

**Borough of Highlands
Mayor & Council
Regular Meeting
January 21, 2015**

Ms. Kane called the meeting to order at 7:03 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

Absent: 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

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

**RESOLUTION
EXECUTIVE SESSION**

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

1. Litigation:

2. Contract: Baymen's Lease
Union Contracts

3. Real Estate:

4. Personnel Matters: Personnel

5. Investigation:

6. Attorney-Client Privilege: Request for Special Counsel for D. Card
Special Counsel to Conduct Investigaton

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,

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discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Ms. Kane called the Regular Meeting to order at 8:05 p.m.

Ms. Kane asked all to stand for the Pledge of Allegiance.

ROLL CALL:

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

A Future with Hope & St. Bernard Project Information:

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Ms. Kane introduced representatives from these organizations to inform us of ongoing efforts.

Kevin McGee spoke of the efforts of the St. Bernard's Project. They are assisting homeowners. They canvas the streets, accessing houses, going block to block. They will knock on doors. They want to make sure residents are aware of them for rebuilding assistance.

Ms. Kane said we can give information to the construction office.

Ms. Ryan said we can put it on our website. She will help in getting the information out.

Barbara Ianucci of Shrewsbury Avenue asked if they have a website.

Mr. McGee gave the email address: futurewithhope.org.

Mr. Francy asked how they are handling rental vs. owners.

Chad Carson stated that they are focusing on owner occupied houses.

A resident asked how they can volunteer.

Kevin McGee said you can volunteer on the website.

Consent Agenda:

Ms. Kane asked if anyone at the table had questions or would like a resolution pulled.

Mr. Card asked to pull Resolutions R-15-38, 40 and 42.

Mr. Padula stated that on Resolution R-15-39, the date of the auction is Friday, February 27th.

**R-15-33
RESOLUTION AUTHORIZING
PROPERTY TAX CANCELLATION**

WHEREAS, The Borough of Highlands approved Resolution R-14-191 on August 20, 2014 consenting to the deannexation of 280, 284, 290, and 294 Bayside Drive to the Borough of Atlantic Highlands effective 10/01/14, and

WHEREAS, the tax collector is requesting that the 2014 taxes be cancelled in accordance with resolution R-14-191 as follows:

Block Lot Amount Cancelled

Block	Lot	Amount Cancelled
103	25.01	\$3,033.86
103	26	\$3,266.43
103	27	\$1,855.62
103	28	\$1,226.57

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

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

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Borough of Highlands
Resolution R-15-37**

**REJECTING ALL PROPOSALS RECEIVED FOR A VACUUM STREET SWEEPER
AND AUTHORIZING THE SUBSTANTIAL REVISION OF THE SPECIFICATIONS
AND THE READVERTISEMENT AND ACCEPTANCE OF PROPOSALS**

WHEREAS, pursuant to N.J.S.A. 40A:11-1, et seq. the Borough of Highlands advertised and solicited proposals for a Vacuum Street Sweeper; and

WHEREAS, the Borough received proposals from the following:

Trius, Inc.	\$227,165.00
W.E. Timmerman Company, Inc.	\$276,214.00

WHEREAS, the Proposal Documents provided that the Borough could reject all proposals in part or in their entirety; and

WHEREAS, the Borough has determined that it wishes to substantially revise the specifications and that it is necessary to reject all proposals pursuant to N.J.S.A. 40A:11-13.2 and to readvertise the request for proposals.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough hereby rejects all proposals submitted for a Vacuum Street Sweeper because the Borough wishes to substantially revise the specifications.

BE IT FURTHER RESOLVED that the Borough is hereby authorized to substantially revise the specifications and to readvertise and accept proposals for a Vacuum Street Sweeper.

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.

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

**Borough of Highlands
Resolution R-15-39**

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

WHEREAS, N.J.S.A. 40A:12-13(a) authorizes a governmental unit to sell any real property, not needed for public use by open public sale at auction to the highest bidder after the required advertisements; 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

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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, in accordance with N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the Borough afforded all contiguous property owners the right of first refusal to purchase the Property for not less than the fair market value thereof; and

WHEREAS, the Borough rejected the bid received pursuant to N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2 because the bid was for less than the appraised fair market value of the Property; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13.1 the Borough is permitted to authorize the sale of the Property by public sale to the highest bidder by resolution; and

WHEREAS, the Governing Body has determined that it is in the best interests of the Borough that the Property now be sold by open public sale at auction to the highest bidder; and

WHEREAS, the Governing Body has determined that the list of property authorized to be sold pursuant to this Resolution and N.J.S.A. 40A:12-13(a) is: Block 72, Lot 2 (Lot size is approximately 2,460 square feet); and

NOW THEREFORE BE IT RESOLVED, 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 shall be sold in accordance with N.J.S.A. 40A:12-13(a), et seq.

(b) There shall be an open public sale at auction on February 27, 2015 at 11:00 a.m., at the Borough of Highlands Municipal Building, 42 Shore Drive, Highlands, NJ 07732, where the Property shall be offered to the highest bidder pursuant to N.J.S.A. 40A:12-13(a). The minimum price for all bids shall be twelve thousand and five hundred dollars (\$12,500.00) and the reservation price shall also be twelve thousand and five hundred dollars (\$12,500.00)

Said auction shall be in accordance with the terms and conditions set forth in the remainder of this Resolution.

(c) The successful bidder shall be required to deposit ten (10%) percent of his or her bid with the Borough at the time of the auction. This deposit shall be made by a certified check, money order or cash in an amount equal to at least ten (10%) percent of the accepted bid by the Borough for the sale of the Property. The combined form of deposit must equal ten (10%) percent of the total sale price. All monies so received will be credited to the total sale price.

