

**Borough of Highlands
Mayor & Council
Regular Meeting
March 2, 2016**

Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave., Highlands

Mayor Nolan called the meeting to order at 7:10 p.m.

Mrs. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a 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: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

Late Arrival: None

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Tax Collector

Ashley Malandre, Borough Attorney-left at 8:30 p.m.

Dale Leubner, Borough Engineer

Brian Chabarek, Borough Attorney-arrived at 8:30 p.m.

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

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

1. Litigation:

- 2. Contract: Review Tilt-Up Demo RFP's/DEP Permits
Holman Frenia Allison Audit Contract
D-BIZ Loan Contracts Authorizing Cost for Design
Regional Health Commission Contract**

- 3. Real Estate: Waterwitch Beach Association Property
Municipal Facility Update**

- 4. Personnel Matters: Summer Seasonal Help/Lifeguard & Maintenance**

5. Investigation:

- 6. Attorney-Client Privilege: Landlord Registration
Internal Correspondence
Boro Cellphones
Police Body Camera's
Vehicles and GPS**

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:

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1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. **Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.**
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAYS: None
ABSENT: None
ABSTAIN: None

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The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting to order at 8:41 p.m.

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

ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

NAYS: None

ABSENT: None

ABSTAIN: None

R-16-84 – Resolution Appointing Borough Attorney:

Mayor Nolan explained that he and Councilwoman Broullon interview several candidates. The council reached an agreement.

**R-16-84
RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR
YEAR 2016 &
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT**

WHEREAS, the Borough of Highlands has a need for Municipal Attorney to provide professional legal services to the Borough of Highlands for the calendar year 2016 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough advertised in an official newspaper and on the borough's website for the receipt of Request for Proposals for Legal Services; and

WHEREAS, the Borough received eight proposals from the following Law Firms:

1. Mauor, Savo, Camerino & Grant, PA
2. The Scott Arnette Law Firm, LLC
3. Eric M. Bernstien and Associates
4. Ronald P. Mondello, P.C.
5. Hoagland, Longo, Moran, Dunst & Doukas, LLP
6. Cleary, Jacobbe, Alfieri, Jacobos, LLC
7. Bachman & Newman, LLC
8. Long, Marmero & Associates, LLP

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor has offered the name of Brian Chabarek, Esq. of the law office of Bachman & Newman, LLC and it is so recognized;

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

WHEREAS, the law office of Bachman & Newman, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Office 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 provide to prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Bachman & Newman, LLC has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as Fair and Open contract for an amount not to exceed \$65,000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of March 2, 2016 through December 31, 2016 at rate of a monthly retainer in the amount of \$5,416.67 and an hourly rate of \$150 per hour for services outside of contract.

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WHEREAS, Bachman & Newman, LLC has submitted the attached contract for Professional legal services for the calendar year 2016; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2016; and

WHEREAS, certification of the availability of funds is hereby provided contingent upon the adoption of the 2016 Budget by the Chief Financial Officer.

Legal Other Expenses
Sewer Utility Other expenses

Patrick DeBlasio, CFO

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 of Highlands Governing Body as follows:

1. Brian Chabarek, Esq., of the Bachman & Newman, LLC is hereby appointed as Borough Attorney for the calendar 2016 and is awarded a professional service contract for an annual amount not to exceed \$65,000 for professional legal services provided for the period of March 2, 2016 through December 31, 2016 and the Mayor and Borough Clerk are hereby authorized to execute contract.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD			X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

Public Comment Period on Consent Agenda Resolutions Only:

Mayor Nolan opened the public comment period.

Kim Skorka of 315 Shore Drive commented on the purchase of two police cars and hopes we will be disposing of two vehicles. She also questioned the \$1000.00 bill for repair to the Fire Department flagpole and a \$500 banner. She also questioned the purchase of resuscitation devices and how many do we have in the Borough.

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Mr. Hill explained that they are for the Police vehicles. There is discussion on getting them in the facilities. The \$500 banner that the Chief pays for the banner and this is additional costs. The \$1000 is for flagpole repair.

Katie Reed of Snug Harbor Avenue questioned the Waterwitch Beach Association lease agreement and what is changing.

Mayor Nolan stated that the new attorney, Brian Chabarek will be brought up to date on this situation. The lease has expired. The registered president of the Association has passed away. We will have our new attorney get us clarification on many questions that the council has. It will be brought back to the table.

Carol Bucco of 330 Shore Drive spoke about the Waterwitch Beach Association and stated that it was the same at Matthew Street. She stated that it was similar to a riparian grant. The Matthew Street Grant is no longer in effect.

Discussion continued briefly regarding fencing.

Carol Bucco asked about Resolution R-16-68 – Shared Services. She was not aware that we had an agreement with Atlantic Highlands.

Mr. Hill explained that the shared service agreement is for Sewer Plant Agreement took place after the dissolution of the Atlantic Highlands-Highlands Sewerage Authority. The agreement is for the Sewer Plant Operation. He further explained.

There were no further questions.

Mayor Nolan closed the public portion.

Consent Agenda:

Mayor Nolan asked if anyone had any items they would like to remove.

Mr. Card stated that he has questions regarding the flag pole and banner for the Fire Department. He would like to get further information. He requested that the two items be removed from the Payment of Bills.

R-16-68 – Resolution Approving Shared Services Agreement for Sewer Operations:

**R-16-68
RESOLUTION APPROVING SHARED SERVICE AGREEMENT
BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF
ATLANTIC HIGHLANDS FOR SEWER OPERATION SERVICES
FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2017**

WHEREAS, the Borough’s Shared Service Agreement with the Borough of Atlantic Highlands to provide sewer operational services to the Borough of Highlands has expired; and

WHEREAS, the Borough of Highlands wishes to renew the shared services agreement with the Borough of Atlantic Highlands to provide sewer operational services to the Borough of Highlands for calendar years 2016 and 2017.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Borough hereby approves the attached shared services agreement with the Borough of Atlantic Highlands for sewer operational services for the calendar years 2016 and 2017 and the Mayor and Borough Clerk are hereby authorized to execute agreement.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
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BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-70 – Resolution Authorizing RFP – Real Estate Attorney:

**RESOLUTION R-16-70
RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS (RFP)
FOR REAL ESTATE ATTONEY**

WHEREAS, the Borough of Highlands desires to seek proposals for a Real Estate Attorney; and

WHEREAS, it is deemed in the best interests of the Borough of Highlands that proposals be obtained through a Request for Proposals process

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, that the Borough Attorney is hereby authorized to prepare an RFP for a Real Estate Attorney.

