

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
WORKSHOP MEETING
JUNE 4, 2008**

Mayor Little called the meeting to order at 7:10.

Mrs. Flannery made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Workshop Meeting of the Mayor and Council of the Borough of Highlands. During this meeting there will be three items on for special action and that has been advertised in the Asbury Park Press, the Courier and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

Absent: None

Also Present: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Joseph Oxley, Esq., Borough Attorney

Executive Session Resolution:

Mrs. Flannery read the following Resolution for approval:

Mr. Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

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

- 1. Contracts: Dan-Rob Rent for lot on Fifth Street**
- 2. Personnel: Summer Employees for Parks & Recreation and Borough Engineer**
- 3. Real Estate: Shore Drive Bl. 60 Lt 7 and Depuration Plant**

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

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

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

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
- 5. Deals with purchase, lease or acquisition of real property with public funds.**
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.

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8. Related to investigation of violations or possible violations of the law.
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Seconded by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the meeting back to order at 8:23 P.M. (Note: the recorder does not turn on until 8:45 P.M.).

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

ROLL CALL:

Present: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

Absent: None

Also Present: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Joseph Oxley, Esq., Borough Attorney

Public Portion on Agenda Items:

Michelle Pezzullo of 115 Highland Avenue questioned the Shade Tree Ordinance.

Martine Kiely of 39 Shore Drive questioned flooding problems behind the Sugar Shack and questioned liability for ramps and why T & M Associates was not here.

Ordinances: 2nd Reading and Public Hearing and Adoption:

Ordinance O-08-06

Mrs. Flannery read the title of ordinance O-08-06 for the second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-08-06.

Maureen Kraemer of 200 Portland Road questioned the penalties for violation of the shade tree ordinance.

Joseph Oxley on page 8 of the ordinance there is a typographical error that should read the fine is \$2,000 under section 22-1.10.

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Chris Francy of 36 Fifth Street stated that the ordinance deals with the good trees it doesn't deal with the weed trees.

Mrs. Burton – it does reference them on level properties which she further explained.

Mayor Little perhaps the Planning Board and Shade Tree Commission can find an alternative to a complete prohibition of removing trees on slopes.

Chris Francy commented on the definition of breast height of a tree.

Don Manrodt of 268 Bayside Drive – it's a good ordinance but questioned enforcement of this ordinance and requiring a person to obtain a tree permit.

Mayor Little explained that the calls for tree permits are to be made to Dawn Horniacek of the Building Department and she will call a Commissioner out to a complaint call.

Mayor Little explained that they are trying very hard to step up enforcement in a lot of areas.

Mrs. McSherry questioned on page four of the ordinance if the borough or any properties would be exempt from this ordinance.

Mayor Little – we are not allowing the borough to be exempt from this ordinance. If there is some area of the law that requires an exemption for any other governmental agency, we are requiring them to prove it to us.

Connor Jennings of 27 Ralph Street questioned on page 3 the definition of a slope.

Mrs. Burton stated that that definition was taken from our current steep slope ordinance but in time when that ordinance is amended then all ordinances that pertain to steep slopes will also be amended.

Mayor Little commented on the definition of a slope.

Connor Jennings commented on the Planning Boards lengthy time in reviewing the steep slope ordinance. He then spoke about stability of slopes and stated once a root is damaged and the slope is not the same.

Mayor Little – we have communicated with the Planning Board about the steep slope ordinance and we are waiting for a response.

Richard O'Neil of 224 Navesink Avenue stated that the Steep Slope Ordinance is an important ordinance and it has to be looked at in depth.

Maureen Kraemer of 200 Portland Road asked why wasn't anyone enforcing the ordinance for the past years.

Mayor Little – the purpose of this hearing is to ask questions about this ordinance.

There were no further questions from the public therefore Mayor Little closed the public hearing on Ordinance O-08-06.

Mrs. Flannery read the title of Ordinance O-08-06 for the third and final reading and adoption.

Mr. Caizza questioned Laurel McSherry about her experience in trees.

