

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
January 20, 2010**

Mayor Little called the meeting to order at 7:15 p.m.

Mrs. Cummins made the following statements: As per requirement of P.L. 1975, Chapter 231. Notice is hereby made that this is a Regular 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, Ms. Kane, Mayor Little**

**Absent: None**

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

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**Executive Session Resolution:**

Mrs. Cummins read the following Resolution for approval:

Ms. Kane offered the following Resolution and moved its adoption:

**RESOLUTION  
EXECUTIVE SESSION**

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

- 1.Litigation: AHHRSA**
- 2.Contract: Highlands Business Partnership**
- 3.Real Estate: 2 Private Road, Water Witch & Bay Ave Property**
- 4. Personnel Matters: Reg Robertson, K. Karaman, C. Vargas,  
V. Chaparro, A. Campbell**
- 5.**

**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. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

The Governing Body then entered into Executive Session.

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Mayor Little called the Regular Meeting to order at 8:31 p.m.

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

**ROLL CALL:**

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

**Absent:** None

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

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**Public Portion of Agenda Items:**

Donald Manrodt of 268 Bayside Drive questioned Resolution R-10-26 and asked about possible funding for Bayside Drive. He urged the Council to take action with the DEP about Bayside Drive.

Mr. Hilling stated that he will follow up with the DEP tomorrow about Bayside Drive.

Mr. Francy – the Environmental Commission is also dealing with this issue and will be making recommendations to the Council.

Mr. Hilling will call Mr. Manrodt by the end of the week.

Tara Ryan of 17 Ocean Street stated that she supports Resolution R-10-25.

Kate Kibler also spoke in favor of Resolution R-10-25 which opposes the bridge signs. She then showed some samples of simple beach based signs that should be used.

James Kibler also supports Resolution R-10-25.

Donna O'Callaghan of S. Bay also spoke against the bridge signs.

Michelle Pezzullo of Highland Avenue spoke in favor of Resolution R-10-25. She also spoke about the blocking the view of Twin Lights.

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Robin Schaffer of 2 Private Road questioned Resolution R-10-26 regarding DEP funds for 2 Private Road. She then asked if she could obtain a copy of the Preliminary Assessment Report for 2 Private Road.

Mr. Arnette and Mr. Pfeffer both stated that yes, it's available and that a request for a copy can be made at the Borough Clerks officer.

Shirley Oman of 30 Private Road spoke about the bridge signs and stated that if Sandy Hook is closed the traffic should be diverted.

Mr. O'Neil explained that the Police need to clear the intersections.

Mr. Francy stated that they plan to have a turnaround before the toll booths in the Sandy Hook Park.

Mayor Little stated that we should continue this discussion at a bridge meeting. She also stated that she would like to see Resolution R-10-25 to the NJDOT and Sea Bright and the Borough of Atlantic Highlands.

Mr. Francy supported the forwarding of Resolution R-10-25 to other agencies.

Ron Dowling of 68 Fifth Street suggested that we question the State as to why they would want to obscure view with signs.

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**Consent Agenda:**

Mayor Little stated that Resolution R-10-26 – Resolution Supporting Application for Funding from NJDEP for 2 Private Road.

Council agreed that Resolution R-10-25 should be forwarded on to legislatures.

Ms. Kane offered the following Resolution and moved on its adoption:

**Borough of Highlands  
County of Monmouth**

**R-10-24**

**Resolution modifying the appointment date of the Temporary Part-time Recycling Yard Attendant**

**Whereas**, the Mayor and Borough Council of the Borough of Highlands passed a Resolution on October 22, 2009 appointing Edward O'Neill as a part-time Recycling Yard Attendant; and

**Whereas**, the effective date of said appointment was listed as October 26, 2009; and

**Whereas**, it was the intention of both parties to have the start date of Mr. O'Neill's part-time position comply with the thirty day break in service required for a public pension;

**Now, therefore Be It Resolved** that the Highlands Borough Council approves the Modification of R-09-196 to reflect the effective date for the appointment of Edward O'Neill to the part-time position of Recycling Yard Attendant as November 2, 2009; and

**Be it further Resolved**, that the payroll, payroll records, personnel records and other related documents be amended to reflect the appropriate start date.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little  
**NAYES:** None

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**ABSENT: None**  
**ABSTAIN: None**

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-25  
RESOLUTION OPPOSING THE  
INSTALLATION OF CANTILEVER  
ROAD SIGNS ON THE NEW ROUTE 36 BRIDGE**

**WHEREAS**, the Governing Body of the Borough of Highlands has consistently supported, protected and preserved the historic sites and environmental distinctiveness of the Borough's bayside community and high lands; and

**WHEREAS**, the New Jersey Department of Transportation has established plans that call for the installation of six large green overhead cantilever signs at three separate locations of new Route 36 Highlands Bridge scheduled for completion in May 2011.

