

**Borough of Highlands
Mayor & Council
Regular Meeting
July 15, 2015**

Meeting was not electronically recorded.

Mrs. Kane-Wells called the meeting to order at 7:07 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

Tim Hill, Borough Administrator

Also Present: Carolyn Cummins, Municipal Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Borough CFO

Bruce Padula, Borough Attorney

Ashley Malandre, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution

Mr. Card 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. Possible Litigation: Ronald Osadecz,
Sandy Hook Bay Marina Developers Perf Bond**
- 2. Contract Negotiations: Hazard Mitigation RFP's
Clam Plant
Bay Street**
- 3. Real Estate: Municipal Facility Update
Property Appraisal**
- 4. Personnel Matters: Wayne O'Neil**
- 5. Investigation:**
- 6. Attorney-Client Privilege: COAH Requirements
Prof Legal Counsel Services
2015 Budget
FEMA PW Update
Windansea Liquor License Conditions**

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.

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

The Governing Body then entered into Executive Session.

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Mrs. Kane-Wells called the Regular Meeting to order at 8:16 p.m.

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

ROLL CALL:

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

Consent Agenda:

Mrs. Kane-Well asked if anyone had anything they wanted removed from the consent agenda.

Mrs. Kane-Wells requested Resolution R-15-151 be pulled from Consent Agenda.

Mr. Card requested Resolution R-15-140 be pulled from Consent Agenda.

**R-15-139
RESOLUTION AUTHORIZING THE REMOVAL OF A DISABLED PARKING SPACE
DESIGNATION**

WHEREAS, a removal of a designated Disabled Parking Designation has been requested Mae Bailey at 64 Fourth Street because she no longer drives.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the request for the removal of a designated disabled parking for Ms. Mae Bailey (P659280) located at 64 Four Street is hereby approved and the DPW is hereby instructed to remove signage.

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

**R-15-141
RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO PARTICIPATE
IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE
AGREEMENTS WITH PARTICIPATING UNITS
IN THE COUNTY OF MONMOUTH**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., ("Act") provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire

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districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System ("NIMS"), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq.; and

WHEREAS, the GOVERNING BODY of the Borough of Highlands deem it to be in the best interests of the Borough of Highlands to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team ("CERT") members, Medical Reserve Corps ("MRC") members or other volunteers and other jurisdictions defined "local governments" in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Governing Body of the Borough of Highlands and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Borough of Highlands and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Borough Administrator and Office of Emergency Management Officer are authorized to execute

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the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Borough Administrator forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator; and **APPROPRIATE DEPARTMENTS**.

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

**R-15-142
RESOLUTION APPROVING SOCIAL AFFAIR PERMIT**

WHEREAS, the Highlands Business Partnership has filed an application for a Social Affairs Permit for an event to be held on August 22, 2015 at Veterans Park with no rain date; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands do hereby approve the Social Affair Permits for both the Highlands Business for August 22, 2015.

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

**R-15-143
RESOLUTION APPROVING DISABLED PARKING SPACE**

WHEREAS, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Reuben Hartsgrove Jr., of 58 Fifth Street; and

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

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

1. Reuben Hartsgrove, Jr. – 58 Fifth Street.
Location: Affix to an existing Slow Children at Play Sign and should be designated with Mr. Hartsgrove’s placard #P1404195.

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

R-15-144

**RESOLUTION ACCEPTING RESIGNATION
OF FULL-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, Jason Zito, full-time Police Communications Operator has submitted his letter of resignation from effective June 30, 2015; and

NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Jason Zito effective June 30, 2015.

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

R-15-147

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

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WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on July 15, 2015 the governing body of the BOROUGH OF HIGHLANDS, County of MONMOUTH, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the THE BOROUGH OF HIGHLANDS

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the CFO is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby, certify that the above resolution was adopted by the Mayor and Council of HIGHLANDS at a meeting of said governing body held on July 15, 2015.

BY: Carolyn Cummins, Borough Clerk
Name & Title

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

**R-15-148
RESOLUTION PERMITTING PRE-PAYMENT OF CERTAIN ITEMS**

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the

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Governing Body, debt service, governmental fees and other statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body including sanitation and recycling collection contracts and associated tipping fees.
4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.
10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$10,000.
11. Third Party Tax Lien and Premium Redemptions.