BE IT FURTHER RESOLVED that the authorization is hereby granted for the advertisement and receipt of RFP's for a Real Estate Attorney is hereby authorized.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-71 – Resolution Authorizing RFP for Architect:

RESOLUTION R-16-71

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS (RFP)
FOR AN ARCHITECT**

WHEREAS, the Borough of Highlands desires to seek proposals for Professional Architect; and

WHEREAS, it is deemed in the best interests of the Borough of Highlands that proposals be obtained through a Request for Proposals process

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, that the Borough Engineer is hereby authorized to prepare an RFP for an Architect.

BE IT FURTHER RESOLVED that the authorization is hereby granted for the advertisement and receipt of RFP's for Licensed Professional Architect is hereby authorized.

6	TRODUCED	CONDED	YE	AY	3STAIN	3SENT

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BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-73 – Resolution Authorizing Receipt of Bids for Installation of W/S Lines:

**RESOLUTION R-16-73
RESOLUTION AUTHORIZING ADVERTISEMENT AND RECEIPT OF BIDS
FOR INSTALLATION OF WATER AND SEWER LINES FOR MUNICIPAL
TRAILERS**

WHEREAS, the Borough of Highlands desires to advertise for the receipt of Bids for the installation of water and sewer lines for the two municipal trailers.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, that the Purchasing Agent is hereby authorized to prepare Bid Specs for an installation of water and sewer lines at the two municipal trailers.

BE IT FURTHER RESOLVED that the Purchasing Agent is hereby authorized to advertise for the receipt of bids.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-74 – Resolution Forming a Communications Committee:

**R-16-74
RESOLUTION AUTHORIZING RECEIPT OF APPLICATION TO BE PART OF
A TEMPORARY COMMUNICATIONS COMMITTEE**

WHEREAS, the Governing Body of the Borough of Highlands desires to form a Temporary Communications Committee that would advise the Governing Body as to email, website, social media, re-branding and providing a consistent message by and for Highlands; and

WHEREAS, this committee would consist of five to nine resident members to streamline our messages to residents, businesses and investors; and

WHEREAS, appointments to committee will be appointed by the Mayor with the advice and consent of the Council.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that a temporary Communications Committee is hereby created

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and the Borough will solicit applicants to submit applications to be appointed for a period to expire December 31, 2016.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-75 – Resolution Approving Contract w/Dynamic Testing:

R-16-75

RESOLUTION APPROVING CONTRACT AGREEMENT WITH DYNAMIC TESTING SERVICES FOR RANDOM DRUG AND ALCOHOL TESTING SERVICES

WHEREAS, the Borough of Highlands is in need of continuing to have testing services provided to certain Borough employees holding a CDL License; and

WHEREAS, services will be provided at the following rates:

- DOT 5 Panel Urine Drug Screen: \$45.00
- Breathe Alcohol with Confirmation: \$35.00
- Split Specimen Testing: \$230.00
- Post Accident & Reasonable Suspicion Testing \$200.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough Clerk be and is hereby authorized to execute contract agreement with Dynamic Testing Services, 230 Main St, Ste C, Toms River, NJ 08753 This contract is to provide services for the period of April 1, 2016 to March 31, 2019.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-76 – Resolution Approving Raffle Licenses:

R-16-76

**RESOLUTION
APPROVING RAFFLE LICENSE APPLICATIONS**

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WHEREAS, the Highlands Elementary School PTO has submitted a Raffle License Application No. RA1317-16-04 for a drawing to be held on April 8, 2016; and

WHEREAS, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-16-05 for a drawing to be held on April 9, 2016.

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 Applications RA#1317-16-04 and RA#1317-16-05 and the Borough Clerk is authorized to sign off on licenses.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-77 – Resolution Approving Extended Premises Permit for Claddagh:

R-16-77

RESOLUTION APPROVING PETITION TO EXTEND LICENSED PREMISES FOR CLADDAGH OF HIGHLANDS

WHEREAS, the Claddagh of Highlands, LLC located at 297 Bay Ave has filed an application for a petition to extend licensed premises for an event to be held on March 19, 2016 with no rain date.; and

WHEREAS, the application has been reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the application for a petition to extend licensed premises Permit for the Claddagh of Highlands, LLC located at 297 Bay Ave for an event to be held on March 19, 2016 with no rain date.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES		NO	

R-16-78 – Resolution Approving Social Affairs Permit for Fire Dept:

R-16-78

RESOLUTION APPROVING SOCIAL AFFAIR PERMIT

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WHEREAS, the Highlands Fire Department has filed an application for a Social Affairs Permit for an event to be held on April 9, 2015 at Highlands Fire House with no rain date; and

WHEREAS, the submitted application forms are complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands do hereby approves a Social Affair Permit for the Highlands Fire Department for an event to be held on April 9, 2016 with no rain date.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA	X		YES		NO	

R-16-79 – Resolution Appointing Recycling Coord & Authorizing Tonnage Grant App:

**R-16-79
RESOLUTION
APPOINTING RECYCLING COORDINATOR
& AUTHORIZING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act. P.L. 1987, c 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop, new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands the Borough hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection Office of Recycling and designates Adam Hubeny, Recycling Coordinator to ensure that the said application is properly filed.