**WHEREAS**, it is the opinion of the Governing Body of the Borough of Highlands that such signs are unnecessary and would hinder view sheds causing permanent harm to the preservation of Highlands as a historical oceanfront town with strong environmental distinctiveness and setting.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Highlands hereby petitions the New Jersey State DOT to stop all construction work relating to the installation of such signs on the new bridge until a viable alternative is presented and agreed upon by the Borough.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-27  
RESOLUTION AUTHORIZING  
REFUND OF FLOOD REVIEW ESCROW FUNDS**

**WHEREAS**, the Building Department Secretary has been notified that the applicant has decided to withdraw from his project: and

**WHEREAS**, no further review is needed for this and the applicant has requested that his remaining funds be refunded to him; and

**WHEREAS**, there are no outstanding fees due to engineer for this application.

**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,

9700-8-07-47 Robert Messick 57.75  
7 Marine Place Block 78 Lot 7

Seconded by Mr. O'Neil and adopted on the following roll call vote:

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**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**RESOLUTION**

**R-10-28**

**RESOLUTION APPROVING AN ESTIMATED FISCAL YEAR MUNICIPAL TAX LEVY FOR  
FISCAL YEAR 2010 FOR THE PURPOSES OF ISSUING ESTIMATED 1<sup>ST</sup> QUARTER TAX  
BILLS**

**WHEREAS**, N.J.S.A. 54:4-66 through 66.4 allows a municipal governing body to authorize an issuance of estimated 1<sup>st</sup> quarter property tax bills when the passing of a municipal budget is delayed; and

**WHEREAS**, Chapter 72, Public Laws of 1994 established this procedure providing for the use of an Estimated Municipal Tax Levy in the calculation of estimated First Half Levy and Billing Percent on the form attached hereto.

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

1. That the attached Certification of State Fiscal Year Billing Levies, Estimated 1<sup>st</sup> installment 2010 is hereby approved reflecting an estimated Municipal Tax Levy of \$5,671,047.66 for the fiscal year 2010.
2. That Estimated 1<sup>st</sup> quarter 2010 tax bills are to be issued based upon the Estimated Municipal Tax Levy as set forth above, with a reconciled 2<sup>nd</sup> quarter tax bill to be issued after the passage of the Municipal budget.
3. That certified copies of this Resolution together with the attached certification form be filed with the New Jersey Division of Local Government Services and the Monmouth County Board of Taxation.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved its adoption:

**R-10-29**

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME  
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT  
INTEREST TO MARCH 5, 2010**

**WHEREAS**, the Borough of Highlands will be mailing Municipal tax bills in February 2009 to all property owners; and

**WHEREAS**, the delay of the mailing of the Municipal tax bills will result in the imposition of interest payments if a further extension of time for the payment of the bills is not granted to the residents of the Borough of Highlands.

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

1. That the Mayor and Council hereby authorize the extension of time for payment of the Municipal tax bills to March 5, 2010.
2. In the event that the tax bills are not paid by a resident on March 5, 2010 interest shall be retroactive to the February 1, 2010 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
  - A. Director, Division of Local Government Services  
Department of Community Affairs
  - B. Tax Collector

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-30  
RESOLUTION APPOINTING FIRE POLICE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following person be and hereby is appointed Fire Police for the year 2010:

Ozzie Sickles - Fire Police for the Calendar Year 2010

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-31  
RESOLUTION EXTENDING CONTRACT AGREEMENT WITH CONNOR STRONG FOR  
RANDOM DRUG AND ALCOHOL TESTING SERVICES**

**WHEREAS**, the Borough of Highlands adopted Resolution R-09-29 on January 21, 2009 authorizing a contract for random drug and alcohol testing for employees that carry a CDL drivers license for the period of January 1, 2009 through December 31, 2009; and

