

**Borough of Highlands
Mayor & Council
Regular Meeting
May 20, 2015**

Mrs. Kane-Wells Nolan called the meeting to order at 7:04 p.m.

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

ROLL CALL:

Present: Mr. Card, Mrs. Kane-Wells, Mr. Redmond, Ms. Ryan,

Absent: Mayor Nolan

Also Present: Carolyn Cummins, Municipal Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Rob Keady, Borough Engineer

Fran Mullin, Borough Engineer

Late Arrival: Kim Gonzales – Purchasing Agent - arrived at 7:23 p.m.

Executive Session Resolution

Mr. Redmond 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:** JCP&L Possible Litigation
8 Bay Street Possible Litigation
- 2. Contract:**
- 3. Real Estate:** Municipal Facility
Discuss Potential Property Locations for Municipal Building
- 4. Personnel Matters:**
- 5. Investigation:**
- 6. Attorney-Client Privilege:** David Clark, Esq., Special COAH Attorney
Public Relations

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

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

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

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection,

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

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

Seconded by Mrs. Kane-Wells and adopted on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Mrs. Kane-Wells, Mr. Redmond, Ms. Ryan

NAY: None

ABSENT: Mayor Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mrs. Kane-Wells called the Regular Meeting to order at 8:26 p.m.

Mrs. Kane-Wells asked all to stand for the Pledge of Allegiance.

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ROLL CALL:

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

T&M Presentation – PPDR:

Fran Mullen of T&M stated that he is here to present a brief overview of the PPDR funded by FEMA. FEMA will provide 90% to take steps with only willing homeowners to demo the house. He further explained. He also introduced his team: Dan Matson and Dana Webb. He read thru the 5 step outline and explained.

Fran Mullen gave a step by step of highlights. He gave the criteria to be eligible. He also explained what would not be covered. It is a meticulous process. Along with FEMA, the DEP, EPA, Department of Health and Soil Erosion Office oversees this. He also explained the application process and criteria. FEMA will give to him the eligible property list.

Dan Matson explained all documentation will be sent to FEMA thru T&M. He has worked with a large number of demos. He further explained the process of awarding a contractor and debris removal. FEMA will review all the documents and move into demolishing the house. He described all the safety procedures that are followed. He has personally been involved in the demo of 65 houses and all of them have been fully 90% reimbursement.

Fran Mullen added that T&M's job is to make sure that the borough gets 90% of the money back. He further explained any problems that may come up. There will not be any penalties if a house qualifies and problems come up that disqualify it.

Mrs. Kane-Wells stated that the public may now ask questions.

Lori Dibble of 2 Matthew Street asked about the time frame.

Fran Mullen stated that it is about 2-3 months to get pre-approval from T&M and up to another three months.

Eileen Scanlon of 24 Fifth Street stated that she paid for demo herself and that it doesn't apply to 2nd homes. Should she have waited two or three months so that FEMA would pay for her demo?

Fran Mullen explained that this only applies to primary residents and owner occupied. They are working with FEMA to get this going as fast as they can.

Claudette D'Arrigo of Sea Drift Avenue questioned notification of empty homes.

Fran Mullen explained they would have to look in to that. We would work with the banks. This is only for willing owners.

Katy Reed of Snug Harbor Avenue questioned if we would fine people who are negligent.

Fran Mullen said if it is a legal step, most towns do it. His office would investigate thru owners and the banks. They do vigorous code enforcement but it is not part of the FEMA program.

Patty Geibler of 25 Bay Street asked if this information is available on line.

Fran Mullen stated not yes. If we go forward, it will be posted on the website.

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Barbara Ianucci of 28 Shrewsbury Avenue questioned if this is two programs.

Fran Mullen said no and further explained. It is all one process.

Barbara Ianucci asked what the total grant, eligibility and basement excavation.

Fran Mullen explained the charge to homeowners for basement fill.

Kim Skorka of 315 Shore Drive asked if they wait to reach a certain number of houses before going to FEMA.

Fran Mullen stated yes and further explained.

Carol Bucco of 330 Shore Drive asked if people are already in the process of lifting, can they be included.

Fran Mullen said yes if they meet the FEMA requirements.

Lori Dibble of 12 Matthew Street asked how he gets paid.

Fran Mullen explained that we come up with an estimate and is reimburse 90% by FEMA.

Barbara Ianucci asked how long it would take to get reimbursed.

Fran Mullen stated about 6 months and further explained.

Melissa Pedersen of 31 Barberie Avenue asked about the criteria for the town to approve.

Mrs. Kane-Wells stated that we are going to decide that tonight.

Mrs. Kane-Wells offered a motion to proceed with the program, seconded by Mr. Card and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Ms. Kane-Wells, Mr. Redmond, Ms. Ryan

NAY: None

ABSENT: Mayor Nolan

ABSTAIN: None

Community Center Update:

Fran Mullen explained that the architect is working on a final design. He has provided all the cost to FEMA per their request. It is an ongoing process. He is preparing the public bid documents and should be done by the end of May.

Mr. Padula stated that the specs were sent to the council for review and we have a resolution on tonight to approve as per our review and changes.

Fran Mullen explained the bid process. They hope to award a contract toward the end of June.

Mrs. Kane-Wells stated that we are on track with the time line.

Kim, last name and address unknown, asked about coverage for the Community Center if another storm happens.

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Fran Mullen replied yes and further explained the process.

Discussions continued regarding the process and requirements.

Fran Mullen and his team left the meeting at 9:04 p.m.

Consent Agenda:

Mrs. Kane-Wells asked if anyone had questions on any item on consent agenda.

Mr. Padula stated that Resolution R-15-177 erroneously listed the amount as \$95,000.00. It should be listed as \$30,000.00.