	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-15-150
RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT WITH PULTE HOMES OF NJ, LIMITED PARTNERSHIP FOR
IMPROVEMENTS TO BLOCK 101, LOT 27.02**

WHEREAS, Pulte Homes of NJ, Limited Partnership (“Pulte”) is currently the developer and owner of Block 101, Lot 27.02 as shown on the official Tax Map of the Borough of Highlands, County of Monmouth and the State of New Jersey; and

WHEREAS, Navesink Capital Partners, LLC, with the consent of the then-property owner of Block 101, Lot 27.02, Sandy Hook Developers, LLC, filed an application with the

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Planning Board for preliminary and final site plan approval to make certain improvements to the property; and

WHEREAS, the preliminary and final site plan application was considered at public hearings held on November 15, 2013, December 12, 2013, and January 9, 2014; and

WHEREAS, the preliminary and final site plan application was approved on January 9, 2014 and memorialized in a resolution dated March 13, 2014, which is annexed to the Developer’s Agreement and any Amendment thereto (hereinafter collectively referred to as the “Developer’s Agreement” a copy of which is attached hereto and incorporated herein); and

WHEREAS, pursuant to an Agreement of Sale dated June 25, 2014, Navesink Capital Partners and Sandy Hook Developers agreed to sell and did sell Block 101, Lot 27.02 as well as the development rights thereto to Pulte and therefore Pulte is now the owner and developer of Block 101, Lot 27.02; and

WHEREAS, pursuant to §§ 21-60 and -61 of the Code of the Borough of Highlands, Pulte is required to enter into a Developer’s Agreement with the Borough, which shall be approved by the Governing Body of the Borough of Highlands; and

WHEREAS, the Governing Body of the Borough of Highlands has determined that it is in the best interest of the Borough of Highlands to enter into the Developer’s Agreement with Pulte reflecting the approvals, conditions and requirements thereof in the form attached hereto and incorporated herein.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the Borough of Highlands is hereby authorized to enter into the attached Developer’s Agreement and any Amendments thereto with Pulte Homes of NJ, Limited Partnership; and

BE IT FURTHER RESOLVED that the mayor, or his designee, is hereby authorized to execute a Developer’s Agreement with Pulte Homes of NJ, Limited Partnership and any other necessary documents to effectuate the purposes of this resolution.

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

**R-15-152
RESOLUTION APPOINTING FIRE POLICE**

WHEREAS, it is the recommendation of Edward Sulkowski, Fire Police Chief that Robin Dowd be appointed as a member of the Fire Police Department.

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Robin Dowd is hereby are appointed a member of Fire Police for a term to expire December 31, 2015.

9	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT

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

**R-15-153
RESOLUTION
APPROVING RAFFLE LICENSE APPLICATIONS**

WHEREAS, the Highlands Business Partnership has submitted two Raffle License Applications No. RA1317-15-17 & 1317-15-18; and

WHEREAS, all paperwork appears to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands does hereby approve two Raffle License Applications RA#1317-15-17 & 18 and the Borough Clerk is authorized to sign off on licenses.

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

**RECAP OF PAYMENT OF BILLS
07/15/2015**

CURRENT:		\$	966,516.48
Payroll	(06/30/2015)	\$	248,185.02
Manual Checks		\$	696,826.99
Voided Checks		\$	
 SEWER ACCOUNT:		\$	31,526.65
Payroll	(06/30/2015)	\$	7,386.69
Manual Checks		\$	
Voided Checks		\$	
 CAPITAL/GENERAL		\$	196,174.99
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	

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WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	52,680.85
Payroll (06/30/2015)	\$	5,875.00
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	3,021.00
Payroll (06/30/2015)	\$	2,799.05
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	
Voided Checks	\$	

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

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
REDMOND		x	x			
RYAN	x		x			
WELLS			x			
NOLAN						x
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

Minutes Approved on Consent Agenda:

Ms. Ryan offered a motion to approve the June 17, 2015 Regular and Executive Minutes and June 25 Special Meeting Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

R-15-140- Resolution Authorizing Purchase of Street Sweeper:

Mr. Card stated that there was not a cost analysis of the type of sweeper. He would like to wait until Mr. Hill returns from vacation.

Ms. Ryan agreed.

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Mr. Card offered a motion to table Resolution R-15-140 to the August 19th meeting, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

R-15-151 – Resolutions Approving Developers Agreement – Sandy Hook Dev:

Mr. Card offered a motion to table Resolution R-15-151 to the August 19th meeting, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

Other Resolutions:

R-15-145 – Resolution Raising Bid Threshold:

Mrs. Cummins read the title of R-15-145.

Mr. DeBlasio explained that the State increased the Bid threshold from \$36,000.00 to \$40,000.00.

**R-15-145
A Resolution Raising the Bid and Quote
Threshold and Appointing Kim Gonzales – QPA**

Whereas, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000.00; and

Whereas, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

Whereas, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

Whereas, Kim Gonzales possesses the designation of Qualified Purchasing Agent as issued by the Director of the division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

Whereas, the Borough of Highlands, County of Monmouth, desires to take advantage of the increase bid threshold inclusive of \$40,000.00 and quote quotation threshold of \$6,000.00 and;

Now, therefore be it resolved, that the Borough Council of Highlands appoints Kim Gonzales as the Qualified Purchasing Agent to exercise the duties of a purchasing agent to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit.