Ms. McSherry stated that she is a licensed Landscape Architect and that she drives through the Borough.

Mrs. Burton offered the following Ordinance pass third and final reading and moved on its adoption according to law:

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O-08-06

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED “TREE REMOVAL [ORD. 0-88-20§1]” IN ITS ENTIRETY, AND ESTABLISHING A NEW CHAPTER XXII ENTITLED, “ENVIRONMENTAL PROTECTION”, AND MORE PARTICULARLY ESTABLISHING SECTION 22-1 ENTITLED, “TREE PROTECTION”.

BE IT HEREBY ORDAINED, FOR THE PURPOSES HEREINBELOW EXPRESSED, THAT CHAPTER XXII OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED “TREE REMOVAL [ORD. 0-88-20§1]” BE AND HEREBY IS REPEALED IN ITS ENTIRETY, AND REPLACED WITH A NEW CHAPTER XXII, ENTITLED, “ENVIRONMENTAL PROTECTION” AND MORE PARTICULARLY ESTABLISHING SECTION 22-1 ENTITLED, “TREE REMOVAL AND PROTECTION”.

NOW, THEREFORE, BE IT ORDAINED THAT CHAPTER XXII, ENTITLED, “ENVIRONMENTAL PROTECTION”, be and hereby is established to read as follows:

22-1.1 Title.

This section shall, be known as and may be cited as “Tree Removal and Protection Ordinance of the Borough of Highlands.”

22-1.2 Purpose

The purpose of this chapter is to prevent uncontrolled and excessive destruction or removal of trees within the borough on level properties as well as on any slopes. Uncontrolled and excessive destruction or removal of trees within the borough has caused or contributed to potential hazards to persons or property including but not limited to soil erosion, changes in drainage patterns, increased dust and noise pollution. And to restrict the removal of other trees, thereby maintaining the beauty and character of the Borough of Highlands, preventing erosion, controlling action that will substantially change drainage patterns, and restricting any action that could create a hazard to persons or property.

22-1.3 Definitions and Word Usage.

For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. The word “shall” is always mandatory and not merely directory.

Applicant shall mean any person making application to the Tree Conservation Officer for a Tree Protection Permit.

Clear cutting shall mean the removal of all, or substantially all, of any size or type of trees within an area on a lot larger than five hundred (500) square feet, or within noncontiguous areas on a lot which have a total combined area greater than one thousand (1,000) square feet, or on any slope (see definition of slope).

Destruction or destroy shall mean the cutting, girdling, poisoning, bulldozing over or any other deliberate act which results in the death or destruction of the life or main stems and crown or root system of tree.

Dripline shall mean a line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

Diameter at breast height (DBH) shall mean the diameter of a tree measured at breast height, which is approximately four and one-half (4.5') feet above the ground. The diameter of a multi-trunked tree shall be two-thirds (2/3) of the sum of the diameters of all trunks but not less than the diameter of the largest trunk.

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Emergency shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

Mitigation plan shall mean a plan prepared by a qualified person acceptable to the Tree Conservation Officer showing the planting of replacement trees on the property on which a restricted regulated activity is taking place or on other properties within the Borough. Said plan must depict, in a manner acceptable to the Tree Conservation Officer, a reasonable scheme for the ultimate full replacement of trees removed.

Ornamental tree. See *Tree, ornamental.*

Permittee shall mean any person who has been issued a permit pursuant to the terms and conditions of this section and who is obligated to fulfill all the terms of this section.

Person shall mean any person, firm, partnership, association, corporation, company, or public or private organization of any kind other than those exempted from the provisions of this section.

Protective barrier shall mean a barrier constructed to protect the root system or trunk of a tree from damage during construction or from equipment. Such a barrier may consist of a snow fence or similar structure approved by the shade tree commission.

Pruning shall mean the act of trimming or lopping off what is unnecessary. The act of cutting off branches to help strengthen those that will remain, or bringing a tree into a desired shape.

Shade Tree Commission shall be defined in chapter 2-21 in Revised General ordinances of the Borough of Highlands. Shade tree commission members shall have the right to enforce this section and issue complaints if needed, as well as provide a list of acceptable replacement trees.

