/T Police Communications Operator

Mrs. Cummins read the title of R-14-247.

**R-14-247
RESOLUTION APPOINTING
PROVISIONAL PART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, Ron Osadacz has been appointed as a Police Officer; and

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WHEREAS, this appointment has created a need within the Police Department to appoint one part- time Police Communications Operator to fill open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Kyle McCartney be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Kyle McCartney is hereby appointed as a part-time provisional Police Communications Operator effective immediately.

BE IT FURTHER RESOLVED that said provisional appointments be compensated at an hourly rate of \$9.50 per hour.

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

R-14-248– Resolution Appointing Search Officers

Mrs. Cummins read the title of R-14-248.

**R-14-248
RESOLUTION APPOINTING
TAX SEARCH AND ASSESSMENT SEARCH OFFICERS**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made effective January 1, 2015 for a one year term to expire December 31, 2015:

Tax Search Officer - Debby Dailey

Assessment Search Officer - Carolyn Cummins

BE IT FURTHER RESOLVED that compensation for said position be as set forth in the annual salary ordinance.

BE IT FURTHER RESOLVED that Debby Daily, Deputy Borough Clerk be appointed Alternate Assessment Search Officer (at no additional salary) and that Carolyn Cummins be appointed alternate Tax Search Officer (at no additional salary).

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

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R-14-249– Resolution Approving Cash Management Plan

Mrs. Cummins read the title of R-14-249.

R-14-249

**RESOLUTION AMENDING R-98-42, R-09-50, R-14-23
AUTHORIZING CASH MANAGEMENT PLAN**

WHEREAS, R-98-42 Authorizing Cash Management Plan was adopted by the Governing Body of the Borough of Highlands on February 18, 1998, and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Highlands, and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

TD Bank, National Association
Two River Community Bank

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that Resolution R-98-42 be amended as stated above.

BE IT FURTHER RESOLVED that said banks are hereby authorized to honor checks drawn upon said banks, signed by the Mayor, Chief Financial Officer, Administrator and/or the Borough Clerk. All checks require two signatures, one of which may be a facsimile signature. The payroll account checks may utilize two facsimile signatures.

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

R-14-250– Resolution Designating Official Newspapers for 2015

Mrs. Cummins read the title of R-14-250.

R-14-250

**RESOLUTION DESIGNATING OFFICIAL
NEWSPAPERS OF THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough of Highlands is required to designate the official newspapers of the Borough;

NOW, THEREFORE, BE IT RESOLVED that the official newspapers of the Borough shall be and hereby are designated for a one year term effective January 1, 2015 to expire on December 31, 2015 as follows:

THE ASBURY PARK PRESS
THE TWO RIVER TIMES

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

R-14-251– Resolution RE: FEMA Directive

Mrs. Cummins read the title of R-14-251.

Ms. Kane explained that this resolution was desperately needed. It involves Keyport to Monmouth Beach. We will be sending this resolution to our representatives to help resolve this.

R-14-251

RESOLUTION OBJECTING TO THE FEMA DIRECTIVE VERBALLY GIVEN TO THE BOROUGH'S FLOODPLAIN ADMINISTRATOR CONCERNING ELEVATION/CONSTRUCTION OF HOMES TO COMPLY WITH THE MORE STRINGENT STANDARDS BETWEEN THE CURRENTLY EFFECTIVE FLOOD MAPS FROM 2009 AND THE CURRENT PRELIMINARY FLOOD MAPS

WHEREAS, the Borough of Highlands, its residents and its housing stock suffered significant, substantial and catastrophic damage as a result of Hurricane Sandy in October 2012; and

WHEREAS, as a result of the storm, many residents – including a majority of downtown residents – have been displaced from their homes; and

WHEREAS, many of those displaced, to date, continue to work to repair the damage to their home, reconstruct their home and/or elevate their homes; and

WHEREAS, many residents have not returned to their homes; and

WHEREAS, representative of the Federal Emergency Management Agency advised the Borough's Floodplain Administrator that construction and elevation of homes must comply with the more restrictive 2009 effective maps, rather than the preliminary 2014 flood maps; and

WHEREAS, representatives of FEMA have refused to place that directive in writing; and