This appointment shall be effective as of July 15, 2015; and

Be it further resolved, that in accordance with N.J.A.C. 5:34-5.2 the Municipal Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Kim Gonzales's certification to the Director of the Division of Local Government Services.

12	RODUCED	ONDED			STAIN	MENT
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CARD			x			
KANE	x		x			
REDMOND			x			
RYAN		x	x			
NOLAN						
ON CONSENT AGENDA		YES	x	NO		

R-15-146 – Resolution Appointing F/T Police Communications Operator:

Mrs. Cummins read the title of R-15-146.

Chief Blewett said that an employee resigned and needed to be replaced.

**R-15-146
RESOLUTION APPOINTING
ONE PROVISIONAL FULL-TIME POLICE COMMUNICATIONS OPERATORS**

WHEREAS, with the resignation of Jason Zito, full-time Police Communications Operators effective June 20, 2015 created the need to hire a replacement; and

WHEREAS, it is the recommendation of the Chief of Police that Martin Hawley, Jr. be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Martin Hawley, Jr. is hereby appointed as a full time Police Communications Operator, Provisionally.

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

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

R-15-149 – Resolution To Amend 2015 Budget & Set P.H. Date:

Mrs. Cummins read the title of R-15-149.

Mr. DeBlasio explained that this resolution takes us from the introduced numbers into the final budget numbers. He further explained the amendment and the wording is from the State. He then explained adjustments needed for a few items.

Mr. DeBlasio read R-15-149 into the record.

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INSERT RES. R-15-149

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R-15-154 – Resolution Renewing Liquor Licenses:

Mrs. Cummins read the title of R-15-154.

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

ROLL CALL:

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

**R-15-154
RESOLUTION
RENEWING 2015-2016 LIQUOR LICENSE**

WHEREAS, Liquor License Renewal Applications have been filed for the year 2015-2016; and

WHEREAS, no objections were filed against the renewal the liquor licenses and Tax Clearance Certificates have been received for the licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor license be renewed for the period of July 1, 2015 to June 30, 2016:

1317-31-027-001	American Legion t/a American Legion Post 143	85-87 Bay Ave
1317-32-021-003	Andys Shore Bar Inc. t/a Andy’s Shore Bar	150-152 Bay Ave
1317-32-009-007	Grala, LLC t/a The Chubby Pickle	23 Bay Ave
1317-32-018-005	DDS Enterprise Liability Co. t/a Driftwood Liquor Bar	300 Bay Ave
1317-33-001-003	Bahrs Restaurant, Inc. t/a Bahrs Landing Moby’s	2 Bay Avenue
1317-33-003-008	Claddagh of Highlands, LLC t/a Claddagh of Highlands	297-299 Bay Ave
1317-33-008-006	Seastreak, LLC t/a Seastreak	325 Shore Drive
1317-33-010-011	JWALKERBLACK, LLC t/a Havana Tropical Café	409 Bay Ave
1317-33-015-007	Chilangos Restaurant, Inc. t/a Chilangos	272 Bay Avenue
1317-33-017-003	Frank Festa, Jr.	None

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

R-15-155 – Resolution Appointing DPW Summer Seasonal:

Mrs. Cummins read the title of R-15-155. She explained that there is a typo. Joseph Walling is part-time and Russell Card is full-time.

R-15-155

**RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL EMPLOYEES
FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough has the need for temporary summer employees to work with the DPW; and

WHEREAS, Timothy Hill, Borough Administrator has made the following recommendations for appointments to the Governing Body; and

WHEREAS, on June 17, 2015 the Borough appointed Billy O’Neil for F/T Laborer but unfortunately he was not able to accept appointment.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following seasonal temporary appointments be and hereby are approved:

DPW	Position	Name	Hrly. Rate
Part-time	Laborer	Joseph Walling	\$16.00
Full-Time	Laborer	Russell Card	\$16.00

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

R-15-156– Resolution Authorizing Receipt of Bids for Electrical/Lighting at Veteran’s Park with Open Space Funds:

Mrs. Cummins read the title of R-15-156.

Mr. Card asked the council to approve so the bid and specs. He further explained.

Mrs. Kane-Wells would like to do the entire project not piece meal.

Mr. Card feels we can go out to bid and we can always reject them.

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Mr. Leubner added that he needs authorization. He will provide a cost estimate and do a resolution for Professional Services to do specs.

Mrs. Carla Cefalo-Braswell spoke of lighting for the basketball courts.

Mr. Leubner will start the preparation of the specs for the July 23rd Special Meeting.

R-15-157– Resolution Authorizing Discretionary Spending with Open Space Funds for Veterans Park:

Mrs. Cummins read the title of R-15-157.

Mr. Card explained that this is controlled spending for extra concrete, etc.

Mrs. Kane-Wells is not happy with the phrase of “discretionary spending”.

Mr. Card stated that it would be for items such as; additional clamps, concrete, joist and hangers.