**WHEREAS**, the Borough of Highlands is in need of continuing to have testing services provided to the Borough.

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Borough Clerk be and is hereby authorized to execute contract agreement extending the contract for the period of January 1, 2010 through March 31, 2010.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Franczy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-32  
RESOLUTION  
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR NEW JERSEY AMERICAN WATER CO., INC. FOR  
THE RECONSTRUCTION OF HILLSIDE AVENUE IN THE BOROUGH OF HIGHLANDS**

**WHEREAS**, New Jersey American Water Company posted performance guarantees in the form of a Performance Bond No. 105038891 in the amount of \$345,000 for the reconstruction of Hillside Avenue in the Borough of Highlands; and

**WHEREAS**, the Borough Engineers office inspected the project; and

**WHEREAS**, New Jersey American Water Company then posted a Maintenance Bond for this project which is in effect for a two year period expiring on September 24, 2010.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Borough Clerk is hereby directed to release and the Performance Guarantee Bond No. 105038891 for New Jersey American Water Company.

**BE IT FURTHER RESOLVED** that the Maintenance Bond is to remain in effect.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Franczy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-33  
RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE LETTER  
OF CREDIT FOR SCATURRO & ACCEPTING A REPLACEMENT LETTER OF CREDIT  
FOR**

**WHEREAS**, Rosario Scaturro Irrevocable Trust posted Performance Guarantees in the form of a Letter of Credit No. 80 from Two Rivers Community Bank in the amount of \$112,446.00 for the minor subdivision of block 1 lot 2 and block 3 lots 6 & 7 located on Portland Road; and

**WHEREAS**, the applicant has requested that the Borough release the letter of credit from Two River Community Bank known as Letter of Credit No. 80 in the amount of \$112,446.00 and to accept a replacement Performance Guarantee for this project from Bank of America known as Letter of Credit 68047152 in the amount of \$112,446.00; and

**WHEREAS**, the Borough Attorney has reviewed the proposed replacement letter of credit from Bank of America known as No. 68047152 and finds it to be acceptable.

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**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Borough Clerk is hereby authorized to release the Two River Community Bank Letter of Credit No. 080 in the amount of \$112,446.000.

**BE IT FURTHER RESOLVED** that the Borough of Highland accepts the replacement Performance Guarantee in the form of the Bank of America Letter of Credit NO. 68047152 in the amount of \$112,446.00 for the minor subdivision of Block 1 Lot 2 and Block 3 Lots 6 & 7.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-34  
RESOLUTION AUTHORIZING AWARD OF CONTRACT  
TO VENDOR(S) WITH STATE CONTRACT  
FOR RECORDING EQUIPMENT**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved.

ITEM # 1

VENDOR

**Microstrategies Inc.  
104 Broadway  
Denville, NJ 07834**

STATE CONTRACT # A609832

AMOUNT \$ 14,639.00

DESCRIPTION

Mirra IV 16-Channel Digital Voice Recording System  
FOR THE POLICE DEPARTMENT

**WHEREAS**, the Chief Financial Officer of the Borough of Highlands hereby certifies that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. MCIA Lease Agreement.

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Stephen Pfeffer, CFO



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A copy of this resolution shall be certified by the Borough Clerk.

2. The Borough Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A. Purchasing Agent
- B. Chief Blewett, Police Department
- C. Bruce Hilling, Administrator
- D. Microstrategies, Inc.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL**

AYES: Mr. Nolan, Mr. O'Neil, Ms. Kane, Mr. Francy, Mayor Little  
 NAYES: None  
 ABSENT: None  
 ABSTAIN: None

Ms. Kane offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS  
01/22/10**

<b>CURRENT:</b>		\$ 129,997.00
	<b>Manual Checks</b>	<b>\$ 146,098.26</b>
	<b>Voided Checks</b>	<b>\$</b>
<b>SEWER ACCOUNT:</b>		\$ 97,313.84
	Payroll (01/15/10)	\$ 6,705.35
	Manual Checks	\$ 24,698.49
	Voided Checks	\$
<b>CAPITAL/GENERAL</b>		\$
<b>CAPITAL-MANUAL CHECKS</b>		\$
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 22,775.37
	Payroll (01/15/10)	\$ 1,875.00
	Manual Checks	\$
	Voided Checks	\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$
<b>GRANT FUND</b>		\$ 1,050.00
	Payroll (01/15/10)	\$ 15.68
	Manual Checks	\$
	Voided Checks	\$