WHEREAS, that directive has caused uncertainty and confusion among Borough residents and only serves as an impediment to completing new home construction and/or elevation; and

WHEREAS, the governing body of the Borough of Highlands opposes the verbal FEMA directive and strongly encourages FEMA to rescind that directive and provide final approval of its proposed floodplain maps.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Borough opposes FEMA's directive to the Borough's Floodplain Administrator that construction and elevation of homes must comply with the stricter 2009 maps, rather than the 2014 preliminary maps; and, be it further

RESOLVED, that the governing body encourages FEMA to provide written confirmation that the aforementioned directive is hereby rescinded, ineffective and not the official position of the FEMA; and, be it further

RESOLVED, that a copy of this Resolution be sent to the local and national representatives of FEMA, Governor Christopher J. Christie, Senator Robert Menendez, Senator Cory Booker, Congressman Frank Pallone, Senator Joseph Kyriillos, Assemblywoman Amy Handlin, Assemblyman Declan O'Scanlon, the Monmouth County Freeholders and the Monmouth County Clerk.

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

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R-14-252– Resolution Approving Municipal Service Agreement w/Bayview Condo’s

Mrs. Cummins read the title of R-14-252.

Mayor Nolan stated that this resolution is being tabled.

Mr. Padula stated that he needs to finalize this with Mrs. Bucco.

Mayor Nolan stated that we will do this resolution on the January 7th meeting.

Mayor Nolan offered a motion to table R-14-252 to the January 7th meeting, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Redmond

ABSTAIN: None

R-14-253– Resolution Amending R-14-181 Approving South Bay Pump Station Repairs

Mrs. Cummins read the title of R-14-253.

Mr. Leubner explained this resolution incorporates all the repairs and mitigation repairs. The cost is \$60,897.09.

R-14-254

RESOLUTION DECLARING AN EMERGENT CONDITION FOR SEWER REPAIRS ON PORTLAND ROAD TO PROVIDE AUTHORIZATION TO OBTAIN CONTRACT WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, an emergent condition developed on November 20, 2014 as a result of a sewer repair near 157 Portland Road in the Borough of Highlands; and

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, the Tim Hill, Borough Administrator declared the situation an emergency condition affecting the health and safety of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that authorization be and is hereby given to the Borough Administrator to proceed with processing the necessary payments for services and material and equipment rendered to repair sewer lines on Portland Road.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD	x		x			

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

R-14-254– Resolution Authorizing Emergency Sewer Repairs for Portland Road

Mrs. Cummins read the title of R-14-254.

Mr. Hill explained the sewer break. There was a question as to whose issue it was. The homeowner did have a plumber show up. It was discovered that it was our issue in the street. This resolution is needed to show that it was an emergency repair.

R-14-254

RESOLUTION DECLARING AN EMERGENT CONDITION FOR SEWER REPAIRS ON PORTLAND ROAD TO PROVIDE AUTHORIZATION TO OBTAIN CONTRACT WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, an emergent condition developed on November 20, 2014 as a result of a sewer repair near 157 Portland Road in the Borough of Highlands; and

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, the Tim Hill, Borough Administrator declared the situation an emergency condition affecting the health and safety of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that authorization be and is hereby given to the Borough Administrator to proceed with processing the necessary payments for services and material and equipment rendered to repair sewer lines on Portland Road.

	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-14-255– Resolution Renewing Lease at 19 Bay Avenue

Mrs. Cummins read the title of R-14-255.

Mayor Nolan offered a motion to table R-14-255 to the January 7th meeting, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

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

O-14-33 – Bungalow Colony Ordinance :

Mrs. Cummins read the title of O-14-33 on for introduction and setting of a public hearing date of January 7th, 2015.

Mr. Padula questioned definition of Bungalow Colony. We do have one, but he would like to know how the Planning Board wants to change it. He will send it to the Planning Board.

Mayor Nolan offered a motion to introduce O-14-33 at the January 21st meeting, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Redmond

ABSTAIN: None

O-14-38 – Noise Ordinances:

Mrs. Cummins read the title of O-14-38 on for introduction and setting of a public hearing date of January 7th, 2015.

Mayor Nolan stated that we need to iron out some final details. He would like to introduce the ordinance on January 7th and have a public hearing at the January 21st meeting. He would also like the prosecutor to look at it.

