

**Mayor and Council
Agenda
Community Center,
22 Snug Harbor Avenue, Highlands
Wednesday, June 21, 2017
7:00 p.m.**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council 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. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

Contract Negotiations: Veterans Park Electrical Repairs
Township of Middletown Sewerage Authority (TOMSA)
Attorney-Client Privilege: Borough-Owned Properties

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes: June 7, 2017 - Regular Meeting

Public Comment on Resolutions:

Consent Agenda

R-17-127 - Appointing Member to the Open Space Committee for Unexpired Term Due to Vacancy
R-17-128 - Authorizing Refund of Sewer Overpayment
R-17-129 - Payment of Bills
R-17-131 - Authorizing Shared Service with Monmouth County
R-17-132 - Renewal of Liquor Licenses for the 2017-2018 Term
R-17-133 - Appointing Replacement of Temporary Seasonal Recreation Employee

Resolutions

R-17-125 - Certifying and Approving 2016 LOSAP Contributions
R-17-126 - Approval of Adding \$11,891.43 to the 2017 Budget of the Summer Food Program Grant
R-17-130 - Approving Social Affairs Permit Highlands VFW Post #6902

Ordinances: Public Hearing/Possible Adoption

O-17-09 - Amending Chapter 3-7 of the Borough Code Concerning the Separation of Recyclables
O-17-13 - Authorizing the Purchase of Block 37, Lots 12.01 and 13 In the Borough of Highlands

Ordinances: Introduction

O-17-14 – Bond Ordinance - Sewer

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Other Business:

**Administrator's Update
Hoops Clinic Concessions**

Public Comments:

Adjourn:



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-125

CERTIFYING AND APPROVING 2016 LOSAP CONTRIBUTIONS

WHEREAS, the Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (*N.J.S.A 40A: 14-183 et seq.*), to reward members of the Columbia Hose and Star Hook and Ladder Company and the Highlands First Aid Squad for their loyal, diligent and devoted services to the residents of the Borough of Highlands; and,

WHEREAS, LOSAP shall provide for annual contributions, by the Borough of Highlands, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 04-09; and,

WHEREAS, the following Fire Department and First Aid members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the LOSAP annual contributions, from the Borough of Highlands, to a deferred income account for each volunteer member listed below, having met the criteria, be made in accordance with the plan established by the Borough of Highlands pursuant to P.L. 1997, c. 388.

BE IT FURTHER RESOLVED that a certified copy of this resolution be returned to each emergency service organization, where it shall be posted for no less than 30-days, as well as in the office of the Municipal Clerk.

| Number | Name | Points | Amount |
|--------------|-----------------------|--------|--------------------|
| 27 | Larry Kelly | 124 | \$1,150.00 |
| 71 | Kerry Gowan | 136 | \$1,150.00 |
| 81 | Bronwyn Link | 180 | \$1,150.00 |
| 83 | Warren J. Terwilliger | 234 | \$1,150.00 |
| 87 | Sal Albanese | 142 | \$1,150.00 |
| 90 | Mike Snyder | 145 | \$1,150.00 |
| 91 | Samantha Staskowski | 141 | \$1,150.00 |
| 95 | Jacob Link | 143 | \$1,150.00 |
| 100 | Billy Mount | 146 | \$1,150.00 |
| 104 | Ed Cetron | 109 | \$1,150.00 |
| 107 | Paul Murphy | 104 | \$1,150.00 |
| 108 | Bryan Foeri | 117 | \$1,150.00 |
| 117 | Chris DosSantos | 105 | \$1,150.00 |
| 118 | James Davis | 104 | \$1,150.00 |
| TOTAL | | | \$16,100.00 |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-126

REQUESTING APPROVAL OF INSERTION OF \$11,891.43 IN THE 2017 BUDGET REVENUE AVAILABLE FROM THE SUMMER FOOD PROGRAM GRANT

WHEREAS, N.J.S.A. 40:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$11,891.43 which item is now available as a revenue from the Summer Food Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$11,891.43 be and the same is hereby appropriated under the caption of:

Summer Food Program Grant



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-127

RESOLUTION APPOINTING MEMBER TO THE OPEN SPACE COMMITTEE FOR UNEXPIRED TERM DUE TO VACANCY CREATED

WHEREAS, by way of Resolution R-17-024, John Urbanski was appointed to serve on the Open Space Committee for a three (3) year term beginning January 1, 2017 with his term set to expire on December 31, 2019; and

WHEREAS, the governing body has been notified that John Urbanski has failed to attend meetings for a period of at least four (4) consecutive regular meetings, without being excused by a majority of the authorized members of the Open Space Committee; and

WHEREAS, in accordance with N.J.S.A. 40A:9-12.1, a vacancy exists within the Open Space Committee; and

WHEREAS, in accordance with the above, John Urbanski is hereby removed from his position as a Regular Member of the Open Space Committee; and

WHEREAS, in accordance with N.J.S.A. 40A:9-12.1, the governing body seeks to fill the said vacancy for the unexpired term; and

WHEREAS, the governing body hereby appoints Megan Ekleberry to serve on the Open Space Committee as a Regular member for the unexpired term set to expire December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands, that Megan Ekleberry be and hereby is appointed to serve as a Regular Member of the Open Space Committee for the aforementioned unexpired term set to expire on December 31, 2019.



