

**Borough of Highlands
Mayor & Council
Regular Meeting
September 2, 2015**

Mrs. Kane-Wells called the meeting to order at 7:06 p.m.

Meeting Statement:

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, Mr. Redmond, Ms. Ryan, Mrs. Kane-Wells

Absent: Mayor Nolan

Also Present: Carolyn Cummins, Municipal Clerk

Tim Hill, Borough Administrator

Patrick DeBlasio, Borough CFO

Bruce Padula, Borough Attorney

Dustin Glass, Borough Attorney

Executive Session Resolution

Mrs. Wells 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:** Possible Litigation-Britton Tax Matter
Clam Plant Lease
ARCADIS
Request for a Sewer Credit
- 2. Contract Negotiations:** Hazard Mitigation RFP's
Website RFP's
Shared Services with Sea Bright
Clam Plant Lease
Wayne O'Neil
Highlands Elementary Shared Services
- 3. Real Estate:**
- 4. Personnel Matters:** Dave Mercado-RICED
Elaine Broyles-RICED
- 5. Investigation:**
- 6. Attorney-Client Privilege:** Prof Special Legal Counsel Services
Windansea Liquor License
Honey Suckle Lodge
Bay Street
Unsafe Structures Update
Traffic Ordinance Amendments
COAH Obligations
Marina on the Bay
11-15 Fourth St. Property Issues

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

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

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

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

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

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ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mrs. Wells called the Regular Meeting to order at 8:15 p.m.

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

ROLL CALL:

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

Consent Agenda:

Mr. Card requested Resolution R-15-180 and the Payment of Bills to be pulled from Consent Agenda.

Mrs. Cummins asked for a motion to approve the Consent Agenda with the removal of R-15-180 and the Payment of Bills.

**R-15-151
BOROUGH OF HIGHLANDS
RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT WITH SANDY HOOK DEVELOPERS LLC FOR IMPROVEMENTS TO
BLOCK 101, LOT 27.03**

WHEREAS, Sandy Hook Developers, LLC (“Sandy Hook”) is currently the developer and owner of Block 101, Lot 27.03 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 owner of Block 101, Lot 27.03, which is and was Sandy Hook, filed an application with the 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 §§ 21-60 and -61 of the Code of the Borough of Highlands, Sandy Hook 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 Sandy Hook 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 Sandy Hook Developers LLC; and

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BE IT FURTHER RESOLVED that the mayor, or his designee, is hereby authorized to execute a Developer's Agreement with Sandy Hook Developers 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			x
NOLAN						
ON CONSENT AGENDA		x	YES		NO	

**BOROUGH OF HIGHLANDS
R-15-160**

**RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE
BOROUGH OF HIGHLANDS, THE MONMOUTH COUNTY SHERIFF'S OFFICE AND
RONALD OSADACZ**

WHEREAS, certain matters have arisen pertaining to Probationary Officer Ronald Osadacz's ("Osadacz") employment with the Borough of Highlands ("Borough") and his training with the Monmouth County Sheriff's Office ("County"); and

WHEREAS, the Borough, the County and Osadacz have agreed to resolve those matters by entering into a Settlement Agreement, as prepared by the Borough Attorney.

WHEREAS, the Governing Body has determined that it is in the best interests of the Borough to enter into a Settlement Agreement with Osadacz.

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

- 1) The Borough hereby accepts and agrees to execute the terms and conditions of the Settlement Agreement, prepared by the Borough Attorney; and
- 2) The Mayor, Borough Administrator and such other Borough officials as needed are hereby authorized to execute the Settlement Agreement and perform such other ministerial tasks as needed to effectuate the provisions of this resolution
- 3) That this Resolution shall take effect immediately.

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

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R-15-164

Resolution extending the lease between the BPA and the Borough until December 31, 2015

Whereas, the Borough and BPA are parties to a lease agreement for the Clam Depuration Plan which expired on August 15, 2015; and

Whereas, the parties are in discussion concerning the expiration of the lease, each party asserting differing legal positions; and

Whereas, the parties wish to continue that discussion without affecting either party's rights or legal position, but while extending the expiration of the lease to December 31, 2015 and without changing any other term of the lease.

Now, therefore, be it resolved by the governing body of the Borough of Highlands approves a lease extension until December 31, 2015 in substantially the form attached hereto and authorized the Mayor to sign the extension on behalf of the Borough.

	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-15-165

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

WHEREAS, Connor McGrath, part-time Police Communications Operator has submitted his letter of resignation from effective August 28, 2015; and

NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Connor McGrath effective August 28, 2015.

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

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**R-15-166
RESOLUTION APPOINTING
ONE PROVISIONALPART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, with the resignation of Connor McGrath, part-time Police Communications Operators effective August 28, 2015 creates the need to hire a replacement; and

WHEREAS, it is the recommendation of the Chief of Police that Matthew Golembieski be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Matthew Golembieski is hereby appointed as a part-time Police Communications Operator, Provisional effective August 11, 2015.

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

	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-15-167
RESOLUTION OF THE BOROUGH OF HIGHLANDS, COUNTY OF
MONMOUTH, NEW JERSEY, AUTHORIZING PAYMENT OF MUNICIPAL
TAXES WITHOUT INTEREST TO SEPTEMBER 14, 2015**

WHEREAS, the Borough of Highlands was scheduled to mail out municipal tax bills by June 30, 2015, to all property owners, and

WHEREAS, certain grant awards by the State resulted in a delay in the adoption of the municipal budget, and,

WHEREAS, the delay of the mailing of the municipal tax bills will result in the imposition of interest payments,

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

1. That the Mayor and Council hereby authorize the payment of the 3rd quarter 2015 municipal tax bills without interest to September 14, 2015.
2. In the event that the tax bills are not paid by a taxpayer on September 14, 2015, then interest shall be retroactive to the August 1, 2015 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Director
Division of Local Government Services

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Department of Community Affairs:

B. Tax Collector.

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

**RESOLUTION R-15-168
RESOLUTION APPROVING STREET OPENING PERMIT
FOR NEW JERSEY NATURAL GAS**

WHEREAS, New Jersey Natural Gas has submitted a Street Opening Application for renewal of gas service at 43 Washington Avenue, Highlands, NJ which was impacted by Sandy; and

WHEREAS, there is a seven year moratorium on this section of Washington Avenue because it was reconstructed less than seven years ago; and

WHEREAS, New Jersey Natural Gas has agreed to complete an infrared repair at this opening and to have the repair inspected and approved by the borough engineer.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands hereby approves the Street Opening Application for 43 Washington Avenue that was submitted by New Jersey Natural Gas and that the Borough Administrator is hereby authorized to execute the approval of the said Street Opening Permit.