(d) **Non-Refundable Deposit.** The deposit made by the purchaser is non-refundable. The purchaser is not entitled to a refund of this deposit in any case and the risk of loss is on the purchaser.

(e) All bidders must appear in person at the auction and 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. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.

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(f) The successful bidder shall be required to pay, at the time of closing of title, the cost of legal advertising of the sale of the Property which is the subject of this auction plus their proportionate cost of the transcript, if applicable.

(g) The successful bidder shall bear the cost of the recording of the deed and agrees that deeds shall be recorded on behalf of the purchaser by the Borough of Highlands or by an attorney representing the successful bidder. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.

(h) 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.

(i) The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court or in any other court of this State to challenge the assessment with respect to the subject property nor may same be used as a comparable sale to challenge the assessment with regard to other properties.

(j) The Property herein sold is being sold "as 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 a 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.

(k) The Borough represents that the property which is the subject matter of this Resolution 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.

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

(m) 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 (n) hereof.

(n) 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.

(o) The successful bidder agrees that:

(1) He or she 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.

(2) Pay prorated real estate taxes for the balance of the current year, as of the date of closing.

(3) Abide by all appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

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(4) Failure to close title as agreed shall forfeit to the Borough of Highlands any and all money deposited with the Borough.

(p) A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough of Highlands, as a material breach of the conditions of sale whereupon the Borough may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Borough as its liquidated damages and it may thereafter resell said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Borough of Highlands by reason of any such default.

(q) The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Highlands.

Section 2. NOTICE. The Borough Clerk shall advertise copies of this Resolution as required by N.J.S.A. 40A:12-13(a) and therefore shall advertise the open public sale at auction of the Property in a newspaper circulating in the municipality in which the Property is situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale.

Section 3. AUTHORIZATION. The Mayor, Clerk, Borough Attorney, and such other officials as may be necessary are authorized to perform such ministerial actions as are necessary to effectuate the purposes of this Resolution including, but not limited to, preparing and executing 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.

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

**R-15-41
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR FEMA SPECIAL SERVICES CONSULTANT FOR MUNICIPAL
FACILITIES
TO MILLENNIUM**

WHEREAS, the Borough of Highlands has a need for professional Grant writing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional services can only be provided by licensed professionals and the firm of Millennium, 60 Roseland Ave, Caldwell, NJ 07006 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed a monthly retainer of \$3,500 for a total amount not to exceed \$42,000 plus reimbursable expenses for

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Professional Grant Writing Services for the municipal facilities for the period January 1, 2015 through December 31, 2015 not to exceed \$42,000; and

WHEREAS, Millennium has completed and submitted a Business Entity Disclosure Certification which certifies that Millennium has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Millennium making any reportable contributions through the term of the contract, and

WHEREAS, Millennium has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available contingent upon the adoption of the 2015 Budget:

Current Fund:

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. Millennium is hereby retained to provide FEMA Special Consultant Services for grant writing for municipal facilities as described above for an amount not to exceed **\$42,000.00** plus reimbursable expenses for the period of January 1, 2015 through December 31, 2015.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Borough Administrator and Municipal Clerk are hereby authorized to sign the attached Contract said contract.
3. A copy of the Resolution as well as the attached approved contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**R-15-43
RESOLUTION APPROVING DISABLED PARKING SPACE**

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WHEREAS, applications for a Disabled Parking Designation were submitted to the Highlands Police Department by Joseph Santapola, 53 Fourth Street and Lawrence Kelly, 45 Center Street Apt 4 and

WHEREAS, the Chief of Police has reviewed the application and recommends the approval of said Disabled Parking Designations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the following is hereby approved:

1. Joseph Santapolo, 53 Fourth Street – sign to be erected east side of the driveway to 54 Fourth Street, Placard #P1265764
2. Lawrence Kelly, 45 Center Street, Apt 4 – sign be erected with placard #P1284445 at the northeast corner of the building where the vinyl privacy fence begins; 12 feet east towards Jackson Street.

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

**RECAP OF PAYMENT OF BILLS
01/21/2015**

CURRENT:		\$	148,011.67
Payroll	(01/15/2015)	\$	
Manual Checks		\$	84,700.27
Voided Checks		\$	
SEWER ACCOUNT:		\$	77,170.65
Payroll	(01/15/2015)	\$	
Manual Checks		\$	2,050.00
Voided Checks		\$	
CAPITAL/GENERAL		\$	485.23
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	193,147.62
Payroll	(01/15/2015)	\$	
Manual Checks		\$	
Voided Checks		\$	

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UNEMPLOYMENT ACCT-MANUALS \$

DOG FUND \$

GRANT FUND \$

Payroll (01/15/2015) \$

Manual Checks \$

Voided Checks \$

DEVELOPER'S TRUST \$

Manual Checks \$

Voided Checks \$

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

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

Minutes Approved on Consent Agenda:

Ms. Ryan offered a motion to approve the January 7th, 2015 minutes for approval, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

ABSENT: Mayor Nolan

R-15-38 – Resolution Authorizing Transfer Between Budget Appropriations:

Ms. Kane read the title of Resolution R-15-38.

Mr. DeBlasio explained that municipality is allowed to transfer funds in the last two months of the year or the following three months. We are transferring salaries in to operating expenses.

Mr. Card wanted a better explanation, greater details.

Mr. DeBlasio explained that it was a request from the Police Department, within their department.