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BE IT FURTHER RESOLVED that Adam Hubeny be appointed Recycling Coordinator and that he be compensated an annual fee of \$250.00

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA			X	YES		NO

R-16-80 – Resolution Clarifying Auditor:

**R-16-80
RESOLUTIONS CLARIFYING THE APPOINTMENT OF
HOLMAN FRENIA ALLISON, PC TO CONDUCT THE
BOROUGH'S YEAR END 2015 AUDIT**

WHEREAS, by Resolution R-16-50 provided for the appointment of Holman Frenia Allison, P.C. as the Borough's auditor for calendar year 2016; and

WHEREAS, it was the intent of the Borough that Holman Frenia Allison, P.C. conduct the Borough's year end 2015 audit; and

WHEREAS, Resolution R-15-20, adopted on January 7, 2015, appointed Fallon & Larson for a one-year period from January 1, 2015 through December 31, 2015; and

WHEREAS, that appointment was made pursuant to N.J.S.A. 40A:11-5(1)(a)(i), which provides for an exception to public bidding for professional services, such as that of auditor; and

WHEREAS, contracts for professional services can only be awarded for a period of twelve (12) months; therefore, any work performed by Fallon & Larson beyond December 31, 2015 is not permitted by law.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that Holman Frenia Allison, P.C. shall be the Borough's auditor for the period January 1, 2016 through December 31, 2016 and shall conduct the Borough's year end 2015 audit; and

BE IT FURTHER RESOLVED that any agreements and resolutions to the contrary are hereby rescinded and null and void; and

BE IT FURTHER RESOLVED that the Borough's prior auditor, Fallon & Larson, shall be compensated a reasonable fee for any work performed for the Borough's year end 2015 audit.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			

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ON CONSENT AGENDA	X	YES				NO

R-16-81 – Resolution Approving Change Order #3 Defino - \$0.00:

**R-16-81
RESOLUTION APPROVING CHANGE ORDER #3
DEFINO CONTRACTING COMPANY
\$0.00 INCREASE OR DECREASE
BAY AVENUE AND SHORE DRIVE STREETScape IMPROVEMENTS PROJECT**

WHEREAS, Resolution R-15-159 was adopted on July 23, 2015 awarding a contract to DeFino Contracting Company for the Bay Ave and Shore Drive Streetscape Project as follows:

R-15-159	July 23, 2015	\$1,273,000.00
R-15-229	December 2, 2015	\$ 23.00 – Increase
R-16-60	February 3, 2016	\$19.00
R-16-83	March 2, 2016	\$ - \$114.00 - Decrease

WHEREAS, change order # 3 dated February 4, 2016 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Reductions Items 36, 37 and 41 have been reduced to reflect the current as-built quantities and Extra Items 35 and 39 to reflect current as-built quantity) which results in a reduction amount of \$19,400 and an additional amount of \$19,400 for a total amount of \$0.00,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #3 changing the original contract amount by \$0.00 is hereby authorized for the Bay Avenue and Shore Drive Streetscape Project. The contract amount hereby remains at \$1,272,909.00.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA	X	YES				NO

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R-16-82 – Resolution Authorizing Ferry License Renewal for Seastreak:

**R-16-82
RESOLUTION
APPROVING THE 2016 RENEWAL OF FERRY LICENSE
FOR SEASTREAL FERRY
AT 326 SHORE DRIVE**

WHEREAS, Seastreak has submitted the required fees for the renewal of the Ferry License for 2016, to operate a ferry service at one location within the Borough of Highlands; and

WHEREAS, the ferry location is located at 326 Shore Drive; and

WHEREAS, the Borough requires at least one million dollars in liability insurance be provided.

WHEREAS, Seastreak has also submitted a copy of the Certificate of Liability Insurance and it has been reviewed by the Borough Attorney and found to be sufficient.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Ferry License for Seastreak to operate at 326 Shore Drive is hereby renewed for the calendar year 2016; and

BE IT FURTHER RESOLVED, and the Borough Clerk is hereby authorized to issue the proper licenses for the operation of ferry service.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA		X	YES	NO		

Payment of Bills:

**RECAP OF PAYMENT OF BILLS
03/02/2016**

CURRENT:		\$	734,548.33
Payroll	(02/15/2016)	\$	110,837.15
Manual Checks		\$	1,000.00
Voided Checks		\$	
SEWER ACCOUNT:		\$	70,739.64
Payroll	(02/15/2016)	\$	3,662.81
Manual Checks		\$	
Voided Checks		\$	

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CAPITAL/GENERAL	\$	
CAPITAL-MANUAL CHECKS	\$	
Voided Checks	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	400.00
Payroll (02/15/2016)	\$	
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	3,500.00
Payroll (02/15/2016)	\$	1,091.33
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.**

REMOVED FROM PAYMENT OF BILLS

- | | |
|------------------------|-----------|
| 1. Power House | \$500.00 |
| 2. A & W Flagpole, LLC | \$1076.25 |

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			
ON CONSENT AGENDA			X	YES		NO

Minutes Approved on Consent Agenda:

Mr. Card offered a motion to approve the February 3rd, 2016 Executive and Regular minutes for approval, seconded by Mayor Nolan and all were in favor on the following roll call vote:

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ROLL CALL:

AYES: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: None

Other Resolutions:

R-16-69 – Resolution Authorizing Purchase of Two Police Vehicles:

Mrs. Cummins read the title of Resolution R-16-69.

Mr. DeBlasio explained that the funding was provided thru MCIA.

Ms. Broullon added that we should make an amendment to the language of the resolution that the old vehicles will be sold.

Mr. Chabarek stated that it is a minor change. He will have it prepared for the next meeting.

**BOROUGH OF HIGHLANDS
R-16-69
RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2016 POLICE
INCEPTOR SUV'S FOR THE POLICE DEPARTMENT FROM BEYER FORD
CRANFORD CO OP #47-CPCPS FOR THE BOROUGH OF HIGHLANDS
POLICE DEPARTMENT**

WHEREAS, the BOROUGH OF HIGHLANDS wishes to purchase TWO (2) 2016 Ford Inceptor SUV's under Cranford Co-Op #47-CPCPS for the Borough of Highlands Police Department; and

WHEREAS, BEYER FORD having an address at 170 Ridgedale Avenue, Morristown, NJ 07960 has been awarded Cranford Co-Op #47-CPCPS for purposes of selling said automobiles; and

WHEREAS, the Borough of Highlands wishes to purchase from Beyer Ford under Cranford Co-Op #47-CPCPS the aforesaid vehicles for amount of \$33,022.75 and \$34,817.75 through MCIA15 funding.

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

1. A contract is hereby approved for Beyer Ford, pursuant to Cranford Co-Op #47-CPCPS in the amount of \$ 67,840.50 through MCIA15 for the purchase of two (2) 2016 Ford Inceptor SUV's vehicles in accordance with the bid quotation received from Beyer Ford.
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds to fund the said contract.
3. The Mayor and Borough Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Borough Attorney shall review any and all contractual documents prepared in furtherance of this award.

This Resolution is conditioned upon the following:

- A. To the extent required, execution of a contract approved by the Director of Law which is signed by the Mayor and Borough Clerk.
- B. Issuance of a Certificate of Availability of Funds as aforesaid.