**R-15- 114
RESOLUTION AUTHORIZING THE APPLICATION
FOR THE
2015 SUMMER FOOD PROGRAM**

WHEREAS, the Mayor and Council of the Borough of Highlands have reviewed the material received from the State of New Jersey regarding the **2015** Summer Food Service Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands agree that the Borough’s participation in the Summer Food Program will be of benefit to the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor, Borough Administrator, & Recreation Assistant are hereby authorized to make application to the State of New Jersey for the **2015** Summer Food Program in the anticipated amount of **\$11,568.12**

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

**Borough of Highlands
R-15-115
Resolution No. 2015-**

**AUTHORIZING THE BOROUGH OF HIGHLANDS TO ENTER INTO A
MEMORANDUM OF AGREEMENT WITH BAY HEAD INVESTMENTS, INC. AS A
RESULT OF BAY HEAD’S FAILURE TO PROVIDE THE BOROUGH WITH A FORD
F-450 4-WHEEL DRIVE 4X4, HORTON 623, TYPE 1 AMBULANCE**

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et. seq. the Borough of Highlands advertised and solicited bids for two (2) Ambulances; and

WHEREAS, pursuant to the Instructions to Bidders, prospective bidders were to bid on providing the Borough with two (2) ambulances in accordance with the following specifications: One (1) must be a new, Type 1 4-wheel drive Ambulance with chassis equivalent to a Ford F-

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450 or F-350 series, custom built to the provided F-series bid specifications. The other Ambulance may be an identical new Type 1 4-wheel drive (4x4) Ambulance with chassis equivalent to a Ford F-450 or F-350 series, custom built to the provided F-series bid specifications; a new, Type III Ambulance with chassis equivalent to a Ford E-350 series, custom built to the provided E-series bid specifications; or a functionally equivalent Stock, Demo, or Refurbished unit that meets the provided E-series bid specifications; and

WHEREAS, the Borough of Highlands received bids from Bay Head Investments, Inc. d/b/a VCI Emergency Vehicle Specialists and Campbell Supply Co. LLC/Wheeled Coach Industries; and

WHEREAS, Bay Head, in its bid proposal, proposed to provide the Borough with a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance valued at \$199,837.00 and a 2006 Ford E-450 Diesel, Type III, Refurbished Horton 553A Ambulance valued at \$40,000.00 for the total amount of \$239,837.00; and

WHEREAS, pursuant to Resolution No. 14-91, the Borough awarded a contract for two (2) ambulances to Bay Head in the amount of \$239,837.00; and

WHEREAS, Bay Head failed to provide the Borough with a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract, and the Bid Specifications and instead sought to provide the Borough with a 2015 F-450 2-wheel drive 4x2, Horton 623, Type 1 Ambulance; and

WHEREAS, the Bid Specifications entitle the Borough to monetary and/or other damages from the bidder as a result of the bidder's failure to fulfill in a timely and proper manner, the obligations contained in the contract and bid specifications; and

WHEREAS, in lieu of seeking monetary damages from Bay Head as a result of Bay Head's failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract and the Bid Specifications, the Borough and Bay Head desire to enter into a Memorandum of Agreement in the form attached hereto. The services and equipment to be provided by Bay Head as defined in the Memorandum of Agreement attached hereto shall constitute a fair measure of the Borough's damages as a result of Bay Head's aforementioned failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract and the Bid Specifications.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, New Jersey that Bay Head has failed to comply with its Bid Proposal, the Bid Specifications and its Contract as a result of its failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with those documents.

BE IT FURTHER RESOLVED that the Borough is hereby authorized to enter into a Memorandum of Agreement with Bay Head in the form attached hereto, which shall constitute the agreement by and between Bay Head and the Borough concerning damages sustained by the Borough as a result of Bay Head's failure to provide a 2014 Ford F-450 4-wheel drive 4x4, Horton 623, Type 1 Ambulance in accordance with its Bid Proposal, the Contract and the Bid Specifications.

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

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

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

**R-15-116
RESOLUTION APPROVING
Green Design –Municipal Buildings Resolution**

This Green Building Policy/Resolution action is a pre-requisite and must be completed before points will be awarded for additional GREEN DESIGN actions.

Alternatively, adoption of the Sustainable Land Use Pledge satisfies this pre-requisite. Municipalities can receive points for both the Sustainable Land Use Pledge as well as the Green Building Policy/Resolution if both are adopted.

If using the Sustainable Land Use Pledge to satisfy the Green Design pre-requisite, the Sustainable Land Use Pledge must include the following language in the Green Building section: Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

**RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES
FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS**

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the Borough of Highlands desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the City desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices...etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling).

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby implements a Green Building Policy that: will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

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

**R-15-117
A RESOLUTION APPROVING A GRANT CONSULTANT
AGREEMENT WITH MILLENNIUM STRATEGIES IN
CONNECTION WITH THE NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS LEAD
HAZARD REDUCTION GRANT IN AN AMOUNT NOT
TO EXCEED \$30,000.00**

WHEREAS, the Borough was awarded a Lead Hazard Reduction Grant (Grant) by the New Jersey Department of Community Affairs (DCA); and

WHEREAS, DCA advised the Borough to formally establish a grant management team to administer the grant; and

WHEREAS, Millennium Strategies prepared the initial grant application, attended all preliminary meetings and otherwise advised the Borough during the grant application process; and

WHEREAS, Millennium Strategies has the experience and ability to provide these services to the Borough; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this Agreement; and

WHEREAS, this Agreement is exempt from public bidding pursuant to N.J.S.A. 40A:11-5

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

1. The Borough approves the attached agreement with Millennium Strategies for administration of the New Jersey Department of Community Affairs Lead Hazard Reduction Grant in the amount of \$95.00 per hour, not to exceed \$30,000.00; and
2. The Mayor is authorized to sign the Agreement on behalf of the Borough.