Mr. DeBlasio stated that it is for the purchase of a police car.

**R-15-38
RESOLUTION AUTHORIZING TRANSFER 2014 BUDGET APPROPRIATION
RESERVES**

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WHEREAS, various bill have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the and time of transfers between the 2014 Budget in the last two months of 2014; and

Whereas, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED By The Mayor and Council of The Borough of Highlands that transfers in the amount \$19,500.00 be made between the 2014 budget appropriation reserves as follows:

<u>NAME</u>	<u>FROM</u>	<u>TO</u>
Police-Salaries & Wages	\$19,500.00	
Police-Other Expenses		\$19,500.00

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

R-15-40 – Resolution Approving Raffle Licenses for HBP:

Ms. Kane read the title of Resolution R-15-40.

Mr. Card asked Carla Braswell to explain who oversees the raffles to the public.

Ms. Kane asked if they can vote on it and then Carla Braswell could it explain it.

Mrs. Cummins said this can be done during her committee report.

**R-15-40
RESOLUTION
APPROVING RAFFLE LICENSES**

WHEREAS, the Highlands Business Partnership has submitted a Raffle License Applications No. RA1317-15-01, 02, 03; 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#1317-15-01, R-15-02 and R-15-03 and the Borough Clerk is authorized to sign off on licenses.

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

R-15-42 – Resolution Approving Leave of Absence:

Mr. Card questioned who will fill in for the dispatcher.

Mr. Hill explained that Chief Blewett has a dispatcher to fill in from within the department.

R-14-42

RESOLUTION

AUTHORIZING AN UPDAID LEAVE OF ABSENCE FOR FULL TIME POLICE COMMUNICATIONS OPERATOR

WHEREAS, Jason Zito, Full-Time Police Communications Operator has requested a Leave of Absence effective immediately for a period of six months.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Governing Body that the Personal Leave of Absence of Jason Zito is hereby approved for the requested period of six months effective immediately. Employee will only receive salary for leave based on any available accrued number of vacation hours. After accrued vacation hours are used employee will no longer receive a salary from the Borough.

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

Other Resolutions:

R-15-04 – Resolution Awarding Professional Services for Master Plan

Ms. Cummins read the title of Resolution R-15-04.

Ms. Kane explained that this resolution is going back out for RFPs. We only received one bid.

Ms. Kane offered a motion to table R-15-04 in order to go out for RFP's, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

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

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R-15-05 – Resolution Approving Municipal Service Agreement for Bayview Condo’s
Mrs. Cummins read the title of Resolution R-15-05.

RESOLUTION

R-15-05

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR MUNICIPAL SERVICES IN THE BOROUGH OF HIGHLANDS AND THE BAYVIEW CONDOMINIUM ASSOCIATION

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et seq., and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, the Bayview Condo Association is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

WHEREAS, N.J.S.A. 40:67-23.5 requires a written agreement to annually reimburse a qualified private community.

WHEREAS, the Borough has prepared a written agreement to annually reimburse Bayview Condominium Association and wishes to enter into an agreement in substantially the same form as this agreement that has been prepared for, presented to, and approved by, the Governing Body; and

WHEREAS, the Bayview Condominium Association has not yet reviewed or approved the proposed agreement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, in the County of Monmouth and State of New Jersey, that the appropriate municipal officials are hereby authorized to execute an Agreement for Municipal Services between the Borough of Highlands and The Bayview Condominium Association in substantially the form attached hereto.

BE IT FURTHER RESOLVED that the Agreement for Municipal Services shall become effective upon approval of the Agreement by the Bayview Condo Association in a manner acceptable to the Borough.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE	x		x			
REDMOND		x	x			
RYAN			x			
NOLAN						x

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ON CONSENT AGENDA	YES	<input checked="" type="checkbox"/>	NO
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R-15-31 – Resolution Adding Additional Public Portion

Mrs. Cummins read the title of R-15-31.

Mr. Card explained that this is something the public would like. It would be for questions on items on the agenda only.

Ms. Ryan said that she discussed this with Mr. Card and she feels they should wait until the Mayor is present. She has questions on this.

Mr. Card said this is for questions or comments from the public before they vote on agenda items.

Mr. Card offered a motion to table R-15-31 to the February 4th meeting, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

ABSENT: Mayor Nolan

R-15-32 – Resolution Appointing Alternate Prosecutor

Mrs. Cummins read the title of R-15-32.

**R-15-32
RESOLUTION
RECINDING R-14-242 &
APPOINTING ALTERNATE BOROUGH PROSECUTOR**

WHEREAS, the Borough adopted Resolution R-14-242 appointing Steve Rubin as Steve Rubin as Alternate Borough Prosecutor; and

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. Patrick Healy, Esq. is hereby appointed Alternate 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.

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

R-15-34 – Resolution Appointing Green Team

Mrs. Cummins read the title R-15-34.

**R-15-34
RESOLUTION ESTABLISHING A GREEN TEAM**

WHEREAS, the Borough of Highlands is desirous of establishing a Green Team for the purpose of promoting sustainability in the Borough of Highlands; and

WHEREAS, the responsibilities of the Green Team can also be assumed by the existing municipal Environmental Commission, and

WHEREAS, as it is also desirable to include the following departments within the Borough on the Green Team,

Members of the team:

- _____ - Public Works
- Nancy Burton – Recycling
- Steve Szolecki - Environmental
- _____ - Recreation
- Ken Braswell - Zoning Board
- Carla Braswell – HBP Representative
- Rosemary Ryan - School Board
- Tim Hill _____ - Business Administrator
- Tara Ryan _____ - Council Liaison
- Frank Nolan _____ - Mayor
- Carolyn Broulon - (1)Resident

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the establishment of a Green Team is hereby authorized effective January 21, 2015 through December 31, 2015

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

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R-15-36 – Resolution Awarding Professional Services for Streetscape Project

Mrs. Cummins read the title of R-15-36.