	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-15-169
AUTHORIZING AN ELECTRONIC TAX SALE**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services,

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

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WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Highlands wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

	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-15-170

**REQUESTING APPROVAL OF INSERTION OF \$11,568.12 THE
2015 BUDGET REVENUE AVAILABLE FROM THE SUMMER FOOD
PROGRAM GRANT**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$11,568.12 which item is now available as a revenue from the Summer Food Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$11,568.12 be and the same is hereby appropriated under the caption of:

Summer Food Program Grant

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

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RESOLUTION R-15-171

A RESOLUTION OF THE BOROUGH OF HIGHLANDS, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2015 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Borough of Highlands, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2015 (Highlands Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2015, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2015 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person"):

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF HIGHLANDS AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale,

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issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2015 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

	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-15-172

**REQUESTING APPROVAL OF INSERTION OF \$28,525.00 THE
2015 BUDGET REVENUE AVAILABLE FROM THE MUNICIPAL
ALLIANCE PROGRAM GRANT**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$28,525.00 which item is now available as revenue from the Municipal Alliance Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$28,525.00 be and the same is hereby appropriated under the caption of Municipal Alliance Program Grant, and

BE IT FURTHER RESOLVED that the sum of \$7,131.25 representing the amount required for the borough's share of the aforementioned undertaking or improvement appears in the budget of the year 2015 under the caption of Matching Funds for Grants and is hereby appropriated under the caption of Municipal Alliance Program Grant-Matching Funds. (Sheet 25)

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
REDMOND			x			
RYAN		x				
WELLS	x					

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NOLAN						
ON CONSENT AGENDA		x	YES		NO	

**R-15-173
RESOLUTION APPROVING SOCIAL AFFAIR PERMITS & RAFFLE LICENSE
APPLICATIONS**

WHEREAS, the Highlands Fire Department has filed an application for a Social Affairs Permit for an event to be held on September 27, 2015 at Highlands Fire House with no rain date; and the VFW has filed an application for a Social Affairs Permit for an event to be held on September 19, 2015 with a rain date of September 20, 2015 and the Highlands Business Partnership filed a Social Affairs Permits for events to be held on October 3, 2015 with a rain date of October 4, 2015 and an event on October 10, 2015; and

WHEREAS, the Highlands Fire Department has filed a Raffle License Application for a raffle that will be held on November 10, 2015 and the Highlands Business Partnership filed a Raffle License Application for a raffle to be held on October 3, 2015 with a rain date of October 4, 2015 and Henry Hudson Regional PTO filed an application for a raffle license for November 17, 2015.

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands do hereby approves the four Social Affair Permits and Raffle License Applications RA1317-15-19, RA#1317-15-20 and RA#1317-15-21 are all approved.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-15-174
RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE TO PLACE
TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1317-33-017-003
HELD BY FRANK FESTA TO HIGHLANDS BREWERY, LLC**

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WHEREAS, an application has been filed for the person-to-person transfer of the Borough of Highlands Plenary Retail Consumption License No. 1317-33-017-003 from Frank Festa to Highlands Brewery, LLC; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve effective August 19, 2015, the person-to-person transfer of the aforesaid Plenary Retail Consumption License to Highlands Brewery, LLC. and does hereby direct the Borough Clerk to endorse the license certificate.

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-15-175

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

WHEREAS, the Borough of Highlands has a need for professional Engineering services for the Design of Veterans Park Electrical Repairs project as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,000.00 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated July 22, 2015 and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous

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one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

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

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

I hereby certify funds are available as follows:

Current Fund: Account #T-03-56-854-000-000

Patrick DeBlasio, Chief Financial Officer

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

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

1. Robert Keady, P.E. T & M Associates are hereby retained to provide professional engineering as described above for an amount not to exceed \$15,000.00 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**R-15-176
RESOLUTION AUTHORIZING
REFUND OF ZONING BOARD ESCROW FUNDS**

WHEREAS, the Zoning Board Secretary has reviewed certain zoning board escrow accounts: and

WHEREAS, no further review is needed for the following accounts and the applicant has requested that the remaining funds be refunded:

ZB#2014-16 Seylaz, Gene AcctT-03-56-856-810-150 RE: Bl. 79 Lt 13 \$79.42

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; and

WHEREAS, there are no outstanding fees due to board engineer or board attorney for said applications.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund monies as specified in 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-15-177
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:

- | | | |
|------------------------|---|--------------------------|
| 1317-31-028-001 | Highlands Post 6902 VFW
t/a Highlands Post 6902 VFW | 331 Bay Avenue |
| 1317-33-004-012 | Bay Ave Restaurant Co, LLC
t/a Gimaldis | 123 Bay Avenue |
| 1317-33-012-004 | Dan Rob Restaurant Assoc.
t/a Windansea | 56 Shrewsbury Ave |
| 1317-33-016-003 | Filip Enterprise, Inc.
t/a Doris & Ed's Restaruant | 348 Shore Drive |

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

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**R-15-178
RESOLUTION
RENEWING 2015-2016 LIQUOR LICENSES
WITH SPECIAL RULINGS**

WHEREAS, John Tomaini has filed a Liquor License Renewal Application for the year 2015-2016 licensing term; and

WHEREAS, Was Two has filed a liquor license renewal application for the year 2015-2016 licensing term;

WHEREAS, Sandy Hook Holdings, LLC filed a liquor license renewal application for the 2015-2016 licensing term; and

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

WHEREAS, the State of New Jersey Department of Law and Public Safety Division of Alcoholic Beverage Control has issued a Special Ruling for License 1317-33-006-004 authorizing the renewal of said license with a special condition stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2019.

WHEREAS, the State of New Jersey Department of Law and Public Safety Division of Alcoholic Beverage Control has issued a Special Ruling for License 1317-33-005-002 authorizing the renewal of said license; and

WHEREAS, the State of New Jersey Department of Law and Public Safety Division of Alcoholic Beverage Control has issued a Special Ruling for License 1317-33-024-012 authorizing the renewal of said license; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the approval liquor license 1317-33-006-004 owned by John Tomaini be renewed for the period of July 1, 2015 to June 30, 2016 with a special condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2019.

