

**Borough of Highlands
Mayor & Council
Regular Meeting
February 03, 2010**

Mayor Little called the meeting to order at 7:20 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 Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Late: Mr. Nolan – arrived at 7:22 p.m.

**Also Present: Carolyn Cummins, Borough Clerk
Debby Dailey, Deputy Borough Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Scott Arnette, Borough Attorney**

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mr. O'Neil 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: Substandard Housing, AHHRA Intervention**
- 2.Contract:**
- 3.Real Estate: 2 Private Road**
- 4. Personnel Matters: Reg Robertson, DPW Supervisor, (Riced)
Code Enforcement Position**

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. 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

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:38 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:

**Also Present: Carolyn Cummins, Borough Clerk
Scott Arnette, Esq., Borough Attorney
Debby Dailey, Deputy Clerk
Stephen Pfeffer, Chief Financial Officer**

Budget Committee Presentation

Mr. Francy: Mayor Little formed a Budget Committee in April of 2009. This is going to be a power point presentation of the things that the citizen committee considered and these are their recommendations. He introduced the committee:

Maureen Welch
Kim Sikora
AJ Soloman
Tom O'Callaghan
Chris Francy
Mayor Little
Steve Pfeffer.

He thanked Steve Pfeffer for his support and extra work on his part.

He then turned meeting over to Maureen Welch for presentation.

Mayor Little stated that this committee has done a terrific job. Thanked them for their service and time that they put in to this.

Maureen Welch stated that we could post this information electronically on the website.

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She then started her presentation.

Steve Pfeffer explained the laws of the Budget.

Members of the public interjected questions, the Mayor informed them that they needed to state their names and addresses.

Maureen Welch continued with the presentation.

She discussed Substandard Housing and the negative impact of the Borough of Highlands.

Mayor Little stated that they need to look at; if code enforcement becomes a focus for the Borough, becomes a routine, with out paying anything more, your quality of life will increase substantially. Because what you see will be a world better than what it is right now. Code enforcement has to be a number one priority.

Maureen Welch continued the presentation.

Tom O'Callaghan explained code and property maintenance enforcement as the highest priority. He continued with the Budget Presentation. Their purpose is to educate and inform.

Steve Pfeffer explained the laws of the Budget that was also explained to the Budget Committee. We all desire an increase in property values. How can this be accomplished?
Schools-out of our realm, but people buy homes based on school system.
Code Enforcement – its going to take money. You have to spend money to make money.
Police Presence/Lack of Crime – increase in Police Department

Steve Pfeffer mentioned that Pat McNamara should have been brought in regarding substandard housing. He can explain the process.

Mayor Little stated that she found the presentation very educational. Some of the priorities that she had have been confirmed by this process. She mentioned flooding; we did accomplish bonding out a project that should have a comprehensive effect upon downtown flooding. Code Enforcement is next, we need to improve what things look like. We need a vision for our community, which our master plan gives us. We also need to look at what we are doing right. Mayor Little feels that the council should focus on code enforcement as the next step. Do what we can to improve the appearance of sections of town. She thanked the committee on their wonderful job.

Public Participation on Agenda Items:

Tara Ryan of Ocean Street – passed

Rob Little of 52 Fifth Street – spoke about appointments on agenda. Asked if positions were published and resumes collected.

Becky Kane said that resumes are on file in the Clerk's office for Environmental and Shade Tree.

Rob Little asked about the appointment being made tonight for the judge. Have other resumes been received?

Frank Nolan said we did receive a resume from a political appointee, someone who was not a judge anywhere and wanted to cut her teeth here.

Rob Little continued with questions regarding Councils reason for appointment of judge.

Carol Bucco of 330 Shore Drive – passed

Lori Dibble of 32 Paradise Park – Asked for an explanation of the Civil Rights Resolution. Is there a Hearing Board?

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Mr. Hilling stated that this is a requirement from the MEL/JIF, part of our Insurance Company. They have mandated that all of the members of the Insurance Company pass this resolution. This is done in order to keep our deductible down. He is working with the Labor Attorney to implement this.