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

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**RECAP OF PAYMENT OF BILLS
05/20/2015**

CURRENT:		\$	159,948.21
	Payroll (05/15/2015)	\$	108,012.35
	Manual Checks	\$	88,379.31
	Voided Checks	\$	
SEWER ACCOUNT:		\$	97,078.64
	Payroll (05/15/2015)	\$	3,415.38
	Manual Checks	\$	2,039.04
	Voided Checks	\$	
CAPITAL/GENERAL		\$	54,008.17
CAPITAL-MANUAL CHECKS		\$	
	Voided Checks	\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	1,799.10
	Payroll (05/15/2015)	\$	1,275.00
	Manual Checks	\$	
	Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	8,687.38
	Payroll (05/15/2015)	\$	1,091.33
	Manual Checks	\$	
	Voided Checks	\$	
DEVELOPER'S TRUST		\$	
	Manual Checks	\$	
	Voided Checks	\$	

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

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Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion to approve the May 6, 2015 regular and Executive Minutes, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Ms. Ryan, Mayor Nolan

NAY: None

ABSENT: Mrs. Kane-Wells

ABSTAIN: Mr. Redmond

Other Resolutions:

R-15-111 – Resolution Amending Professional Special Legal Counsel Services:

Mrs. Cummins read the title of R-15-111.

Mr. Padula stated that this resolution needs to be carried to the next meeting.

R-15-118 – Resolution Appointing Public Defender:

Mrs. Cummins read the title of R-15-118.

Mrs. Kane-Wells explained that the applicants were interviewed by Councilman Redmond and Councilman Card.

**R-15-118
RESOLUTION
AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

WHEREAS, the Borough of Highlands is in need of a Municipal Public Defender pursuant to Public Law 1997 C.256; and

WHEREAS, pursuant to Ordinance 98-02 the Municipal Public Defender shall be paid an annual salary of not less than \$1,500.00, which shall be apportioned pro rata for the portion of the year in which the Public Defender serves; and

WHEREAS, the Municipal Public Defender shall only be required to attend Court when his clients are listed on the calendar; and

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

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

1. The law firm of Bevan, Mosco, Giuditta & Zarillo,P,C, of 222 Mount Airy Road, Suite 200, Basking Ridge, NJ 07920 is hereby appointed Public Defender for the unexpired (1) one year term to expire December 31, 2015.
2. The appointment is made without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

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

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

R-15-119 – Resolution Refunding Bonds:

Mrs. Cummins read the title of R-15-119.

Mr. DeBlasio gave a brief explanation.

**BOROUGH OF HIGHLANDS
RESOLUTION R-15-119**

RESOLUTION DELEGATING AUTHORITY TO DETERMINE THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$2,600,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE 2015 GOVERNMENTAL LOAN REFUNDING PROGRAM

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the “Local Bond Law”), the Borough of Highlands, in the County of Monmouth, State of New Jersey (the “Borough”), had previously issued \$3,373,000 aggregate principal amount of General Obligation Bonds, dated December 4, 2008, consisting of general capital general obligation bonds (the “2008 General Capital Bonds”) and sewer general obligation bonds (the “2008 Sewer Bonds” and together with the 2008 General Capital Bonds, the “2008 Bonds”) to the Monmouth County Improvement Authority (the “MCIA”) in connection with the Borough’s participation in the 2008 Pooled Governmental Loan Program (the “2008 MCIA Loan Program”), which 2008 Bonds were issued to (i) memorialize the Borough’s applicable loan through the 2008 MCIA Loan Program, and (ii) permanently finance the costs of various Borough projects; and

WHEREAS, the Borough has been informed by the MCIA that all or a portion of the outstanding 2008 Bonds are eligible for refunding through the MCIA and that such a refunding will achieve debt service savings for the Borough; and

WHEREAS, \$1,928,000 of such 2008 General Capital Bonds dated December 4, 2008 (the “2008 Refunded General Capital Bonds”) are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable, and \$118,000 of such 2008 Sewer Bonds dated December 4, 2008 (the “2008 Refunded Sewer Bonds” and together with the 2008 Refunded General Capital Bonds, the “Refunded Bonds”) are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable; and

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WHEREAS, the MCIA and the Borough have determined that refunding bonds can be issued to refund such Refunded Bonds, which, under current market conditions, can generate approximately \$171,000 gross debt service savings to the Borough due to the low long-term interest rate environment; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough to refund all of the Refunded Bonds; and

WHEREAS, the Borough has determined to provide for the refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in the aggregate principal amount of not to exceed \$2,600,000 to the MCIA (the "Refunding"), as provided in the refunding bond ordinance of the Borough entitled, "REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,600,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE BOROUGH TO THE MCIA" and finally adopted by the Borough Council on April 1, 2015 (the "Ordinance"); and

WHEREAS, to accomplish the Refunding, the MCIA requires the Borough to authorize, execute, attest and deliver the Borough's not to exceed \$2,600,000 General Obligation Refunding Bonds, Series 2015 (the "Bonds"), in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") and other applicable law; and

WHEREAS, such Bonds shall be comprised of one or more series (if applicable, to memorialize the applicable obligations of the general or utility funds of the Borough), and any portion of such Bonds attributable to any self liquidating utility shall, if applicable, in accordance with the Local Bond Law, be deductible from gross debt when such utility is self-liquidating; and

WHEREAS, section 27(a)(2) and section 59 of the Local Bond Law allow for the sale of the Bonds to the MCIA without any public offering, all under the terms and conditions set forth herein and in a Bond Purchase Agreement by and between the Borough and the MCIA and dated as of the date hereof.