Mr. Redmond stated that we will table this until more discussions are done on what we want to do.

Mr. Card added that we should have it by the next meeting.

Mr. Card offered a motion to carry R-15-36 to the February 4th meeting, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

R-15-45 – Resolution Approving Tilt Up Project

Mrs. Cummins read the title of R-15-45.

Ms. Kane stated that we were contacted A.H. Harris Company. His company does dedicated memorials. This resolution just states that we are interested in the project so they do not pass us up. They are continuing to work on this and located a suitable place. This is just the first step.

Council discussed.

Mr. Hill stated that it is non-binding.

R-15-45

RESOLUTION APPROVING ACCEPTANCE HURRICANE SANDY DEDICATED MEMORIAL FROM THE TILT UP PROJECT

WHEREAS, the Tilt Up Project has approached the Governing Body in regards to them constructing a dedicated memorial about Hurricane Sandy at no cost to the Borough; and

WHEREAS, the Borough will provide a location for the monument; and

WHEREAS, it is the desire of the Council to accept the donation of a dedicated Hurricane Sandy Memorial.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Tilt Up Project Hurricane Sandy memorial is hereby authorized and prior to installation plans must be submitted to the Borough and will be reviewed by Borough Administrator and Councilwoman Ryan prior to installation.

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

R-15-46 – Resolution Approving Professional Engineering Services

Mrs. Cummins read the title of R-15-46.

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**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-15-46
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional Engineering services for property violations at 30 Shrewsbury Avenue as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,200 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated January 8, 2015. and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2015 Municipal Budget:

I hereby certify funds are available as follows:

Current Fund:

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

5. Robert Keady, P.E. T & M Associates are hereby retained to provide professional engineering as described above for an amount not to exceed \$2,200 plus reimbursable expenses.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

R-15-47 – Resolution Appointing Jean Cipriani, Esp. as Special Counsel

Mrs. Cummins read the title of R-15-47.

Mrs. Cummins read the resolution into the record.

**R-15-47
RESOLUTION
APPOINTING JEAN CIPRIANI, ESQUIRE AS
SPECIAL COUNSEL**

WHEREAS, the Borough is in need of special counsel for a workplace investigation;

WHEREAS, Jean Cipriani, Esquire has demonstrated experience in these matters; and

WHEREAS, this appointment is exempt from bidding as a professional service;

NOW, THEREFORE BE IT RESOLVED that the Borough hereby appoints Jean Cipriani, Esquire of Gilmore and Monahan as special counsel at a rate of \$150.00 per hour; not to exceed \$5,000.00.

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

Ordinances: Introduction & Set Public Hearing Date for February 18, 2015:

O-15-4 –Ordinance Replacing Section 3-2 of the Borough Code “Noise” in its entirety :

Mrs. Cummins read the title of O-15-4 on for introduction and setting of a public hearing date for February 18, 2015.

Mr. Padula stated that this is a reintroduction with the change.

Mr. Redmond offered the following ordinance and moved on its introduction and setting of a public hearing date of February 18, 2015 at 8:00 P.M.

O-15-4

**Borough of Highlands
Mayor & Council
Regular Meeting
January 21, 2015
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE REPLACING SECTION 3-2 OF THE BOROUGH CODE, "NOISE,"
IN ITS ENTIRETY**

WHEREAS, the Borough of Highlands finds that it is necessary, for proper enforcement, to revise its noise ordinance in its entirety.

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

SECTION ONE: Section 3-2, "Noise," of the Revised General Ordinance of the Borough of Highlands shall be repealed and replaced with the following:

3-2 NOISE.

3-2.1 Declaration of findings and definitions.

- a. Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life;
- b. A substantial body of science and technology exists by which excessive sound may be substantially abated;
- c. The people have a right to an environment free from excessive sound;
- d. It is the policy of the Borough to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life; and,
- e. This ordinance shall apply to the control of excessive sound originating from sources within the Borough.
- f. The following definitions shall apply to this Section:
 - i. "Daytime Hours" are defined as 7AM-8PM Sunday through Thursday and 7AM-10PM Friday, Saturday and Legal Holidays.
 - ii. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.
 - iii. "Nighttime Hours" are defined as 8PM-7AM Sunday through Thursday and 10PM-7AM Friday, Saturday and Legal Holidays.
 - iv. "Speech interference" occurs when the noise from the noise-generating source under investigation results in the need for persons engaged in conversation with one another, at a distance of approximately 2 feet from one another, to raise their voice level to be fully heard by the other person when conversing at or within the property line of the complainant.

3-2.2 Prohibited Noise.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unreasonable sound or any sound which annoys or disturbs the peace, quiet or safety of others, as follows:

- a. During nighttime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is plainly audible at a distance of one hundred (100) feet beyond the property line of the noise-generating property.