Carla Braswell-Cefalo of 62 Gravelly Point Road – Do we have something in place when there is a conflict with the judge in our court, do we send it out of town?

Mayor Little said yes. If a DUI case came in to the Highlands Court, he could not hear it.

Carla Braswell-Cefalo asked if we pay for it to be heard in another town.

Mayor stated that we did.

Carla Braswell-Cefalo- Are we paying for another judge to come in to hear a case from another town.

Mayor Little explained conflict cases should be sent back to the town they came from.

Scott Arnette – Does not know why they would be sent here from Atlantic Highlands, since it is the same judge.

Chief Blewett – We are not paying for the judge. It was worked out through Judge Lawson.

Bruce Hilling – will get a copy of the Atlantic Highlands contract for the Council to look at and contact Judge Lawson office.

Mayor Little closed public participation.

Workshop Meeting:

Website Services for Borough:

Mrs. Cummins explained that there have been a couple of council people inquiring about exactly what services are being provided by our current website which is Shoregrafx. This topic has never been resolved. Last year, other companies were brought in and gave presentations. We do have an outline from Mr. Braswell from Shoregrafx indicating what services he is providing. We currently pay \$650 per month.

Rick O'Neil stated that maybe the services that we are paying for is excessively priced and we should put it out to bid.

Chris Francy agreed and stated that there are people in this community who do web work. Suggest that we get a 3-6 month committee of about 5 people to create a needs assessment of what we want.

Mayor Little asked, what are we unhappy with?

Chris Francy - \$650 a month where other towns pay \$30 for hosting a website.

Mayor Little stated that hosting is one thing and posting things, creating fillable forms is different story. There is more work involved.

Chris Francy – What does the town want to do?

Mayor Little – The forms that we provide and contact information that is included in the Borough portion of this website is something we have control over as a governing body, including public employees. We need to do needs assessment on what we are providing. This needs to be done in house, with input from the public. She explained that highlandsnj.com is a commercial site. It is owned by Ken Braswell. That will never change.

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What ever goes on highlandsnj.com is at his disposal. The Borough part of this website is very small. We do have our own web address, highlandsnj.us. We need evaluate as a Borough Council whether using that web address is beneficial to the taxpayers of town.

Council continued discussion on cost of website and creating a committee to get a better understanding of the website and changes to be made.

Chris Francy stated that this has nothing to do with Shoregrafx. Its about us saving money, to service the needs of the Borough better. Other town's websites have more functionality,

Mayor Little asked that we have Mr. Braswell come in. There may be a gap of our understanding of what it takes to get this accomplished.

Chris Francy stated that we need to go out to bid,

Frank Nolan asked, do we want to take 90 days to see what is out there, come back with comparables? He is in favor.

Becky Kane asked that this be advertised on the electronic signboard. Take resumes for the next two weeks.

Chris Francy said we will start this committee March 1st.

Frank Nolan offered the motion and seconded by Chris Francy.

ROLL CALL:

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

Mayor Little stated that highlandsnj.com is the best website. The town is on the map largely because of the way it has been promoted. She will participate on the committee as the communications person.

Building Department Memo on Procedures:

Mayor Little stated that Paul Vitale approached her in regard to applications going thru zoning official in regard to FEMA requirements. He stated that he feels that minor work permits do not have to go thru the zoning official and that would make things more efficient.

Council discussion continued.

Frank Nolan offered the motion and seconded by Mr. Francy and all were in favor on the following roll call:

ROLL CALL:

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

Purchasing Electricity:

Mayor Little said we have a copy of the Union Beach Exchange Agreement from World Energy. They are looking in to pooling electricity for the Bayshore Towns. The Mayor would like World Energy to make a presentation for next workshop meeting.

Mayor Little will give Carolyn Cummins contact information to set this up.

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Steve Pfeffer offered that he would have this agreement forwarded to the Purchasing Agent for a written opinion as to any conflicts.

Mayor Little instructed Mrs. Cummins to do so and to copy responses to herself, Steve Pfeffer and Scott Arnette.