Mr. DeBlasio explained that we could set up an open purchase order to buy supplies.

Mr. Card said anything over \$2000.00; Kim Gonzales will have to contact two council members for approval.

Resolution failed adoption.

R-15-158– Resolution Appointing Special Police Officer/Class II:

Mrs. Cummins read the title of Resolution R-15-158.

**R-15-158
RESOLUTION
APPOINTING SPECIAL POLICE OFFICER/CLASS II**

WHEREAS, there exists a need within the Police Department to appoint a part-time Special Law Enforcement Officer, Class II to cover open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Brian Anderson be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Brian Anderson is hereby appointed as a part-time provisional Special Law Enforcement Officers, Class II effective immediately.

BE IT FURTHER RESOLVED that said provisional appointment be compensated at an hourly rate of \$15.00 per hour.

BE IT FURTHER RESOVLED that said appointment is contingent upon the candidate’s completion of a psychological and physical examinations.

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

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Ordinances: On for Introduction & Setting of a Public Hearing Date of August 19th:

O-15-21 – Ordinance – Noise Ordinance Amendment

Mrs. Cummins read the title of O-15-21 on for introduction and setting a public hearing date of August 19th.

Chief Blewett explained that this clarifies some things for the most part such as; typo and outdoor music time, interference test and other factors.

Mr. Redmond offered the following Ordinance and moved on its introduction and setting of a public hearing for August 19, 2015 at 8:00 P.M.

**O-15-21
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING SECTIONS 3-2.1, 3-2.2, 3-2.3, AND 3-2.4 OF THE
BOROUGH OF HIGHLANDS CODE, “NOISE”**

WHEREAS, the Borough of Highlands has adopted ordinances pursuant to its general police powers to control noise within the Borough; and

WHEREAS, the Chief of Police requested that the Borough amend Sections 3-2.1, 3-2.2, 3-2.3, and 3-2.4 of the Borough Code to provide clarification of prohibited noises;

WHEREAS, the governing body has determined that it would be appropriate, proper and in the best interests of the residents of the Borough of Highlands to amend Sections 3-2.1, 3-2.2, 3-2.3 and 3-2.4 of the Borough Code.

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

SECTION ONE: Sections 3-2.1, 3-2.2, 3-2.3 and 3-2.4 of the Revised General Ordinance of the Borough of Highlands shall be amended as follows (strikethroughs represent deleted material; underscore indicates new language):

3-2 NOISE.

3-2.1 Declaration of findings and definitions.

- a. Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life;
- b. A substantial body of science and technology exists by which excessive sound may be substantially abated;
- c. The people have a right to an environment free from excessive sound;
- d. It is the policy of the Borough to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life; and,
- e. This ordinance shall apply to the control of excessive sound originating from sources within the Borough.
- f. The following definitions shall apply to this Section:
 - i. “Daytime Hours” are defined as 7AM-9PM Sunday through Thursday and 7AM-10PM Friday, Saturday and Legal Holidays.
 - ii. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to

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verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.

iii. "Nighttime Hours" are defined as 9PM-7AM Sunday through Thursday and 10PM-7AM Friday, Saturday and Legal Holidays.

iv. "Speech interference" occurs when the noise from the noise-generating source under investigation results in the need for persons engaged in conversation with one another, at a distance of approximately 2 feet from one another, to ~~rise~~ raise their voice level to be fully heard by the other person when conversing at or within the property line of the complainant.

v. "Affected Person" is a person who makes a complaint and who lives or works at a property that is directly affected by the noise-generating property.

3-2.2 Prohibited Noise.

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

- a. During nighttime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is plainly audible at a distance of one hundred (100) feet beyond the property line of the noise-generating property.
- b. During daytime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is deemed to be unreasonable by the Borough Code Enforcement Officer or Borough Police Officer. In determining whether a noise is unreasonable, speech interference, as defined herein, must be evaluated and the following factors should be considered:
 1. Intensity of the noise
 2. Intensity of the background noise (i.e., ambient sound level when no or minimal noise is emanating from the source under investigation)
 3. Duration of the noise (i.e., period of time it is in operation)
 4. Frequency of the noise (i.e., how often it occurs per hour, per day, per week, etc.)
 5. To what degree the noise is in the control of the owner or other responsible party (e.g., can the volume of an amplifier or similar device be lowered or is the noise level inherent to the activity)
 6. Proximity of the noise source to residential properties
 7. Time of the day the noise occurs
 8. Number and frequency of complaints concerning the noise-generating property
 9. Whether the noise is audible inside the complainant's residence or business
 10. Whether the noise interferes with sleep, conversation, or repose
- c. When an officer responds to a complaint from an affected person and can hear plainly audible music or other sound at a distance of one hundred (100) feet beyond the property line of the noise-generating property during nighttime hours (Section 3-2.2a), or any unreasonable sound, at or within a complainant's property line during daytime hours

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(Section 3-2.2b), there is a violation of this section and the violator is subject to the penalties of this chapter.