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION 17-128

AUTHORIZING REFUND OF SEWER OVERPAYMENT

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

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

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

| <u>BLOCK</u> | <u>LOT</u> | <u>YEAR</u> | <u>AMOUNT</u> | <u>NAME</u> |
|--------------|------------|-------------|---------------|---------------|
| 29 | 4 | 2017 | \$1,820.00 | CICCONE, DAWN |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-129

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated June 07, 2017, which totals as follows:

| | |
|----------------------|--------------|
| Current Fund | \$191,848.86 |
| Sewer Account | \$ 85,544.82 |
| Capital Fund | \$ 36,800.00 |
| Trust-Other | \$ 1,159.69 |
| Federal/State Grants | \$ 1,875.87 |
| Total | \$317,229.24 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$317,229.24** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-130

RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT HIGHLANDS VFW POST #6902 1317-31-028-001

WHEREAS, an application has been filed for a Social Affairs Permit for the Clam Festival to be held August 3, 2017 through August 6, 2017; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed by the Chief of Police, or his designee, who has not objections to the issuance of said permit.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the Highlands VFW Post #6902 for August 3, 2017 through August 6, 2017.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17- 131

RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH MONMOUTH COUNTY

WHEREAS, the purchase of goods and services by a local contracting unit is authorized by the Local Public Contracts Law, NJSA 40A:11-12; and

WHEREAS, the Borough is a current participant of the Monmouth County Shared Services Agreement;

WHEREAS, certification of funds was made by the Chief Financial Officer that funds are available for the said purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough of Highlands will utilize this agreement to mill and pave New Street, South Second Street, and William Street at the cost of materials and up to \$22,156.44 in labor.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-132

RENEWAL OF LIQUOR LICENSES FOR FOR THE 2017-2018 TERM

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

WHEREAS, renewal applications have been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2017-2018 term from July 1st 2017 to June 30th 2018, is hereby authorized:

| File Number | License Number | Licensee | Establishment |
|-----------------------------------------------------------------------------------------------|-----------------|-----------------------------------|-------------------------------|
| - Club License - | | | |
| 156857 | 1317-31-028-001 | Highlands Post 6902 VFW of US | VFW Post 6902 |
| - Plenary Retail Consumption Licenses with Broad Package Privilege - | | | |
| 153116 | 1317-32-018-005 | DDS Enterprises LLC | Driftwood Liquor Bar |
| 160963 | 1317-32-021-003 | Andy's Shore Bar Inc. | Andy's Shore Bar |
| - Plenary Retail Consumption Licenses - | | | |
| 148265 | 1317-33-012-004 | Dan Rob Restaurant Associates LLC | Windansea |
| 148503 | 1317-33-001-003 | Bahr's Restaurant LLC | Bahr's Landing |
| 158247 | 1317-33-003-008 | Claddagh of Highlands, LLC | Claddagh of Highlands |
| 154091 | 1317-33-008-006 | Seastreak LLC | NA |
| 159274 | 1317-33-007-003 | Inlet Café Inc. | Inlet Café |
| 152324 | 1317-33-022-010 | M&D Inc. | Off the Hook Restaurant & Bar |
| 151725 | 1317-33-015-007 | Chilango's Restaurant Inc. | Chilango's Resturant |
| 161467 | 1317-33-005-002 | Sandy Hook Holdings LLC | Bay Point Inn |
| 163270 | 1317-33-004-013 | 123 Bay Ave Associates LLC | NA |
| - Plenary Retail Distribution License - | | | |
| 155861 | 1317-44-011-003 | Monir Inc. | Bay Spirits Shop |
| - Plenary Retail Consumption Licenses who Received a Special 12:39 Ruling by the ABC - | | | |
| 163270 | 1317-33-004-013 | 123 Bay Ave Associates LLC | NA |
| 148366 | 1317-33-012-004 | Tomani John J | NA |
| 162849 | 1317-33-019-012 | Atlantic Street Innkeepers LLC | NA |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-133

RESOLUTION APPOINTING REPLACEMENT OF TEMPORARY SEASONAL RECREATION EMPLOYEE FOR THE BOROUGH OF HIGHLANDS

WHEREAS, on June 7, 2017, the Borough adopted Resolution R-17-119 appointing Amy Conrad as a P/T Rec. Aide; and

WHEREAS, Amy Conrad has since informed the Borough that she is no longer available to accept the position thereby creating a vacancy; and