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<b>DEVELOPER'S TRUST</b>	\$
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 20, 2010

T & M Associates:	
Drainage Improvements Design	\$ 21,257.25
General Engineering	3,202.86
Monmouth Hills/RT. 36 Stormwater Runoff	1,501.00
2009 Ordinance Revisions	2,461.47
2010 NJEIT Planning Doc Prep	1,004.19
Valley Ave Drainage	2,139.54
Shore Ave Resurfacing & 2008 Road Program	2,396.50
RT 36 Bridge Project	244.00

Total Supplemental Bill List	<u>\$ 34,206.81</u>
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Seconded by Mr. O'Neil and approved for payment on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**OTHER RESOLUTIONS:**

**Resolution R-10-26 Resolution in Support of Borough of Highlands Application for Funding Under NJDEP Hazardous Discharge Site Funds (HDSF)**

Mr. Francy – from the wording in this Resolution it's not clear what we are supporting. It's an application for funding but what is the cost for the application.

Mr. Pfeffer explained that we gave them a contract for \$2,000 for the application of the grant. The estimated cost of recouping is about \$24,000. So we did a contract for \$2,000 to do the application for the grant and we were hoping to recoup somewhere in the neighborhood of \$24,000. The cost of the work is \$20,400 so we are looking to get back somewhere around \$24,000. This Resolution is in support of the application. It's a grant that pays for the expenses that are incurred to do an extended environmental assessment of 2 Private Road. He then gave some background of the adoption of the Bond ordinance of \$800,000 for the purchase of 2 Private Road, along the way we have received two grants. One from the Monmouth County Open Space Fund for \$220,000 and one from Green Acres for \$378, 267. On top of that by Referendum an Open Space Tax was established which generates about \$27,000 a year.

Mayor Little - one of the uses would be to add to what we have at Miller Beach.

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Mr. Nolan asked if we could discuss this in Executive Session at the February Meeting so that Mr. O'Neil and I can be brought up to speed.

Mr. Nolan offered a motion to table Resolution, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Resolution R-10-35**

Mrs. Cummins read the following Resolution for approval:

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

**R-10-35  
RESOLUTION AUTHORIZING  
PAYMENT TO THE  
ATLANTIC HIGHLANDS/HIGHLANDS REGIONAL SEWERAGE AUTHORITY**

**WHEREAS**, the Borough has received a bill for the relocation of electrical services from the Atlantic Highlands/Highlands Regional Sewerage Authority for the relocation of electrical service away from the Borough property on which the Borough Fire Department Building was to be built; and

**WHEREAS**, the Borough is desirous of reimbursing the AHHRSA for reasonable and customary expenses associated with the relocation of the electric service that has already been completed; and

**WHEREAS**, the Borough will also reimbursement a portion of the engineering expenses associated with the relocation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Attorney and Chief Financial Officer are hereby directed to proffer payment to the AHHRSA to resolve this claim consistent with the direction that has been discussed and accepted by the Mayor and Council.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Francy, Ms. Kane, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** Mr. O'Neil

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**OTHER BUSINESS:**

**Bond Anticipation Notes Issued**

Mr. Pfeffer described the Bond Anticipation Note Sale.

1/14/10

RE: Report on Issuance of Bond Anticipation Notes \$1,823,950

He stated that there were five bidders and the contract was awarded to Two River Bank: at an interest rate of 0.8500% , Gross Proceeds at\$15,460.51, Net Interest 15,460.51 Net Interest Rate 0.8500%.