No contract shall be considered awarded unless, and until, the above requirements are executed.

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	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

R-16-72 – Resolution Awarding Professional Engineering Services:

Mrs. Cummins read the title of Resolution R-16-72.

Fran Mullen of T&M Engineers gave a brief overview of the proposal and the scope of work. It is an outline of a series of steps that they are recommending that the council considers for the FEMA compliant Project Worksheet to fund the proposal of Borough Hall. He further explained the various steps.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-16-72

**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 the construction of a new borough hall phase I, 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 \$63,325.00 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated March 2, 2016; 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 Bond Ordinance O -16-7:

I hereby certify funds are available as follows:

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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. Robert Keady, P.E. T & M Associates are hereby retained to provide professional engineering as described above for an amount not to exceed \$63,325.00 plus reimbursable expenses.
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 Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the 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
BROULLON			X			
CARD			X			
D'ARRIGO			X			
WELLS		X	X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

R-16-83 – Resolution Amending Resolution R-16-60:

Mrs. Cummins read the title of Resolution R-16-83.

Mrs. Cummins stated that this is amending a typo in R-16-60.

**R-16-83
RESOLUTION AMENDING RESOLUTION
R-16-60
RESOLUTION APPROVING CHANGE ORDER #2
DEFINO CONTRACTING COMPANY
DECREASE OF \$91.00
BAY AVENUE AND SHORE DRIVE STREETScape IMPROVEMENTS PROJECT**

WHEREAS, Resolution R-15-159 was adopted on July 23, 2015 awarding a contract to DeFino Contracting Company for the Bay Ave and Shore Drive Streetscape Project as follows:

R-15-159	July 23, 2015	\$1,273,000.00
R-15-229	December 2, 2015	\$ 23.00 - Increase

WHEREAS, change order # 2 dated January 19, 2016 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Items 16,

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19 and 20 have been reduced to reflect the current as-built quantities. Item 15 increased to reflect current as-built quantity,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 decreasing the original contract amount by \$91.00 is hereby amended to reflect the correct the amount to a decrease of \$114.00 for the Bay Avenue and Shore Drive Streetscape Project. The contract amount is hereby amended to \$1,272,909.00.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

Ordinances: Introduction & Setting of a Public Hearing Date for April 6th :

O-16-4 Zoning Ordinance Amendment

Mrs. Cummins read the title of Ordinance O-16-4 on for introduction and setting of a public hearing date of April 6th, 2016. She added that this will be referred to the Planning Board.

Mayor Nolan offered the following Ordinance and moved on its introduction, setting of a public hearing date of April 6, 2016 at 8:00 P.M. and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE O-16-4

AN ORDINANCE AMENDING SECTION 21-55 OF THE BOROUGH CODE TO ELIMINATE THE REQUIREMENT FOR SITE PLAN APPROVAL IF A BUILDING ADDITION DOES NOT REDUCE OFF-STREET PARKING, DOES NOT REQUIRE A VARIANCE NOR RESULT IN A VIOLATION OF THE BOROUGH'S CURRENT LAND USE ORDINANCES.

WHEREAS, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-124.5 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:

NOTE: All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**. Sections of Chapter 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Section 55, "Filing Procedures" (Paragraph 1, Line 6) shall be amended as follows:

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21-55 FILING PROCEDURES.

An application for development shall be submitted (1) prior to the subdivision or resubdivision of land or (2) prior to the issuance of a building permit or certificate of occupancy for any development for which site plan approval is required. Application for subdivision or site plan, as the case may be, shall be submitted to and approved by the Planning Board in accordance with the requirements of this chapter. Site plan approval shall be required for any new building, any addition to an existing building *that reduces or requires additional off-street parking, adversely impacts drainage on surrounding properties, requires a variance and/or is otherwise inconsistent with the Borough's Land Use ordinances,* any change in use of an existing building, any off-street parking area or alteration of said parking area or any other site improvement. Application for seasonal uses may either be included in a site plan application for the year-round use or be subject to an annual review for a temporary use permit. Application for detached one- or two-family dwelling unit buildings shall be exempt from site plan review and approval. For any application *requiring site plan approval* involving less than a ten (10%) percent increase in floor area and/or five (5) new parking spaces, the Planning Board may permit the submission of a minor site plan containing such information as will make it possible to determine whether or not such site plan meets all of the requirements of this chapter. The Planning Board may also permit the submission of a combined preliminary and final site plan application when, due to conditions relating to the nature of the development, separate preliminary and final site plan applications would not be necessary to meet the purposes of this chapter. In such instances, all procedures and requirements applicable to preliminary site plans, unless otherwise waived by the Planning Board, shall be followed.

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

Section 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

NAY: None

ABSENT: None

ABSTAIN: None

O-16-5 Zoning Ordinance Amendment Amending O-16-1:

Mrs. Cummins read the title of Ordinance O-16-5 on for introduction and setting of a public hearing date of April 6th, 2016.

Mayor Nolan offered the following Ordinance and moved on its introduction, setting of a public hearing date of April 6, 2016 at 8:00 P.M. and authorized its publication according to law:

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BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-16-5**

**AN ORDINANCE AMENDING ORDINANCE O-16-1,
SPECIFICALLY BOROUGH CODE SECTION 21-17A.8, TO
PROVIDE FOR THE STATUTORY MINIMUM NOTICE OF
TEN (10) DAYS**

WHEREAS, the Borough adopted O-16-1, which combined the functions of the Planning Board and Zoning Board; and

WHEREAS, part of Section One of that Ordinance, codified at Section 21-17A.8 of the Borough Code, provides:

§ 21-17A.8. Notice. All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than 21 days prior to the next hearing date; and

WHEREAS, the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-12, “Notice of Applications,” establishes *minimum* requirements for notice of applications, and reads, “Notice... shall be given *at least* 10 days prior to the date of the hearing” (emphasis added); and

WHEREAS, in an effort to provide added transparency to land use applications, O-16-01 provided for twenty-one (21) day’s notice; and

WHEREAS, counsel for the Planning Board requested that such notice requirement be reduced to the statutory minimum notice requirement of ten (10) days; and

WHEREAS, the governing body wishes to amend O-16-01 to conform to that request.