Community Theatre Proposal:

We have a written proposal for a five year lease for the old firehouse bay for a Community Theatre. It is a source of revenue. This group is grant funded because they reach out to the youth. They bring children and teenagers in as actors, stage crew, costume designers and musicians. It is a recreational program for people in our area and surrounding areas. There is a concern that we may not be in this building five years from now. We would want something from the attorney as to what we could do with a lease.

Becky Kane stated that she is in favor of this; it is something different, an attraction and would generate revenue. Funding is an issue on both sides. There are safety requirements that they have to make. We would need to make the building aesthetically more pleasing outside.

Mayor Little will have them in for next meeting for a presentation. She instructed Mrs. Cummins to contact them and arrange for next council meeting.

Becky Kane said she would forward contact information to Mr. Hilling along with some questions for when they come in.

Borough Hall Building:

Mrs. Cummins stated that she and the Court Administrator were able to obtain two price quotes on what they were looking to do, to improve appearance and size of the Courtroom.

Mayor Little noted that one quote was for \$20,000, the other for \$8,800.

Mrs. Cummins noted that the lower quote did not involve taking a wall down. She said that they would like to increase the seating.

Mayor Little said she would share this information with the prospective tenants.

Chris Francy – Is this being done because of the court? Is it possible to have a shared service with another town? That is a function that can transplant itself.

Mayor Little said the Judge Lawson needs to approve.

Council continued to discuss condition of building.

Mayor Little recommended putting this on the next meetings agenda for discussion.

Committee Reports:

Becky Kane offered to dispense with Committee Reports and all were in favor.

Library Committee:

Tara Ryan said she could dispense with her report. She was upset that the town is considering renting out the space that they wanted to use as a library. She would have appreciated a heads up. She will make her report at the next meeting.

Mayor Little explained that there was a decision by the last council that there would be no investment in to this building. She apologized to Mrs. Ryan.

Consent Agenda:

Frank Nolan asked for removal of item #1 R-10-26 Resolution Authorizing Support for Application for NJDEP.

Rick O'Neil has questions on item #11 Payment of Bills & Supplemental Payment of Bills.

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Steve Pfeffer said we need to amend item #4-R-10-38 Resolution Awarding Special Counsel Services.

Mayor asked for a motion on Consent Agenda with the exception of #1, 4 and 11.
Offered by Chris Francy, and seconded by Ms. Kane. All were in favor on the following roll call:

ROLL CALL:

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

Discussion:

R-10-26 Resolution Authorizing Support for Application for NJDEP.

Frank Nolan feels that we should not be buying property that we are going to put a boat launch on. Even if initial money is covered under grant money, you will still have to pay employee, upkeep, possible contamination, etc. We should not do this at this time.

Rick O'Neil asked if this was for 2 Private Road?. He does not support this either.

Steve Pfeffer stated that the Borough awarded a contract for \$24,000 to Birdsall Group for secondary assessment. If you do not approve this resolution, we're going to pay that \$24,000 as opposed to the State paying. Secondly, this does not obligate us to anything. We are not obligated to buy the property. This is going to give us more information on that property to make a decision.

Rick O'Neil asked if we do not go along with this study we are not going to get the \$24,000 we pay out, back.

Frank Nolan offered and seconded by Chris Francy. All were in favor on the following roll call:

ROLL CALL:

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

R-10-38 Resolution Awarding Special Counsel Services

Rick O'Neil explained that this resolution would enable Mr. McNamara, who is the attorney on all houses that are decrepit, to give him more money to do the job more intensely and faster. Increasing from \$18,000 to \$24,000.

Mr. Pfeffer said there is \$15,000 in demo but that does not require council action until we get to the budget amendment process.

Mr. Hilling stated that we will need a resolution to go forward with a particular demo when we are ready.

Rick O'Neil offered and seconded by Frank Nolan. All were in favor on the following roll call:

ROLL CALL:

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

Payment of Bills & Supplemental Payment of Bills:

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Rick O'Neil questioned the quarterly library tax to the county. He questions implementing a new library in Borough Hall when we are already paying for that. It is the best county library in the country. We either have to be part of one and not part of the other. We can't sustain a town and county library.