Discussion continued.

Chief Blewett explained that he would like a section removed regarding disorderly conduct.

Mr. Padula stated that he will review.

Mayor Nolan offered a motion to introduce O-14-38 at the January 7th meeting with a public hearing on January 21st, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Redmond

ABSTAIN: None

Other Business:

Snug Harbor Pump Station Funding Update from CFO

Mr. DeBlasio stated that he was asked to come up with funding for this. Mr. Leubner came up with a cost of \$6,000,000.00. We have O-12-20 which sets aside funds for \$1,176,000.00 and O-14-08 has \$3,154,000.00. We need an additional \$1,669,000.00. We can do that thru a bond ordinance.

Ms. Kane asked if we can combine the debt and do one bond ordinance.

Mr. DeBlasio said yes, we could.

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Mr. Leubner stated that he needs a decision from council on Tier 4, are we going we diesel or electric pumps.

Mr. Card feels we need to go with electric pump with diesel back up.

Mr. Leubner will put a proposal together for the next meeting.

Mayor Nolan stated that we will introduce the bond ordinance at the January 21st meeting.

Mr. Leubner spoke of the Shore Drive Project. The DOT gave a July deadline to award the contract. We also have 3 projects with grant money tied to them with deadlines. They will need a separate bond ordinance.

Council directed Mr. DeBlasio to prepare a bond ordinance for introduction for January 21st.

Mr. Leubner said it will be \$1,500,000.00 for the three projects.

Council President Term of Expiration Legal Opinion

Mr. Padula explained the conflict between our ordinance and the process. It was proper to elect council president on July 1st. There was an offer and a second and a vote to elect Ms. Kane and its good thru June 30, 2015. We have since switched back to the regular November Election, so we have a few options. You can elect a council president for 6 months or leave Ms. Kane as a hold over. He feels that either way, we should go back the regular schedule on January 1st, 2016.

Governing Body Vacancy Procedures-Legal Opinion

Mr. Padula stated that we have 30 days to fill the vacancy of governing body. He further explained.

Discussion continued.

Mr. Padula will update the ordinance.

Bollerman – Request for Special Council Meeting

Mayor Nolan explained that this item is being removed. It has already been published and the public hearing date is scheduled for January 7th.

Meeting Agenda Request Deadline

Mr. Card would like to make deadlines for agenda's.

Mayor Nolan agreed.

Mrs. Cummins explained that due to the amount of work needed for all council and board packets, she would like to have a deadline of Wednesday, the week before the meeting, at 4:30.

Council discussed.

Mayor Nolan added that two council members would have to approve to add emergency items to the agenda and resend the agenda to him.

Fire Dept. & First Aid Monthly Reports

Mr. Card stated that he requested this because of actions of fire department and first aid budget. He feels we should get monthly reports. We would then meet with them to address issues.

Mayor Nolan stated that we can have Mr. Redmond work on this.

Mr. Hill said we should give them guidance of what information we want in the report.

Mayor Nolan stated to have them submit reports for the first meeting of each month.

BID Expiration Date of 12/31/2014

Mr. Card wants to table this. He needs time to review.

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Mr. Padula will prepare the ordinance to be introduced at the January 21st meeting.

Conflicts of Interest

Mr. Padula stated that he provided the Council with two memo's. He did research. The potential conflicts are Chief of Police for Fire Department Social Affair and Ms. Kane has a brother, sister in law and fiancé working for the Borough and her grandmother is housed thru the Housing Authority.

Mr. Padula provided guidance and everyone concurred.

Mr. Card agreed. He is fine with the outcome. He wants us to follow the law. We need to set a good example. He believes that Ms. Kane will follow the law.

Mayor Nolan agrees. The social affairs permit for the Fire Department can be signed by the 2nd officer in charge.

Chief Blewett will speak with his attorney. He feels he should sign off. He said this has never been a problem before.

Mr. Card explained that he feels that it's inappropriate for him to sign off. He spoke of a fight at a Fire Department function and no one was arrested. The American Legion feels they are treated differently.

Mr. Padula stated that he will get guidance from the Policemen's Association Attorney.

Chief Blewett does not agree with this. He takes it personally. He knows his job. He wants to know everything that is involved.