3-2.3 Partial Enumeration of Prohibited Noise.

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

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

3-2.4 Exceptions.

The provisions of this chapter shall not apply to:

- a. Any public works projects for construction deemed to be in the public's welfare, safety and for the public good and only with prior approval from the Governing Body.
- b. Sounds created by any government agency by the use of public warning devices.
- c. Sound and vibration emitted for the purpose of alerting people in an emergency or in the performance of the response to an emergency.
- d. Sounds connected with any authorized carnival, fair, exhibition, parade or community celebration or from any municipally sponsored celebration, event, activity or individually sponsored event where a permit or other relevant permission has been obtained from the Governing Body.
- e. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized by the Governing Body.
- f. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.
- g. Noise from construction or renovation activities, such as, erection, excavation, demolition, alteration or repair of any building between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday. At other times, any audible noise, which results in a complaint by an affected person, when evaluated at or within the property line of the complainant, is prohibited, except in the case of urgent matters (to the extent necessary to prevent further damage) and in the interest of public safety and health.
- h. Noise from domestic power tools, used for routine maintenance, such as, lawn mowers, leaf blowers and similar equipment when operated between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends and legal holidays,

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provided they are equipped with a muffler, if so equipped by the manufacturer, and are properly maintained so to not produce excessive noise.

- i. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler, if so equipped by the manufacturer, for the purpose of snow removal.
- j. Outdoor music, either live or recorded, when operated during the months of May through October and between the hours of 11:00 a.m. and ~~8:00~~ 9:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 11:00 a.m. and 10:00 p.m. on Friday and Saturday when such outdoor music is operated in a reasonable manner and at a reasonable sound level. ~~Music which is plainly audible inside a complainant's property, with all windows and doors closed, or Music, during these hours, which interferes with conversation (i.e., results in speech interference) at or within the property line of the complainant~~ an affected person is considered to be unreasonably loud and in violation of this section and the violator is subject to the penalties of this chapter. Establishments which operate with a liquor license and have been found to be responsible for unreasonable noise, as ~~defined~~ described herein, may be subject to additional sanctions from the Borough's Alcohol Beverage Control Board which may include restrictions to their liquor license to minimize the likelihood of subsequent violations of this chapter.
- k. Nothing herein contained shall be construed to apply to church bells or chimes, or to sounds typically generated by vehicles engaged in the residential sale of ice cream.
- l. Sounds emanating from any youth sporting event sponsored by an organized community organization, the Borough, or any school or school district.

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

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

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

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

ROLL CALL:

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

O-15-22 – Ordinance – MCIA Capital Lease Equipment:

Mrs. Cummins read the title of Ordinance O-15-21 on for introduction and setting a public hearing date of August 19th.

Mr. DeBlasio briefly explained.

Mr. Redmond offered the following Ordinance and moved on its introduction and setting of a public hearing date of August 19, 2015 at 8:00 PM.:

ORDINANCE NO. O-15-22

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF HIGHLANDS, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Borough Council of the Borough of Highlands, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

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Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Borough of Highlands (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$150,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

SCHEDULE A - EQUIPMENT LIST

Borough of Highlands

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
2 Police Sport Utility Vehicles W/light package & camera	5	5	\$80,000
Dump Truck w/plow package	5	5	<u>50,000</u>
			\$130,000

ROLL CALL:

AYE: MR. REDMOND, MS. RYAN, MRS. WELLS
NAY: MR. CARD
ABSENT: MAYOR NOLAN
ABSTAIN: NONE

O-15-23 – Ordinance Authorizing Sale of Land:

Mrs. Cummins read the title of Ordinance O-15-23 on for introduction and setting a public hearing date of August 19th.

Mr. Padula stated that this is a small piece of land surrounded by private property.

Mrs. Wells offered the following Ordinance and moved on its introduction and setting of a public hearing date of August 19, 2015 at 8:00 PM

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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ORDINANCE NO. O-15-23**

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN PROPERTY
OWNED BY THE BOROUGH OF HIGHLANDS NOT REQUIRED FOR PUBLIC
PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.**

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes local governmental units to sell real property owned by the governmental unit, not needed for public use, by private sale, to the owner of the real property contiguous to the real property being sold provided that the property being sold is less than the minimum size required for development under the Borough's zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13.2 requires a municipality, when it intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any improvements thereon, to accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase the land; and

WHEREAS, when there is more than one continuous property owner, N.J.S.A. 40A:12-13(b)(5) requires a local governmental unit to first offer to sell the real property to the highest bidder from among all such contiguous property owners; and

WHEREAS, the sale price shall be for not less than the fair market value of said real property; and

WHEREAS, the Borough is the owner of real property identified as Block 109, Lot 10 ("the Property") on the Official Tax Map of the Borough of Highlands; and

WHEREAS, the Governing Body has determined that the Property is not needed for public use; and