BE IT FURTHER RESOLVED that licenses 1317-33-006-004 and 1317-33-024-012 are also hereby renewed for the licensing term of 2015-2016.

	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-15-179
RESOLUTION
A RESOLUTION TO APPROVE
SHARED SERVICES AGREEMENT WITH HIGHLANDS ELEMENTARY SCHOOL**

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WHEREAS, the Borough and Highlands Elementary School have had a Shared Service Contract since 2004 to provide snow removal and trash collection services to the school to save Highlands Taxpayer dollars; and,

WHEREAS, the contract will be expiring on June 30, 2015 and Governing Body wishes to renew the Interlocal Shared Service Agreement.

NOW, THEREFORE, BE IT RESOLVED, By the Governing Body of the Borough of Highlands, that the Interlocal Services Agreement between the Borough of Highlands and the Highlands Board of Education is hereby approved for the period of July 1, 2015 through June 30, 2016; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized and directed to execute the contract agreement.

	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-15-180
RESOLUTION AUTHORIZING NON PROFIT EVENT
MINDFUL FITNESS FESTIVAL**

WHEREAS, the Lighted up Charity Foundation organization has requested authorization to hold a nonprofit event in the Borough of Highlands on September 12th & 13th, 2015; and

WHEREAS, the event will be held at several location through the borough which consist of the Huddy Park area, Veterans Park and several streets such as Portland Road, South Peak Street and Highland Avenue; and

WHEREAS, a detailed plan has not yet been provided to the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Governing Body that the Lighted up Foundation being administered by Rick Korn is hereby authorized to hold an event in the borough of Highlands as described in this resolution subject to a detailed plan being submitted to the Borough Administrator and approved by the Borough Administrator.

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

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**R-15-181
RESOLUTION AMENDING R-14-210 & R-15-80
FORM 1B**

WHEREAS, the Governing Body of the Borough of Highlands adopted Resolution R-14-210 on October 1, 2015 and Resolution R-15-80 on March 18, 2015 for the Fiscal Grant for July 2014 through June 2019 for a total amount of \$4125.00 which has since been reduced by the grant

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Highlands Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Highlands Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands, County of Monmouth, State of New Jersey hereby amends and recognizes the following amended dollar amounts:

1. The Highlands Council does hereby authorize submission of a strategic plan for the Highlands Municipal Alliance grant for fiscal year ~~July 2014—June 2019~~ in the amount of:

DEDR	\$	<u>3435.00</u>
Cash Match	\$	<u>858.75 (Highlands \$429.38/Atl. Highlands (\$429.39))</u>
In-Kind	\$	<u>2576.25</u>

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

**Borough of Highlands
R-15-182
Resolution**

REJECTING ALL BIDS RECEIVED FOR THE LINDEN AVENUE AND WATERWITCH AVENUE SUPPLEMENTAL DRAINAGE TO ROUTE 36 PROJECT AND AUTHORIZING THE READVERTISEMENT AND ACCEPTANCE OF BIDS

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WHEREAS, pursuant to N.J.S.A. 40A:11-1, et seq. the Borough of Highlands advertised and solicited bids for the Linden Avenue and Waterwitch Avenue Supplemental Drainage to Route 36 Project; and

WHEREAS, the Borough received a bid from the following:

Black Rock Enterprises, LLC \$980,550.00

WHEREAS, the Borough has determined that the bid received was not reasonable as to price, on the basis of cost estimates prepared by the Borough Engineer and that it is necessary to reject all bids pursuant to N.J.S.A. 40A:11-13.2 and to readvertise the project.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, New Jersey that the Borough hereby rejects all bids submitted for the Linden Avenue and Waterwitch Avenue Supplemental Drainage to Route 36 Project.

BE IT FURTHER RESOLVED that the Borough is hereby authorized to readvertise and accept bids for the Linden Avenue and Waterwitch Avenue Supplemental Drainage to Route 36 Project.

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

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

**R-15-183
RESOLUTION AUTHORIZING AGREEMENT WITH
WAYNE O'NEIL**

Whereas, the governing body previously approved a resolution authorizing an agreement with Wayne O'Neil for payment of accrued leave time in accordance with the CWA Contract; and

Whereas, the Borough and O'Neil have agreed to the specific terms of that agreement.

Now, Therefore, be it resolved that the Borough authorizes an agreement with Wayne O'Neil in substantially the same form as attached hereto and authorizes the Mayor or Administrator to sign that agreement.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			X			
REDMOND			X			
RYAN		x	X			
WELLS	X		X			

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NOLAN						X
ON CONSENT AGENDA x YES NO						

**R-15-184
RESOLUTION APPROVING DISABLED PARKING SPACE**

WHEREAS, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Kathryn Eason of 1 Private Road ; and

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

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. Kathryn Eason. – 1 Private Road.
Location: 12 feet east of Pole #JC 199 HB – Placard #P1350379

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

Minutes Approved on Consent Agenda:

Mrs. Wells offered a motion to approve the July 15, 2015, Regular and Executive Minutes and July 23 and August 5, 2015 Special Meeting Minutes, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

R-15-180- Resolution Approving Event – Mindful Fitness Festival:

Mrs. Wells read the title of R-15-180.

Mr. Korn, the event coordinator, is present if anyone has any questions.

Mr. Card asked for a briefing about the event.

Mr. Korn stated that it is a two day event from September 12th to September 13th. There will be a concert in the evening on September 12th. He further explained the various events that will be taking place during the day, such as: yoga, meditation, breathing exercises. They also have Veterans who work for this program helping out. They help out other Veterans. They raise money for Veterans who do not fit into other Veteran Programs. He further explained other similar events that are held thru out the country.

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Mr. Card asked if insurance has been posted.

Mr. Korn replied yes.

Mr. Card asked about the cost of this event with the Police Department.

Chief Blewett stated that it will be a cost for the police for the two day event. He can get him a cost estimate.

Mr. Card feels that this will be a great event and thanked him for choosing Highlands. He is concerned about the insurance for the event and the cost of our Police Officers.

Mr. Korn stated we can pay if needed. He has been writing to the Council for several months. He further explained the Kid Race - Bubble Race Event.