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

SECTION ONE. Ordinance O-16-01 and Borough Code Section 21-17A.8 shall be amended as follows (strikethrough represent deletions; underscore represents additions):

§ 21-17A.8. Notice. All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than ~~21~~ 10 days prior to the next hearing date; and

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

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

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication, *nunc pro tunc* February 8, 2016 or as soon thereafter as provided by law.

Seconded by Mr. Card and introduced on the following roll call vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D’Arrigo, Mrs. Wells, Mayor Nolan

NAY: None

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ABSENT: None
ABSTAIN: None

O-16-6 Snow Removal Ordinance:

Mrs. Cummins read the title of Ordinance O-16-6 on for introduction and setting of a public hearing date of April 6th, 2016.

Mayor Nolan briefly spoke of defining the language of this ordinance regarding the elderly and handicapped.

Mayor Nolan offered the following Ordinance and moved on its introduction, setting of a public hearing date of April 6, 2016 at 8:00 P.M.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE NO. O-16-6

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
SUPPLEMENTING CHAPTER EIGHT OF THE CODE OF THE BOROUGH OF
HIGHLANDS TO REGULATE SNOW AND ICE REMOVAL ON SIDEWALKS**

WHEREAS, the Borough of Highlands (“the Borough”) has enacted ordinances to provide for the health, safety, and welfare of its citizens, which is codified in the Code of the Borough of Highlands (“the Code”); and

WHEREAS, the Borough wishes to supplement Chapter 8 of the Code to include section 8:5, “Snow and Ice Removal,” which would require property owners and/or tenants to remove snow and ice from sidewalks that abut their land.

WHEREAS, the Borough wishes also to include Section 8:5-1, “Treatment of Ice,” which would require property owners and/or tenants to treat sidewalks that abut their property with ashes, sand, cinders, sawdust or other material designed to prevent pedestrians from slipping and falling.

WHEREAS, the Borough wishes to further include Section 8:5-2, “Violations and Penalties,” which will enforce a penalty if this chapter is violated.

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 ONE. Section 8:5 shall be added to read as follows:

Section 8:5 Snow and Ice Removal.

The owner or tenant of land abutting upon the sidewalk of any street or avenue shall remove all snow and ice from the sidewalk within 12 daylight hours after same shall have formed or fallen thereon.

Section 8:5-1 Treatment of Ice.

The owner or tenant of land abutting or bounding upon the sidewalks of any street or avenue shall, when such sidewalks may become icy or otherwise slippery, place thereon ashes, sand, cinders, sawdust or other material designed to prevent pedestrians from slipping and falling and shall at all times keep such sidewalks in a safe and passable condition.

Section 8:5-2 Certain Persons Exempt from Requirements

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Any owner or tenant of land abutting upon the sidewalk of any street or avenue who is unable to remove snow and ice and/or provide for the treatment of ice due to a physical or medical disability or due to age or infirmness, shall contact the Code Enforcement Officer and/or his designee, within 12 daylight hours after snow and ice has formed or fallen. Such owner or tenant with a physical or medical disability or inability to remove and/or treat snow and ice due to age or infirmness, will not be subject to the violations and penalties delineated in Section 8:5-3, subject to the discretion of the Code Enforcement Officer.

Section 8:5-3 Violations and Penalties.

Violations are punishable by fine, imprisonment, or community service in the discretion of the Judge in accordance with N.J.S.A. 40:49-5.

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

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

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

Seconded by Mr. Card and introduced on the following roll call vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: None
ABSTAIN: None

O-16-7 Bond Ordinance – Construction of New Boro Hall Phase I:

Mrs. Cummins read the title of Ordinance O-16-7 on for introduction and setting of a public hearing date of April 6th, 2016.

Fran Mullen explained the Bond Ordinance is the first step so we can proceed with FEMA for approvals.

Mr. DeBlasio further explained that this allows us to set up money for the architect and design. The more money we get from FEMA the less debt we will have. He also added that there is an amendment to the ordinance with item #11. We would like to add the wording “include the governing body.”

Mayor Nolan added that our attorney stated that this is not a substantial change.

Mr. Card added that the public will be involved. This is to get things started.

Mayor Nolan stated that there will be many meetings going forward.

Ms. Broullon stated that we will have a team in place as well.

Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date of April 6, 2016 at 8:00 P.M.:

**BOROUGH OF HIGHLANDS
BOND ORDINANCE NUMBER O-16-7**

**BOND ORDINANCE PROVIDING FOR THE PRELIMINARY
AND OTHER COSTS ASSOCIATED WITH THE**

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**CONSTRUCTION OF A NEW BOROUGH HALL – PHASE I,
BY AND IN THE BOROUGH OF HIGHLANDS, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
APPROPRIATING \$3,000,000 (INCLUDING A \$1,200,000
REIMBURSEMENT FROM THE FEDERAL EMERGENCY
MANAGEMENT AGENCY) THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS
OR NOTES OF THE BOROUGH TO FINANCE 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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$3,000,000, said sum being inclusive of a reimbursement expected to be received from the Federal Emergency Management Agency in the amount of \$1,200,000 (the "FEMA Reimbursement") and a down payment in the amount of \$90,000 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (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 improvements or purposes described in Section 3 hereof and to meet the part of said \$3,000,000 appropriation not provided for by application of said down payment and the FEMA Reimbursement, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,710,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,710,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are the Preliminary and Other Costs Associated with the Construction of a New Borough Hall – Phase I, such improvements shall include, but are not limited to, the acquisition and the payment of the purchase price of all or any portion of real property, a lawful public purpose, such real property currently anticipated to be the real property designated as Block 37, Lot 12.01 and Block 37, Lot 13 on the Official Tax Map of the Borough, and being commonly known as 159 Navesink Avenue, Highlands, New Jersey, and all improvements and buildings thereon (the “Property”), the demolition of all or any portion of the Property and debris removal and disposal associated therewith, environmental work, grading work, utility work, the construction of all or any portion of the New Borough Hall building and any other improvements on said Property, also including, but not limited to, surveying, title searches, engineering and design work, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,710,000.

(c) The estimated cost of said improvements or purposes is \$3,000,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the FEMA Reimbursement for said purpose in the amount of \$1,200,000 and the down payment for said purpose in the amount of \$90,000.

SECTION 4. Except for the FEMA Reimbursement, 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. Except for the FEMA Reimbursement, 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

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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.