Significant specimen tree shall mean any tree or ornamental tree with a diameter at breast height (DBH) exceeding sixty (60%) percent of that of the largest similar tree listed in either of these references: Monmouth County's Largest Trees, prepared and updated annually by the Monmouth County Shade Tree Commission or New Jersey's Big Trees, prepared and updated biannually by the Division of Parks and Forestry of the New Jersey Department of Environmental Protection.

Specimen tree shall mean any tree or ornamental tree which is not a significant specimen 'tree and which has a diameter at breast height (DBH) of eighteen (18") inches or more.

Slope shall mean a rise equal to or greater than 1'(foot) vertical on 2'(feet) horizontal. Areas within 25 feet of the top or 15 feet of the toe of any slope.

Thinning shall mean the removal of undesirable, competitive, diseased or damaged trees so as to improve the development of the remaining trees on a lot.

Tree shall mean any living deciduous or coniferous (evergreen) tree with a normally anticipated mature height of twenty (20') feet or greater with an existing DBH larger than 4", except **on slopes greater than 1' on 2' (meaning trees located on slopes with less than a DBH of 4" need to have approved permit for removal)**. Examples include but are not limited to: Norway, Red, Silver or Sugar Maple, Sweetgum, London Plane, American Sycamore, White, Red or Pin Oak, American Elm, Yellow or White Poplar, Copper Beech, Cedar, Spruce, Pine, Fir or Hemlock.

Tree Commissioner shall mean the person designated by resolution of the Borough Council to administer permitting and enforce this section. Shall be a member of the Shade Tree Commission. If no such person is designated, the Borough Clerk or the Clerk's designee shall act as Tree Commissioner.

Tree expert shall mean a specialist in trees or tree care whose qualifications are acceptable to the Tree Conservation Officer.

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Tree removal plan shall mean a legible sketch, a tax map reproduction, a copy of an existing survey or similar drawing with field measurements and dimensions provided by, the property owner or the owner's agent.

Tree, ornamental shall mean any living deciduous or coniferous small decorative tree with a normally anticipated mature height of six (6') feet or greater. Examples include but are not limited to: Dogwood, American Holly, Native Laurel, and any other Birch, Japanese Maple, Cherry, Crabapple, Magnolia, Bradford Pear and Willow).

22-1.4 Prohibited Activity

The activities described in this subsection and any substantially similar activities are prohibited activities:

- a. Remove, destruction or clear cutting of any tree or trees upon any lands, including public right of ways, easements, privately and publicly owned lots and slopes within the Borough of Highlands.
- b. Undertaking, causing or permitting any activities including grading, demolition or construction on, or adjacent to, any lot which may damage; or otherwise causing or permitting any damage, injury or disfigurement to any tree, ornamental tree or dripline of a tree described in paragraphs a.

22-1.5 Permit Required.

No person shall engage in, nor allow, permit or direct any person to engage in, any prohibited activity as defined in subsection 22-1.4 above unless a tree removal/protection permit is first obtained from the Tree Commissioner.

22-1.6 Permit Application Procedure and Requirements.

- a. Application for a tree removal/protection permit shall consist of:
 1. A fully and accurately completed application form provided by the Borough.
 2. A Tree Removal Plan in sufficient detail to identify the location, species, diameter and estimated height of all trees wanting to remove or protect, and all existing and proposed accessory structures in relations to any removals. All trees described in subsection 22-1.4 shall be shown on a tree removal plan if construction or any grading activity is proposed within ten (10') feet of the dripline of such trees. For removals of five (5) or fewer trees on a lot where the principal use is an existing Single-family dwelling, the Tree Removal Plan may be provided using a legible sketch, a tax map reproduction, a copy of an existing survey or similar drawing with field measurements and dimensions provided by, the property owner or the owner's agent. In the case of tenants and landlords, the Tree Removal Plan must be accompanied by a signature and contact information of property owner on file at borough hall.
 3. A narrative description of the property owner's reasons for removing the trees, including a description of any alternates considered.
 4. A tree removal/protection permit application fee, as set forth herein shall be paid:
 - (a) Twenty-five (\$25.00) dollars a tree (non-refundable), or Fifty (\$50.00) dollars (non-refundable) a specimen or significant specimen tree
 - (b) Fees may be waived or modified by the Borough Council for charitable, public or quasi-public, or educational agencies or in unusual and exceptional circumstances.