Mr. Card added that it's our responsibility to keep everyone safe. He inquired about restroom facilities.

Mr. Korn stated that he has done many events. There will be Port-a-Johns and fencing put up. He gave Mr. Hill insurance information.

Mrs. Wells spoke of the financial burden being a concern.

Ms. Ryan questioned all of the different locations for various events.

Mr. Korn explained that Huddy Park will be their home base, some events will happen on the beach and also at Veteran's Park. Port-a-John's will be in all locations.

Mr. Redmond added that he has had meetings with Mr. Korn. He feels this will be a fun day.

Mr. Hill stated that there were venue changes. The finalized plans have been discussed. He spoke of the financial concerns on the town for events.

Ms. Ryan questioned the times of the events.

Mr. Korn responded that the information is on the website.

Ms. Ryan feels that the schedule should be posted around town.

Council continued with a brief discussion on event postings.

**R-15-180
RESOLUTION AUTHORIZING NON PROFIT EVENT
MINDFUL FITNESS FESTIVAL**

WHEREAS, the Lighted up Charity Foundation organization has requested authorization to hold a nonprofit event in the Borough of Highlands on September 12th & 13th, 2015; and

WHEREAS, the event will be held at several location through the borough which consist of the Huddy Park area, Veterans Park and several streets such as Portland Road, South Peak Street and Highland Avenue; and

WHEREAS, a detailed plan has not yet been provided to the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Governing Body that the Lighted up Foundation being administered by Rick Korn is hereby authorized to hold an event in the borough of Highlands as described in this resolution subject to a detailed plan being submitted to the Borough Administrator and approved by the Borough Administrator.

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

Payment of Bills:

Mr. Card questioned the amount of \$6500.00 for the Fire Department Convention. He did research with other towns. They do not pay for everyone to attend. He further explained. He would like a detailed report from the Fire Department for credentials earned, who attended and what we are getting for the taxpayers.

Mrs. Wells asked if he contacted our Fire Department.

Mr. Card replied no.

Ms. Ryan stated that the town pays for the council to attend the League of Municipalities Convention. We are asked to show what we spent our money on. It should not be any different for the Fire Department Conventions.

Mr. Redmond asked if this is in their budget and can we should look to modify the amount for the convention.

Mr. Card stated that he was told by a high ranking volunteer from Middletown that it's a convention and also it is drinking festival.

Mr. Card said that Atlantic Highlands pays only for their Chief to attend the convention. They reimburse the others after providing documentation of training received. Sea Bright only allows them to take the Fire Truck down to the convention. He feels that we should be held accountable also in the League of Municipalities. He has questions on those as well.

Mrs. Wells added that he can check and review the receipts for the League Conventions. She recommended that Mr. Card discuss the Fire Department Convention with someone within the Department.

**RECAP OF PAYMENT OF BILLS
08/19/2015**

CURRENT:		\$	201,225.54
Payroll	(07/30/2015)	\$	262,343.20
Manual Checks		\$	725,781.40
Voided Checks		\$	
 SEWER ACCOUNT:		\$	83,445.33
Payroll	(07/30/2015)	\$	7,608.29
Manual Checks		\$	50,258.16
Voided Checks		\$	
 CAPITAL/GENERAL		\$	214,781.65
CAPITAL-MANUAL CHECKS		\$	

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Voided Checks	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	13,289.14
Payroll (07/30/2015)	\$	14,750.00
Manual Checks	\$	2,626.98
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	1,051.31
Payroll (07/30/2015)	\$	4,717.82
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	
Voided Checks	\$	

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

**RECAP OF PAYMENT OF BILLS
09/02/2015**

CURRENT:	\$	712,644.37
Payroll (08/30/2015)	\$	251,393.97
Manual Checks	\$	
Voided Checks	\$	
SEWER ACCOUNT:	\$	28,895.01
Payroll (08/30/2015)	\$	5,977.63
Manual Checks	\$	
Voided Checks	\$	
CAPITAL/GENERAL	\$	85,044.43

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CAPITAL-MANUAL CHECKS	\$	
Voided Checks	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	25,711.16
Payroll (08/30/2015)	\$	5,175.00
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	50,950.02
Payroll (08/30/2015)	\$	4,709.48
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	
Voided Checks	\$	

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

Other Resolutions:

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

Mrs. Cummins read the title of R-15-140.

Mr. Hill explained that the Borough did apply for funding thru the MCIA for the sweeper about a year and half ago. We did go out to bid earlier this year but the bids had to be rejected due to flaw between the two vendors. We then looked at a particular machine that was available thru the Co-Op pricing. This enables us to buy a higher quality machine at a lower cost. Mr. Redmond, Mr. Card and himself met with vendor. It will benefit the town. This piece of equipment will also do street basin and storm drains. He feels we should move forward to obtain this piece of equipment. Once the order is placed, it will take 6-8 months.

Mr. Card added that it will help with the storm drains. It will help us to clean them out. He does support this purchase.

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Mr. Redmond stated that they have classes for the use of the equipment. He further explained that the maintenance of the machine. The company will do service for the first two years.

Mr. Card added that the company will come in every quarter to do a full service and any training needed for new employees.

**R-15-140
RESOLUTION
A RESOLUTION OF THE BOROUGH OF HIGHLANDS, IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY,
AUTHORIZING THE PURCHASE OF A STREET
SWEEPER THROUGH THE NJPA CO OP**

WHEREAS, the Borough of Highlands, pursuant to N.J.S.A. 40A:11-11 and N.J.A.C. 5:34-7.3 et seq. may, by Resolution and without advertising for bids, purchase any goods or services through the NJPA Co-Operative, which has been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Borough of Highlands desires to purchase a Street Sweeper from the NJPA Co-Operative; and

WHEREAS, W.E. Timmerman, NJ, has been awarded the Contract for the Elgin Street Sweeper; and

WHEREAS, the Borough Council and Administrator find the utilization of this contract on the grounds as the best means available to obtain the vehicle; and

WHEREAS, the Elgin Street Sweeper shall not exceed the amount of \$260,000; and

WHEREAS, funding for this resolution is available by appropriation in the budget of the Borough, as evidenced by the Certification of the Borough C.F.O. utilizing MCIA 2013 funds; and Account :MCIA Funding

Patrick DeBlasio, CFO

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

1. The Borough of Highlands hereby authorizes the purchase of an Elgin Street Sweeper from W.E. Timmerman
2. The total fee authorized for this contract shall not exceed \$260,000 without the prior written approval of the Borough Council.
3. The Mayor and Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.

