

**Borough of Highlands
Mayor & Council
Combined Meeting
January 6, 2010**

Mayor Little called the meeting to order at 7:33 p.m.

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

ROLL CALL:

Present: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

Absent: Ms. Kane

Also Present: Carolyn Cummins, Borough Clerk
Debbie Dailey, Deputy Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Scott Arnette, Esq., Borough Attorney

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

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

**EXECUTIVE SESSION
RESOLUTION**

BE IT 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 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:

9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Combined meeting back to order at 8:21 p.m.

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

ROLL CALL:

Present: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

Absent: Ms. Kane

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Also Present: Carolyn Cummins, Borough Clerk
Debbie Dailey, Deputy Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Scott Arnette, Esq., Borough Attorney

Public Portion on Agenda Items:

Art Gallagher of 158 Linden Avenue passed on speaking.

Resolutions:

Payment of Bills & Supplemental Payment of Bills

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

RECAP OF PAYMENT OF BILLS		
01/06/10		
CURRENT:		\$ 9,187.71
Payroll	(12/30/09)	\$ 133,664.72
Manual Checks		\$ 99,817.06
Voided Checks		\$
SEWER ACCOUNT:		\$ 1,677.80
Payroll	(12/30/09)	\$ 6,802.53
Manual Checks		\$ 3,693.00
Voided Checks		\$
CAPITAL/GENERAL		\$ 1,252.00
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$
Payroll	(12/30/09)	\$ 1,200.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$ 18.00
GRANT FUND		\$
Payroll	(12/30/09)	\$ 521.00
Manual Checks		\$
Voided Checks		\$
DEVELOPER'S TRUST		\$
Manual Checks		\$
Voided Checks		\$

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

BOROUGH OF HIGHLANDS

Supplemental Bill List for January 6, 2010

Eastpointe Condo Association	Snow Removal Reimbursement	\$ 520.00
Swanton Fuel	Unleaded 12/29/09	1,326.22
American Pipe Cleaning	Sewer Emergency – Valley Ave.	4,356.25

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Nextel	Cell Phones – Emergency Mgmt.	425.84
AHHRSA	Sewer Fees – January 2010	92,172.35
Robert Squillare	Leaf Disposal	232.50
Horizon Blue Cross	Dental Insurance	436.43
Fallon & Larsen	Partial Payment – SFY 2009 Audit	25,000.00

Total Supplemental Bill List \$124,469.59

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: Mr. O’Neil

Resolution R-10-13 Borough Engineer

Mayor Little offered the following Resolution and moved its adoption:

R-10-13

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES AND APPOINTING
BOROUGH ENGINEER**

WHEREAS, the Borough of Highlands has a need for professional engineering services 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 Robert Keady, P.E. of the firm T & M Associates, 11 Tindall Road, Middletown, N.J. 07748 is so recognized; and

WHEREAS, the Municipal Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; 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, Inc. 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, 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. of T & M Associates is hereby retained to provide professional engineering services as described above for a three year term to expire on 12/31/12.

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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. Francy and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Resolution R-13A

Mayor Little offered the following Resolution and moved on its appointment

**R-10-13A
RESOLUTION APPOINTING
FINANCE COMMITTEE MEMBER**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that Chris Francy be and is appointed Finance Committee Chairman for a one year term to expire on December 31, 2010.

Seconded by Mr. Nolan and adopted on the following Roll Call Vote:

ROLL CALL VOTE:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Resolution R-10-15 Removed

Resolution R-10--17

Mayor Little offered the following resolution and moved its adoption:

**R-10-17
APPOINTING ENVIRONMENTAL COMMISSION**

BE IT RESOLVED that the following listed persons be appointed to the Highlands Environmental Commission:

Stephen Szulecki - Regular Member 3 years to expire 12/31/2012

Rosemary Ryan - Regular Member 3 years to expire 12/31/2012

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

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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Resolution R-10-18 Shade Tree

Mayor Little offered the following resolution and moved its adoption:

**R-10-18
RESOLUTION APPOINTING MEMBERS
OF THE SHADE TREE COMMISSION**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Shade Tree Commission:

Chris Francy, Commission	Member
Anthony Sloan	Member
Arnie Fuog	Member
Suzanne Eckhardt	Member
_____	Member

BE IT FURTHER RESOLVED that all appointments shall be for the term of 1 year with an expiration date of December 31, 2010.

BE IT FURTHER RESOLVED that Councilperson Chris Francy be appointed Council Liaison to the Shade Tree Commission for the term to expire December 31, 2010.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinances: Introduction & Setting of a P.H. Date

Ordinance O-10-3

Mrs. Cummins read the title of Ordinance O-10-3 for introduction and setting of a public hearing date.

Mr. Nolan offered the following Ordinance for introduction and setting of a public hearing on February 3, 2010 at 8:00 p.m.

