

**Borough of Highlands
Mayor & Council
Regular Meeting
February 17, 2010**

Mayor Little called the meeting to order at 7:05 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 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
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Scott Arnette, Borough Attorney

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

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

1.Litigation:

2.Contract: J.T. White Clam Plan Lease

3.Real Estate: Land Acquisition – Scenic Property

**4. Personnel Matters: Reg Robertson, DPW Supervisor, Paul Murphy, Code Enf.,
Peter Locascio, Municipal Judge**

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: Ms. Kane

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:24 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

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

Public Hearing of SFY 2010 Municipal Budget

Mayor Little opened up the public hearing but there were no questions or comments from the public.

Mayor Little closed the public hearing.

Resolution R-10-49 Budget Amendment Resolution

Mrs. Cummins stated that we have Resolution R-10-49 Budget Amendment Resolution on for approval.

Mr. Pfeffer explained the Budget Amendment.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-10-49
RESOLUTION**

WHEREAS, the local municipal budget for the fiscal year 2010 was approved on the 1st day of January, 2010 and

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WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth that the following amendments to the approved budget of fiscal year 2010 be made:

| | <u>FROM</u> | <u>TO</u> |
|---|--------------|--------------|
| 8. General Appropriations | | |
| (A) Operations – Within “CAPS” | | |
| Borough Council | | |
| Other Expenses | 77,920.00 | 32,920.00 |
| Legal Services and Costs | | |
| Other Expenses | 213,560.00 | 220,560.00 |
| Code Enforcement | | |
| Other Expenses – Substandard Housing | 15,000.00 | 20,000.00 |
| Snow Removal | | |
| Salaries and Wages | 20,000.00 | 36,000.00 |
| Other Expenses | 27,500.00 | 44,500.00 |
| Total Operations Including Contingent Within “CAPS” | | |
| Detail: | | |
| Salaries and Wages | 3,160,643.00 | 3,176,643.00 |
| Other Expenses | 3,306,572.00 | 3,290,572.00 |

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that a summary of this amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Two River Times in the issue of February 26, 2010, and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on March 3, 2010, at 8:00 o’clock p.m.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 17th day of February, 2010.

Seconded by Mr. O’Neil 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

Mr. Pfeffer then informed the public that a public hearing on the budget amendment and possible adoption of the budge has been set for March 3rd at 8:00 p.m.

Community Theatre Presentation/ Borough Hall Renovations

Mary Rios, President of SOAR Productions Community Theatre was present. She stated that she provided a drawing to the Council of their proposal for the use of the old fire house for a 501c-3 Community Theatre. They need a place that is ADA compliant. They do about three or four children shows and about six comedy shows a year. They were previously located at the Union Beach Fire House but it was flooded so they are looking for another location. They do the Wizard of Oz and which includes all ages. They propose renovations to the borough hall such as

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constructing a bathroom in the fire house for the handicapped. They have about four to six practices per week usually from 7-9:30 or 10pm. During the day the crew is building the stages. They are looking for exclusive use of the fire house. She continued to further described their proposal for a community theatre.

The council discussed the proposal and encouraged Ms. Rios to contact Tim Hill, Recreation Director to discuss possible use of the Community Center rather than the use of the fire house. They also thought that using one of the schools would also be a good place for the theatre.

Public Participation on Agenda Items:

There were no public comments.

Consent Agenda Resolutions:

Mayor Little nominated Mike Kovic to be appointed to the Shade Tree Commission via Resolution R-10-46.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-10-23

**RESOLUTION AMENDING R-98-42, R-09-50
AUTHORIZING CASH MANAGEMENT PLAN**

WHEREAS, R-98-42 Authorizing Cash Management Plan was adopted by the Governing Body of the Borough of Highlands on February 18, 1998, and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Highlands, and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

TD Bank, National Association
Two River Community Bank

WHEREAS, the banks listed above have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

In addition, all banks protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that Resolution R-98-42 be amended as stated above.

BE IT FURTHER RESOLVED that said banks are hereby authorized to honor checks drawn upon said banks, signed by the Mayor, Chief Financial Officer, Administrator and/or the Borough Clerk. All checks require two signatures, one of which may be a facsimile signature. The payroll account checks may utilize two facsimile signatures.