Mayor Little explained that we pay the county library tax in order to be part of the county library system and it is with the assistance of the county that we would be establishing a library here. The county would provide computers and inventory, and we would have their support for advertising the programming here. By not having a library in Highlands, we are not taking full advantage of what we are paying for with the other tax. The library would be part of a new Borough Hall. She asked the 2009 Council for a limited amount of \$50,000 thru fundraisers, to offset, to retrofit the firehouse bay to produce an additional meeting room and to have that operate as a library. The council at that time did not want to spend any money on this building and wanted to put all of their funds toward a new borough hall.

Council continued to discuss the library and borough hall.

Rick O Neil then commented on the \$1733.00 Fire House Utility Bills.

Becky Kane said they have talked about installing solar panels.

Frank Nolan offered and Chris Francy seconded and all were in favor on the following roll call:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Other Resolutions:

R-10-01 Resolution Appointing Borough Attorney

Becky Kane stated that Scott Arnette is doing a great job, no need to change.

Rick O'Neil felt that he was a true professional.

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

**R-10-01
RESOLUTION APPOINTING
BOROUGH ATTORNEY**

WHEREAS, there exists the need for professional legal services in the Borough of Highlands, and funds are or will be available for this purpose; and

WHEREAS, the Mayor has offered the name of **Scott Arnette, Esq.** for appointment to the position of Borough Attorney for calendar year 2010; and

WHEREAS, the Local Public Contract Law, (N.J.S.A. 40A:11-5 [1] [a] requires that the resolution awarding the contract state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Scott Arnette, Esq. is hereby appointed Borough Attorney effective January 1, 2010 through December 31, 2010, such person being appointed is a member of a recognized profession; and

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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

ROLL CALL:

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

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NAYES: Mayor Little
ABSENT: None
ABSTAIN: None

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Mayor Little explained her vote. She has been very uncomfortable with the handling of the matter concerning the Business Improvement District by the Borough Attorney. She felt that she had received incorrect advice on certain matters.

Chris Francy stated that we should leave the lawyering to Mr. Arnette. We need to do our job as Mayor and Council.

R-10-40 Resolution Approving Professional Legal Services Contract

Mr. O'Neil offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-10-40

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL LEGAL SERVICES THE ARNETTE LAW FIRM, LLC

WHEREAS, the Borough of Highlands has a need for professional legal 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 the Arnette Law Firm, LLC, 830 Broad Street, Shrewsbury, N.J. 07702 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 \$51,000 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period January 1, 2010 through June 30, 2010 per the attached contract:

Retainer \$4,129.05 per month
Hourly Rate for additional services outside of retainer \$125

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm 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 the Arnette Law Firm LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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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 as follows contingent upon adoption of the SFY 2010 municipal budget:

Legal Other Expenses
Sewer Utility Other Expenses

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. The Arnette Law Firm, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$51,000 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. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: Mayor Little

ABSENT: None

ABSTAIN: None

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R-10-03 Resolution Appointing Borough Prosecutor

Rick O'Neil said he feels that Jim Butler has done a good job for us. You never hear a bad word about him.

Mr. O'Neil offered the following Resolution and moved on its adoption:

**R-10-03
RESOLUTION
APPOINTING BOROUGH PROSECUTOR**

WHEREAS, there exists the need for professional legal services for the Borough of Highlands;
and

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WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

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

1. James Butler, Esq. is hereby appointed Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2010.

2. The appointment is made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 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 this Resolution shall be placed on file with the Clerk of the Borough of Highlands.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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

ROLL CALL:

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

NAYES: Mayor Little

ABSENT: None

ABSTAIN: None

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Mayor Little explained her reason for her no vote. He performs his job exceptionally well, she is aware that the assistant prosecutor is covering for this nominee more often than usual. She believes that Highlands needs a lead prosecutor who will be consistently present.

R-10-19 Resolution Appointing Municipal Judge

Mr. O'Neil offered the following Resolution and moved its adoption:

R-10-19

RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Honorable Pete Locascio, Esq. be and hereby is appointed Municipal Court Judge for the 3-year term to expire December 31, 2012.

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

ROLL CALL:

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

NAYES: Mayor Little

ABSENT: None

ABSTAIN: None

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Mayor Little explained her vote and expressed her objections to this nominee.