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- b. The applicant will place or cause to be placed, in a highly visible manner, a one (1") inch wide red ribbon, which may be obtained from borough hall, around the trunk of each tree to be removed, to aid the Tree Commissioner in evaluating the proposed removals.
- c. After evaluation of an application, the Tree Commissioner will take one (1) of the following actions within the time set forth:
5. If the Officer determines that the permit application is incomplete, unclear, inaccurate or otherwise deficient, the Commissioner shall so advise the applicant and return the permit application within ten (10) days of the date of application. The applicant may revise, supplement and/or resubmit the application, which will then be treated, as a new application except no additional fee is required.
 6. If the Officer determines that the proposed regulated activity is permitted or prohibited by the standards set forth in subsection 22-1.7 herein below, a permit shall be, respectively, issued or denied within thirty (30) days of the date of application.
 7. In issuing permits under this section, the Commissioner may impose reasonable permit conditions necessary to effectuate the purposes of this section.
 8. In cases of slopes, permittee will be required for every tree or ornamental tree removed to plant a tree or shrub in accordance to a plant list provided by the Shade Tree Commission suitable for slope stabilization within thirty (30) days of removal or completion of construction project. Temporary means of supporting the slope approved by borough engineer are required during thirty (30) day grace period. No exceptions.
 9. In cases of multi-family or single family homes, permittee will be required for every tree or ornamental tree removed to plant a tree or shrub in accordance to a plant list provided by the Shade Tree Commission suitable for our climate within sixty (60) days of removal or completion of construction project. In cases where the planting of replacement trees or ornamental trees is not feasible on property, twenty five (\$25) dollars, to the borough for planting of a replacement tree in a location recommended by the Shade Tree Commission.

22-1.7 Review of Applications.

- a. Application will be reviewed by the Tree Commissioner.
- b. When reviewing applications, the Tree Commissioner will, after inspecting the site, evaluating soil, location, grading, drainage and other conditions on the site and adjacent properties and consulting with such other officials, agencies, committees, boards and commissions as the Officer deems appropriate, determine if the regulated activity proposed is prohibited, permitted or restricted in accordance with this section.
1. Prohibited regulated activities include:
 - (a) Clear cutting areas, outside of the limits of removal which collectively exceed forty (40%) percent of a lot.
 - (b) Removal of any trees.
 - (c) Any action that will substantially increase the potential of erosion.
 - (d) Removal of any vegetation, including trees with a DBH less than 4" on a slope.
 - (d) Any action that will substantially change drainage patterns.
 - (e) Any action inconsistent with other land use approvals or regulations affecting the site.

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(f) Any action that would create a potential hazard to persons or property.

2. Restricted regulated activities include:

(a) All regulated activities, which are neither prohibited nor permitted, are restricted. Applications may propose a combination of prohibited, permitted and restricted activities. In such cases, the Tree Conservation Officer may segregate the activities proposed and take the appropriate action on each type of activity.

(b) Applications for restricted activities shall be referred to the Planning Board for recommendation to the Tree Conservation Officer.

b. The Planning Board shall consider these factors in making a recommendation to the Tree Commissioner concerning a restricted regulated activity:

1. Whether the proposed cutting or removal would impair the growth and redevelopment of the remaining trees on the applicant's property or adjacent property.

2. Whether the proposed cutting or removal would change existing drainage patterns.

3. Whether the proposed removal would allow soil erosion or increase dust.

4. Whether the proposed removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the aspect of the lot as viewed from the adjacent public road.

5. The overall, effect of removal of such tree(s) on the physical and aesthetic value of the property and the neighborhood.