WHEREAS, an appraisal report prepared for the Property determined that the Property's fair market value is five thousand six hundred dollars (\$5,600.00), that the Property is less than the minimum size required for development under the Borough's zoning ordinance, and is without any capital improvement thereon; and

WHEREAS, the Governing Body has determined that it is in the public interest that Lot 109, Block 10 be sold to the highest bidder from among all owners of real property contiguous to the Property for an amount not less than the fair market value of the Property, which is five thousand six hundred dollars (\$5,600.00); and

WHEREAS, the Governing Body has determined that the list of property authorized to be sold pursuant to this Ordinance and N.J.S.A. 40A:12-13, et seq. is: Block 109, Lot 10 (Lot size is approximately 3,193.00 square feet) at a minimum price of \$5,600.00, said amount being not less than fair market value; and

WHEREAS, in accordance with N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the opportunity to bid will be available to all contiguous property owners and the Property shall be sold to the highest bidder from among all such contiguous property owners for not less than the fair market value.

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 1.

(a) The Governing Body hereby declares that the Property is no longer needed for public use and should be sold in accordance with N.J.S.A. 40A:12-13, et seq.

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(b) The Governing Body hereby authorizes the Borough Clerk to offer the Property for sale to the highest bidder among continuous property owners by sealed bid, for not less than the fair market value of the Property, which is five thousand six hundred dollars (\$5,600.00).

(c) Any owner of real property contiguous to the Property may submit a sealed bid to the Borough Clerk on or before 11:00 a.m. on September 11, 2015 at the Temporary Borough Hall, 42 Shore Drive, Highlands, New Jersey. The bid must be accompanied by a deposit made payable to the Borough of Highlands in the form of cash, bank check, or cashier's check in the amount of 10% of the total bid. The combined form of deposit must equal ten (10%) percent of the total sale price. All monies so received will be credited to the total sale price.

(d) The sale, if not canceled, shall take place by sealed bid and by private sale to the highest bidder among the owners of property contiguous to the Property. The minimum bid shall be \$5,600.00.

(e) Any person bidding on behalf of a corporation or limited liability company must either submit a copy of a resolution of the corporation/company or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.

(f) The successful bidder, at the conclusion of the bidding, shall execute an Agreement of Sale. The balance of the purchase price shall be paid at closing which shall occur not later than 60 days following the acceptance of the bid by the Borough. The purchaser shall be entitled to possession immediately following closing of title.

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

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

(i) In the event the Borough is unable to convey marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a quitclaim deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough in connection with the quality of title conveyed.

(j) The Property herein sold is being sold "as is" subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Borough makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is." A prospective purchaser shall have examined the Property or otherwise waived the right to examine the Property prior to submitting the stated bid to the Borough. The Borough does not make any representations, express or implied, that the Property is buildable or usable for any purpose whatsoever.

(k) The Borough represents that the property which is the subject matter of this ordinance is a non-conforming parcel by virtue of the zoning ordinance requirements of the Borough of Highlands. If sold to a contiguous property owner, this property will merge with and become a part of the lot owned by the successful bidder that is contiguous to this property. The sale of this property by the Borough shall in no way be construed as an indication that a construction permit can be secured for the property.

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

(m) The Governing Body reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Governing Body as set forth in Paragraph (o) hereof.

(n) The acceptable bid shall be confirmed by resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such sale.

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

(p) The successful bidder agrees that:

(1) He or she shall indemnify and hold the Borough harmless from any claim whatsoever arising out of the Borough's ownership interest including but not limited to environmental cleanup costs.

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

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

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

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

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

Section 2. NOTICE. The Borough Clerk shall post and advertise copies of this ordinance as required by N.J.S.A. 40A:12-13(b)(5). A copy of this Ordinance shall also be sent by Certified Mail, R.R.R. and Regular Mail by the Borough Clerk to each contiguous property owner.

Section 3. AUTHORIZATION. The Mayor, Clerk, Borough Attorney, and such other officials as may be necessary are authorized to prepare and execute a deed and all other necessary documents to convey the Property to the successful bidder, subsequent to the Governing Body adopting a resolution awarding the bid.

Section 4. 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 5. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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Section 6. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

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

NAY: None

ABSTAIN: None

ABSENT: Mayor Nolan

Committee Reports:

Finance

Mr. DeBlasio explained that the State of Taxation Senior Freeze checks are being mailed out.

Public Safety

No report for tonight.

Administration

No Report for tonight.

Board of Education

Ms. Ryan reported that the media center is being transformed. They will have a book drive in September. A scholarship is being created in honor of the student who was killed in a hit and run. Grief counselors were brought in to the school.

Highlands Business Partnership

Carla Cefalo-Braswell gave a brief report of upcoming events and fundraisers for Henry Hudson High School. She mentioned new restaurants that are opening in town.