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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

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

**R-10-46
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:

Mike Kovic Member of Shade Tree Commission

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

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

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

**R-10-47
RESOLUTION ACCEPTING SFY 2009 AUDIT
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ended June 30, 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

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Recommendations**

Auditors' Opinions

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the governing body: and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

**R-10-48
BOROUGH OF HIGHLANDS
RESOLUTION SUPPORTING PARTICIPATION
IN THE SUSTAINABLE JERSERY MUNICIPAL CERTIFICATION PROGRAM**

WHEREAS, a sustainable community seeks to optimize quality of life for its

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residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Highlands strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Highlands hereby acknowledges that the residents of Highlands desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Highlands wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Highlands is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Highlands, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within Highlands on matters of sustainability, the Governing Body of the Borough of Highlands wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Highlands that we do hereby authorize the Bruce Hilling, Borough Administrator to serve as Highlands agent for the Sustainable Jersey Municipal Certification process and authorize the him to complete the Municipal Registration on behalf the Borough of Highlands.

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

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

**RECAP OF PAYMENT OF BILLS
02/17/10**

| | | |
|------------------------------|------------|---------------|
| CURRENT: | | \$ 29,757.71 |
| Payroll | (02/15/10) | \$ 259,762.99 |
| Manual Checks | | \$ 37,928.93 |
| Voided Checks | | \$ |
| SEWER ACCOUNT: | | \$ 94,915.74 |
| Payroll | (02/15/10) | \$ 13,556.47 |
| Manual Checks | | \$ 200.32 |
| Voided Checks | | \$ |
| CAPITAL/GENERAL | | \$ |
| CAPITAL-MANUAL CHECKS | | \$ |
| WATER CAPITAL ACCOUNT | | \$ |

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| | | |
|----------------------------------|------------|-------------|
| TRUST FUND | | \$ 1,181.21 |
| Payroll | (02/15/10) | \$ 550.00 |
| Manual Checks | | \$ |
| Voided Checks | | \$ |
| UNEMPLOYMENT ACCT-MANUALS | | \$ 2,962.00 |
| DOG FUND | | \$ 1,111.20 |
| GRANT FUND | | \$ 450.00 |
| Payroll | (02/15/10) | \$ |
| 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.**

Seconded by Mr. Francy and approved for payment 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

Mayor's Proclamation:

Mayor Little read the following:

IN RECOGNITION

WHEREAS intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;

AND WHEREAS public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities;

AND WHEREAS people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;

AND WHEREAS the month of March has been designated Arc Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

AND WHEREAS The Arc of Monmouth serves over 1700 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

AND WHEREAS The Arc of Monmouth is celebrating 61 years of service to families and individuals throughout Monmouth County;

THEREFORE Honorable [Anna C. Little](#), Mayor of Highlands does hereby

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Proclaim March, 2010 as

ARC AWARENESS MONTH

In the borough of the Highlands, New Jersey and urges that the citizens of the Highlands, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

Ordinances: 2nd Reading, P.H. & Adoption

Ordinance O-10-4

Mrs. Cummins read the title of Ordinance O-10-4 for the second reading and public hearing. She also stated that this ordinance was published in its entirety in the February 5th edition of the Two River Times. She informed the Council that the Borough received a letter of objection to the adoption of this ordinance from the Highlands Business Partnership Board of Directors.

Mayor Little opened up the public hearing.

Jim Parla of 16 Portland Road wanted to understand the list of properties to be taxed.

Michelle Pezzullo of Highland Avenue questioned the assessment tax.

Mr. Arnette explained that there was a cap that the Council wanted to place on the amount of money that was going to be paid into the fund.

Donna O'Callaghan of 21 S. Bay Avenue questioned the tax amount.

Mr. Francy stated that the tax would be five dollars per year.

Ron Dowling of 68 Fifth Street questioned how the list of properties was created.

Mr. Francy stated that it's the same list as previous ordinance. He explained that this is a vehicle to improve business development in town. The focus is Bay Avenue at this time.

Kim Korcka of 315 Shore Drive questioned how this ordinance is different versus the previous ordinance.

Mr. Francy explained that the goal is to get more control over the business development function in town which is needed and wasn't accomplished. They (HBP) feel that they should have control and the council feels differently. The bottom line of what will be different is the control which he further explained. He also spoke about the creation of a seven member study group which was a recommendation from the DBAT.

Roberta McEntee of 55B Fifth Street questioned why the clam depuration plant was not on the list.