This Resolution shall take effect immediately.

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

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R-15-185 – Resolution Approving Compensation in Lieu of Paid Medical:

Mrs. Cummins read the title of R-15-185.

Mr. Hill explained that a full time employee can waive health benefits under the employee contract. There is a stipend in place in lieu of the \$25,000.00 health policy.

Mr. Padula stated that it is \$5,000 or 25% of the savings.

**R-15-185
RESOLUTION APPROVING
COMPENSATION IN LIEU OF PAID
MEDICAL BENEFITS FOR MARTIN HAWLEY**

WHEREAS, Martin. Hawley is a full-time Police Communication Operator;
and

WHEREAS, Martin Hawley is currently is salaried at \$9.50 per hour which equals to be an annual salary of 19,760.00; and

WHEREAS, as of August 6, 2015 Martin Hawley is entitled to receive medical benefits which are partially paid for by the Borough; and

WHEREAS, Martin Hawley submitted an application on August 19, 2015 stating that he is waiving his rights to receive medical benefits and opting to receive monetary compensation in lieu of medical benefits; and

WHEREAS, the New Jersey State Law allows an employee who is covered as a dependent, spouse or partner’s employer provided health benefits other than the State, to waive State Health Benefits coverage and to be paid \$5,000.00 annually or 25% of savings by employer; whichever is less.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands hereby authorizes compensation to Martin Hawley for an annual amount of \$5,000.00 or 25% whichever the less in lieu of medical benefits to be paid in addition to his annual salary.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
REDMOND			x			
RYAN		x	x			
WELLS	x		x			
NOLAN						x
ON CONSENT AGENDA			YES	xNO		

R-15-186 – Resolution Accepting Letter of Resignation:

Mrs. Cummins read the title of R-15-186.

Mr. Hill briefly explained that this is one of our part time Code Enforcement Official. This will be effective next.

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**R-15-186
RESOLUTION ACCEPTING RESIGNATION
OF PART-TIME CODE ENFORCEMENT OFFICER**

WHEREAS, Elaine Broyles, part-time Police Code Enforcement Officer has submitted a letter of resignation effective September 9, 2015; and

NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Elaine Broyles effective September 9, 2015.

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

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

O-15-21 – Ordinance – Noise Ordinance Amendment

Mrs. Cummins read the title of O-15-21 on for 2nd reading and public hearing.

Chief Blewett briefly explained the amendments.

Mrs. Wells opened the public hearing.

There were no questions.

Mrs. Wells closed the public hearing.

O-15-21 – Ordinance – Noise Ordinance Amendment

Mrs. Cummins read the title of O-15-21 on for final reading and adoption.

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

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;

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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 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.

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- b. During daytime hours no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside or inside a dwelling, structure or other establishment on a property in the Borough of Highlands such that the noise created thereby is deemed to be unreasonable by the Borough Code Enforcement Officer or Borough Police Officer. In determining whether a noise is unreasonable, 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 (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,~~

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~~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, 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 or 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.

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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 Ms. Ryan and adopted 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 2nd reading and public hearing.

Mr. DeBlasio briefly explained a new program in 2015 authorizing us to buy new equipment. It will be for two police cars and one truck. This enables us to buy the three assets when we need them.

Mrs. Wells opened the public hearing.

Carol Bucco of 330 Shore Drive commented that we are not leasing now, only if we need them in the future.

Mr. DeBlasio said yes and further explained that it is a leased purchase.

Carol Bucco inquired if we need two police cars and are we buying them immediately.

Mr. Hill replied not immediately. He did explain the condition of some of the vehicles.

Barbara Ianucci of Shrewsbury Avenue said we bought a police car last year.

Mr. Hill stated that we try to buy one vehicle a year.

Chief Blewett explained that one car is 10 years old and some are 9. He further explained vehicle conditions.

Mr. Hill explained that this is just a placeholder for if we need to purchase vehicles.

Stacy Pritchard of 130 Bay Avenue asked if we are looking to replace not add to the fleet.

Chief Blewett replied yes.

Carla Cefalo-Braswell asked if the law requires special lights and cameras on police vehicles.

Chief Blewett replied that the in car camera system they currently have is 10 years old.

Mr. Redmond added that they are not adding body cameras.

Mr. Hill said they may be a grant for the body cameras. They are offering a small amount.

There were no further questions.

Mrs. Wells closed the public hearing.

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

Mrs. Cummins read the title of O-15-22 on for final reading and adoption.

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Mr. Redmond offered the following Ordinance and moved on its final reading and adoption:

.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:

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

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SECONDED BY MS. RYAN AND ADOPTED ON THE FOLLOWING ROLL CALL VOTE:

ROLL CALL:

**AYE: MR. CARD, MR. REDMOND, MS. RYAN, MRS. WELLS
NAY: NONE
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 2nd and public hearing.

Mr. Hill explained the location of the parcel. He further explained the selling process. He asked about extending the date for response because this was not passed last month.

Mr. Padula stated that the current date is September 11th and he feels we should stay with it. We can send a copy of the ordinance to the adjunct property owners.

Mrs. Wells opened the public hearing.

Lori Dibble of 2 Matthew Street spoke the section of land and access road to the beach.

Mr. Hill explained that this property is on the other side of the street.

Kim Skorka of 330 Shore Drive asked if it can be subdivided.

Mr. Padula stated not at this point.

Barbara Ianucci of 28 Shrewsbury Avenue asked if the property could be used for parking.

Mr. Hill explained the location and size of the lot. There is not a turning radius.

Brief discussion continued.

There were no further questions.

Mrs. Wells closed the public hearing.

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

Mrs. Cummins read the title of Ordinance O-15-23 on for final reading and adoption.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
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

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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.

(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

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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.

(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.

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(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.

Section 6. 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, Mr. Redmond, Ms. Ryan, Mrs. Wells
NAY: None
ABSTAIN: None
ABSENT: Mayor Nolan

Committee Reports:

Finance

Mr. DeBlasio explained that for the last five weeks, the field auditors have been working in our offices. The audit is complete. They should be releasing the report in a couple of weeks. We had two budget amendment resolutions tonight for the Municipal Alliance Program and the Summer Food Program.

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Public Safety

No report for tonight.