WHEREAS, it is the recommendation of Jennifer Strehl of the Recreation Department that Catarina Breithoff be appointed to replace Amy Conrad.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Catarina Breithoff is hereby appoint as P/T Rec. Aide and will be compensated at an hourly rate of \$8.50 per hour for up to 30 hours per week.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 17-09

AN ORDINANCE AMENDING CHAPTER 3-7 OF THE BOROUGH CODE CONCERNING THE SEPARATION AND COLLECTION OF ALUMINUM, BUILDING MATERIALS, DEBRIS, GARBAGE, GLASS, METAL AND NONMETAL OBJECTS, PAPER AND TRASH

WHEREAS, Borough Code Section 3-7 addresses the Separation and Collection of Aluminum, Building Materials, Debris, Garbage, Glass, Metal and Nonmetal Objects, Paper and Trash; and

WHEREAS, the Governing Body has determined that it is in the best interest of the residents of the Borough to amend Code Section 3-7 to provide for the within changes; and

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

SECTION I.

The following sections of Chapter 3, Section 7 of the Borough Code shall be amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics**~~. Sections of Chapter 3, Section 7 that will remain unchanged are shown in normal type).

3-7 SEPARATION AND COLLECTION OF ALUMINUM, BUILDING MATERIALS, DEBRIS, GARBAGE, RECYCLABLE MATERIAL, ~~GLASS, METAL AND NONMETAL OBJECTS, PAPER AND TRASH.~~

3-7.1 Definitions.

For the purposes of Section 3-7 of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

Aluminum shall mean all products made of aluminum including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, or manufactured aluminum items.

Applicant shall mean the person that owns, rents, occupies, or controls the property and registers takes responsibility for application for dumpsters or PODS. Building materials shall be materials customarily used in the construction, renovation or demolition of any structure.

Containerized shall mean the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

Debris shall mean stones, dirt, demolition material, broken concrete, bituminous asphalt materials and other like material, brush, branches, trees and bushes.

Garbage shall mean putrescent animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and/or consumption of food.

Glass shall mean all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all material commonly known as glass excluding, however, blue and flat glass and glass commonly known as window glass. ~~**For purposes of this section, glass is divided into separate categories - clear (flint), brown or green.**~~

Leaves. For purposes of this section, leaves are recyclable.

Metal shall mean all products made of metal, exclusive of aluminum including, but not limited to, washers, dryers, refrigerators, stoves, hot water heaters, tire rims, springs, bicycles, bi-metal cans (tin cans) or scrap metal.

Occupant shall include a resident, tenant, owner and other third party who resides at or who occupies a premises or dwelling - commercial, residential, or institutional.

Paper products shall mean all uncontaminated paper material such as used newsprint, magazines, books, corrugated cardboard and high grade paper.

Receptacles shall mean containers generally made out of aluminum, or plastic having an average size 35 gallons, and shall not exceed 40 pounds when filled to capacity.

Recyclable Material shall include the following: aerosol cans (empty); aluminum cans (rinsed); clean aluminum foil wrap/containers (rinsed); cardboard; glass containers; glass bottles and jars; mixed papers including chip board (cereal boxes), magazines, soft cover books, white/color paper, wrapping paper/non-metallic, newspapers (including inserts) and shredded papers; plastic bottles/containers #1-7; steel and tin cans.

Roll-off dumpster or dumpster shall mean a bulk storage container for waste materials that can be hauled by private companies directly to the point of disposal.

Single Stream Recycling shall mean the ability of residents to place recyclable material into one blue recycling container, wherein recyclable material does not need to be separated from other recyclable material.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

Trash shall mean ashes, plastic material, ceramics, blue and flat glass, nonputrescible solid waste, contaminated paper, and other similar materials.

3-7.2 Program Established.

a. There is hereby established a program for the mandatory separation of aluminum, glass, metal and nonmetal objects, **recyclable material**, ~~paper~~, trash, **cardboard**, building materials debris, garbage, and other debris within the Borough of Highlands. All recyclable materials shall be separated from other garbage, debris, ~~and~~ trash and ~~recycled~~ **recyclable material** consistent with this ordinance. **The Borough of Highlands engages in Single Stream Recycling.**

b. Any multifamily complex, business or institution that is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclable collection services, including the size, number and location of storage containers, frequency of pick-up services, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.

3-7.3 Time for Pickup.

a. Pick-up of the solid waste items set forth herein shall be placed at the curb for collection on the days designated by the Borough and in the manner prescribed herein no later than 5:00 a.m. and not earlier than ~~3:00 p.m.~~ **5:00p.m.** the day before the designated collection day.

b. Pickup of ~~aluminum, glass~~ **recyclable material** and ~~paper products set forth herein~~ shall be placed at the curb for collection on the days designated by the Borough and in the manner prescribed herein no later than ~~8:00 a.m.~~ **5:00 a.m.** or earlier than ~~3:00 p.m.~~ **5:00p.m.** on the day before the designated collection day.

c. After collection, any empty container shall be removed from curbside by 8:00 p.m. of the day of the collection.