Mr. Arnette stated that if there was an error in the list then it would have to be amended.

Carol Bucco of 330 Shore Drive stated that there are some businesses that are missing from the list.

John Bentham questioned the letter from the Highlands Business Partnership.

Mayor Little then read the following letter into the record:

February 12, 2010

Mayor Anna C. Little and Members of the Council
Borough of Highlands
1717 Bay Avenue
Highlands, NJ 07732

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Dear Mayor Anna Little and Members of the Council:

We would like to take this opportunity to give you an update on the actions of the non-profit, Highlands Business Partnership, Inc. Members of the HBP Executive Board met with Professor Grossman in order to reorganize our structure now that we are no longer a BID. A simple way to explain is that an ordinance creating a BID is like a marriage certificate that binds the Government together with the non-profit business organization. Now that the ordinance was eliminated on December 2, 2009, one can perceive that we are divorced from the government. Based on that concept, the HBP board of directors has a responsibility to protect the assets of the nonprofit corporation and the integrity of our programs. We see this as an opportunity to protect our investment. We have put out a press release of this nature (see attached).

As you are aware, we had a meeting scheduled for February 10, 2010 in which you were invited to attend. Unfortunately, we have to reschedule due to the severe weather conditions. We have obtained professional guidance to amend our by-laws and our mission statement in order to maintain our non-profit status and continue our successful marketing and event programs. The expert will act as a facilitator for the Board of Directors and make recommendations to amend the HBP's current by-laws and mission statement to adhere to our non-profit guidelines. This will allow us to self sustain and still be eligible to receive tax-deductible donations from ANY entity if they desire to sponsor our programs (See IRS ruling for tax deductible donations to 501C-3 non profits).

In light of this information and our ability to self-sustain, we must stress that we no longer want to pay a BID assessment and do not support the ordinance creating another BID. A great deal of time, money and effort was made in 2009 to eliminate the BID. We were told to self-sustain and we did. Why is there a need to pass this ordinance when we clearly have moved on in another direction?

In closing, the HBP is recognized both in the State and the County Tourism office for our marketing and events. Business owners should be the ones to market and maintain our destination program not the Government. From this date forward, we will seek your permission on an as needs basis to hold events in the community just as every other organization in town does. At this time we seek permission to hold our Annual St. Patrick's Day Parade in Huddy Park and on Bay Avenue. We will require the usual services of the police and public safety officials to host a successful event. The Parade will be held on March 20, 2010 at 2:00 PM.

We value your long-standing support to the business community and look forward to expanding our programs when the economy permits.

Sincerely,
HBP Board of Directors

Christian Lee of 2 Navesink Avenue questioned a cost greater than five dollars.

Mr. Francy explained that yes, it can be increased when there are projects or requirements that are created by the business for the business, they decide themselves that they want to increase the assessment. He then explained the creation of the BID and the creation of a management corporation.

Christian Lee opposed this ordinance.

Mr. Francy stated that he is surprised by this HBP letter opposing the BID. He feels that we should table this ordinance so that we can digest this.

Carol Bucco of 330 Shore Drive five dollar maximum CAP, the ordinance doesn't say the tax is open ended.

Mr. Francy referred her to section 17.5b of the ordinance which is a mechanism to allow us to move ahead and increase it if needed.

Pauling Jennings of 27 Ralph Street stated that the management company wants to promote the town there way but they want the tax payers to support what they want to do like providing police and dpw. She does not want her taxes to cover their stuff.

Mr. Nolan explained previous failure and that was all explained in the DBAT Report.

Mrs. Jennings – if the HBP are not chosen for the BID then will town support new management and HBP?

Mr. Francy - no, events are major marketing tool for town. It is the partnership issue that has always been the problem and the new bid ordinance tries to fix the partnership part.

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Pauling Jennings – but it's not obviously because they are objecting again.

Mr. Nolan – but they might not be the management group that's why this ordinance was written the way it was.

Mr. O'Neil stated that that the HBP can't say they are going to do it then call the borough and ask us to send police and dpw down to an event. Now we have a letter from the HBP stating that they don't need tax money to operate so now you have to ask where all of the money went. He stated that there were a lot of problems which he further spoke about. This ordinance was put in place to allow for sponsorship dollars to be collected. Eventually they found another way to secure the money so they don't need us anymore.

Mrs. Jennings – we need to move forward.

Mr. Nolan spoke about the DBAT report and how we are going to try to do everything in that report.