Administration

Mr. Hill gave a brief summary of the following report.

1. Department of Public Works / Sanitation Services / Sewer

- Brush will be picked up by zone during the months September, October, November and December. By ordinance, brush placement is only allowed during the first 5 days prior to collection.
- Leaf Pick-Up: by zones October, November, December.
- Bulk-Pick Up: by zones, September & December.

Please see website for zone detail, additional pick-up information and placement of items to avoid potential summons or violation notice.

- Continue working with Police Dept. regarding replacement of signs throughout town.
- Rounds for trash removal and grass cutting in parks and public areas are ongoing.
- Assisted with various special events during July and August.

2. BUILDING AND HOUSING

- a. Construction Office – (7/15- 8/15) New Permits 34 Permit Updates 12 83
Technical Sub-code Inspections Fees = \$32,723.00
Cost of Construction as per permits \$1.03 million
- b. Code Enforcement: No Report
- c. Property Maintenance - 6 complaints 6 resolved 8 summonses in court process (various dates) 4 new summonses issued
- d. Zoning Office: No Report

3. Fire Department: June / July 29 Calls responded to.

Training: Members trained on driver training and pump operations.

Misc: The department participated in a multi-agency drill observed by DHS in Atlantic Highlands Harbor on June 11th. On June 12th Marine 17 was special requested by Middletown FD and able to locate and guide rescuers to a hiker who had fallen down on to the shore of the Navesink River in Hartshorne Woods.

Department was recognized along with all who responded to July 23 warehouse fire in North Brunswick.

4. OEM / Fire Prevention: Highlands OEM – (report will be forwarded for October Meeting)

5. First Aid: July Calls answered 47 call man hours: 234
Additional training - CPR refresher, Driver training on 17-58, & EMT Academy.
Monthly: duty clean-up, inventory, stocking of rigs, fund raising and ongoing recruitment efforts.

6. Recreation Dept. (July/August)

- a. Summer Kidfest - 133 registered; Average Daily Attendance - 65 kids
- b. Summer Kidfest Field Trips (8)- Funtime America, Middletown Ice World, Hazlet Movie Theatre, Lakewood Blue Claws Baseball Game, Monster Mini Golf,

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Paper Moon Puppet Theatre, Jenkinson's Aquarium and Runaway Rapids Waterpark.

c. Kidfest Special Events (13) Home Run Derby, Neucomb Tournament, Frisbee Golf, Pin K.O., Parachute Games, Hot Shot Contest, Checker Tournament, Hula Hoop Contest, Spelling Bee, Relay Games, Pitch, Hit, & Run; Art Contest; Football; Challenge Course; and annual Talent Show.

d. Summer Food Service Program - Average meals served a day to Summer Kidfest participants - 126.

e. High School Teen Nights held July 10th, July 17th, July 24th, Aug. 17 and Aug. 14th. 63 Participated throughout the summer.

f. Rain Barrels Distributed – 70.

g. Senior Citizen Farmer's Market Vouchers Distributed - 40

h. Baby Costume Contest held in conjunction with the Clam Fest.

h. Upcoming Recreation Events / Programs - Kids on the Move Program - September 21 - June 8, 2016, Monday, Tuesday, & Wednesday afternoons from 3-5 pm at the Highlands Elementary School (pending community center re-opening). This program is for Highlands residents ages 8-14. Registration will begin September 14th at the Borough Hall Trailer located at 42 Shore Drive. Please call 732-872-1224 ext. 232 for more information.

i. Flu & Pneumonia Shots - Thursday, October 8, 2015 from 10 a.m. - 11 a.m. at PTAK Towers located at 215 Shore Drive, Highlands. More details to follow.

j. Planning for seasonal / fall / winter programs is underway – teen programs, youth and adult basketball, soccer, volleyball, and sports clinics. (Some of these programs are offered through the AH Recreation Committee and are open to residents based on registration / availability.)

7. Administration

a. Continue to work with professionals, State OEM and FEMA reps with regards to projects – (community center, borough hall, various)

b. As reported in May - Tilt-Up Project ---- This project will provide a new gazebo structure on the Snug Harbor Beach. As part of the Tilt Up Concrete Association's conference, the project will be showcased on Oct. 1, 2015.

c. USAC of Engineers – Public Comment Period extended to Sept. 17. Would like confirmation that governing body supports completion of the study as fully explained at meetings.

d. Monmouth County Open Space Grant 2015- File deadline 9/16/15. 50% match required ---- no direct or soft costs can be included. (i.e. 200K total construction project + engineering / design – only 50% of the 200K can be requested).

e. Continue to work with various community groups with regards to special events / programs.

f. Various meetings July / August with MEL/JIF, USACE, State OEM, T&M Assoc., HBP, Santorini Construction, Tomaino Architect, NJEDA, and Monmouth County Community Development Office.

g. Employment opportunities within DPW – Laborer/Eq. Operator (immediate) Supervisor (future). Ads will be placed week of 9/7.

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Mrs. Wells added that there will be a blood drive on September 28th at the Highlands Fire House. They are also having a fundraiser on October 15th which is a "Paint and Sip." She further explained the event.

Board of Education

Ms. Ryan stated that H.H.R.H.S. is working on becoming an academy. Also, Sea Bright is no longer interested in sending their high school students to Shore Regional. They have reached out to other schools and we are in the running for this. We have met with the Mayors and Senator Kyrillos. She further explained the extra revenue this would bring to the town.

Ms. Ryan spoke about Highlands Elementary School that a new way to run their boards and have been told by the Department of Education that they do it very well. They will model this at their annual convention in Atlantic City.

Highlands Business Partnership

Mrs. Wells asked Carla Cefalo-Brawell to include Fall Marketing Program & Zombie Parade and Pub Crawl, listed under Other Business, to this report.

Carla Cefalo-Braswell read thru her report.

Marketing & Events

21st Annual Farmers Market - The market is open on Saturdays, 8:30 – 2PM. We have our returning farmers and many other new specialty vendors. We average about 10-12 vendors a week and will be at the park throughout the fall.

The 21st Annual Clamfest took place July 30 – Aug. 2. Clamfest is a tourist related event. The weather held out in general but rained in the surrounding regional areas on opening day. We are still paying event expenses and awaiting a few final invoices, we will give a final report at the next meeting. We donated \$1000 to the VFW for use of their lot for the rides. We expanded our entertainment this year and hired professional sound for the entire event. The vendor space on Bay Ave. was expanded as well; we had a few glitches that will be worked out next year.