**O-10-3
ORDINANCE AMENDING CHAPTER IV OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS
AND MORE PARTICULARLY CHAPTER VI ALCOHOL BEVERAGE CONTROL**

WHEREAS, the Borough of Highlands has established in Chapter 6 of the Code of the Borough of Highlands certain requirements for employees serving alcoholic beverages; and

WHEREAS, the Borough of Highlands has required identification cards, fingerprinting, and photographing of all employees and persons connected with a licensee of the Borough; and

WHEREAS, the Governing Body of the Borough of Highlands recognizes that frequent employee turnover, delays in administrative processing, the economic downturn within the Borough of Highlands associated with Route 36 Bridge Construction, and the general nationwide economic downturn, have created difficulty for licensees to comply with present requirements of Chapter 6 of the Code of the Borough of Highlands pertaining specifically to required

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identification cards, fingerprinting, and photographing of employees and persons connected with a licensee of the Borough; and

WHEREAS, reducing the requirements of Chapter 6 of the Code of the Borough of Highlands specifically pertaining to identification cards, fingerprinting, and photographing of employees and persons connected with a licensee of the Borough will improve the ability of licensees to comply with Chapter 6 of the Code of the Borough of Highlands, and will not negatively affect the maintaining of public safety within the Borough; and

WHEREAS, such stringent local requirements do not exist in other municipalities where public safety is appropriately maintained;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Highlands that:

- 1 Chapter 6 sections 6-6.1, 6-6.2, 6-6.3, and 6-6.8 shall be amended as follows:
 - 2
 - 3 After the words “bartender, waiter, waitress or other employee or person connected with, or employed by or who, during the period of licensing shall be connected with, or employed by the said licensee” shall be inserted the additional words “and who will handle alcohol directly during the course of discharging duties required by the licensee.”
 - 4
- 5 Chapter 6 shall otherwise remain in effect as written.

Seconded by Mr. Francy and approved by the following roll call vote.

ROLL CALL:

AYES: Mr. Nolan, Mr. O’Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Set Public Meeting Date for Flood Control Program Update

Mr. Francy explained that T & M Associates is working along on preparations on a joint committee meeting with the Army Corp and the NJDEP and other people that would be required to be part of the permitting process for whatever we are trying to get done. They doing surveys and elevations around town to create a base line grading map for the town. We are going to take the opportunity on Saturday, January 23rd at 9:00 am here at Borough Hall. The last meeting was not well attended so he would like more advertisement of this meeting to get more public attendance.

Tara Ryan of Ocean Street stated that many people are busy on Saturday mornings so she suggested that the meeting be at 11am.

Kim Skorka of 315 Shore Drive suggested that the meeting be held at 10am.

Rachel Stockton of 31 Grand Tour questioned the purpose of this meeting.

Mr. Francy explained the purpose of the meeting.

The Council set a public meeting date for Saturday, January 23, 2010 at 10:00 am to be held here at Borough Hall. This will be an informal meeting so the Mayor stated that Borough Clerk and Borough Attorney will not need to be present.

Mr. Arnette stated the Clerk will advertise the meeting as an informal meeting and that no formal action will be taken.

Mr. Hilling stated that he will post a notice on the website and the electronic board.

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Mayor Appointments to be Made Part of the Record

Mayor Little stated that her appointments will be made part of the record as follows:

Mayor Little's Department Chairmen Appointments:

Public Safety -	Frank Nolan
Department of Public Works –	Richard W. O'Neil
Parks and Recreation –	Rebecca Kane
Building and Housing –	Richard O'Neil
Budget -	Chris Francy
Public Relations -	Anna C. Little
Environmental/Shade Tree Commission Liaison	Chris Francy

Mayor Little's Appointment

APPOINTMENT OF OFFICE OF EMERGENCY MANAGEMENT COORDINATOR

David Parker Three Year Term Expiring 12/31/12

Mayor Little's appointments to the Planning Board:

These appointments require no resolution:

John Bentham	Borough Official Representative 1 Year Term to Expire on 12/31/10
George Roberts	Regular Member 4 year term expiring 12/31/13
Andrew Stockton	Regular Member 4 year term expiring 12/31/13
Sherry Ruby	Alt. #2 Member of Planning Board 2 year term expiring 12/31/11

Public Portion:

Roberta McEntee of Fifth Street congratulated Councilman O'Neil and Nolan for being elected. Her main project is going to be having the schools merged and having the Borough move into the Elementary School Building. She would like the Elementary School to move up to the High School. She then spoke about the high cost per child for education in this school. She stated that she will volunteer to work on this issue.

Tara Ryan of Ocean Street passed.

Art Gallagher of 158 Linden Avenue passed.

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There were no further questions or comments from the public.

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

The Meeting adjourned at 8:38 p.m.

CAROLYN CUMMINS, BOROUGH CLERK

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