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- b. During daytime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is deemed to be unreasonable by the Borough Code Enforcement Officer or Borough Police Officer. In determining whether a noise is unreasonable the following factors should be considered.
 1. Intensity of the noise
 2. Intensity of the background noise (i.e., ambient sound level when no or minimal noise is emanating from the source under investigation)
Duration of the noise (i.e., period of time it is in operation)
 3. Frequency of the noise (i.e., how often it occurs per hour, per day, per week, etc.)
 4. To what degree the noise is in the control of the owner or other responsible party (e.g., can the volume of an amplifier or similar device be lowered or is the noise level inherent to the activity)
 5. Proximity of the noise source to residential properties
 6. Time of the day the noise occurs
 7. Number and frequency of complaints concerning the noise-generating property
 8. Whether the noise is audible inside the complainant's residence or business
 9. Whether the noise interferes with sleep, conversation, or repose
- c. When an officer can hear plainly audible music or other sound at a distance of one hundred (100) feet beyond the property line of the noise-generating property during nighttime hours, or any unreasonable sound at or within a complainant's property during daytime hours, there is a violation of this section and the violator is subject to the penalties of this chapter.

3-2.3 Partial Enumeration of Prohibited Noise.

The following activities, among others, are declared unreasonably loud, disturbing and unnecessary noise in violation of this chapter:

- a. The sounding of a horn or signaling device on an automobile, motorcycle or other motorized vehicle, except as a warning of danger, and then only for such period of time as is reasonably necessary for giving such warning;
- b. The use, operation or playing of any loudspeakers, amplifiers, instrument, or other machines or devices for the producing of sound which is cast upon a public street for the purpose of commercial advertising or attracting the attention of the public;
- c. The shouting of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood;
- d. The keeping of any animal or bird which by causing frequent or long-continued noise, such as barking or jabbering, shall disturb the peace, quiet and comfort of neighboring inhabitants; and,
- e. Creating an audible noise, which results in a complaint, beyond the property line of a property under construction or renovation including activities, such as, erection, excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday, except in the case of urgent matters and in the interest of public safety and health.

3-2.4 Exceptions.

The provisions of this chapter shall not apply to:

- a. Any public works projects for construction deemed to be in the public's welfare, safety and for the public good and only with prior approval from the Governing Body.

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- b. Sounds created by any government agency by the use of public warning devices.
- c. Sound and vibration emitted for the purpose of alerting people in an emergency or in the performance of the response to an emergency.
- d. Sounds connected with any authorized carnival, fair, exhibition, parade or community celebration or from any municipally sponsored celebration, event, activity or individually sponsored event where a permit or other relevant permission has been obtained from the Governing Body.
- e. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized by the Governing Body.
- f. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.
- g. Noise from domestic power tools, used for routine maintenance, such as, lawn mowers, leaf blowers and similar equipment when operated between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they are equipped with a muffler, if so equipped by the manufacturer, and are properly maintained so to not produce excessive noise.
- h. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler, if so equipped by the manufacturer, for the purpose of snow removal.
- i. Outdoor music, either live or recorded, when operated during the months of May through October and between the hours of 11:00 a.m. and 8:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 11:00 a.m. and 10:00 p.m. on Friday and Saturday when such outdoor music is operated in a reasonable manner and at a reasonable sound level. Music which interferes with conversation (i.e., speech interference, as defined herein) at the property line of the complainant is considered to be unreasonably loud and in violation of this section and the violator is subject to the penalties of this chapter. Establishments which operate with a liquor license and have been found to be responsible for unreasonable noise, as defined herein, may be subject to additional sanctions from the Borough's Alcohol Beverage Control Board which may include restrictions to their liquor license to minimize the likelihood of subsequent violations of this chapter.
- j. Nothing herein contained shall be construed to apply to church bells or chimes, or to sounds typically generated by vehicles engaged in the residential sale of ice cream.
- k. Sounds emanating from any youth sporting event sponsored by an organized community organization, the Borough, or any school or school district.

3-2.5 Violations and Penalties.

- a. Any person found guilty of violating any of the foregoing provisions concerning plainly audible noise, unreasonable noise or unnecessary noise shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars for an initial violation. For a second violation, the fine shall not exceed five hundred (\$500.00) dollars. For a third violation, the fine shall not exceed seven hundred and fifty (\$750.00) dollars. For a fourth violation, the fine shall not exceed one thousand (\$1000.00) dollars. For a fifth violation, the fine shall not exceed fifteen hundred (\$1500.00) dollars. For a sixth violation, the fine shall not exceed two thousand (\$2,000.00) dollars as well as for any violation thereafter. Additionally, when an offender is found to be a repetitious offender, the offender shall be subject to not more than 30 days imprisonment in the county jail for each subsequent offense. A repeat offender shall be defined as an individual who has violated the statute more than three times within a four-week period of time.
- b. Each day that this chapter is violated shall constitute a separate offense.

3-2.6 Severability.

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

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3-2A RESERVED.

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 and publication 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

NAY: None

ABSTAIN: None

ABSENT: Mayor Nolan

O-15-5 –Ordinance Accepting Various Deeds and Easements from Navesink Capital Partners, LLC and Sandy Hook Developers, LLC for Block 101 Lot 27.02 and Lot 27.03 :

Mrs. Cummins read the title of O-15-5 on for introduction and setting of a public hearing date for February 18, 2015.

Mr. Padula stated that these are routine easements.