Mr. Card stated that it was brought to his attention when the American Legion had issues.

Chief Blewett wanted to know who complained. He feels that it's odd that it came up all of a sudden.

Mr. Card stated that there has been no formal complaint. It was a measure to protect you.

Discussion continued between Mr. Card and Chief Blewett.

Mr. Card said to the Chief to sign off on the permits and hopefully nothing happens.

Mayor Nolan said to make sure he does his due diligence.

Highlands Garden Club Funding Request of \$3500 for 2015

Mayor Nolan stated that this is something we do every year.

Mayor Nolan offered a motion to put \$3500.00 in Highlands Garden Club budget, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Redmond

ABSTAIN: None

Review & Approval of HBP 2015 Calendar of Events

Mayor Nolan offered a motion to approve the HBP calendar contingent upon their ordinance adoption, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYS: None

ABSENT: Mr. Redmond

ABSTAIN: None

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R-14-256:

R-14-256 – Resolution Introducing the HBP 2015 Budget and setting of a Public Hearing Date for January 21st.

Mrs. Cummins read the title of R-14-256.

Mayor Nolan offered the following HBP 2015 Budget and moved on its introduction and setting of a Public Hearing Date on January 21, 2015:

**R-14-256
HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2015– December 31, 2015**

COMMERCIAL DISTRICT PROGRAM BUDGET	2015 EXPENSE
Visual Improvement.....	25,000.00
<input type="checkbox"/> Beautification	
<input type="checkbox"/> Maintenance	
<input type="checkbox"/> Holiday & Seasonal	
<input type="checkbox"/> Street Banners	
Special Events Calendar.....	\$50,000.00
<input type="checkbox"/> Creation of events	
Marketing & Communications.....	\$25,000.00
<input type="checkbox"/> Social Media Ad campaigns	
<input type="checkbox"/> Tourism Advertising	
<input type="checkbox"/> Public Relations	
<input type="checkbox"/> Image Building & Graphic Design	
<input type="checkbox"/> Visitor Guide 2014-2015	
<input type="checkbox"/> Audio & Video Media	
<input type="checkbox"/> Maintain Website & Database	
Economic Development.....	\$20,000.00
• Business Recruitment/Retention & Redevelopment	
Administrative Budget	
Personnel.....	\$30,000.00
Miscellaneous.....	\$10,000.00
<input type="checkbox"/> Legal	
<input type="checkbox"/> Audit	
<input type="checkbox"/> Insurance	
<input type="checkbox"/> Office Supplies	
<input type="checkbox"/> Utilities – Telephone, fax & electric	
<input type="checkbox"/> License & fees	
TOTAL Expenses.....	\$160,000.00

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation**

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**COMMERCIAL DISTRICT
PROGRAM BUDGET**

**2015
Income**

Special Events Income.....\$85,000.00

- Vendor Fees Income
- Event Income (Social Affairs & Raffle Permit income)

Marketing & Communications.....\$15,000.00

- Sponsorship Income
- Barter Goods & Services (approx. \$12k)

TOTAL Income\$100,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$60,000.00

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

ROLL CALL:

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

NAY: None

ABSENT: Mr. Redmond

ABSTAIN: None

R-14-257:

R-14-257 – Resolution Approving Raffles for Henry Hudson PTO on March 28, 2015

Mrs. Cummins read the title of R-14-257.

R-14-257
RESOLUTION
APPROVING RAFFLE LICENSES

WHEREAS, the Henry Hudson Regional School PTO has submitted a Raffle License Application No. RA1317-14-16; and

WHEREAS, all paperwork appears to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands does hereby approve Raffle License Application RA#1317-14-16 and the Borough Clerk is authorized to sign off on licenses.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			X			
KANE		X	X			

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REDMOND						X
RYAN			X			
NOLAN	X		X			
ON CONSENT AGENDA		YES	X	NO		

R-14-258– Resolution to Terminate Participation with State Health Benefits

Mrs. Cummins read the title of R-14-258.

Mr. Padula gave a brief explanation and spoke of possible significant savings.