John Bentham of Washington Ave – this is all about control and it shouldn't be a surprise that the HBP is against this. If I have a business and have to pay a tax I want to have some say which is why the business partnership was established. He spoke about how the power should be put in the hands of the businesses not the Government which he further explained. He stated that he opposes the ordinance.

Mr. O'Neil – we are trying to tell them what is best for us as a community. He stated that the partnership is not working.

John Bentham further spoke against this ordinance and the fact that this is a control issue. He further expressed his opposition to the action being taken by the Council.

Mr. Nolan spoke about how the people should take responsibility of their own front door.

Mr. O'Neil – we need to adjust things based on the DBAT report. Let's get this to be a sound organization.

Lori Nolan of 51 Waterwitch Avenue stated that basically if the HBP is not accepted they can still run events with permission and with help with police.

Mr. Francy stated that we still need to support the events and waive the fees because it is in the town's best interest.

Lori Nolan asked if the HBP can still run with their own money.

Mr. Francy stated that the business development function that is lacking and that is what we want to fix.

Lori Nolan asked who would be on the Committee, who makes up the business management corp.

Mr. Nolan explained that we need a hired person according to the BDAT Report which he further explained.

Lori Nolan – so both entities can run at the same time?

Mr. Francy – correct. He explained that this ordinance creates a seven person board that is going to make recommendations for this eleven person board that will decide the makeup of the board of directors of the district corporation. He hopes that the HBP is the group but he can't make them do it.

Mr. O'Neil explained that the HBP can also be running at the same time as the BID.

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Discussion continued between the Council and Mrs. Nolan.

Sherry Ruby of 3 Grand Tour explained that as a BID you can obtain grants and loans from sources that you can't obtain as a Chamber or a Borough.

Roberta McEntee of Fifth Street stated that we need to incorporate a list of volunteers and let them have meetings with the people who will control the events.

Carol Bucco of 330 Shore Drive stated that we did have a private company running the events in beginning.

Jim Parla of 16 Portland Road questioned if the Board of Directors of 21 people will be different than what we have now.

Mr. Francy – yes, which he further explained. He also stated that the HBP is choosing not to be a part of this.

Discussions continued between the Council and Mr. Parla.

Mr. Nolan explained that we are trying to do the things listed in the DBAT Report to put the BID back and he hopes the Highlands Business Partnership is the managing company which he further explained.

Mayor Little stated that she doesn't agree with the entire Council on this matter.

Terry _____ of Atlantic Highlands questioned if the five dollar tax is for the entire town or just the properties on the list.

Mr. Nolan – the tax if the properties on the list.

Mr. Francy also stated that the tax is for the Class IV Properties, which he further explained. He spoke about the DBAT Report which recommended that the Executive Director of the District Management Corporation be a paid position.

Lori Ann Nolan further questioned the ordinance and the difference between the old and the new. She also questioned if the HBP would have to pay for their share of the events for such things as policing.

The Council briefly discussed if police service fees are charged and further spoke about the ordinance and the issues of how things need to be improved.

There were no further questions from the public.

Mayor Little closed the public hearing on Ordinance O-10-4.

Mrs. Cummins read the title of Ordinance O-10-4 for the third and final reading and adoption.

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

Mayor Little spoke about her opposition to this ordinance.

Mr. Francy commented on the HBP Letter regarding this ordinance and he stated that this is another example of how the partnership is not working. He then spoke favorably of the ordinance and the desire to make this work.

Mr. Nolan commented on the lack of businesses here tonight to oppose this ordinance.

**O-10-4
AN ORDINANCE CREATING A**

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BUSINESS IMPROVEMENT DISTRICT
WITHIN THE BOROUGH OF HIGHLANDS**

WHEREAS, the Governing Body of the Borough of Highlands has found that an area within the municipality, as described by lot and block numbers and/or by street addresses in the attached Exhibit A, would benefit from being designated as a Business Improvement District; and

WHEREAS, the Governing Body of the Borough of Highlands finds that the establishment of a Business Improvement District and a later designation of a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District; and

WHEREAS, the Governing Body of the Borough of Highlands finds that it is in the best interests of the municipality and the public to create a Business Improvement District and to designate, hereafter, a District Management Corporation which shall include at least one member of the Governing Body of the Borough of Highlands; and