Mr. Card offered the following Ordinance and moved on its introduction and setting of a public hearing date:

**O-15-5
Borough of Highlands
County of Monmouth**

**AN ORDINANCE ACCEPTING VARIOUS DEEDS AND EASEMENTS FROM
NAVESINK CAPITAL PARTNERS, LLC AND SANDY HOOK DEVELOPERS, LLC
FOR BLOCK 101, LOT 27.02 AND LOT 27.03**

WHEREAS, N.J.S.A. 40A:12-14, authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; 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 on real property, including upon Block 101, Lot 27.02 and Lot 27.03; and

WHEREAS, Navesink is the owner of Block 101, Lot 27.02 and Sandy Hook Developers, LLC (“Sandy Hook”) is the owner of Block 101, Lot 27.03; and

WHEREAS, Resolution No. PB#2013-3 required Navesink and Sandy Hook to convey certain deeds and easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, Navesink and Sandy Hook, the owners of the property, desire to convey to the Borough the following easements over a portion of Block 101, Lot 27.02 and Lot 27.03:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02
- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03

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- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer;

WHEREAS, the Governing Body has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer; and

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

(1) The Borough hereby accepts the following deeds and easements, in a form acceptable to the Borough Attorney and Borough Engineer, from Navesink and Sandy Hook:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02
- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

(2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to accept and execute the deeds and easements on behalf of the Borough. The fully-executed deeds and easements shall be recorded, as appropriate.

(3) **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.

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

(5) **EFFECTIVE DATE**. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

HBP 2015 Budget Public Hearing:

Mrs. Cummins stated that this was published in the December 19th, 2014 edition of the Two River Times and may now be open to the public.

Ms. Kane opened the public hearing.

Kim Skorka of 315 Shore Drive asked how the budget compares to last year's budget.

Ms. Kane stated that there is an increase of \$10,000.00. They are disseminating the fee is different.

Carla Braswell explained that the increase will be divided among the HBP properties.

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Barbara Ianucci of 28 Shrewsbury Avenue questioned marketing and if there was a group or in house.

Carla Braswell stated that all marketing is done in house and further explained.

Barbara Ianucci asked if anything research is done on what will draw people in.

Carla Braswell said thru advertising.

There were no further questions.

Ms. Kane closed the public hearing.

R-15-44 – Resolution Authorizing Adoption of HBP 2015 Budget:

Mrs. Cummins read the title of Resolution R-15-44.

**R-15-44
RESOLUTION APPROVING THE ADOPTION OF THE 2015
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	

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- Insurance
- Office Supplies
- Utilities – Telephone, fax & electric
- License & fees

TOTAL Expenses.....\$160,000.00

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

**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

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

Committee Reports:

Finance

Mr. DeBlasio stated that two notes came due and they rolled over. We had a \$377,000.00 note with an interest rate of .99%. We also had a \$586,000.00 note at a rate of .76%. He spoke of the Annual Debt Statement that will last outstanding bonds and notes. That will be filed by the statutory dead line of January 31st. Our Annual Financial Statement has a dead line of February 10th. That will show all of our assets, liabilities and surplus. We also have bi-weekly budget meetings. We are making progress.

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Public Safety

Ms. Kane stated that Chief Blewett was absent but submitted his report.

POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1158
FAX: 732-872-9240

***Report to Council
January 2015***

- * While conducting a routine walking patrol in the area of the Robert D. Wilson Memorial Community Center officers observed a group of individuals in the parking lot. As the officers approached to investigate a strong odor of marijuana was detected. A search of the individuals was being conducted when the accused fell unconscious. While officers assessed the accused's condition a knife was located on his waistband and a further search of the accused produced a stun gun. The Highlands First Aid Squad transported the accused to a local hospital for treatment and Marcello R. Allen, 22 years old, Red Bank was charged with (2) counts of possession of a weapon, possession of a controlled dangerous substance and possession of paraphernalia.
- * The Highlands Police Department responded to an altercation between roommates during the morning hours of November 25, 2014. The initial investigation revealed that the accused had allowed acquaintances to temporarily stay with her but was now requesting them to leave. Since there had been physical altercations between the parties they agreed. While supervising the removal of personal property officers observed a stun gun and irritant spray in the apartment. Subsequently, Renee LaBoy, 34 years old, Bay Avenue, Highlands was arrested and charged with possession of a weapon. Ms. LaBoy was also found to have outstanding warrants from other jurisdictions totaling over \$4000.00. Ms. LaBoy was released after obtaining the services of a bail bondsman and returned home to find that her apartment window had been pried open. As a result of an investigation into the burglary Robert Mason, 35 years old, Highlands was arrested and charged with one count of burglary. Once at police headquarters Mr. Mason reported that he had been the victim of a stabbing the previous day by Ms. LaBoy and had marks from stab wounds on his face, stomach and hand. Renee LaBoy was arrested again and charged with aggravated assault and possession of a weapon. Ms. LaBoy's bail was set at \$65,000.00 and she was subsequently transported to the Monmouth County Correctional Institution, Freehold in lieu of bail.
- * On December 28, 2014, the Highlands Police Department responded to the area of Fifth Street and Miller Street in regard to a report of an individual carrying a firearm in a holster on his waistband. Upon arrival, officers encountered a second witness who corroborated the initial complainant's account regarding the weapons possession. During the investigation and based on witness descriptions officers were able to identify the suspect and with the assistance of officers from the Atlantic Highlands Police Department and Gateway National Park Service Sandy Hook initiated surveillance of several locations. Within several hours, officers located the suspect at the residence of an acquaintance who agreed to a Search of the apartment. Subsequently, Bernard Deaver, 63 years of age, Bay Avenue, Highlands was found to be in possession of a military style bayonet. Mr. Deaver was arrested and charged with possession of a weapon and possession of a weapon by certain persons not to be in possession of weapons. Although, a handgun has not been located a third party revealed that the suspect advised him that he

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had a handgun. Mr. Deaver was transported to the Monmouth County Correctional Institution, Freehold in lieu of bail.