3-7.4 Separation and Placing for Removal; Containers.

The occupant or owner of any building shall place for disposal, removal or collection the following named items at the curb in conformity with the following regulations:

~~a. Paper products shall be bundled and tied separately or placed in paper bags tied securely. Paper products shall not be put in plastic bags of any type. Paper products shall not be placed at the curb for pickup in rainy or inclement weather.~~

b. a. **Glass Recyclable material** shall be placed in a reusable metal or rigid plastic container supplied by occupant. ~~Glass shall be separated into one container for clear glass; one for brown, and one for green glass. Any mixed glass not separated as set forth herein will be left at the curb. It shall be the responsibility of occupant to remove same.~~

~~c. Aluminum shall be contained in a reusable metal or rigid plastic container to be supplied by occupant or owner.~~

d. b. Garbage. The garbage receptacle shall be a container of galvanized iron or a rigid plastic container and shall be watertight with suitable handles and a tight-fitting cover that will prevent access by flies, other insects and animals to its contents. The container shall be covered at all times and shall have a capacity of not less than four gallons and not more than 32 gallons. Garbage shall not be placed for pickup in non-rigid containers, plastic, bags or other containers not permitted herein.

e. c. Trash and debris shall be placed in metal or rigid plastic containers, ~~boxes~~ secured by a lid or securely tied.

f. d. Brush. Branches shall be tied in bundles not to exceed four feet in length or 40 pounds in weight.

g. e. Large items such as furniture, rugs, mattresses, television sets and refrigerators shall be placed at curbside no later than 5:00 a.m. on the day designated for collection and not earlier than ~~3:00~~ 5:00 p.m. on the day before the designated collection day, of such items, otherwise, disposal of same shall be the responsibility of the occupant.

h. f. The collection and disposal of leaves shall be in accordance with the following: sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the ~~seven~~ five (5) days prior to a scheduled and announced collection, and shall not be placed closer than ten feet from any storm drain inlet. Placement of such at the curb or along the street at any other time or in any other manner is a violation of this section. If such placement occurs, the party responsible for placement must remove the leaves from the street or said party shall be deemed in violation of this section.

i. g. Disposal of building materials, demolition materials, broken concrete, bituminous materials and similar items related thereto shall be the responsibility of property owner or contractor.

~~j. h. The borough reserves the right to designate certain specific materials to be put out for collection by certain users. Container users shall separate and place for collection corrugated paper, high grade paper, aluminum and glass as defined herein.~~

k. i. **Recyclable material Tin and bi-metal cans** shall be emptied of their contents and rinsed out. These items shall be placed for collection in accordance with the terms of subsection 3-7.4**b.a.**

~~l. All business, industrial, institutional and residential properties shall separate clean and unsoiled cardboard.~~

~~All business, industrial, institutional and residential cardboard shall be separated and tied and placed curbside on the appropriate pickup day. No pizza boxes or food soiled boxes shall be allowed with residential pickup.~~

j. The Large pieces of corrugated cardboard shall be flattened and placed next to the container of recyclable material securely tied with twine or rope in flat bundles, none of which shall weigh more than 50 pounds.

Placement for collection shall be in accordance with subsection 3-7.3b.

k. Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in a manner and schedule as shall be published and distributed by the municipality. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.

l. Automotive and other vehicle or wet cell batteries, used motor oil and antifreeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to ~~local service stations, scrap yards or~~ publicly operated recycling facilities designed and permitted to handle such products.

m. Liquid and hazardous waste shall not be disposed of as solid waste. No liquids of any type shall be placed with recyclables, or other solid waste for collection and disposal. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products or other hazardous waste shall be placed with recyclables, or with solid waste for collection and disposal. Such items are to be kept separate from other waste materials and recyclables, and brought to publicly operated recycling facilities designed and permitted to handle such products.

3-7.5 Collection.

The collection, removal and disposal of ~~aluminum, building materials,~~ debris, garbage, ~~glass,~~ large objects, leaves, ~~metal and nonmetal objects, paper, recyclable material~~ and trash shall be supervised by those persons designated by the borough who shall have the power to establish the time, method and routes of service. ~~and the color coding of receptacles, if applicable.~~ Collection for recyclable material shall be two (2) times per month shall be by the Highlands Borough Sanitation Department ~~once per week only on the following routes as indicated on the borough map attached.~~ Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall. and on designated days of each month from 10/1 to 4/30 with twice weekly pick up the weeks of Thanksgiving and Christmas as posted by the governing body. Twice weekly pickup shall occur from 5/1 to 9/30 on the days posted by the governing body. There will be no collection of recyclable materials on the fifth week of any month in the calendar year.