6. Whether proposed changes to the topography of the area where such tree(s) are located will have a land configuration which shall be deemed injurious to the trees or other trees located nearby so as to require welling, construction of an aerification system, or tree removal or replacement.

7. Whether reasonable application of the standards of this section create a substantial hardship for the applicant, prohibiting reasonable use of the property consistent with the Planning and Development Regulations, and whether, therefore, one (1) or more of the standards should be waived.

8. In appropriate circumstances, an applicant may be required to post performance and maintenance guarantees assuring compliance with the provisions of any tree protection permit and this section and assuring provision of replacement plantings damaged or removed contrary to the terms of any tree removal/protection permit or this section.

c. The Tree Commissioner shall give due deference to the recommendations of the Planning Board with regard to an application for a permit to allow a restricted regulated activity. The Officer may only act contrary to, or significantly modify, the recommendations of the Planning Board if the Officer finds that the recommendations are based on incomplete or inaccurate information, are unreasonable or impracticable or would produce results contrary to the intent of this section. The Tree Commissioner shall, provide the Planning Board with a copy of the Commissioner's final action on all permits for a restricted regulated activity.

22-1.8 Protection of Existing Trees.

In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Tree Commissioner, shall be placed around trees that are not to be removed. The protective barrier shall be placed at the dripline of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction material shall be placed within any areas so protected by barriers. Any landscaping activities

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subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

22-1.9 Emergency Action.

In the event of an emergency, any person, otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient or unhealthy conditions resulting from the emergency may, without first applying for and obtaining a permit under this section, take any lawful action which is otherwise a regulated activity. However, such person, or the agent or designee of such person shall apply for a tree removal/protection permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-emergency work including restoration until a permit is obtained.

22-1.10 Violations and Penalties.

- a. Pursuant to *N.J.S.A. 40:49-5*, any person, firm, association or corporation violating any section of this chapter, shall, upon conviction in the municipal court having jurisdiction, be subject to a fine not exceeding two thousand dollars (\$2,000.00) or imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days, or both, or community service and shall replace each tree destroyed or removed in violation of this section with a tree on accordance to a list provided by the Shade Tree Commission. Each tree destroyed or removed in violation of this section shall be considered a separate offense.
- b. Any member of the Shade Tree Commission can file complaints.

Seconded by Mr. Nolan and adopted on the following voice vote:

ROLL CALL:

AYES: Mrs. Burton, Mr. Nolan, Mayor Little
NAYES: Mr. Caizza, Mr. Urbanski
ABSENT: None
ABSTAIN: None

Resolutions:

Mrs. Flannery read the titles of the following Resolutions for approval and announced that copies of the Payment of Bills are available for public inspection at the Borough Clerks Officer:

Mr. Nolan offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
06 /04/08**

CURRENT:		\$	29,947.15
Payroll	(05/30/08)	\$	120,624.83
Manual Checks		\$	102,239.34
Voided Checks		\$	
SEWER ACCOUNT:		\$	16,134.69
Payroll	(05/30/08)	\$	6,002.18
Manual Checks		\$	3,351.68
Voided Checks		\$	-555.00
CAPITAL/GENERAL		\$	3,908.75
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	

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TRUST FUND	\$	20,496.08
Payroll (05/30/08)	\$	4,860.00
Manual Checks	\$.40
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
Voided Checks	\$	
GRANT FUND	\$	698.00
Payroll (05/30/08)	\$	
Manual Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	
Voided Checks	\$	

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

Seconded by Mr. Caizza and approved for payment on the following roll call vote:

ROLL CALL:

AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little
NAYES: None
ABSENT: None
ABSTAIN: None

Mrs. Burton offered the following Resolution and moved its adoption:

Mr. Urbanski questioned if the Council would have a vote on the calming options.

Mrs. Burton explained that the designs would be brought back to the Council table.