* **Administration:**

- Hiring
 - Candidates Ryan Clark and Ronald Osadacz
 - Monmouth County Police Academy
 - January 5, 2015 thru May 21, 2015
 - Special Law Enforcement Officers Class II
 - Received (2) applications
 - Scheduling interviews

* **Investigations:**

Over the past several years there has been a growing problem of identity theft related to tax refund fraud in which unknown person(s) are using other people's personal information to claim income tax refunds and victims are unaware until they try to file their tax return. As we approach the tax season residents can help protect themselves from becoming a victim by filing early, using a trusted tax professional, only mailing their tax documents from a secure mailbox or electronically filing through a secure network.

Ways to safe guard your identity:

- Shred all financial documents
- Protect your social security number
 - Do not carry your social security number in your wallet
- Do not give our personal information over the phone, internet or mail unless you know who you are dealing with. The IRS will not ask for your personal information over the phone, if someone claims to be the IRS contact our police department immediately and do not give this information out
- Always keep your personal information in a secure place
- Residents should also be aware of the following telephone scams
 - IRS – potential victims are told that they owe money that needs to be paid immediately.
 - Relative – potential victims are told that their relative is being held hostage or has been in a serious accident and needs money.
 - Utility – potential victims are told that their utility service will be shut off and request credit card or pre-paid card information over the phone.
 - Remember the IRS will always send written notification via the U.S. mail and will never ask for credit card, debit card or pre-paid card information over the phone.
 - If you receive a telephone call from an unfamiliar number making a claim like the ones mentioned above try to get as much information about the caller as you can and hang up.
 - Under no circumstances should you send money anywhere, purchase pre-paid cards or provide any personal information.

* **Community Policing:**

- Explorers
 - 2014 Explorer Awards
 - Explorer of the Year – Matthew Golembieski
 - This explorer was selected based on dependability, attitude,

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attendance, and contributions to the post, department and community.

- Community Service – Matthew Golembieski
 - This explorer was selected based on completing and/or exceeding 100 hours of community service, including crowd traffic control, parking service, and community events preapproved and logged by the Advisor.
- Tenure – Robert Alvator, Claire Connolly and Alex Braswell
 - Awarded to explorers who complete 1 year of satisfactory service to the post.

* Total Calls for Service: 411

* Arrests: Adults: 17 (4 for possession of CDS)
JV: 7 (2 for possession of CDS)

* Summons: Total: 74

Moving Violations: 31
Non-Moving: 29
DWI: 5
Boro Ordinance: 9

(Report covers the period from November 16 – December 15, 2014)

Mr. Redmond and Mr. Card discussed reports from the Fire Dept. and First Aid.

First Aid

Ed Cetron of the First Aid gave his monthly report.

Ed Cetron stated that they had 32 calls for the month of December and January. He spoke of events and fundraisers. When they get the new ambulance, they will have a celebration similar to the Fire Department. All ambulances are stored at the old fire house on Bay Avenue. They are working on getting their building up and running.

Administration

Mr. Hill read thru his report.

1. Various Recovery Related items:

- a. Community Center – Architect to complete design phase in preparation of going out to bid. We continue to work with FEMA, but intend on moving forward.
- b. Meetings to be set with Sandy Recovery Consultants (Bathgate & Millennium Strategies) for review of project status and appeals if needed.

2. Department of Public Works / Sanitation Services / Sewer

- a. Bulk Pick-Up completed in December as per collection Zones.
- b. Brush & Leaf completed in December as per collection Zones.
- d. DPW continued general rounds, basin clean-outs, and responded to Sewer 4 issues.

3. Building and Housing:

a. CONSTRUCTION OFFICE

No Report – annual report for 2014 will be provided in Feb.

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Grease Trap Inspection Program – Construction Office has requested additional program to implement. Once program is installed, notifications will be sent out to all commercial establishments that are required to have the inspections done and the records on file at their establishment.

b. Zoning Office:

FLOODPLAIN	10 Approvals		1 Flood Zone Inquiry Letter
	7 Letters of Compliance		1 Additional Compliance Required Letter
ZONING	14 Approvals	2 Denials	1 Zoning Compliance Determination Letter

c. **Code Enforcement:** 38 inspections - 17 failed, 21 CO's issued. Continue compiling information on Vacant Property List. Notices will be sent out to all property owners explaining the Vacant Property Registration Requirements and the penalties for failure to comply.

4. Recreation Dept.

- a. Kids on the Move Program – Mon, Tues, Wed afternoons at HES 23 registered
- b. Adult Open Gym Indoor Soccer – Wed eves at HHRS 15 registered
- c. Senior Citizens have continued to meet monthly.

Other December Events - Holiday Tree Lighting, Holiday Helpers Program, Breakfast with Santa Claus, and Kids on the Move Program Holiday Party, held.

High School Teen Night and Middle School teen nights to resume in January at HES.

5. Administration

- a. New RFP's will be sent out for Master Plan
- b. Streetscape RFP review in process
- c. Workforce Development Grant – program ended December 31.
- d. Judicial Position – Notice sent out – responses were received.
- e. Fort Hancock 21st Century – Requests for Proposals are out for re-use of specific buildings. Response date is April 17, 2015. Committee will present info at Feb 4th meeting.
- f. Rec'd letter from Bayshore Regional Watershed Council requesting a rep. from Highlands.
- g. Meeting held with USAC of Engineers 1/15 – update status: Draft report – scheduled to be completed by end of 2015. Project is approximately 30% designed. USAC emphasized that one on one session with all impacted property owners will take place in the future in order to complete the real estate analysis that is mandatory for final design to proceed.