Mayor Nolan stated that Mr. Padula is exploring this with the CFO

R-14-258

RESOLUTION TO TERMINATE ALL PARTICIPATION UNDER THE STATE HEALTH BENEFITS PROGRAM AND BOROUGH EMPLOYEES’ HEALTH BENEFITS PROGRAM (INCLUDING PRESCRIPTION DRUG PLAN AND/OR DENTAL PLAN COVERAGE).

WHEREAS, the Borough of Highlands is exploring health benefit programs that could result in cost savings while providing equal or better coverage to those enrolled, and

WHEREAS, the following conditions must be implemented in order to provide proper notification to the State Health Benefits Program

1. The Borough of Highlands hereby resolves to terminate its participation in the program (Medical Plan, Prescription Drug Plan, and/or Dental Plan coverage) thereby canceling coverage provided by the State Health Benefits Program and Borough Employees’ Health Benefits Program (N.J.S.A. 52:14-17.25 et seq.) for all its active and retired employees.
2. We shall notify all active employees of the date of their termination of coverage under the program.
3. We understand that the Division of Pensions and Benefits will notify retired employees of the cancellation of their coverage.
4. We understand that all COBRA participants will be notified by the Division of Pensions and Benefits and advised to contact our office concerning a possible alternative health, prescription drug, and dental insurance plan.
5. We understand that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission or Borough Employees’ Health Benefits Commission

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the termination of all participation under the State Health Benefits program.

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

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

Havanna Request

Mrs. Cummins stated that Havanna has requested permission to stay open later for New Year's Eve.

Council discussed.

Mrs. Ryan stated that they must have the funds given to us first for police officer presence.

Mayor Nolan offered a motion to approve request for extended hours for Havanna with funds in place for police officer, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

SPCA Agreement

Mr. Hill explained that this is for the current fees the charge us.

Council discussed.

Mr. Hill said he just received this. It is an annual agreement that the SPCA requires.

Mayor Nolan offered a motion to do a resolution at the January 7th meeting, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

Public Portion:

Jerry Feliciano of Valley Avenue wants council to reconsider the one way ordinance on Valley Avenue. He complained about getting to his house. He has to go to Mountain Avenue.

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Ms. Ryan explained that he could turn at Miller Street.

Mayor Nolan stated that all of Valley Avenue is not one way.

Mr. Hill added that it's only from Highland Avenue to Hwy. #36.

Mayor Nolan said we will check and put corrective signage up.

Chief Blewett will correct signs.

Jerry Feliciano said that it is inconvenient.

Ms. Ryan stated that she is surprised how many people that she has heard from about this. She will speak with Mr. Feliciano about this.

Carolyn Broullon of Miller Street commented on what a good meeting this was, so much was done.

Barbara Ianucci of 28 Shrewbury Avenue thanked the attorney for following so quickly on council matters. She asked if there was a decision on council president.

Mr. Padula stated that we could do it in July or January.

Ms. Ryan would like it done in January.

Mayor Nolan stated that we will do it at the January 7th meeting.

Barbara Ianucci questioned bond consolidation and worried about expirations.

Mr. DeBlasio explained that it would be new money to help complete this project. He further explained the combining of funds.

Barbara Ianucci said that there is a lot of perception of impropriety regarding Chief Blewett. It is not a personal attack.

Mr. Padula stated that not every interest creates a conflict. He further explained.

Chris Francy of 36 Fifth Street asked what the Garden Club has to do to get the \$3500.

Mayor Nolan stated that it was voted on tonight.

Mr. Hill said they will receive the check in 2015.

Chris Francy asked about the status of the Rain Barrel Grant.

Mr. Hill will be getting the program underway. He is working with a volunteer.

Chris Francy asked if we got funds from Exxon.

Mr. Hill stated that a request has been made.

Chris Francy asked about the Snug Harbor Pump House, what type of power will be used.

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Mr. Leubner explained that it will have a diesel back up and electric powered.

Carla Cefalo-Braswell of Gravelly Point Road spoke of a ribbon cutting ceremony on Sunday. They are decorating the tree at Veteran's Park.

Chris Francy asked if we can add Rick Korn's events to the event calendar.

Mayor Nolan said he would speak to the HBP president.

There were no further questions.

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

The Meeting adjourned at 9:03 p.m.

Debby Dailey, Deputy Clerk