Mr. Leubner spoke of Veteran's Park repairs. He also mentioned that 242 Bay Avenue sold. We have a Veterinarian and a hair salon opening soon. There are a new group of businesses coming to town.

Shared Services:

Mrs. Kane-Wells stated that she and Mr. Redmond had a meeting with Sea Bright.

Mr. Redmond stated that we are looking to have shared service of DPW with Sea Bright. We will need a new larger building to store our equipment as well as Sea Bright's. We will be meeting again at the end of the month. They hope to close the deal before Labor Day.

Website RFP's:

Ms. Ryan said that she has received eight (8) RFP's. They will be reviewing them and report back.

Other Business:

Engineer's 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

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1. Stormwater System Improvements:

- Plans have been submitted to the NJDEP as required for the EIT loan.
- Permit applications are currently being processed.
 - NJDEP requested additional information on the proposed location and use of the generator.
- 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.
- Access agreements are required from the adjacent property owners for construction purposes.
- Final project design has been authorized and has commenced.
- Permit applications have been 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

- Project is complete.
- Final project closeout documentation is being compiled.

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.
- Project to be advertised once approved by the NJDOT and Monmouth County.
- Approval from Freehold Soil Conservation District has been obtained.

5. Community Center ADA Walkway: This project repairs the bituminous walkway along the sports courts and provides ADA access to the beach and gazebo areas.

- Project documents have been completed.
- Informal solicitation of Contractors has been completed.

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- One quotation was received in the amount of \$54,600 which substantially exceeded the Engineer's Estimate.
- Additional quotes are being solicited as authorized by the Borough's Qualified Purchasing Agent.

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

- Design is complete.
- Meetings have been held with Council Representatives and the Borough Administrator to review the project design and amenities.
- Meeting was held on June 15, 2015 with the Highlands Business Partnership to advise them of the anticipated improvements and what to expect during construction.
- Additional design fees have been authorized to add the design and paving of several intersections within the project limits.
- Project has been advertised with bids expected to be received on July 21, 2015.

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.

Bid Opening: June 23, 2015

Award: June 25, 2015

Contractor: Fiore Paving Company, Inc.

Amount: \$233,000.07

- Currently awaiting concurrence of award from the NJDOT.
- Contracts are currently being prepared.
- Pre-construction meeting to be held over the next couple of weeks.
- Construction is anticipated to commence August 2015.

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 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 substantially complete.
- Permitting packages are currently being prepared.
- Project has been submitted to the NJDOT and Monmouth County Community Development Office for approval.
- Sanitary sewer repairs identified previously will be incorporated into this project rather than video inspect the mains again as discussed with Council.
- Project is scheduled to be constructed late summer/early fall pending upcoming NJNG work.

9. The Reconstruction of Bay Street: This project will ultimately result in the reconstruction of Bay Street in its entirety.

- Survey is underway. Recent weather conditions have resulted in delays.
- Once survey is complete, we will review the basemapping with the Borough to identify areas of concern and potentially develop an interim plan to temporarily

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alleviate adverse conditions while funding gets put into place to reconstruct the roadway.

FEMA Reimbursement Assistance

1. **The Wilson Community Center Rehabilitation (FEMA PW 3368):** This project is intended to repair storm damage from Superstorm Sandy and provide mitigation measures to further protect the building against future damages.

Bid Opening: June 23, 2015

Award: June 25, 2015

Contractor: Santorini Construction, Inc.

Amount: \$706,000.00

- Project is currently being managed by Joseph P. Tomaino, AIA

2. **Private Property Debris Removal (PPDR) (FEMA PW 4729):** This is a project that provides for the demolition of structures damaged by Sandy and are currently vacant.

- Project solicitation has been advertised.
- Borough to perform phone blast to further advise property owners about this project.
- To date, two property owners have completed preliminary paperwork to begin the process.

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 answered questions from residents regarding FEMA's requirements.

Mrs. Kane-Wells thanked Kim Skorcka for doing a great job with reimbursements.

Veteran's Park Update

No update. This was discussed under Other Resolutions.

No Smoking Ordinance – Chief Blewett's Comments

Chief Blewett explained that he called other towns and was told that it's on paper only. Not enforced. How would we enforce it? Why even put it on the books if we are not going to enforce.

Ms. Ryan asked how if we post signs without a resolution and/or designate areas for smokers.

Mr. Redmond inquired about no smoking areas at restaurants and stores. It's so many feet of the entrance.

Mrs. Kane-Wells suggested we look into solutions and have further discussions.

Mr. Card agreed that we should explore further. There are a lot of cigarette butts on the ground at Veteran's Park.

Mrs. Ryan feels we should start with signs.

Mr. Redmond added that disposal of cigarette butts is a problem, also.