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Mr. Redmond stated that we can choose whether or not to accept the design. If we don't accept it, it will be detrimental to the town.

Mr. Card added that it puts us on the radar if we have another event. The Government will not bypass us.

Mr. Redmond said there will be a few public meetings.

Mr. Hill continued his report.

- i. FEMA Preliminary Flood Insurance Rate Map Monmouth County Open House Session: Friday, February 20th, 2015, 4PM – 8PM, Henry Hudson Regional High School, Cafetorium.

Library

There was no report for tonight.

HBP

Carla Braswell explained the raffle license procedures and regulations. She also said that there is a fundraiser event for the St. Patrick's Day Parade on Sunday, January 25th at Off the Hook.

Carla Braswell said the Grand Marshal's for this year's parade will be Danny Shield and Bobby Higgins.

Shared Services

Ms. Kane explained that a meeting will be set up with Atlantic Highlands to discuss the municipal judge. There is a potential cost savings if we have the same judge. Mr. Hill will set up the meeting between Atlantic Highlands Administrator, Adam Hubeny, himself, Ms. Kane and Mayor Nolan. They will then bring it back to the table.

Other Business:

Borough Engineers Status Report

Dale Leubner read thru his report.

INSERT ENGINEER's REPORT

CTW Community Team Works

Ms. Kane explained that this is a group that comes in yearly that does a betterment project. We have consistently done clean-ups at Kavookjian Field. The clean-up is coordinated by Ms. Kane, Mr. Hill, DPW and a resident from Seadrift Avenue. The cost is taken care of by the CTW Community Group. A date has been set for May.

Mr. Hill stated that they usually allocate \$1,000.00. They also supply volunteers from within their group.

Council Liaison for Building Dept./Code Enforcement Engineering

Mr. Redmond stated that he oversees Building and Code Enforcement. He is going to include the engineering part to oversee.

General Announcements

Ms. Ryan stated that there is another REM rollout. It is for lower and middle income applicants. She encourages those who have not done this, to please apply. It closes on March 4th. There is still open enrollment in the Affordable Health Care. The enrollment ends on February 15th. Anyone with questions may contact Ms. Ryan.

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Captains Cove

Mr. Card asked for an update.

Mr. Hill explained that it is still on going. The property owner did request reusing pilings. He will be meeting with the contractor and revise the scope of work. A lot of work has been done. The property owner is asking the council if he can shrink wrap the piling. He feels that they are reusable and have value.

Mr. Card asked if the piling will be removed.

Mr. Hill replied – yes.

Public Portion:

Jim Bemis of Twin Lights Condo asked about the status on the parking ordinance on Portland Road.

Mr. Hill said the ordinance was introduced that we were doing away with some of the parking.

Mr. Padula stated that the ordinance was prepared but was not sure if it was introduced. We need to check with the Chief.

Mr. Hill will check on the status with the Chief and contact Mr. Bemis tomorrow.

Claudette D'Arrigio of 12 Seadrift Avenue said that she read on social media that our beaches were understaffed last summer. She spoke of that being a liability to the town. She suggested increasing the salary for lifeguards. If we don't have lifeguards for the beaches, can we take down the open beach signs on the highway?

Mr. Hill explained that we did not have any lifeguards last year. We hope to have guards this year. We can have a free beach. We were told by our insurance company to not put a "swim at your own risk" sign up. He further explained. He also stated that the hourly rate was increased.

Ms. Kane suggested having Ms. Ryan speak to the High School about the need for life guards.

Mr. Hill continued to discuss qualifications with Claudette D'Arrigio.

Chris Francy of 36 Fifth Street – passed.

Kim Skorka of 315 Shore Drive is upset with changes to Noise Ordinance. She would like to speak with someone. She continued to complain.

Mr. Card explained that she is interpreting it wrong. He will set up a meeting with her and Steve Szelecki who made recommendations for the ordinance. Mr. Card will also be attending the meeting.

Carla Cefalo of 62 Gravelly Point Road asked about the streetscape and if the work will be at the height of the summer season.

Mr. Hill explained that it was known from the beginning that it might be. The project has to be done by 2015.

Mr. Redmond added that there are three sections to be done. There is a lot in it that has to be done. It will help the town. The bid will go out as soon as possible.

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Mr. Card said we will be sensitive to events. There will be a lot of construction everywhere.

Mr. Hill said that if we put too many restrictions on it, the costs will go up significantly.

Melissa Pederson of 17 Bay Avenue asked if the sidewalks on Bay Avenue will be repaired.

Dale Leubner briefly explained. There will be sidewalks, stamped concrete, light posts, large planters and benches. There are two business sections and one residential section. The contractors will be aware to clean up at the end of the day to make businesses accessible. They will work as fast as possible.

Melissa Pederson asked about grant writers for the Community Center and Borough Hall.

Mr. Hill stated that we applied for an additional grant to fill that gap. We have not heard back yet.

Mr. Hill will have a report for the next meeting listing all the grants applied for.

Barbara Ianucci – passed.

Carol Bucco of 330 Shore Drive said that since Valley Avenue has been made a one way street it has created a situation at OLPH lot being used as a u-turn.

Ms. Ryan stated that she is working on a survey and will be speaking to the residents involved. We are revisiting the ordinance.

Carol Bucco asked if FEMA covers the trailer rent.

Mr. Hill stated that 90% is paid by FEMA to the end of this year.

Carol Bucco said that the school is available for offices.

Mr. Hill said they were not offering them for rent. We have spoken with the Diocese.

There were no further questions.

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

The Meeting adjourned at 9:31 p.m.

Debby Dailey, Deputy Clerk