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Borough Council hereby delegates to the Chief Financial Officer of the Borough, in accordance with the provisions of N.J.S.A. 40A:2-27(a)(2) and N.J.S.A. 40A:2-59, the power to sell and award the Borough's not to exceed \$2,600,000 General Obligation Refunding Bonds, Series 2015 (collectively, the "Bonds") to the MCIA in accordance with the provisions hereof and in accordance with the terms of a Bond Purchase Agreement by and between the Borough and the MCIA (the "Bond Purchase Agreement"). The Mayor of the Borough (the "Mayor") or Chief Financial Officer of the Borough (the "Chief Financial Officer") are each hereby authorized and directed on behalf of the Borough, in consultation with Bond Counsel (as hereinafter defined), to negotiate the terms of such Bond Purchase Agreement, to be dated the date of sale of the Bonds, to approve the terms of aforesaid Bond Purchase Agreement and to execute and deliver said Bond Purchase Agreement to the MCIA. The Bonds have been referred to and described in the Ordinance finally adopted at a duly called and held meeting of the Borough Council and published as required by law. The Bonds are being issued for the purpose of (i) refunding the principal amount of the Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or prepayment, if applicable, and the redemption or prepayment price thereof, if applicable, and (ii) paying the costs of issuance relating to the Bonds, including printing, advertising, accounting, financial and legal services, rating agency

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fees, underwriter's discount, and MCIA costs of issuance, which may include any of the foregoing.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the MCIA and the terms and conditions hereof and set forth in the Bond Purchase Agreement, the following items with respect to the Bonds, except those terms and conditions which are set forth in the Bond Purchase Agreement:

- (a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of \$2,600,000;
- (b) The name and designation of the Bonds;
- (c) The maturity and principal installments of the Bonds;
- (d) The date of the Bonds;
- (e) The interest rates of the Bonds;
- (f) The purchase price of the Bonds;
- (g) The direction for the application and investment of the proceeds of the Bonds, if applicable; and
- (h) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough Council hereby determines that certain terms of the Bonds shall be as follows:

- (a) The Bonds shall be issued in a single denomination and shall be numbered GOR-1 (which may be issued in one or more separate series aggregating said amount and to memorialize the applicable obligations of the general or utility fund purposes of the Borough);
- (b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor of the Borough (the "Mayor") and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Borough (the "Borough Clerk").

Section 5. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Borough to comply with the requirements of the MCIA's 2015 Governmental Loan Refunding Program (the "Program"), upon the advice of Bond Counsel to the Borough (as defined herein);

Section 6. The law firm of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the Borough ("Bond Counsel"), the Borough Attorney and the Borough Auditor are each hereby authorized and directed to perform all actions necessary to

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consummate the issuance of the Bonds and the Refunding for which the Bonds are issued, including but not limited to, drafting and arranging for the printing and execution of the Bonds and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and the undertaking of the Refunding, preparing all necessary financial information and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the undertaking of the Refunding. The Mayor, the Chief Financial Officer and the Borough Clerk are each hereby authorized and directed to execute and deliver any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor, the Chief Financial Officer, the Borough Clerk and any other Borough representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds, including the Bond Purchase Agreement, or the undertaking of the Refunding and each is hereby further authorized and directed to deliver same to the MCIA upon delivery of the Bonds and the receipt of payment therefor or in accordance with the Program and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel to the Borough, in relation to the execution and delivery thereof.

Section 8. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution: (a) via facsimile, to (i) Marion Masnick of the MCIA at facsimile number 732-409-4821, and (ii) John M. Cantalupo, Esq., of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the Borough, at facsimile number 732-345-8420; and (b) via certified first class mail, to (i) Marion Masnick of the MCIA at The Monmouth County Improvement Authority, Hall of Records, Main Street, Freehold, New Jersey 07728, and (ii) John M. Cantalupo, Esq., of Archer & Greiner P.C., Bond Counsel to the Borough at 10 Route 35, Red Bank, New Jersey 07701.

Section 9. This resolution shall take effect immediately.

ADOPTED: May 20, 2015

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

R-15-120 – Resolution Awarding Prof. Architectural Contract –Site Studies:

Mrs. Cummins read the title of R-15-120.

Mrs. Kane-Wells explained the resolution for site analysis selection.

**R-15-120
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES
TO JOSEPH TOMAINO**

WHEREAS, the Borough of Highlands has a need for professional Architectural services to conduct site analysis of certain properties to determine the best location for a municipal facility as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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WHEREAS, such professional architectural services can only be provided by licensed professionals and firm of Joseph Tomaino, A.I.A. is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$10,000; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$10,000 plus reimbursable expenses for Professional Architectural Services as stated; and

WHEREAS, Joseph Tomaino has completed and submitted a Business Entity Disclosure Certification which certifies that his firm 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 Joseph Tomaino from making any reportable contributions through the term of the contract, and

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

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

I hereby certify funds are available as follows:

Current Fund:

Patrick DeBlasio, Chief Financial Officer

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

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

1. Joseph Tomaino is hereby retained to provide professional services as described above for an amount not to exceed \$10,000 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
CARD			x			
KANE	X		X			
REDMOND			x			
RYAN		X	x			
NOLAN						x
ON CONSENT AGENDA			YES	x	NO	

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R-15-121 – Resolution Authorizing Bid Specs. For Community Center:

Mrs. Cummins read the title of R-15-121 and read the resolution into the record.