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**Engineers Report**

Robert Keady, P.E. of T & M Associates discussed the following report:

**HGHL-G0901**

**January 16, 2009**

*Via Facsimile (732) 872-0670 and First Class Mail*

Mr. Bruce Hilling  
Borough Administrator  
Borough of Highlands  
171 Bay Avenue  
Highlands, New Jersey 07732-1405

**Re: Engineer's Status Report**

Dear Mr. Hilling:

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

**General**

1. **Community Center Playground/Sports Courts Improvements:** The contractor has indicated they have completed the repairs to the court areas. We have reviewed the repairs with the Borough Recreation Director, Tim Hill. The repairs have been found to be satisfactory and we are awaiting the maintenance bond from the Contractor so that we may finalize project close-out documentation.
2. **Valley Avenue Drainage Repairs:** As requested by the Mayor, we have submitted a Discretionary Aid application to the NJDOT for the cost of the repairs.
3. **Master Plan:** T&M Associates has met with the Planning Board to discuss Master Plan changes as recommended by members of Council. As authorized by Mayor and Council, T&M Associates has started preparing a Master Plan Reexamination Report. T&M Associates discussed the recommendations with the Planning Board on November 13, 2008 and provided copies of the draft report to the Board members. The Planning Board provided comments at the January 8, 2009 Board meeting. Additionally, they have formed a sub-committee for this issue and will be setting up a meeting to further discuss in the near future.

**Capital Improvement Projects**

1. **Basin Eight Sanitary Sewer Rehabilitation Project:** The contract portions of the project for all three proposals have been completed. Proposals "B" and "C" have been closed out and T&M Associates is in the process of closing out Proposal "A". As a requirement of the AHHRSA grant for this project, T&M Associates has been authorized by the Governing Body to provide metering services within the project area in an effort to identify the overall reduction of I/I. The meter was installed December 9, 2008 and recently removed. All data is being compiled and reviewed. We expect a report to be submitted for our review the week of January 19, 2008.
2. **Basin Two Sanitary Sewer Rehabilitation Project:** T&M Associates has prepared a design to implement the recommended improvements outlined in the initial investigation report. The design of this project is complete and has been sent to the Borough for signature and authorization to bid. This project is on hold due to funding.
3. **Emergency Generators Project:** As authorized, we are currently under design of the three emergency generators partially funded by CDBG. The three locations are the South Bay Avenue and Waterwitch Avenue pumpstations, as well as the Community Center. It is our understanding that the Borough is

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updating the Bond Ordinance already in place for this project to include an additional generator at Borough Hall. Once authorized to proceed, we will design this portion of the work and bid it as an add-alternate with the base contract. We are requesting to meet with Borough Officials the week of January 19, 2009 to review the size and location of the proposed generators at each of the three locations.

4. **Roadway Improvement Program (South Linden Avenue area):** As authorized, we are currently under design of the improvements of the roadways within this project. They include Waddell Street, Rodgers Street and South Linden Avenue. The sanitary sewer mains within the project area have recently been televised. We are currently reviewing the tapes/reports and will include the appropriate repairs of the mains in this project. Once designed, these roadways will be combined with the Shore Drive Improvements project and will be bid as one project. We will review the project with the Borough and anticipate requesting authorization to advertise this project at the February 4, 2009 Council Meeting. We are anticipating a spring construction for this project.

**Grants and Loans**

1. **FY2008 NJDOT Municipal Aid – Shore Drive & South Linden Avenue Area:** The Borough has received funding in the amount of \$210,000.00 for the rehabilitation of Shore Drive between Miller Street and Waterwitch Avenue. The design for Shore Drive is substantially complete. As discussed, T&M Associates will be including four additional road rehabilitations as a part of this project. These roads include: South Linden Avenue from Waterwitch Avenue to Route 36, Rogers Street, Waddell Street.
2. **FY 2009 NJDOT Municipal Aid – Waterwitch Avenue:** The Borough was recently notified that they received funding for this project in the amount of \$192,000.00.
3. **NJDOT Discretionary Aid - Highland Avenue:** The Borough has received funding in the amount of \$1,184,000.00 from NJDOT for the reconstruction of Highland Avenue. This project also includes the reconstruction of portions of Valley Avenue and Miller Street, between Route 36 and Highland Avenue. As requested, we are currently preparing a cost proposal for the design and contract administration of this project.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES

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ROBERT R. KEADY, JR. P.E., C.M.E.

Dale Leubner spoke about item six of the engineers report regarding: Army Corp. of Engineers Proposed Flood Mitigation Project

Mr. Hilling questioned Mr. Keady about the grant for Bay Ave from Waterwitch Ave to Gravelly Point.

Mr. Keady spoke about the funding received for this project and the fact that the Borough can talk about reducing the limits of the improvements on Bay Ave so that the construction might better match the grant. We will be speaking with Councilman Francy and come back with some options.

Dale Leubner stated that it might be more feasible to split the project into sections.