The Highlands Business Partnership has been assisting the St. Bernard Project Sounds of Recovery Concert to take place in Veterans Park, August 22nd, 12-8PM. We will be organizing a beer garden and food vendors for the event. The event will raise funds to benefit SBP Sandy recovery efforts in Highlands. For a \$15 suggested donation, attendees can enjoy a day of music, local food vendors and \$5 drinks in the beer garden. There is also a chance to win amazing prizes in the silent auction and 50/50 raffle.

14th Annual Twin Light Bike Ride – Will be taking place Sunday, September 27th. We will be advertising our local business specials in a handout to give to cyclist after the ride. There will be local restaurants at the festival area, live entertainment, and sponsor activity.

15th Annual Oktoberfest – Takes place October 3rd, with a rain date of October 4th. We are in the process of securing necessary permits. We are almost sold out on vendor space at this time. We have a great German Oompah Band booked with dancers and several new German beers in the beer/wine garden. There will be a best costume contest and beer stein-holding contest. We also need volunteers so please sign up today or urge anyone you know that is interested to get in touch with our office at 732-291-4713 or email hbpadmin@highlandsnj.com.

A Ribbon Cutting Ceremony was held on August 8th to welcome a new business, Porcini, 168 Bay Ave. Members of the Council, HBP and the community celebrated with proprietors Alexandria Mahon and Christopher Atamian.

Visual Improvement

Muralist Jim Kovic is in the final phase of the project. We will host a ribbon cutting on completion of the project.

We are awaiting the ground breaking for the Streetscape Project and we plan to have a ceremony.

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Economic Development

Veterans Park Boardwalk –Barry Heffernan of TriBar and his crew are in the final phase of the project. The deck railings were purchased and being installed by Perma Fence. The park will be raked and cleaned up by volunteers and we are looking forward to a ribbon cutting ceremony sometime mid-fall.

Robin Hood Grant – The final home has been completed and the account balance has been used for the Boardwalk Project.

Carla Cefalo-Brawell spoke about the upcoming events that will bring new visitors into Highlands such as; Seastreak Octoberfest charters for the month of October. There will be buses to shuttle the visitors to Highlands restaurants. She added that they are having their 1st Annual Zombie Parade & Pub Crawl on Saturday, October 24th. She continued to explain the event.

Mr. Padula stated that we can adopt a resolution tonight approving the Zombie Parade & Pub Crawl.

R-15-187 – Resolution Authorizing HBP Event – Zombie Parade & Pub Crawl and Fall Into Highlands Events:

**R-15-187
RESOLUTION AUTHORIZING HBP EVENT
ZOMBIE PARADE & PUB CRAWL AND A FALL INTO HIGHLANDS EVENTS**

WHEREAS, the Highlands Business Partnership has requested authorization to hold an Zombie Parade & Pub Crawl event in the Borough of Highlands on October 24, 2015; and

WHEREAS, the Highlands Business Partnership has requested authorization to conduct the Fall into Highlands events which will be held every Saturday and Sunday during the month of October.

WHEREAS, the Zombie event will be held through the borough which consist of the closing of several streets such along Bay Ave; and

WHEREAS, a formal detailed plan has not yet been provided to the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Governing Body that does hereby approve the two subject events for the Highlands Business Partnership. This authorization is contingent upon detailed plans being submitted to the Borough Administrator and approved by the Borough Administrator.

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

Shared Services:

Mr. Hill gave an update on facilities. One project they are working on with a neighboring community with regards to a facility. They need more time. We are at a standstill for now. We should have a firm commitment by October. It has to do with the sharing of a public works facility.

Other Business:

Engineers Status Report

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This will be carried to the next meeting.

Veteran's Park Update

Mr. Card thanked Tribar and the volunteers that showed up to help out. We still have to address the ADA ramp. It is moving along.

NJDOT 2016 State Aid Program

Mr. Hill reported that this Municipal aid that we normally apply for and T&M is handling it.

Mindful Fitness Festival

Mrs. Wells requested to table this item.

Abandoned Properties

Mr. Hill spoke of the DCA and PPDR Programs. T&M Associates did put out information for interested residents who would want to participate in the PPDR Program. They received a poor response. There were 5-7 properties that applied and only half were qualified. The DCA Program reported a similar issue. They had 50 properties. Of those, only 36 were able to move forward. Due to non-compliance or non-interest, the number dropped to 19 properties. We were hoping for better results thru these programs. We are hoping to get more information for the next council meeting the 19 identified properties.

Girl Scout Service Project

Mr. Hill explained that he received a letter from a local Girl Scout troop requesting to do a Gold Award Project. They would like to do plantings at the Community Center. The Borough will have to approve the project.

Barbara Ianucci of 28 Shrewsbury Avenue asked if the Girl Scouts provided the plants.

Mr. Hill stated that they may seek donations. She has to plan it and will seek approval from the council. She also has to fit the criteria of the Goal Award Project.

Mrs. Wells directed Mr. Hill to give them a verbal approval.

Fort Hancock Rolling RFP's

Mr. Hill briefly explained the process in leasing properties. They received a decent response. They are highly encouraging non-profit organizations. He recommends that interested parties go to the Fort Hancock 21st Century site. He was contacted by some local businesses who were interested.

Fall Marketing Program & Zombie Parade and Pub Crawl

This item was discussed under Highlands Business Partnership Committee Reports.

NJNG-Shore Drive Upgrades

Mr. Hill gave an update. In conjunction with our Shore Drive paving project, NJNG will be repairing gas lines down Shore Drive. We are coordinating that. He further explained the street location that will be affected. NJNG wants to be done by the end of September.

Woman, name unknown, asked if it will be a new gas line or repairs.

Mr. Hill responded that it will be an expansion of the existing pipe. It will help increase the pressure at that end of the pipe.

Tom Reed of 7 Snug Harbor Avenue asked if a catch basin could be included around the Waterwitch sidewalk during the Shore Drive Project to catch water from a spring.

Mr. Hill explained that the property owner has been notified multiple times and has attempted to solve it. He further explained. It is not a sump pump. Our DPW has been up there. We will address it again.

Kimberly Ramike of 26 Rogers Street further complained about the water issue about the water coming down from the spring.