**Resolution R-15-121
Borough of Highlands
County of Monmouth**

AUTHORIZING THE BOROUGH OF HIGHLANDS TO PREPARE BID SPECIFICATIONS, ADVERTISE AND ACCEPT BIDS FOR THE REHABILITATION OF THE ROBERT D. WILSON MEMORIAL COMMUNITY CENTER

WHEREAS, the Robert D. Wilson Memorial Community Center (“the Community Center”) was severely damaged during Superstorm Sandy and is currently unusable; and

WHEREAS, the Borough of Highlands has determined that it is necessary to rehabilitate the Community Center so that the Borough and its residents may utilize the Community Center; and

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et. seq. the Borough of Highlands may solicit bids to rehabilitate the Community Center; and

WHEREAS, the Governing Body of the Borough of Highlands has determined that it is in the best interests of the residents of the Borough of Highlands to solicit bids to rehabilitate the Community Center.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough, its agents, officials, and professionals (including architects) are hereby authorized to prepare bid specifications subject to approval by the Borough Attorney for the Rehabilitation of the Robert D. Wilson Memorial Community Center.

BE IT FURTHER RESOLVED that the Borough, after preparation of the bid specifications, is authorized to advertise and accept bids for the Rehabilitation of the Robert D. Wilson Memorial Community Center.

BE IT FURTHER RESOLVED, that all Borough officials including, but not limited to the Mayor, the Borough Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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

Ordinances: On for 2nd Reading, Public Hearing and Adoption:

O-15-7 – Ordinance Accepting Deed of Easement Pulte Homes:

Mrs. Cummins read the title of O-15-7 on for 2nd reading and public hearing. This was published in the April 17th edition of the Two River Times.

Mr. Padula stated that there is a change in the title only. He then read the new title. They are removing “and storm water easement” from the title.

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Mrs. Kane-Wells opened the public hearing.

There were no questions.

Mrs. Kane-Wells closed the public hearing.

Mrs. Cummins read the title of O-15-7 for final reading and adoption:

Ms. Kane offered the following amended ordinance pass final reading and moved on its adoption:

**Borough of Highlands
County of Monmouth
O-15-7**

**AN ORDINANCE ACCEPTING A DEED OF SITE TRIANGLE EASEMENT FOR
BLOCK 101, LOT 27.02 FROM PULTE HOMES OF N.J.**

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

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, on or about March 13, 2014, memorialized in Resolution No. PB#2013-3, the Borough of Highlands Planning Board granted Final Site Plan Approval to Navesink Capital Partners, LLC (“Navesink”) to construct a mixed-use development on real property, including upon Block 101, Lot 27.02; and

WHEREAS, Navesink was, at the time it received Final Site Plan Approval, the owner of Block 101, Lot 27.02; and

WHEREAS, Navesink subsequently transferred ownership of Block 101, Lot 27.02 to Pulte Homes of NJ (“Pulte”), which will be developing Block 101, Lot 27.02 in accordance with Final Site Plan Approval granted to Navesink; and

WHEREAS, Resolution No. PB#2013-3 required Navesink and/or the appropriate owner of real property to convey certain deeds and easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, Pulte, the owner of the subject real property, desires to convey to the Borough the following easement over a portion of Block 101, Lot 27.02:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02

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

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

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

(1) The Borough hereby accepts the following deed and easement, in a form acceptable to the Borough Attorney and Borough Engineer, from Pulte Homes of N.J.:

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- Deed of Sight Triangle Easement for Block 101, Lot 27.02

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

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

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

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

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

ROLL CALL:

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

NAY: None

ABSENT: Mayor Nolan

ABSTAIN: None

O-15-8 – Ordinance Accepting Deeds of Easements – Sandy Hook Dev:

Mrs. Cummins read the title of Ordinance O-15-8 on for 2nd reading, Public Hearing and adoption. This was published in the April 17th edition of the Two River Times and is now ready for a public hearing.

Mrs. Kane-Wells opened the public hearing.

There were no questions.

Mrs. Kane-Wells closed the public hearing.

Mrs. Cummins read the title of O-15-8 for final reading and adoption:

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

**Borough of Highlands
County of Monmouth
O-15-8**

AN ORDINANCE ACCEPTING VARIOUS DEEDS AND EASEMENTS FROM SANDY HOOK DEVELOPERS, LLC FOR BLOCK 101, LOT 27.03

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

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, on or about March 13, 2014, memorialized in Resolution No. PB#2013-3, the Borough of Highlands Planning Board granted Final Site Plan Approval to Navesink Capital Partners, LLC (“Navesink”) to construct a residential development on real property, including upon Block 101, Lot 27.03; and

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

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

WHEREAS, in connection with said Board approval, Sandy Hook, the owner of the property, desires to convey to the Borough the following easements over a portion of Block 101, Lot 27.03:

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- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)

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

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

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

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

- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)

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

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

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

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

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

ROLL CALL:

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

O-15-15 – Ordinance RE: Prohibited Animals:

Mrs. Cummins read the title of Ordinance O-15-15 on for 2nd reading, Public Hearing and adoption. This was published in the April 17th edition of the Two River Times and is now ready for a public hearing.

Mrs. Kane-Wells opened the public hearing.

There were no questions.

Mrs. Kane-Wells closed the public hearing.

Mrs. Cummins read the title of O-15-15 for final reading and adoption:

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

**O-15-15
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**Borough of Highlands
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**AN ORDINANCE SUPPLEMENTING CHAPTER 16 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLANDS WITH SECTION 16-5,
“PROHIBITED ANIMALS”**

WHEREAS, the Borough of Highlands finds that it is necessary to supplement chapter 16 of the Revised General Ordinances of the Borough of Highlands (“Borough Code”) to include Section 16-5, “Prohibited Animals;” and

WHEREAS, such prohibitions previously existed in the Borough Code but were inadvertently removed during a prior recodification; and

WHEREAS, the Borough wishes to return such prohibitions to the Borough Code and to prohibit residents from possessing any goats, sheep, swine, horses, rabbits, chickens, pigeons or other fowl; and

WHEREAS, the Borough has determined that this amendment promotes the health, safety and welfare of its residents to prohibit possession of the above-referenced animals.

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

SECTION ONE: Section 16-5, “Animals Prohibited,” shall be included in the Revised General Ordinance of the Borough of Highlands as follows:

16-5 PROHIBITED ANIMALS.