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Mr. Hilling then spoke about the DOT Highland Avenue Grant and he raised the issue of DOT and they informed him that the bridge construction project would not impede on this project. They have ensured that if the project does go forward they would assure that no construction equipment would impede on that roadway. So he would like the Council to authorize T & M or another engineer to prepare plans for that project.

Dale Leubner – it's also involves drainage and sanitary sewer.

Mr. O'Neil – before this gets done he wants to meet the engineer up there.

Mr. Francy – there is a lot of local knowledge of the issues on Highland Avenue that we should take advantage of. He is not sure how to incorporate the resident's concerns into the plans.

Dale Leubner – we could have a preconseptual residents meeting before we begin design. He explained that the Mayor and Council have not yet authorized T & M Associates to submit a proposal for this project.

Mr. Pfeffer stated that there is a drop dead date of April by April 24<sup>th</sup> to submit, so he thinks that we should apply for an extension.

Dale Leubner stated that Mr. Hilling informed him that he has already received an extension on that.

Mr. Pfeffer explained that the design would be part of a bond ordinance and he would need authorization to prepare a bond ordinance.

Mr. Keady explained that the DOT would not reimburse for design costs but they would reimburse some inspections costs, which he further explained.

Mayor Little directed the CFO and the Borough Engineer to get together to figure out how we are going to break things down and let us know what the numbers are going to be.

The Council requested to Work Shop the Engineers Proposal that they are going to submit.

Dale Leubner spoke about possibly adding Woodland St. and Prospect Street as part of this or do it as a separate project. He then spoke about a recent intrusion into the sanitary pipe.

Mr. Francy spoke about illegal sanitary connections and stated that if that is so it needs to be dealt with.

Mr. Francy then suggested that we make this part of the Highland Ave project.

**Review of Zoning Board Letter of Recommendations**

Mr. Nolan offered a motion authorize the Borough Attorney to prepare a Zoning Ordinance Amendment to incorporate the Board's recommendation for an expiration of variances, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

**ABSENT: None**

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**Approval of Minutes:**

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Ms. Kane offered a motion to approve the December 2, 2009, December 30, 2009 and the January 1, 2010 Council Meeting Minutes, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** Mr. O'Neil and Mr. Nolan abstained to the Dec. 1<sup>st</sup> and 30<sup>th</sup> Minutes.

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**Public Portion:**

Shirley Myers Olman of 30 Portland Road passed on her opportunity to speak.

Donna O'Callaghan of 29 South Bay Avenue spoke about Highland Avenue and the DOT not creating a problem. She suggested that the Borough gets some kind of guarantee or enforcement that the construction equipment not be used on Highland Ave.

Art Gallagher of 158 Linden Avenue questioned the dollar amount of the bond note sale and the projects that it included.

Mr. Pfeffer explained the projects that the bond anticipation note consisted of.

Donald Manrodt of 268 Bayside Drive spoke about the condos by Marie Street that during the last snow storm pushed their snow into the ditch and so the water started to run into the street.

Mayor Little directed Mr. Hilling to look into this matter for Mr. Manrodt.

Donald Manrodt spoke about Jones Creek and how the water runs down by the VFW.

Tara Ryan of 17 Ocean Street explained that she saw a County Shade Tree Commission Office and he informed her about assistance for grant applications and how we can apply for free trees.

Mr. Francy stated that the Highlands Shade Tree Commission has knowledge of this and recently spoke about it.

Kate Kibler of 1 Portland Road passed on her opportunity to speak.

Michelle Pezzullo of 115 Highland Avenue thanked the Council for their consideration of Highland Avenue. She also wanted the Council to make sure that we get our fair share of funding for road projects.

James Kibler of 1 Portland Road passed.

Carol Bucco of 330 Shore Drive asked if there were any ordinances on this agenda.

Mrs. Cummins replied – no.

Debbie Thorner of 88 Highland Avenue commented on Shade Tree Commission – comments not picked up on recording.

Mr. Francy explained that the Shade Tree Commission was not very active last year but this year they are committed to getting things done. He then announced that there is an opening on the Shade Tree Commission.

There were no further questions or comments from the public.

Mayor Little closed the public portion.

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

The Meeting adjourned at 9:38 P.m.

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**CAROLYN CUMMINS, BOROUGH CLERK**

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