~~The borough administrator shall establish the time for collection.~~

3-7.6 Receptacle Requirements.

a. All receptacles, not to exceed four in number, required herein shall be supplied by the occupant or owner of the premises subject to paragraph c. below, and placed prior to collection between the curb and sidewalk where they shall be readily accessible to the collector. The collector shall not retrieve receptacles from private property, and as such, it shall be the resident's responsibility to ensure that receptacles are placed between the curb and sidewalk. The occupant or owner shall keep all receptacles clean and in condition for safe handling. With the exception of Bay Avenue, receptacles must be stored in the rear of the premises at all times.

1. All apartment and other multifamily complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and the various types of recyclables, as appropriate.

2. Any company or agency providing dumpsters, roll off or other containers to any apartment or other multifamily complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/ demolition project, shall clearly mark such container for trash or for specific recyclables, as may be appropriate.

b. The use of containers or receptacles exceeding 40 pounds, shall be by special permit only.

c. The borough reserves the right to require the use of special receptacles by certain users when deemed necessary by the borough due to the nature of commodity and/or quantity involved.

d. No person shall park or leave unattended any waste or refuse container, commonly known as a roll-off dumpster, roll-off container, or mobile storage unit on or along any street, highway or public property in the borough without having first obtained a permit from the Borough of Highlands Code Enforcement, subject to police department approval. The application should specify, among other things, the size and location of said container. Said permit shall be valid for a period of seven days after issuance and may be renewed by application to the Borough of Highlands Code Enforcement, for an additional seven-day period, if necessary, at the discretion of the police chief, or his designee. The cost for each initial or renewal permit shall be twenty ~~(\$20.00)~~ \$30.00 dollars. A refundable escrow deposit of two hundred (\$200.00) dollars shall be required to indemnify the borough for any costs incurred by the borough, to reimburse the borough for any excess clean-up costs, or damages to borough property caused by improper removal of said containers.

e. Reflective Markers. Any roll-off dumpster parked on or along the street, highway or public property in the borough shall be equipped with and display markers with reflective panels having a minimum size of 18 inches in order to warn passersby of a traffic hazard. The reflective markers shall be mounted on both ends at the height of four feet from the surface of roadway.

f. A maximum of one dumpster or roll-off container is permitted on any one lot at any time.

g. Notwithstanding anything to the contrary set forth above, no permit shall be granted for use on a public street or public property, if the applicant has sufficient space on his/her/their premises to accommodate same.

3-7.7 Debris Management Plan for Construction Permits.

a. The municipality shall issue construction and demolition permits only after the applicant has provided a debris management plan identifying the estimated number and types of containers to be used for the handling of all solid waste and recyclables generated during the project, and arrangement for the proper disposition of the generated materials.

b. A refundable deposit of fifty (\$50.00) dollars to one thousand (\$1,000.00) dollars shall be submitted with the debris management plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid waste and recyclables. Inadequate or incomplete documentation may result in a refundable deposit of one thousand (\$1,000.00) dollars.

3-7.8 Title, Appointment and Duties of Recycling Coordinator.

- a. The position of recycling coordinator is hereby created and established within the municipality, to be appointed by the governing body of the Borough of Highlands, for a term of one year expiring on December 31 of each year.
- b. The duties of the recycling coordinator shall include, but are not limited to: the preparation of annual or other reports as required by state and county agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies and conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation and local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, report to the governing body on the implementation and enforcement of the provisions of this section, and such other reports and activities as may be requested by the governing body.
- c. The recycling coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators as established by the State of New Jersey, the recycling coordinator shall have completed or be in the process of completing the requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

3-7.9 Collection by Unauthorized Persons.

From the time of placement at the curb by anyone described herein, items shall become the property of the Borough of Highlands or its authorized agent. It shall be a violation of this section for any person not authorized by the Borough of Highlands to collect or pick up or caused to be collected or picked up any such items. ~~*Each such*~~

3.7.10 Enforcement.

- a. The duly appointed municipal recycling coordinator, the Monmouth County Health Department and the Monmouth County Solid Waste Enforcement Team are hereby jointly and severally empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this section, by issuance of warnings, notices, summons and complaints. A typical inspection may consist of sorting through containers and opening bagged solid waste to detect the presence of recyclable materials.
- b. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection, with a follow up visit to determine compliance within a stated period of time.

3-7.11 Refrigerant Items.

- a. *Refrigerant Items to Be Recycled* All refrigerators, freezers, air conditioners and other items containing, or designed to contain, refrigerant fluid shall be recycled in accordance with the terms of this subsection.
- b. *Collection.* All refrigerators, freezers, air conditioners and items placed for collection containing or designed to contain refrigerant fluid shall be placed curbside no earlier than ~~4:00~~ 5:00 p.m. on the day before the designated collection day and not later than 5:00 a.m. of the collection day. Before placing any refrigerator or freezer for collection, any doors must be fully removed.

Refrigerators and freezers shall be placed for collection with the open side facing up.