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Request for Use of Huddy Park

Mrs. Cummins explained the request is from LoriAnn Nolan. She is requesting the use of Huddy Park on Saturday, August 8th with a rain date of August 9th at 4:00 p.m. She has planned a walk from Huddy Park down Shore Drive to the bridge and back. This will be a fundraiser to raise money for a scholarship at Henry Hudson in a student's name.

Council – ok.

Public Portion:

Kim Skorka of 315 Shore Drive asked if the grease trap ordinance is being enforced.

Mr. Leubner replied that we have an ordinance. He spoke of areas that have had grease backups.

Mrs. Kane-Wells added that this ordinance is handled by Paul Vitale, Construction Officer. He has recently sent notices out.

Carol Bucco of 330 Shore Drive spoke against the previous lights that were at Veteran's Park. She would also like to see lighting for the flags.

Mr. Braswell said the plans include flag lighting.

Carol Bucco said to be careful with shared services. We had it a few years ago with garbage and it cost us a lot of money. She commented on a smoking ordinance. The VFW has an outside area. She feels no smoking could be enforced at restaurants. She asked if the DPW jobs were advertised. She also questioned where the LOSAP points come from.

Mrs. Cummins stated that she believes the jobs were advertised on our website. Mr. Hill takes care of that.

Mr. Redmond will meet with Kevin O'Donnell and get a report. He will get back to Carol Bucco.

Mrs. Kane-Wells spoke of the challenges with LOSAP point. They are very stringent.

Carol Broullon of 12 Miller Street questioned what recourse we have for abandoned buildings other than the PPDR.

Mrs. Kane-Wells stated that Code Enforcement handles that. Plus we are revamping that position. She further explained that we also adopted an abandoned property ordinance.

Carol Broullon stated that there is a property on her street that has been vacant for 25 years.

Chief Blewett added that the house has been referred to Code Enforcement.

Lori Dibble of 2 Matthew Street suggested that Council get a report from Code Enforcement.

Mrs. Kane-Wells stated that we will ask the Code Enforcement Officer for a report.

Discussion continued briefly.

Mr. Card feels that the Police, Fire Official and Code Enforcement all need to start writing summonses to these vacant properties. It will force the homeowner to realize this is a problem and needs to be corrected.

Chief Blewett said that he had a meeting with Code Enforcement Officer about vacant properties. He continued to explain the computer program that will link them all up.

Barbara Ianucci of 28 Shrewsbury Avenue spoke of vacant properties and disorderly conduct on vacant properties. She questioned the budget amendment and language. She asked what the 2014 leftover reserve was.

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Mr. DeBlasio replied that in December 31st the reserve was \$941,000.00. It is a decent reserve and it does change.

Barbara Ianucci asked if any comments from the public hearing held on May 6th, were there any recommendations that were implemented.

Mr. DeBlasio replied that he does not recall any changes based on the comments. He further explained the changes and amendments. The new budget will be online after adoption.

Barbara Ianucci asked why didn't we get full grant and what did we do wrong.

Mr. DeBlasio said absolutely nothing. He further explained. He is happy with the grant money we did receive.

Carla Cefalo-Braswell asked if we applied last year.

Pat DeBlasio said he does not know the status of last year.

Rosemary Flannery of 1 Central Avenue thanked Mrs. Kane-Wells for her help with her rodent problem on Central Avenue. She said that the times on the website when building officials are available are wrong.

Ken Braswell stated that it has been updated.

Rosemary Flannery also suggested that the list be in alphabetical order for each department.

Ken Braswell agreed but not sure if it is worth doing right now if there are going to be changes.

Rosemary Flannery would like to see a hardware store in town.

Lori Dibble of 2 Matthew Street questioned why we didn't get the full grant amount that we asked for. There is a public hearing at Brookdale on July 21st about future essential grants funds.

Katy Reed of 7 Snug Harbor is happy with the work being done at the Community Center. She spoke about abandoned properties and would like to see them knocked down. She gave a list to Mr. Hill.

Mrs. Kane-Wells explained the process of notifying homeowners. She spoke of the sub-standard housing process. We should resurrect.

Carla Cefalo-Braswell stated that you can't keep houses boarded up indefinitely as per the ordinance.

Mr. Padula stated that his office is working on the sub-standard list that Katy Reed submitted with Mr. Hill.

Katy Reed feels there should not be smoking allowed while on duty.

Mrs. Kane-Wells stated that Mr. Luebner will give a FEMA map update.

Mr. Leubner said that FEMA map update will not be adopted until next year. He has been meeting with the county to offer assistance to get in to the program so we can see savings on insurance. We have accumulated points.

Mr. Card stated that it is important for the OEM officer to get involved in this. It is a huge benefit to the community.

Mr. Leubner said that it is frustrating that they won't let us in.

Mrs. Kane-Wells added that there will be a Special Council Meeting on Thursday, July 23rd at 7:00 a.m. to award streetscape bid.

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There were no further questions.

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

The Meeting adjourned at 9:37 p.m.

Debby Dailey, Deputy Clerk