16-5.1 Prohibited Animals.

It shall be unlawful for any person to keep in his/her possession any goats, sheep, swine, horses, rabbits, chickens, pigeons or other fowl except as hereinafter provided.

16-5.2 Duties.

It shall be deemed that the Board of Health shall have the power and duty to regulate the control of pigeon fanciers in the Borough of Highlands. Pigeon fanciers shall be allowed when sanitary conditions, proper loft management and good loft construction prevail. The Executive Officer shall make an inspection every six months and a Health Permit shall be given.

16-5.3 Penalties.

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

16-5.4 Severability.

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

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

Seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSENT: Mayor Nolan

ABSTAIN: None

O-15-16 – Ordinance Regulating Parking on Portland Road:

Mrs. Cummins read the title of Ordinance O-15-16 on for 2nd reading, Public Hearing and adoption. This was published in the April 17th edition of the Two River Times and is now ready for a public hearing.

Mrs. Kane-Wells opened the public hearing.

Carol Bucco of 330 Shore Drive wants to make sure we have signage.

Mr. Hill explained that they will have signage that's says no parking. He explained the location. He stated that we are going with the recommendations from the Chief of Police.

Kim Skorka of 330 Shore Drive asked if the curb could be painted yellow.

Mr. Hill stated that it can be painted.

There were no further questions.

Mrs. Kane-Wells closed the public hearing.

Mrs. Cummins read the title of O-15-16 on for final reading and adoption.

Mr. Card offered the following ordinance pass final reading and moved on its adoption and authorized its publication according to law:

O-15-16

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING SECTION 7-3.4 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLANDS REGULATING PARKING ON
PORTLAND ROAD**

WHEREAS, the Borough wishes to amend the Revised General Ordinances of the Borough of Highlands (hereinafter referred to as "Borough Code"), Section 7-3.4, to allow parking on Portland Road between Highland Avenue and Hillside Avenue, with the exception of the State of New Jersey's parking laws, which prohibit parking ten (10) feet from a fire hydrant, twenty-five (25) feet from an intersection and fifty (50) feet from a stop sign; and

WHEREAS, the Borough wishes to further amend Borough Code Section 7-3.4 to prohibit parking on Portland Road at all times in those areas not designated above, with the exception of the east side of Portland Road at the area one hundred and twenty-four (124) feet south of the utility pole identified as BT40103hb to forty (40) feet north of the utility pole identified as B7224; and

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WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Borough Code Section 7-3.4 to amend the parking restrictions on Portland Road; and

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

SECTION ONE. Borough Code Section 7-3.4, “Parking Prohibited at All Times on Certain Times,” shall be amended as follows:

Schedule I

Portland Road

<i>Sides</i>	<i>Location</i>
<i>Both</i>	<i>Entire Length</i> <i>(except parking shall be permitted between Highland Avenue and Hillside Avenue and the east side of Portland Road one hundred and twenty-four (124) feet south of the utility pole identified as BT40103hb until forty (40) feet north of the utility pole identified as B7224)</i>

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

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

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

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

ROLL CALL:

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

O-15-17 – Ordinance Updating Drug Free School Zone Map:

Mrs. Cummins stated that this ordinance will be tabled. We need additional time for the map.

Mr. Leubner added that the map that has to be approved by resolution.

Mrs. Kane-Wells directed Mr. Leubner to draft a resolution for the June 3rd meeting.

Other Resolution:

R-15-122 – Resolution Authorizing T&M to move forward with the PPDR Program:

Mrs. Kane-Wells stated that she would like to add a resolution – R-15-122 to move forward with the PPDR program.

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Mrs. Cummins read the title of R-15-122.

R-15-122

**RESOLUTION TO AUTHORIZE
T & M ASSOCIATES TO MOVE FORWARD WITH THE PRIVATE PROPERTY
DEBRIS REMOVAL PROGRAM ADMINISTRATION**

WHEREAS, Fran Mullen of T & M Associates gave a presentation to the public and the Governing Body on May 20, 2015 about the Private Property Debris Removal Grant (PPDR); and

WHEREAS, the public and the Governing Body both expressed their desire to move forward with the PPDR grant program.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby directs T & M Associates to move forward with the administration of the Private Property Debris Removal Grant Program.

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

Other Business:

Borough Engineers Status Report

Mr. Leubner read thru his report.

The following is the status of various projects in which we are involved as Borough Engineer:

Capital Improvement Projects

1. Stormwater System Improvements:

- Plans have been submitted to the NJDEP as required for the EIT loan.
- Permit applications are currently being revised for resubmission.
- Construction is scheduled to commence later this year. Start date will vary based upon grant success or utilizing EIT loan.

2. The Replacement of the North Street Stormwater Pumpstation: The station was lost during Hurricane Sandy.

- Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.

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- Access agreements are required from the adjacent property owners for construction purposes.
- Final project design has been authorized and has commenced.
- Permit applications are currently being prepared for submission.
- Construction is anticipated to commence later this year.

- 3. The Replacement of the Bay Street Retaining Wall:** This project will replace the failing retaining wall on Bay Street along the frontage of house #8.

Bid Opening: October 31, 2014
Award: December 3, 2014
Contractor: Berto Construction Incorporated
Amount: \$271,303.00

- Pre-construction meeting held on January 21, 2015.
- Project construction is underway.
- Posts and wall panels are installed.
- Current remaining contract items to be completed over the next two weeks.
- Curbing along the east side of the roadway to be included within this contract.

- 4. The Waterwitch Avenue & Linden Avenue Drainage Project:** The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.