Rick O'Neil responded to her comments.

Mayors Proclamation:

Read Across America Proclamation:

PROCLAMATION

WHEREAS, the citizens of Highlands stand firmly committed to promoting reading as the catalysts for our student's future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Highlands has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that education investment is the key to the community's well-being and long term quality of life; and

WHEREAS, NEA's **Read Across America**, a national celebration of reading, will be conducted on March 2, 2010, which would have been the 106th birthday of Theodor Seuss Geisel, better known as Dr. Suess; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body calls on the citizens of Highlands to assure that every child is in a safe place reading together with a caring adult on March 2, 2010.

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ and recommits our community to engage in programs and activities to make America's children the best readers in the world.

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Anna C. Little, Mayor

Mayor Little stated that last year, this was held in the Fire House. Looking to do the same for this year based on the availability of the space and whoever is going to be participating.

Ordinances: 2nd Reading, Public Hearing & Adoption:

Mrs. Cummins read the title of Ordinance 0-10-1 for second reading and public hearing:

0-10-1 Ordinance to Exceed Mun. Budget Appropriations Limits & Establish CAP Bank

Mayor Little opened to public hearing.

Mrs. Cummins stated that this was published in its entirety in the Two River Times.

Carol Bucco of 330 Shore Drive – Presentation by the Budget Committee – How does that impact this ordinance?

Steve Pfeffer explained that this allows the municipality to CAP Bank whatever they are not going to utilize under the CAP law for next year. Right now, we are \$275,000.00 under the cap. It doesn't do anything as far as the budget stands today, but it does allow us to carry that balance forward, if we need it in next years budget.

Rick O'Neil and Steve Pfeffer continued to discuss.

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Chris Francy asked, we started this budget process at about \$400,000 above the cap. We were struggling with cap, the budget committee was to get below the cap. He is not for raising this CAP. He would like to see us operate within a budget.

Art Gallagher of 158 Linden Avenue questioned the raising of funds. If it is not banked and there is an emergency, is there another way that we could raise funds?

Steve Pfeffer said yes, but what he thinks of as an emergency is a non-health and welfare and public safety emergency. He continued to explain alternative process to this ordinance. This is a cap on spending. You could still put aide in your budget and offset/reduce your taxes.

Kimberly Skorka of 315 Shore Drive asked if the council were to approve this ordinance, it wouldn't necessarily raise taxes?

Dolores Francy of Fifth Street explained that the first thing we need to do is control spending.

Mayor Little closed the public hearing.

Mrs. Cummins read the title of Ordinance 0-10-1 for the third and final reading and adoption:

O-10-1 Ordinance to Exceed Mun. Budget Appropriations Limits & Establish CAP Bank

Mayor Little opened for discussion and asked Mr. Pfeffer to explain the advantages of having this CAP.

Mr. Pfeffer explained it allows the council to have the flexibility to increase the budget if necessary above the CAP next year.

Mayor Little asked why we would need to do that?

Mr. Pfeffer explained that it gives us flexibility for unexpected things. It is up to the council if they want or not want that flexibility. He recommends, as CFO, don't take that flexibility away. The CAP is a cap on operating expenses.

Council continued to discuss with Steve Pfeffer.

ORDINANCE FAILED ADOPTION

Ms. Kane offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**O-10-1
STATE FISCAL YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

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WHEREAS, the Governing Body of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its SFY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Governing Body of the Borough of Highlands hereby determines that a 3.5% increase in the budget for said year, amounting to \$69,429.09 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body of the Borough of Highlands hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2010 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$243,001.82, and that the SFY 2010 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

Seconded by Mayor Little and **NOT adopted** on the following roll call vote:

ROLL CALL:

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

DATE: February 3, 2010 _____

Mrs. Cummins read the title of Ordinance 0-10-3 for 2nd reading and public hearing:

O-10-03 Ordinance Amending Chapter IV – ABC Fingerprinting

Mrs. Cummins stated that this was published in its entirety in the Two River Times.

Mayor Little opened the public hearing.

Carol Bucco of 330 Shore Drive asked are you eliminating everything except putting this in?