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 Clerk and will be available for public inspection.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the

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Borough may lawfully undertake as general improvements or purposes, 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 improvements or purposes 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 thirty (30) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the 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 \$1,710,000 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 \$750,000 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 payor 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.

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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 is hereby authorized to acquire the Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Administrator, Chief Financial Officer, Borough Attorney, Borough Clerk and Governing Body are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Property.

SECTION 12. 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 13. 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.

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

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
NAY: None
ABSENT: None
ABSTAIN: None

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O-16-8 Ordinance – Cat Ordinance Amendment:

Mrs. Cummins read the title of Ordinance O-16-8 on for introduction and setting of a public hearing date of April 6th, 2016.

Ms. Broullon explained that she met with the Monmouth County SPCA. They agreed to become our sponsor again and they will pay half the cost. She further explained a few minor additions to the ordinance.

Mayor Nolan offered the following Ordinance and moved on its introduction, setting of a public hearing date of April 6, 2016 at 8:00 P.M. and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

0-16-08

**AN ORDINANCE AMENDING AND SUPPLEMENTING
SECTION 5-16.3, “FERAL CAT COLONIES,” OF THE
CODE OF THE BOROUGH OF HIGHLANDS TO
PROHIBIT FOOD LEFT OUTSIDE FOR FREE-ROAMING
CATS AFTER 9:00 P.M. OR BEFORE 5:00 A.M. AND TO
REQUIRE THE PROVISION OF LITTER BOXES BY
FERAL CAT CAREGIVERS AND AMENDING THE TITLE
OF SECTION 5-16.3 TO “FERAL CAT COLONY
TRAP/NEUTER/RELEASE (TNR) PROGRAM”**

WHEREAS, the Borough of Highlands has enacted ordinances to provide for the managed care of feral cats, codified at Section 5-16 of the Code of the Borough of Highlands; and

WHEREAS, the Borough wishes to amend and supplement Section 15-16(d) to prohibit providing open containers of food for free-roaming cats after 9:00 p.m. or before 5:00 a.m. and to require feral cat caregivers to provide litter boxes for such cats under their care.

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

SECTION ONE. Section 5-16.3(d)(11) shall be amended to read as follows: “Taking reasonable steps to prevent cats from creating a nuisance in adjacent properties, which includes, but is not limited to, providing litter boxes for feral cats.”

SECTION TWO. Section 5-16.3(d) shall be supplemented by the addition of a paragraph (12), which shall read: “Feral cat caregivers shall not leave open containers of food for such cats outdoors after 9:00 p.m. nor before 5:00 a.m.

SECTION THREE. Section 5-16.3 shall be amended to be entitled “Feral Cat Colony Trap/Neuter/Release (TNR) Program.”

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

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

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

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Roll Call:

Aye: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
Nay: None
Absent: None
Abstain: None

Ordinances: Final Reading and Adoption:

O-16-2 – Ordinance Amending Clerks Duties

Mrs. Cummins read the title of Ordinance O-16-2 on for 2nd reading and adoption. There was a public hearing at the last meeting.

Mayor Nolan opened the public hearing again.

Carol Bucco of 330 Shore Drive objects to this. She feels that the salary ordinance should be rewritten. She further explained her objections. She feels the amendment does not amend anything. She feels that this should not pass.

Kim Skorka of 315 Shore Drive agreed with Carol Bucco. She feels that stipends should not be rolled into the salary. It takes away flexibility.

Barbara Ianucci of 28 Shrewsbury Avenue added that the Land Use Board can appoint their secretary.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-16-2 on for final reading and adoption.

Mr. Card offered a motion to table O-16-2. We have a new attorney that he would like to consult with.

Mayor Nolan stated that we will table it for two months.

Discussions continued.

Mr. Card will bring it back to the table when he has had a chance to discuss with the new attorney.

Mr. Card offered a motion to table O-16-2 for a later meeting, seconded by Mayor Nolan and all were in favor on the following roll call vote:

Roll Call:

Aye: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan
Nay: None
Absent: None
Abstain: None

Committee Reports:

Finance

Mr. DeBlasio gave a brief update. The 2016 Budget will be ready for introduction by March 18th. He further explained Grant Funds that we may be eligible for and will apply for them. That will have an impact on our debt reduction.

Public Safety

Chief Blewett gave a brief overview of his report that is available on our website. He would also like direction as to whether he should have a report. He also spoke of grants for body armor and cameras.

Mayor Nolan recommended that he continues to give a brief overview and mention upcoming events.

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Fire Department

Ms. D'Arrigo read thru report regarding Fire calls and training.

First Aide

Ms. D'Arrigo gave a brief report regarding First Aide calls and fundraising.

Administration

Mr. Hill gave a brief summary of his report listed below.

1. DEPT. OF PUBLIC WORKS / SEWER / SANITATION
 - Removal of trash / debris from parks, roadways and right-of-ways
 - Snow removal – plowed, salted and sanded as required
 - Performed Bulk-pick ups as scheduled (special permit)
 - Tended to tidal water impacts on various roads
 - Tended to debris removal as a result of tidal water impacts
 - Responded to sewer calls and follow up with homeowners.
 - Repairs and maintenance scheduled at S.Bay Lift, Waterwitch Lift and Shore Drive Pump station.
 - M&S Waste reports daily to Borough Hall on issues related to non-pick up of trash or recycling: (blocked dumpsters, non-placement of cans at curblines, etc.)
 - Scheduled Bulk-pick by Zone occurs in March (see web site for Zone)

2. BUILDING AND HOUSING

Construction Office: February 2016

New Permits: 22 Permit Updates: 17 Technical sub-code inspections 60

Fees = \$15,168 Total Cost of Construction: \$498,381

Code Enforcement:

Inspections: 74 Passed: 17 Failed: 34 CCO's: 24

Summonses: 10 for property maintenance issues.

Zoning Official:

Approvals: 15 Denials: 2 Mercantile: 1 Compliance Letter 1

Flood Plain:

Approvals: 5 Letters of Comp: 9 Compliance / Elevation Letters: 4

3. EMERGENCY SERVICES

Fire Department: (See Attached)

First Aid: (See Attached)

OEM / Fire Prevention: via text: Met with local officials regarding Swift 911 update for further utilization of system for non-emergency calls / information.