Mr. Urbanski stated that he wants to make sure that we get what we want and expressed his concerns about the costs.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-08-112

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
SHORE DRIVE RESURFACING WITH TRAFFIC CALMING
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Shore Drive Resurfacing with traffic calming 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 \$60,000 plus reimbursable expenses per T & M Associates proposal dated April 8, 2008 for Professional

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Engineering Services for the Shore Drive Resurfacing with traffic calming project provided to the Borough of Highlands for the period of one year; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year , and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from Bond Ordinance 08-05 contingent upon expiration of the 20-day estoppels period.

Stephen Pfeffer, 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. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$60,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
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.

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

ROLL CALL:

AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Nolan offered the following Resolution and moved for its adoption:

Mr. Pfeffer explained that Resolution R-08-113 is a transfer that is taking excess funds out of certain accounts and putting them into the two accounts listed on the resolution.

**BOROUGH OF HIGHLANDS
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R-08-113

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that transfers between SFY 2008 Budget Appropriations be made as follows:

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CURRENT FUND	FROM	TO
Police Dispatch:		
Salaries & Wages	\$ 7,000	
Municipal Court:		
Salaries & Wages	\$10,000	
Snow Removal:		
Salaries & Wages	3,500	
Other Expenses	4,500	
Engineering:		
Other Expenses		\$ 20,000
Group Insurance "Out CAPS"		5,000
	\$ 25,000	\$ 25,000

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

ROLL CALL:

AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little
NAYES: None
ABSENT: None
ABSTAIN: None

Committee Reports:

Finance

Mr. Pfeffer stated the following:

1. Revenues are still behind from previous years. He is estimating a deficit of about \$85,000 in miscellaneous revenues. That deficit would be against the budgeted amount of \$594,400 which is about 15%.
2. \$41,456 of State Aide was restored by the State and that amount may change.
3. He prepared a spread sheet of certain 2008 other expense budgets and what 5%, 10% and 15% would represent in terms of reduction to those budgets and included on the sheet was his opinion as to whether those expense budgets could be reduced and if so by how much. Various departments have submitted budget requests and he is reviewing those budgets. We have been notified by our health insurance that our medical insurance and prescription plan will increase by 5% which is below the norm. The borough has also been given an option on dental insurance. We can take a zero increase for next year or take a 2.5% increase with a two year contract that is a decision that the Council will have to make. The Governing Body will need to give him guidance on various budget requests in order for him to proceed on those budgets. He then stated some examples of requested budget increases for different departments and asked the Council to think about these issues and to advise him by the end of the month. He then explained the budget process timeline to the Governing Body.

The Governing Body discussed the budget with Steve Pfeffer.

Mayor Little spoke about her strategies that she has been working through with the CFO with regard to the budget.

Public Safety

Chief J. Blewett stated the following:

1. He spoke about a recent trip to the Eastern State Penitentiary for the Explorers and they are working on an open house for eighth graders for the Explorer Program.

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2. The Neighborhood Watch is working on a policy for citizen patrol and on June 11th a training session is scheduled.
3. As a result of the bridge construction the state has agreed to pay for officers for detail for Highway 36 and Miller Street on the weekend from Memorial Day through Labor Day which he further explained.
4. We asked for “No Outlet” Signs at Miller and Hwy 36 and the State is placing them.
5. Shore Drive – we looked into the speed calming devices for Shore Drive he now believes that this is a good solution for our problem after visiting other towns which he further explained.
6. Considering making Valley Avenue a one-way out toward the highway was suggested at a previous meeting and he agrees and he will be requesting this to the Council and the State. The Borough Engineer is going to complete a engineers report on this and then we will take it from there.
7. He then gave the number of calls for service for last month and the number of arrests and motor vehicle summonses and drug arrests.

Mr. Nolan then commented on the number of drug arrests made here in Highlands.

Pizza Plus Mercantile License Review for 300 Bay Avenue

Mrs. Flannery asked Chief Blewett if he was ready to speak about this pending mercantile license but Mr. Blewett was not ready.

Mayor Little requested that this matter be carried to the June 16th Meeting.

Department of Public Works

Mr. Urbanski stated that he did not have a report at this time.