- c. *Removal by Contractor.* If someone other than the homeowner, tenant or resident shall remove an existing item containing refrigerant fluid from its premises, that person or entity shall be responsible for disposal of the item. In such cases, the item may not be placed at curbside for pick up by the borough. The provisions of this paragraph shall not apply to items which have been placed for collection by the owner, tenant or resident of residential property who has performed the work himself or herself.
- d. *Removal Permit.* Prior to placing any item referred to in this subsection at curbside for collection, the owner, tenant or resident of the premises shall complete a form provided by the ~~building department~~ **Borough offices**, and pay the required fee, in order to obtain a removal permit. Such permit shall be affixed to the item to be removed by the borough.
- e. *Permit Fee.* The fee for obtaining a removal permit shall be ~~twenty (\$20.00)~~ **fifty (\$50.00)** dollars per item.
- f. *Enforcement.* This subsection shall be enforced by the Highlands Police Department or the Highlands Code Enforcement Officer.
- g. *Penalties.* The penalty for violating any section of this subsection shall be as prescribed in subsection 3-7.~~8.~~**12.**
- ~~h. **Effective Date. This subsection shall become effective immediately upon passage and publication according to law.**~~

3-7.12 Violations and Penalties.

- a. Violations or noncompliance with any of the provisions of this section, or the rules and regulations promulgated hereunder, shall be subject to a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars.
- b. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- c. Fines levied and collected in municipal court pursuant to the provisions of this section shall be deposited into the municipal recycling fund. Monies in the municipal recycling trust fund shall be used for the expenses of the municipal recycling program.

3-7.13 Repealer.

~~**All ordinances or part of ordinances inconsistent herewith are repealed as to such inconsistency only.**~~

3-7.14 13 Refuse Containers/Dumpsters.

- a. *Purpose.* The purpose of this subsection is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Highlands and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. *Definitions.* For the purpose of this subsection, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this subsection clearly demonstrates a different meaning. When not

inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or "operated by the Borough of Highlands or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Refuse container shall mean any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

Stormwater shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

Waters of the State shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

c. *Prohibited Conduct.* Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must insure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm system(s) operated by the Borough of Highlands.

d. *Exceptions to Prohibition.*

1. Permitted temporary demolition containers.
2. Litter receptacles (other than dumpsters or other bulk containers).
3. Individual homeowner trash and recycling containers.
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

e. *Enforcement.* This subsection shall be enforced by the police department and/or ~~other municipal officials~~ the Code Enforcement Officer of the Borough of Highlands.

f. *Penalties.* Any person(s) who is found to be in violation of the provisions of this subsection shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars.

3-7A NONRESIDENTIAL GARBAGE.

3-7A.1 Definition.

Bulk garbage shall mean appliances, ~~building materials, and all similar waste~~ and debris which is not ordinarily generated as household garbage or which may now or in the future be excluded by the Monmouth County Reclamation Center as acceptable residential type garbage.

3-7A.2 Collection of Bulk Garbage.

a. Schedule. ~~Bulk garbage shall be collected by the Highlands Borough Sanitation Department.~~ Bulk garbage shall be collected by a contracted hauler selected by the Borough.

b. Additional Regulations.

(a) Schedule. ~~Bulk garbage shall be collected by the Highlands Borough Sanitation Department.~~

(1) There shall be four pickups annually in March, June, September and December in accordance with the schedule set for the particular zone. Four (4) large items or the equivalency of four (4) cans can be collected. Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

~~(2) The pickup for all residents Downtown, shall be the last Thursday in March, June, September and December.~~

~~(3) The pickup for all residents on the Hill, shall be the last Friday in March, June, September and December.~~

(2) Zone 1 - The first (1st) Friday of the month.
Zone 2 - The second (2nd) Friday of the month.
Zone 3 - The third (3rd) Friday of the month.
Zone 4 - The fourth (4th) Friday of the month.

(3) Materials collected cannot exceed five cubic yards (determined by the sanitation driver) for each pickup.

(4) Appliances shall not be placed at the curb before ~~6:00 p.m.~~ 5:00 p.m. on the day before the scheduled pickup. Doors must be removed from refrigerators prior to placement at the curb.

(5) Bulk debris shall not be placed at the curb for collection until 5:00 p.m. the day preceding the scheduled collection date.

(6) Notwithstanding the above, appliances containing refrigerants will not be scheduled for pick up unless permit stickers are first obtained from Borough Hall. A fee of ~~twenty (\$20.00)~~ fifty (\$50.00) dollars will be assessed for each such sticker.

(7) Notwithstanding the above, all construction debris (including carpets and tiles) regardless of whether generated by a homeowner or contractor, will not be collected by the borough, and must be removed by a duly licensed private hauler.

(8) Every property owner, including landlords, shall be entitled to two additional annual bulk garbage collections upon payment of a ~~twenty (\$20.00)~~ fifty (\$50.00) dollar appointment fee per collection, provided that the materials collected do not exceed two items or two cubic yards, whichever is the lesser.