Mayor Little explained that everything stays the same, the language that is proposed is added to the ordinance.

Carol Bucco asked if this will have to be done every year?

Mayor Little stated that they have not amended the time periods, there is discussion among the council members and the Chief of Police.

Carol Bucco asked if we will be doing this ordinance again.

Mayor Little said possibly, with another amendment.

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Ron Dowling of 68 Fifth Street wanted to know that if there is a decrease in services, is there a greater responsibility, civil responsibility, on the people that live in the town? Would it be made convenient for them to do some of the work themselves?

Mayor Little answered that his question suggests what the possibility may be.

Mayor Little closed the public hearing.

Mrs Cummins read for 3rd and final reading, and adoption:

O-10-3 Ordinance Amending Chapter IV – ABC Fingerprinting.

Rick O’Neil asked if this was going to eliminate the problem we had with fingerprinting everybody and not getting them back in time, when the season was over.

Mayor Little said that this was going to limit the finger printing to only those people who touch alcohol.

Mr. Nolan offered the following Ordinance pass third and final reading and moved on its adoption and publication:

**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 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:

Chapter 6 sections 6-6.1, 6-6.2, 6-6.3, and 6-6.8 shall be amended as follows:

1. 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.”
2. Chapter 6 shall otherwise remain in effect as written.

Seconded by Mr. Francy 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

DATE: February 3, 2010

Ms. Kane added that there is a lot of drug related crime in different establishments. A lot of the problems are in those back areas.

Public Portion:

Donna O'Callaghan of 29 South Bay – passed.

Tara Ryan – absent

John Urbanski of 2 North Street read an email from John Bentham to Rob Little. Mr. Urbanski then read his own statement about the Mayor. Spoke of internet forums. He feels that they are out of hand.

Frank Nolan stated that this person should not be placed on any board.

Lori Salka of 1 Portland Road asked about pooling with other communities to get cheaper rates. Perhaps sharing services and building structures that could be shared to contain costs. Spoke about the Community Center, has potential rental income. Also, utilize that space for meetings. Commented on the website, does not feel that it is user friendly. She could not find meeting information. Maybe we could use a calendar on the website. She would like to see a library in town. It is more than just about books. It could be a public meeting space, use for children and adult programs.

Jim Parla of 16 Portland Road commented on private emails read out loud at meeting. Feels that we should all work for the betterment of the community regardless of political affiliation.

Shirley Myers-Olman – passed

Rob Little of 52 Fifth Street discussed the private email. He stated that there is effort for a recall for Chris Francy and Becky Kane. He agrees that we need a library. Asked about the judge and cases being moved to another town. He felt that there was not a public announcement for AHHRSA seat.

Becky Kane stated that she has worked very hard for the Mayor.

Brian Cobb of 11 Recreation Place asked about the website committee. He has a proposal and wants to know when this committee might meet.

Carol Bucco of 330 Shore Drive commented on not putting much credence to on line forums.

Lori Dibble of 32 Paradise Park stated that she is concerned about the appointment of a planning board member. She said he has publicly expressed hateful things about people who live in the manufactured housing community.

Carla Cefalo of 62 Gravelly Point Road stated that the Highlands Business Partnership is now a 501C3. They brought in a professional to revamp their bi-laws and they will be self-sustainable. She does not want the BID ordinance back. Hopes the town will work with them in bettering their non-profit and defeating that ordinance. She also brought up an on-line forum. She and her family have been beaten up on it. She has filed a lawsuit to find out who some of the people are. She wanted to correct something that Chris Francy said about the website. Hosting is \$12 a month not \$650 per month. No one has communicated the information needed for the website.

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Feels there is a communication break down.

Chris Francy stated that we just started a committee and we will develop what we want it to look like.

Mayor Little spoke about forums and google groups, they are to be kept in their own venue. Do not bring it in to Borough Hall. She discussed conduct at meetings, she will have a police officer present from now on to help her conduct these meetings in an orderly fashion.

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

The meeting was adjourned at 11:28 p.m.

DEBBY DAILEY, DEPUTY BOROUGH CLERK

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