Reviewing fire protection services and insurance

4. COMMUNITY CENTER / RECREATION DEPT.
(See Attached)

5. ADMINISTRATION

- Working with all council liaisons regarding specific departmental matters
- Reviewed budget information with departments and CFO

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- Various meetings: Mon. County Community Development Block Grant, NJ DEP regarding pump station, EMS re: Swift 911, Recreation Committee, Finance Committee, T&M regarding municipal facilities, and Planning Board.
- Working with purchasing agent on Bids for Emergency Repair – Electrical, Plumbing & Sewer.
- Reviewing various Shared Service Agreements and outreach for additional opportunities.

Board of Education

Mrs. Wells reported that she participated in the Student of the Month. They had Dr. Seuss week. Mayor Nolan and his wife participated. She also reported on a new program at the High School called Skills USA. They worked on a project with a contractor. They are helping a program called Turning Lives Around which helps victims of domestic abuse. She further explained the program.

Highlands Business Partnership

Mrs. Carla Cefalo-Braswell gave a brief summary of her report listed below.

Marketing & Events

Chili Cook Off –St. Patrick’s Day Parade Fundraiser was held at Havana on February 21st. Irish Step Dancers and members from Richmond County Pipe Band provided entertainment. Co-Grand Marshals Joan Wicklund and Rosemary Ryan and Councilwoman Broullon were among the Official Judges of the contest. Chilangos, won Best Professional category, Nicholas Giunta of Middletown, won Best Amateur category and Highlands resident, Krista Phair won People’s Choice. The proceeds were \$1,514.00.

3rd Annual Guinness Run – The 3rd Annual Guinness Run is March 12, 2PM at Claddagh Irish Pub. Registration is \$30.00 and includes a commemorative t-shirt, a Guinness Pint glass and access to the Post-Race Party at the Claddagh, with complimentary appetizers and Guinness Beer. The race will begin at the Claddagh, 297 Bay Avenue, where contestants will fill their cup and race to Miller St., and back to the finish line at the Claddagh. The contestant with the most liquid in their cup at the finish line wins the 1st Place trophy and \$100 in Bid Bucks. 2nd Place will receive a \$50 Bid Buck. Online registration can be found on www.highlandsnj.com.

14th Annual St. Patrick’s Day Parade – Saturday, March 19, 2PM. We have 12 Pipe bands this year. We hope all the businesses will be competing in the float contest. We are using online registration in addition to printable forms, both of which can be found on www.highlandsnj.com.

Visual Improvement - We are currently implementing a paint reimbursement program following the Highlands design standards. We will be seeking the Council’s support for a resolution in the near future. HBP is working with the Clean Community Team for a Spring Clean-Up plan. We are now accepting new applications for the Wayfinding Signs and the deadline is March 31st.

Economic Development - HBP is working with the Master Plan Sub-Committee for business recruitment and business retention. We are working with the Planning Liaison to implement a business friendly planning guide.

New Business - Yonique Yoga has received their mercantile license and we have given them their welcome packet and completed the interview. We are currently preparing the press release and scheduling a Ribbon Cutting celebration.

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Shared Services

Mayor Nolan stated that this was touched on with the County Tax Assessor.

Other Business:

First Aide and Public Safety

Ms. D'Arrigo spoke about her meetings with the First Aid. She stated that the First Aid owns their building. They have a \$30,000.00 budget and described what it covers. This is all a surprise to her. They make it work. She stated that they need support from the community and thru fundraising. Please show your support. They are always there for the community.

Ms. D'Arrigo then spoke about Public Safety. She spoke highly of Chief Blewett. She has met with him several times and he was able to bring her up to speed with regards to the Police Department. She further explained that she also met with the Fire Department and Officer of Emergency Management. She is working behind the scenes for everyone.

Girl Scout Project

Mr. Hill explained that he received a request from the local girl scouts. They want to do a landscaped project at the Community Center. They will be forwarding plans for the council to review and approve.

Review of T&M Cost Estimate for Assessment of DPW

Mr. Leubner explained the proposal. The DET gave an assessment of spills inside the DPW garage from Hurricane Sandy. They are asking to do a preliminary testing of the site. We will then wait to see if there is any further action required.

Mr. Card added that he will be on site for the assessment.

Mayor Nolan stated that Mr. Leubner has direction to go forward with this and he will be working with Mr. Card.

Request to Install Bus Stop Shelter

Mayor Nolan stated that this is Huddy Park.

Mr. Hill added that they received a request from NJ Transit. They were contacted by a resident about the potential for a bus shelter on Bay Avenue. They would have to infringe on the park. The Governing Body would need to make the decision on the location and design.

Mrs. Wells stated that she does not have an objection to this. She just doesn't want to see it on the sidewalk. She is ok if it has to sit inside the park.

Ms. Broullon asked if Green Acres would have to approve the park location.

Mayor Nolan also asked if the governing body and the residents have the final say on the design.

Mr. Hill added that the design is very basic.

Mr. Card suggested that we coordinate with the Streetscape as well.

Discussion continued.

Mrs. Wells asked who will maintain it.

Mayor Nolan directed Mr. Hill to contact the appropriate people to get answers to the council's questions and report back.

Mr. Hill added that once the shelter is completed, we will be responsible for it.

Borough Cellphones

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Mayor Nolan stated that he spoke with our Attorney, Brian Chabarek. Mayor Nolan directed the attorney to draft an ordinance for the next meeting or first meeting in April. This ordinance would state that the current people who are eligible for borough cellphone will not be reimbursed if they use their own phones.

Tilt-Up Project Update

Mr. Hill stated that we will be setting up meeting with the DEP to review the processes. We did receive cost proposals for demolition. When both processes have been weighed out, the governing body will hold a public meeting. We encourage the public to attend.

Mayor Nolan added that besides a public meeting, we will do a survey and a referendum.

D-Biz Update

Mr. Hill explained that we did get the loan for a drainage project. The project did come in over budget. We can use these funds for a shovel ready project. We will be using these funds to fill in the gaps in the Streetscape project on Bay Avenue.

Mayor Nolan spoke of the Communication Committee and that they are accepting applications.

Carla Cefalo-Braswell added that the money needs to be spent by June 30th.

Mr. Hill said we will have to ask for another extension if necessary.

Mayor Nolan added that we have to follow the process.

Brief discussion continued.

Mayor Nolan requested that we give this a resolution number and Brian Chabarek prepare for tonight.

Mrs. Cummins offer resolution number R-16-85.