3-7A.2(1) Brush and Branch Pick Up

Brush and branches are scheduled to be picked up by zone during the following months: April, May, September, October and December. Brush and Branch placement is permitted to be placed a maximum of five (5) days prior to pick up. All brush is to be placed at least ten (10) feet from any storm drain, inlet or stream. Further, all brush is to be placed at least twenty-five (25) feet from any intersection. Branches are to be bundled, not longer than 48 inches or greater than 4 inches in diameter. Additionally, residents are permitted to bring brush and branches to the recycling yard. Proof of residency is required to bring brush and branches to the recycling yard and no commercial entities are permitted to bring brush and branches to the recycling yard.

Zone 1 – The first (1st) Friday of the month.

Zone 2 – The second (2nd) Friday of the month.

Zone 3 – The third (3rd) Friday of the month.

Zone 4 – The fourth (4th) Friday of the month.

Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

Branch and Branches will only be picked up during the months listed above.

Additional pick-ups will not be granted.

3-7A.2(2) Leaf Pick Up

Leaves are scheduled to be picked up by zone during the following months: October, November and December. Leaves are permitted to be placed a maximum of five (5) days prior to pick up. Leaves must be left out loose and placed by the curb. All leaves are to be placed at least ten (10) feet from any storm drain, inlet or stream. Further, all leaves are to be placed at least twenty five (25) feet from any intersection. Residents are permitted to bring leaves to the recycling yard. Proof of residency is required to bring leaves to the recycling yard and no commercial entities are permitted to bring leaves to the recycling yard.

Zone 1 – The first (1st) Friday of the month.

Zone 2 – The second (2nd) Friday of the month.

Zone 3 – The third (3rd) Friday of the month.

Zone 4 – The fourth Friday of the month.

Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

3-7A.3 Garbage Prohibited at All Times.

No person or entity shall at any time place or cause to be placed for collection by ~~the Highlands Borough Sanitation Department~~ the contracted hauler selected by the Borough any of the following:

Tires, car batteries, paints or any hazardous materials as defined by the Monmouth County Reclamation Center. Household batteries are accepted with household trash.

3-7A.4 Limited Collection of Bulk Garbage.

No person shall place or cause to be placed any bulk garbage for collection by the ~~Borough of Highlands Sanitation Department~~ the contracted hauler selected by the Borough except in accordance with the schedule contained in section 3-7A.2 hereof.

3-7A.5 Penalties.

Any person or entity violating the provisions of this section shall be subject to a fine of not more than five hundred (\$500.00) dollars.

3-7A.6 Number of Receptacles; Weight Limit.

- a. The Borough of Highlands shall collect four receptacles, not to exceed 40 pounds in weight each, for the removal of garbage, trash and refuse from business or commercial establishments. The collection of garbage beyond the four receptacles per pick up shall be the responsibility of the owners and occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable federal, state and borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also be entitled to four receptacles of 40 pounds in weight each for recycling as required by law. The remaining recycling must be disposed of by the owner or occupant of the establishment through private collection to comply with all applicable federal, state and borough laws, rules and regulations regarding such collection.
- b. For purposes of this subsection, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile

license issued under subsection 4-9.1 of the Revised General Ordinances of the Borough of Highlands.

3-7B GARBAGE COLLECTION — COMMERCIAL PREMISES.

- a. The Borough of Highlands shall ~~not~~ collect garbage, trash and refuse ~~of any kind~~ from business or commercial establishments as set forth in Chapter 3-7A.6. The collection of garbage shall be the responsibility of the owners and occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable federal, state and borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also provide for recycling as required by law.

- b. Collection of recyclable material for business and commercial premises shall be two (2) times per month on the same schedule as set forth in Chapter 3, Section 7.5. Collection will be performed on the routes indicated on the borough map. Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall. There will be no collection of recyclable material on the fifth week of any month in the calendar year. Any additional collection of recyclable material required by businesses and commercial premises shall be the responsibility of the occupants and owners thereof to provide for such additional collection.

- c. For purposes of this section, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile license issued under subsection 4-9.1 of the Revised General Ordinance of the Borough of Highlands.

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

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 17-13

AUTHORIZING THE PURCHASE OF BLOCK 37, LOTS 12.01 AND 13 IN THE BOROUGH OF HIGHLANDS

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Highlands, County of Monmouth and the State of New Jersey as follows:

WHEREAS, pursuant to N.J.S.A. 40A:12-5 the Borough is authorized to acquire real property; and

WHEREAS, the Borough has determined it to be in the public interest for it to purchase Block 37, Lots 12.01 and 13 located in the Borough of Highlands (the "Property"); and

WHEREAS, the Borough's intended use of the Property is for the purpose of constructing a new municipal building/borough hall and related site improvements; and

WHEREAS, the obligation of seller to close title on the aforesaid property will be contingent upon seller obtaining, at its own cost and expense, all approvals, permits and licenses required, in order to construct and use a surface parking lot on that certain tract of real property owned by seller across Miller Street from the Property and designated on the Borough's Tax Map as Block 21, Lots 1 and 2; and

WHEREAS, on the closing date, the parties will enter into a license agreement whereby seller will be permitted to utilize the Borough's parking lot, on a non-exclusive basis to permit parking by congregants and employees on Saturdays and Sundays only, unless such non-exclusive parking would unduly conflict with, or burden the use of the Borough's parking area, wherein the aforesaid Parking License will be terminable by either party upon written notice to the other.