Building & Housing

Mr. Caizza stated that he did not have a report at this time.

Parks & Recreation

Mrs. Burton stated the following:

1. There has been a lot of cooperation from the DPW in getting the parks and beaches ready.
2. Senior Solute to the 6th Grade Class in Highlands is on Friday, June 6th at 11:30 a.m.
3. Henry Hudson Band Concert will be held on Monday at 7:00 p.m. at Veterans Park.
4. Summer Kid Fest Sign Up is taking place now at the Community Center.
5. A few Senior Events, a Birthday Party will take place on June 26th, Summer Picnic on June 27th.
6. Magic Show will take place on Friday, June 27th at 7:00 p.m. at the Community Center.
7. Other information is available at the Community Center for our Soccer Program, upcoming Pony Program, boat building workshop, art program and multiple sports camps.
8. She then told everyone to enjoy the beaches.

Highlands Business Partnership

Carla Cefalo-Braswell of the Highlands Business Partnership stated the following:

1. Visual Improvement Committee – spoke about the new sign being installed is two weeks behind.
2. Water Taxi – is in operation and we have landing rights at Sandy Hook now. She then spoke about the water taxi and the landing.
3. The HBP received a call from NASA about a 50 by 100 foot traveling exhibit that they are going to bring to the Fest.

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Workshop Meeting:

Fee Schedule

Mrs. Flannery stated that she prepared a memo of some of the Clerks fees that are charged and how they have not been increased in a very long time which she further explained.

Mr. Nolan offered a motion to have an ordinance prepared for introduction at the next meeting, seconded by Mrs. Burton and all were in favor.

Valley Ave – Geo Technical

Mr. Urbanski stated that he and Mr. Caizza are working with the Borough Administrator on getting the sink hole and drainage fixed.

Mrs. Flannery stated that the bids for the Geo Technical were picked up and one was returned that was \$57, 000 to \$60,000, it was much more than the anticipated cost and two others were not returned, so we only have one bid. We may have to go out for rebid.

Mr. Urbanski – stated that he and Mr. Caizza may have solutions and wants the Council to hold off.

Mr. Hilling – I would like to put a resolution for the next meeting rejecting the bid for the Firehouse apron.

Public Portion:

Jim Parla of 16 Portland Road questioned the liquor license fee increases that were discussed and he supports a fee increase.

Donna O’Callaghan of 29 South Bay Avenue questioned vehicle expenses for the budget.

Mr. Pfeffer stated that the Fire Department is budgeting to lease a new Fire Chiefs Car and they represented an amount for the budget request is for \$3,700.

Rebecca Kane of the Highlands Fire Department explained that the proposed budgeted vehicle for the Fire Chief is like a command center for the Chief and serves as a command post which she further explained. They are looking to replace a vehicle.

Carla Cefalo-Braswell of 62 Gravelly Point Road stated that the HBP received several calls about the sidewalk being closed on the bridge. She wanted to know if it would be opened up shortly.

Mayor Little – she will have more information on this at the DOT Contractors Meeting that is scheduled for tomorrow morning at 10:00 a.m. and she will report on this on Friday morning.

Mr. Hilling stated that he will forward the Mayors update to the Highlands Business Partnership.

Martin Kiely commented on the bridge sidewalk being a permanent closing based on the Chief’s Meeting last Wednesday.

Chief Blewett explained that they are going to shorten the lane 18 inches.

Mayor Little – there was no Wednesday meeting. She was at Thursday’s bridge meeting and it was not send to be permanent but there will be changes which she further explained.

Chief Blewett stated that he understands it to be temporary.

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Mayor Little – we have two meetings a week on the bridge project which she explained and she will get this addressed and have something posted on the website under the Bridge update button.

Donna O’Callaghan of 29 S. Bay Avenue – spoke about the movement of bridge equipment at 3:00 in the morning and hoped that it wouldn’t happen again because the noise and lighting was a nuisance.

Mayor Little explained that the changes are made via email and getting that information out is not easy.

Mr. Hilling – we will verify the work.