- Design is substantially complete.
- Project scope has been reduced as proposed to and discussed with Mayor and Council.
- Anticipated cost savings to be between \$400,000 and \$500,000 based on the alternate design.
- Replacement of failed pipe from the Waterwitch Avenue/Shore Drive intersection through Huddy Park to Jones Creek will be added to this project as requested by the Governing Body.
- Plans have been submitted to the NJDOT and Monmouth County for review.
- Review comments have been received and discussed with the County.
- Plans have been revised and returned to the County for final review.
- Project to be advertised this spring and advanced to construction late spring/early summer.

- 5. Community Center ADA Walkway:** Project documents are advancing to completion. Project to be advertised in June.

- 6. NJEDA Streetscape Project:** This project adds streetscape improvements behind the curblines, plus crosswalks through both downtown business districts. Project involves a \$1.5 million grant from the NJEDA

- Survey is completed.
- Design is substantially complete.
- Meetings have been held with Council Representatives and the Borough Administrator to review the project design and amenities.
- Meeting to be scheduled and held with the affected business owners to present the proposed improvements.

- 7. The Resurfacing of Shore Drive Phase II:** This project extends from Waterwitch Avenue to Locust Street. This project includes a \$200,000 grant from the NJDOT. A contract has to be awarded by July 2015 to avoid forfeiting the grant money.

- Design is substantially complete.
- Plans have been sent to the NJDOT for final review.
- Project to be advertised upon approval from the NJDOT.
- Project to be constructed this summer.

- 8. Shrewsbury Avenue Rehabilitation/North Street Stormsewer Inflow Pipe Replacement:** This project includes the entire length of Shrewsbury Avenue from Bay Avenue to Miller Street. It also includes replacing the stormsewer inflow pipe to the North Street Pumpstation from Bay Avenue to Shrewsbury Avenue and reconstructing the existing roadway. The projects have been combined due to proximity as well as anticipated better scheduling and

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pricing. This project includes a \$210,000 grant from the NJDOT for Shrewsbury Avenue as well as \$178,077.00 from the Monmouth County Community Development Block Grant program for North Street.

- Survey is completed.
- Design is underway.
- Permitting packages are currently being prepared.
- Project is scheduled to be constructed this summer.

Grants and Loans

1. **FY 2015 NJDOT Local Aid Applications:** We submitted an application for Miller Street between Shore Drive and Bay Avenue as requested by the Governing Body. The Borough has been advised that they will receive \$83,000 towards this project.

Mr. Leubner would like to continue with project meetings with Mr. Card, Mr. Redmond and Mr. Hill.

Mrs. Kane-Wells will facilitate the meeting with businesses and T&M.

Mr. Leubner will set that up.

Valley Ave. One Way Report – Councilwoman Tara Ryan:

Ms. Ryan stated that we are not voting on anything tonight. It is just a report.

Ms. Ryan read thru her report.

Following are the results of an in-formal survey conducted after residents of Valley Ave. above Route 36, and residents of surrounding streets voiced objections to Valley Avenue becoming one way.

The street was changed to one way into Valley Street after a resident requested help after more than 16 accidents occurred in 17 years on the corner of Route 36 and Valley Ave, where her home is located. The borough changed the street to one way and also installed metal posts to deter vehicles from crashing onto her property. She appeared at a recent council meeting to report that there has not been one accident since the new signage was installed.

Most residents were not happy that the one-way went into effect without any notice to them by mail or otherwise, and also they did not have the chance to voice their opinions.

After Mayor Nolan asked me to speak to residents about this situation I spoke with 35 residents who offered their opinion.

RESULTS:

- | | |
|--|------|
| Keep the one way, it is safer. | (1) |
| Keep the one way, I do not drive. | (1) |
| Change it back the way it was. | (24) |
| Change the one-way to the other direction. | (9) |

Several residents suggested that in addition to putting the street back the way it was, that a double ring of metal posts be installed on the corner to secure the safety of the resident who lives on the corner.

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Mrs. Kane-Wells directed Ms. Ryan to send her report to Chief Blewett.

Mr. Card offered to wait to discuss until we get Chief Blewett's response.

Ms. Kane stated that they will take questions in the public portion.

Monmouth County Open Space Grant Program:

Mr. Hill explained the Grant Program. The ADA program was used for the Community Center walkway. Once that grant is closed out, we can apply for another grant for up to \$250,000.00 for park related projects. It is a 50% matching program. The deadline is September 16th, 2015.

Barbara Ianucci of 28 Shrewsbury Avenue asked if open space funds can be used for matching funds.

Mr. Hill explained that the county doesn't care where our matching funds come from, but the money must be used for a park related project.

Announcement:

Mrs. Kane-Wells announced that on Saturday, May 23rd at 1:00 p.m. we will have our annual Memorial Day parade. Please come out.

Public Portion:

Kim Skorka of 315 Shore Drive commented on Valley Avenue being a one way street. She would like to hear the Police and First Aid input on this. She also asked if the budget details are ready.

Pat DeBlasio said that the report will be ready next week.

Kim Skorka asked if we know when the finance committee will be meeting.

Mrs. Kane-Wells said she will ask the Mayor tomorrow.

Lori Dibble of 2 Matthew Street questioned if there is an obligation for the town to meet for the special COAH.

Mr. Padula stated that this arose from a Supreme Court decision. He explained the court decision. Municipalities need to file a lawsuit seeking a declaratory judgement that their fair share is being met. It has to be filed by July 8th. We are determining whether to file. He further stated that he is not aware of a certification for Highlands.

Carol Bucco of 330 Shore Drive asked if the public defender has a name or is it just the firm.

Mr. Padula stated that it is Matthew Parlavecceco.

Carol Bucco asked if resolution R-15-111 was tabled.

Mr. Padula stated that we do not have enough votes today.

Barbara Ianucci of 28 Shrewsbury Avenue – passed.

Eileen Scanlon of 24 5th Street asked about code enforcement and abandoned building issues on her street.