Mr. Card added that the North Street Pump is being worked on. He thanked both the Police and Fire Departments for helping out with an incident. We have not forgotten about the storm water management.

Linda Ziembra of 25 Grand Tour asked for the status on grant money from HUD for drainage.

Dale Leubner replied that he has spoken to Mr. Hill and it was determined that a portion of the bulkhead at Jones Creek will be repaired. He further explained the process and timeline.

Public Portion:

Katie Reed of 7 Snug Harbor Avenue spoke about the rusty wall at the end of the bulkhead.

Mr. Hill stated that this particular grant is for resiliency type projects. He agrees with her about the look of the wall.

Mr. Leubner added that you can apply for the grant but you do not have to take it. We could submit for it. This would replace anything made of wood. It would be made out of a different material and the wall will be higher.

Kim Skorka of 315 Shore Drive asked if we could identify other options.

Mr. Hill added further explained that this fund is for flood prevention.

LoriAnn Nolan of 65 Snug Harbor stated that there has not been any problem with the current wooden wall for at least 30 years. The wall on Marine Place needs to be fixed. That should be fixed first. She spoke about a problem with the stairs if the wall is made higher and a handicap ramp.

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Chris Francy of 36 Fifth Street asked if we considered a check valve.

Mr. Card replied that we are budgeting for it. He understands that the wall height is a concern. We also have the pump station that is coming down.

LoriAnn Nolan asked if this will come before the public.

Mr. Card replied that any project in this town will have the town weigh in on.

Carla Cefalo-Braswell of Gravelly Point Road asked about repairs to drains.

Kim Skorka of 315 Shore Drive asked why we can't we do the DBiz storm water project.

Mr. Hill explained the process of how they look at storm water management differently from flooding.

Ms. Broullon asked if there is any way to go to the State for storm water drains on Hwy. #36. Can the State revisit the D-Biz pipe?

Mr. Card stated that Monmouth Hills did some corrective measures. The only way to get action is to take legal action. The D-Biz Project bid numbers were thru the roof.

Barbara Ianucci of 28 Shrewsbury Avenue asked about a CDBG Grant for repairs.

Mr. Hill responded that the CDBG is not generally for repair. We could try for it. They generally look for new projects. He further explained the time frame involved.

Mayor Nolan asked for a council member volunteer to be a liaison to the Grant Writer and make that part of the committee reports. We can remove Shared Service. The Council President, Ms. Broullon will be the liaison.

Arnie Fuog of 50 Valley Street spoke of the water moving from one property to another is supposed to be retained. We need to find the case law and approach Middletown with it.

Jody LaChinsky of 27 Grand Tour asked if there is a prioritized list of things that need to be addressed.

Mayor Nolan responded that in general there is. A new Borough Hall and flooding are at the top of the list. He further explained the process when dealing with the Federal and State Agency.

Carla Cefalo-Braswell of 62 Gravelly Point Road spoke about USDA grant funding for sewer lines. This is something we should look into.

Mayor Nolan asked Carla Braswell to forward the information to the Council President.

Lori Dibble of 2 Matthew Street asked about essential service grant.

Mr. DeBlasio explained that the funds may be reallocated for a fourth round of funding. He explained the CDBG Essential Service Grant being for damages to the town from the storm and your assessed value.

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Chris Francy of 36 Fifth Street questioned the bond ordinance for the Borough Hall at the OLPH property. Pastor Lopez made a statement that the church is not selling anything.

Mayor Nolan said that the discussions are done past the local level.

Mr. Hill added that the Trenton Diocese has been in contact with us for 16 months. The Diocese is aware of the Bond Ordinance.

Mr. Francy added that it is a great location.

Mayor Nolan spoke about the location.

Carol Bucco of 330 Shore Drive stated that she is happy that Borough Hall is moving out of the flood zone. She asked if we are keeping the trailers for a few years.

Mayor Nolan stated yes. We are looking at cost effective savings. The process of the new borough hall is about three years. The rental is still covered at 90%. There isn't an end date yet. The Flood maps are not permanent, yet. That had a lot to do with the decision process for a location.

Barbara Ianucci of 28 Shrewsbury Avenue asked if FEMA has a cap on what we cannot exceed for the new borough hall.

Fran Mullen of T&M Associates explained that a lot of it has to do with property appraisals and fair market value that you can't overpay for property.

Mayor Nolan explained that normally you have three appraisals.

Linda Ziemba of 25 Grand Tour spoke of the application deadline for the drainage grant. She would like to know what the process is and if there will be any meetings.

Mayor Nolan replied yes, there will be meetings with council liaisons as well as our professionals. It will be brought back to the table.

Mr. Hill will have an update at the next council meeting.

Mr. Hill also spoke of check valves. We need to make sure the designs are available.

Mr. Card has the maps and has checked the valves at low tide. One is rusted open. He will bring his research back to Dale Leubner to see what our options are.

Barbara Ianucci questioned the amount of the grant.

Linda Ziemba said it is up to \$1,500,000.00

Barbara Ianucci questioned the CFO about our ability to go out to bond and the effect on our debt ceiling.

Mr. DeBlasio explained that we are at 3% of our borrowing ability. We have about \$2-3 million available in funding as we stand right now. He further explained.

Kim Gonzales explained the FEMA reimbursement process with the Community Center.

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There were no further questions.

Mayor Nolan offered a motion to close the public portion.

The Council entered back into regular session at 10:25 p.m.

R-16-85 – Resolution Authorizing Advertisement and Receiving of Bids for D-Biz Loan Contracts:

Mr. Chabarek read the title of Resolution R-16-85 and then read the resolution into the record.

R-16-85

**Resolution Authorizing Advertisement
and Receipt of Bids for the D-Biz Loan Contracts**

Whereas, the Borough of Highlands desires to solicit bids for the D-Biz Loan Contracts.

Whereas, it is in the best interest of the Borough of Highlands to solicit bids for the D-Biz Loan Contracts.

Now, therefore be it resolved by the governing body of the Borough of Highlands, that the Borough Engineer is authorized to prepare bid specifications for the D-Biz Loan Contracts.

Be it further resolved that the Purchasing Agent is hereby authorized to advertise for the receipt of bids.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			
ON CONSENT AGENDA			YES	X	NO	

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

The Meeting adjourned at 10:26 p.m.

Debby Dailey, Deputy Clerk