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Borough Clerk of the Borough of Highlands are hereby authorized to execute a contract for the purchase of the Property as prepared and approved by the Borough Attorney, such purchase price to be in the amount of \$450,000.00.

BE IT FURTHER ORDAINED that the Mayor and Borough Clerk are hereby authorized to execute a Parking License, in conjunction with the contract for the purchase of the Property, as prepared and approved by the Borough Attorney.

BE IT FURTHER ORDAINED that the Mayor, Borough Clerk, Borough Attorney, Borough Administrator and such other Borough officials as are necessary, are hereby authorized to execute such documents and to undertake such acts as are reasonable and necessary to accomplish the purpose of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication according to law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

BOND ORDINANCE 17-14

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 IN BONDS OR NOTES TO FINANCE ALL OR PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$1,000,000, which sum includes \$100,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$900,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$900,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is sewer assessments and improvements throughout the Borough which may include, but not be limited to, storm and/or sanitary sewer improvements, sewer main improvements, pipe improvements, resetting utility castings and drainage grates, drainage improvements, and all associated excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, sidewalk and curb improvements, and related aesthetic improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$900,000.

(c) The estimated cost of said improvements or purposes is \$1,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the down payment for said improvements or purposes.

(d) The improvement and purpose set forth in Section 3(a) shall also include, but is not limited to, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, inspections and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof,

then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Deputy Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Deputy Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$900,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the

Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: June 21, 2017**

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

**ADOPTED ON SECOND READING
DATED: July 19, 2017**

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2017.

**RICK O'NEIL,
Mayor**

**BOROUGH OF HIGHLANDS
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a regular meeting of the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey on June 21, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County on July 19, 2017 at 8:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Deputy Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS SEWER IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 IN BONDS OR NOTES TO FINANCE ALL OR PART OF THE COST THEREOF

Purpose(s): Various Sewer Improvements Including, But Not Limited To, Storm And/Or Sanitary Sewer Improvements, Sewer Main Improvements, Pipe Improvements, Resetting Utility Castings And Drainage Grates, Drainage Improvements, And All Associated Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, Sidewalk And Curb Improvements, And Related Aesthetic Improvements

Appropriation: \$1,000,000

**Bonds/Notes
Authorized:** \$900,000

**Grant(s)
Appropriated:** None

**Section 20
Costs:** \$200,000

Useful Life: 20 years

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

**BOROUGH OF HIGHLANDS
PUBLIC NOTICE
BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Highlands, in the County of Monmouth, State of New Jersey on July 19, 2017 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Deputy Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS SEWER IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 IN BONDS OR NOTES TO FINANCE ALL OR PART OF THE COST THEREOF

Purpose(s): Various Sewer Improvements Including, But Not Limited To, Storm And/Or Sanitary Sewer Improvements, Sewer Main Improvements, Pipe Improvements, Resetting Utility Castings And Drainage Grates, Drainage Improvements, And All Associated Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, Sidewalk And Curb Improvements, And Related Aesthetic Improvements

Appropriation: \$1,000,000

**Bonds/Notes
Authorized:** \$900,000

**Grant(s)
Appropriated:** None

**Section 20
Costs:** \$200,000

Useful Life: 20 years

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

"BOND ORDINANCE PROVIDING FOR VARIOUS SEWER IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 IN BONDS OR NOTES TO FINANCE ALL OR PART OF THE COST THEREOF",

there was available as a down payment for the purposes authorized by said ordinance \$100,000 by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand as of this ____ day of _____, 2017.

PATRICK DEBLASIO,
Chief Financial Officer

CERTIFICATE OF INTRODUCTION

I, the undersigned Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on June 21, 2017 at 8:00 p.m. at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this ____ day of _____, 2017.

(SEAL)

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on July 19, 2017 at 8:00 p.m. at the Highlands Community Center, 22 Snug Harbor, Highlands and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this ____ day of _____, 2017.

(SEAL)

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

CLERK'S CERTIFICATE

I, BONNIE BROOKES RMC CMR, DO HEREBY CERTIFY that I am the Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on June 21, 2017 and finally adopted on July 19, 2017 and approved by the Mayor on _____, 2017.

2. After introduction, the bond ordinance was published as required by law on _____, 2017 in the _____ (name of newspaper).

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor of the Borough and published as required by law on _____, 2017 in the _____ (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered, or repealed and said ordinance is now in full force and effect.

6. A certified copy of the ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this ____ day of _____, 2017.

(SEAL)

**BONNIE BROOKES RMC CMR,
Deputy Municipal Clerk**