Request to Change Street Name

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Ms. Ryan explained that a developer wants us to consider changing Willow Street to Harbour Way. She also stated that if she lived on Willow Street, she would want to be consulted about the name change.

Carla Cefalo-Braswell asked the number of residents that live on that street.

Mr. Hill explained that has nothing to do with it.

Mr. Padula stated that he legally can do it. We can send out a notice.

Discussions continued.

Mr. Hill explained that this is on the marina side. We can reach out to residents of Locust Street.

Mrs. Wells added that the letter asked about golf cart use.

Mr. Padula stated that he is requesting to use golf carts in the whole town not just in the development.

Mr. Card added that golf carts are covered in the State Statute. Also, he feels the council is obligated to inform the residents within 200 ft. about the street name change.

Mr. Hill would also like to focus on the residents living on Willow Street.

Mr. Padula will look into golf cart statute and preparation of 200 ft. legal notice of name change.

Historic Preservation Grant Program

Mr. Hill stated that the Historical Society or Commission has to designate a project. The council cannot apply for it on our own. He will get this information to the Historical Society and will update council when a response has been received.

Public Portion:

Lori Dibble of 2 Matthew Street questioned the liquor license transfer location

Mrs. Cummins stated that it is a pocket license. There is not a location at this time.

Lori Dibble questioned the billing on the abandoned home program.

Mr. Hill said they are billing for what is taking place now. They were notified that the program is on hold.

Lori Dibble spoke about the Mindful Fitness Festival and who will cover the cost. They are registered as a charity in the State of NJ.

Rick Korn added that the tickets are a tax deduction.

Mr. Card added that this program has tied up our Administrator and Chief of Police with no accountability. He would like to have set requirements for future events. He is working with Carla Cefalo-Braswell of H.B.P. on this.

Discussions continued.

Kim Ramikie of 26 Rogers Street stated that researched this foundation. She would like to see paperwork from Mr. Korn on this program.

Barbara Ianucci of 28 Shrewsbury Avenue spoke of concerns with the fitness event and police costs. The Windansea pays for extra police coverage. She believes events should pay as well. The town should create an ordinance.

Mr. Hill stated that insurance has been provided and being reviewed.

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Mr. Card added that we need to create regulations to be given to anyone who wants to have an event in our town. We have to protect ourselves.

Mrs. Wells agreed. We have to see what the cost of the use of our facility is to the tax payer. That is our concern.

Barbara Ianucci would like the council to create an itemized bill for events.

Council continued discussion with Barbara Ianucci.

Don Tarpey of 365 Shore Drive spoke about if a surprise guests shows up, such as Bruce Springsteen and crowd control.

Ms. Ryan the crowds will be manageable.

Don Tarpey inquired about the land on Bayside Drive going to Atlantic Highlands.

Mr. Hill stated that the properties were de-annexed to Atlantic Highlands.

Don Tarpey asked if the town is responsible for keeping the road opened.

Mr. Hill stated that he generally receives a call when the chain blocking access to the road has been removed.

Don Tarpey continued to state that cars and motorcycles are using Bayside Drive. He feels we need more than chains.

Mr. Hill said that he will lock it and look into putting up a gate.

Don Tarpey asked if Jim Phillip is renewing is liquor license for Doris n Ed's.

The table responded yes.

Don Tarpey asked if the beach at the end of Matthew Street is a town beach. He stated that it is very dangerous. There is rebar sticking out of concrete, broken steel and he is concerned about a law suit.

Mr. Hill stated that the property was owned at one time by the Navesink Taxpayers Association.

Carol Bucco stated that it is a borough beach and also said the name is Matthew St. Taxpayers Association.

Mr. Hill and Carol Bucco continued to discuss ownership.

Mrs. Wells directed Mr. Hill to look into it.

Carol Bucco of 330 Shore Drive spoke to Ms. Ryan. Ms. Ryan was going to set up a beach cleanup and look into parking issues.

Ms. Ryan stated that she has and agreed with Carol Bucco about the parking issues.

Carol Bucco said that she was not aware that the Borough paid for the Fire Department to attend the Convention. She thought they paid their own way. They also get LOSAP points. She feels that is double dipping. We pay for them to go and we pay for the LOSAP. She spoke about the unused garbage trucks sitting in the DPW yard. Are we selling them?

Mr. Hill stated that we use the trucks on a weekly basis for removal of trash from the parks and along Bay Avenue. We do use the trucks for leaf pick up. They are functional. We do need and use them.

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Carol Bucco asked about the status on the Miller Street wall.

Carla Braswell-Cefalo replied that it is still ongoing.

Carol Bucco said that there are more yellow lines by driveways. The town took her condo association to court because they painted yellow lines that were already there, that were faded. She feels that they are being picked on.

Chief Blewett responded that he has officers looking into it. He further explained. He stated that there are no provisions for driveways.

Carolyn Broullon – passed.

Tom Reed of 7 Snug Harbor asked for an explanation of the H.H.R.H.S. being made an Academy.

Ms. Ryan explained that this would offer many more things to the students such as; science, technology, math, engineering and arts. It allows them to take courses at other schools and to get more college credits.

Carla Cefalo-Braswell briefly spoke about the program. She also spoke about a fundraiser that she attended for the school. It raised approximately \$30,000.00. They will be sponsoring 48 students from 7th to 8th grade. They will be going to allow where they will be able to take these courses. She further explained the various courses that will open up to our students.

Ms. Ryan also suggested to Mr. Reed to contact the Superintendent of Schools for more information.

Tom Reed of 7 Snug Harbor asked if the stream issue on Linden Avenue could be addressed in the Streetscape Program. He also asked about the status of the Flood Map approval.

Mr. Card replied that they do not have an answer. It's not our call, it is Governor Christie's.

Tom Reed spoke about Lower Scenic and that having a chain across it is also very dangerous.

Mrs. Wells stated that they will discuss it further with the Chief and he will check into it.

Kim Skorka of 315 Shore Drive stated that there weren't any postings about the DCA or PPDR on our website. She also mentioned that the minutes are not up to date on the website either. She also feels that golf carts would be dangerous. She spoke of the Mindful Concert and if they allowed to charge a fee.

Mr. Hill explained that they are allowed to charge a fee.

There were no further questions.

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

The Meeting adjourned at 10:18 p.m.

Debby Dailey, Deputy Clerk