Maureen Kraemer of 200 Portland Road A-14 thanked Chief Blewett for resolving an issue.

Victoria Granite of 306 Navesink Avenue, B-4 spoke about the Jenny Parker Manor trash pickup and requested that the town pick it up two times a week.

Mr. Urbanski – everyone gets a pick up twice a week.

Mr. Hilling – he will look into this.

Jackie White of 60 Fourth Street spoke about wanting to start a Soup Kitchen in Highlands and asked for help.

Mayor Little – it’s certainly something we should look into and we should stay in communication together between now and the next meeting.

Michelle Pezzullo of 115 Highland Avenue asked what happened to all of the trees in the lot next to Kavookjian Field?

Mayor Little – that is Middletown.

Mrs. Burton spoke about a letter to Middletown about this.

Michelle Pezzullo – do we have adequate Police force to handle everything that needs to be done in Highlands as well as the surplus of the summer traffic because we heard that you want to hire a new officer?

Chief Blewett stated that he has brought hiring a new officer for the past four years and it’s still being discussed. He stated that the Police Department does get busier during the summer months but the State is paying for the Police Officer up on the Highway. The Police Officers are going to work a lot.

Mrs. Burton explained that a Police Officer can only work a maximum number of hours per day.

Don Manrodt of 268 Bayside Drive stated that around the Dough Boy statute the VFW would rather have the State pay for flowers to put around it.

Mr. Nolan requested that the VFW give him a written cost estimate.

Don Manrodt spoke about the article in the newspaper and how it disgraces the Borough of Highlands and the Officials and how it makes us look like criminals and he suggest that the Borough take some legal action and find out what’s going on. He feels that the Borough should file suit against the people who filed the suit to recover some borough money.

Laurel McSherry – withdraws her opportunity to speak.

Connor Jennings of 27 Ralph Street deferred his comments to the next meeting.

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Richard O'Neil of 224 Navesink Avenue spoke against making Valley Avenue a one-way to the Highway.

The Governing Body discussed this issue with Mr. O'Neil and Chief Blewett.

Chris Francy of 36 Fifth Street was not present for his opportunity to speak.

Martin Kiely commented on the Valley Avenue proposed one-way and asked the Council to reconsider making Valley Avenue a one-way toward the Highway. He then stated that the parking lot at the end of Shore Drive was used for the cutting of a vehicle and training for the Highlands Fire Department and asked if the Borough could find another location for this exercise. He stated that there are two mounds of he doesn't know what and stated that it's a parking lot not a dumping zone.

Mr. Hilling stated that he would look into this.

Mrs. Burton explained that we received free mulch this year and it was being stored at Kavookjian Field and was recently the excess was moved and is free.

Martin Kiely – when the houses in Highlands were shaking by the actions of the DOT when they found a substrata roadway. What does a citizen have to do if there is an issue concerning public safety? He stated that the Police refused to service him last week with his concerns and he wants a solution for this situation which he further spoke about.

Mayor Little stated that if it were something of a urgent matter the Borough Administrator needs to be contacted immediately and DOT will be contacted immediately.

Martin Kiely – what about after office hours.

Mayor Little – there is a bridge update button on our website. She then stated that she will get to the bottom of what happened last week with Mr. Keily.

Martin Kiely – can the DOT Representative on site wear his safety vest that identifies him as a member of the DOT?

Mr. Hilling – he does where a safety vest.

Mayor Little – we are going to make sure that Mr. Kiely knows what to do the next time that this occurs. Mr. Hilling, Borough Administrator will work with the Chief of Police and speak with the DOT if necessary and Mr. Kiely will know exactly what to do the next time.

Mr. Hilling then stated that he would give Mr. Kiely his direct phone number.

Chief Blewett – for the record, I did answer Mr. Kiely's last Friday and he did give an answer.

There were no further questions or comments from the public.

Mr. Urbanski offered a motion to adjourn the meeting, seconded by Mr. Nolan and all were in favor.

The Meeting adjourned at 10:08 p.m.

CAROLYN CUMMINS, DEPUTY CLERK