Mrs. Kane-Wells stated that we will ask code enforcement for an update.

Eileen Scanlon questioned JCP&L litigation and lifting issues with poles.

Mr. Hill said to make sure you are in full compliance with JCP&L requirements.

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Gert Sofman of 157 Bay Avenue spoke of her issue with the St. Bernard's Project and feels they are operating fraudulently. She said they dropped her after nine months and after filing out stacks of paperwork. She further explained. She is filing a complaint against them.

Gerry Feliciano of 14 N. Peak Street asked when they will be discussing Valley Avenue.

Ms. Ryan stated that her report will go to Chief Blewett and he will notify her when ready to report back on it. He can check future agenda's to see when it is listed.

Patty Giebler of 15 Bay Street spoke about the four way stop sign at Miller and Highland Avenues. It's hard to see the signs. There are no yellow lines. There are trucks parked near the intersection and you can't see past them.

Mrs. Kane-Wells stated that Councilman Redmond will speak with the Police Department and they will look at this.

Patty Giebler also stated that she does not want to do any work to her house until Bay Street is fixed. She further explained conditions of the road. She wants a resolution.

Mr. Padula stated that this has been discussed in closed session. There has been litigation. He has advised the table to not speak about this. She can speak to him separately.

A brief discussion continued.

Mr. Padula was directed to meet with Mr. Leubner and get a plan. They will then speak with the affected residents.

Jeanette Grogan of 1 Bay Street stated that she has the same problems with drainage and her foundation has cracked. She further explained.

Melissa Pedersen of 17 Bay Street wanted to address a comment made to her by Mr. Hill at the last meeting where he erroneously said the \$800,000.00 included the lift of the Community Center.

Mr. Hill stated that what he said was that the \$800,000.00 is a moving target. She contended that he argued with her, which he does not believe he did.

Melissa Pedersen wants him to take back his comment that the number included the lift.

Mr. Hill apologized if she feels that the \$800,000.00 total was incorrect. He did state that the \$800,000.00 is a moving target. It is not a fixed number and that is what he was commenting on.

Mr. Hill continued discussion with Melissa Pedersen regarding the \$800,000.00 for Community Center and what it includes. She thanked Mr. Hill for apologizing.

Melissa Pedersen asked about Bay Street. All they are asking for is what is going to be done with the curb.

Mr. Padula stated that they answered all the questions about Bay Street and explained what they were going to do.

Mr. Card added that they agreed to set up a meeting with Mr. Leubner, Engineer, himself, Mr. Padula and the residents.

Will Craig of 4 Bay Street asked if the meeting will be with the residents.

Mr. Card responded yes.

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Carolyn Broullon of Miller Street asked if the DPW could repaint the yellow lines. Some people are painting their own. She also spoke of at least 5 electric poles that are leaning on Miller Street.

Katie Reed of 7 Snug Harbor stated that she was happy with T&M's presentation tonight. She called the Code Enforcement Officer on issues she feels is retaliation on her tenant at Et Al. She further explained.

Mr. Hill stated that he does not feel it is retaliation. We are working with her.

Katie Reed continued to express her frustration.

Mr. Padula stated that they will look into it. He asked her to email her paperwork to him.

Katie Reed spoke of no response to her emails regarding abandoned homes near her property.

Mr. Hill stated that her issue was about a complaint that was brought to the office about her container.

Mr. Padula stated that a complaint was made, the case in municipal court and he has asked for a copy of the permit. There is nothing more we can say tonight.

Mr. Card said there is a failure of communication.

Katie Reed continued to explain her permit issue. She does not feel this is acceptable.

Mrs. Kane-Wells stated that she received a message from the HBP that they are going to look at the ordinance regarding outdoor seating.

Jenn Perkel of 179 Hwy. #36 asked if the council followed procedures to make Valley Street a one-way. She feels that the council did follow the rules in announcing it to the public. There was a public hearing. She spoke of studies done by the State. She feels that the one way is a minor inconvenience. She stated that if the road is made a two way street, there will be fatalities in her front yard. She spoke of previous accidents.

Lewis Longo of 15 Locust Street is concerned with construction at Sandy Hook Bay Marina. He feels that some things were not on the Master Plan. He explained his concerns about the soil that was dug out. He called the EPA and they stated that it is contaminated soil and should be carted away. He continued to complain about the packed soil is 6 ft. high now and it is contaminated soil. There are a lot of things changing that he feels were not on the Master Plan. He spoke of damages done to the local houses and who would be responsible.

Mr. Padula stated that we are looking to see what information we have. The construction office does not have it. He will ask the engineering office. He feels that this is a dispute between him and builder. We would remove ourselves from it. If we do have insurance information we will share it.

Lewis Longo feels the town should be involved. It is affecting surrounding homeowners.

Mr. Leubner is working with Mr. Padula's office on several issues. They will continue to rectify the situation.

Nancy Burton of Atlantic Street wanted to bring to the council's attention some recommendations for upgrades. The Grease Trap Ordinance caused a lot of alarm to business owners. She would like to see discuss recommendations for cafes and outdoor seating areas. She also spoke of sidewalks displays. She is happy to hear that Code Enforcement is changing. She is concerned about business owners being singled out. She was sorry that she missed the ordinance to house chickens. There will be request made in the future to visit the ordinance again.

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Arnie Fuog of Valley Street asked which council member is in charge of property maintenance and where he stands on the sub-standard housing.

Kevin Redmond stated that he is in charge of that. He added that he missed the presentation by T&M tonight. He further explained.

Arnie Fuog added that he will pursue this and will follow it up.

Brief discussion continued.

There were no further questions.

Mrs. Kane-Wells offered a motion to adjourn, seconded by Mr. Card and all were in favor.

The Meeting adjourned at 10:23 p.m.

Debby Dailey, Deputy Clerk