WHEREAS, the Governing Body of the Borough of Highlands finds that a special assessment, which shall not exceed \$5.00, and which shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, with all or a portion of these payments transferred to the District Management Corporation which will hereinafter be designated, will effectuate the purposes of this Ordinance; and

WHEREAS, the Governing Body of the Borough of Highlands finds that the designation of a Special Improvement District and the assistance of a hereinafter Designated Management Corporation may help the municipality in promoting economic growth and employment within the business district; and

WHEREAS, the Governing Body of the Borough of Highlands find that a self financing Business Improvement District and a designated District Management Corporation will enhance the Borough's local business climate through self help programs by and for the businesses; and

WHEREAS, the Governing Body of the Borough of Highlands recognize that the enabling legislation enacted by the State Legislature gives the Borough the broadest possible discretion in establishing, by local Ordinance, a program that is most consistent with its local needs, goals and objectives.

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

17-1 DEFINITIONS.

As used in this chapter:

Business Improvement District (sometimes also referred to as "District" or "Special Improvement District") shall mean an area within the Borough of Highlands, designated by this chapter, as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.

District Management Corporation shall mean "Business Improvement District of Highlands, New Jersey, Inc." (also referred to as "management corporation"), an entity incorporated pursuant to Title 15A of the New Jersey Statutes, and designated by municipal ordinance to receive funds collected by a special assessment within the Business Improvement District, as authorized by this chapter and any amendatory supplementary ordinances.

17-2 FINDINGS.

The Mayor and Council find and declare:

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a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this chapter, will benefit from being designated as a Business Improvement District.*

b. That it is in the best interests of the municipality and the public to create a Business Improvement District and hereafter to designate a district management corporation.

c. That a district management corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

d. That a special assessment, which shall be capped at \$5.00 per property owner, shall be imposed and collected by the borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the district management corporation to effectuate the purposes of this chapter and to exercise the powers given to it by this chapter.

e. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.

17-3 CREATION OF DISTRICT.

a. There is hereby created and designated within the Borough of Highlands a Business Improvement District to be known as the Highlands Business Improvement District consisting of the properties designated and listed on Schedule "A" by tax lot and block number and street addresses. The Business Improvement District shall be subject to special assessments on all affected property within the District, which assessment shall be capped at \$5.00 per property, and shall be imposed by the Borough of Highlands for the purposes of promoting the economic and general welfare of the District.*

The rental apartments containing five or more units on the attached Schedule A* as Class 4c are hereby included within the Special Improvement District as established by this Ordinance.

All properties included on Schedule A* as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this Ordinance and Class I vacant properties supporting a commercial ferry use are hereby deemed to be included within the Special Improvement District established by this Ordinance.

17-4 APPEAL OF PROPERTY OWNER FROM INCLUSION IN THE DISTRICT.

Any owner of property included within the Business Improvement District and subject to the assessing provisions of this chapter may appeal to the Tax Assessor of the Borough of Highlands, requesting to be excluded from the District and from any assessment provisions of this chapter. This appeal is only as to whether or not a property should be included within the District under the standards set forth in Section 17-3. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in the usual manner to the Monmouth County Board of Taxation or to the Tax Court. This appeal seeking exclusion from the District and any assessment provisions of this chapter, shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference, the Assessor shall file a report and recommendation with the governing body. The governing body shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

* **Editor's Note:** Schedule A can be found on file in the Office of the Borough Clerk.

* **Editor's Note:** Schedule A may be found on file in the Office of the Borough Clerk.

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17-5 ASSESSMENTS.

a. *Operation and Maintenance of District.* Annual operation and maintenance costs relating to services peculiar to the District, as distinguished from services normally provided by the borough, will provide benefits primarily to the properties included within the District rather than to the borough as an entirety. These annual costs shall be assessed and taxed to the benefited properties pursuant to the provisions of this chapter and N.J.S.A. 40:56-65, et seq., but shall not exceed \$5.00 per property. The other funds necessary for the operation and maintenance of the district shall be secured from other sources than the assessment.

b. *Development, Construction, or Acquisition Costs.* All costs of development, construction and acquisition relating to improvements to the District shall be financed and assessed to properties especially benefited thereby. The Borough may, by separate ordinance, or by amendment to this chapter provide that improvements and facilities hereinafter acquired or developed shall be operated and maintained and the costs assessed to the benefited properties.

17-6 THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

A non-profit corporation shall hereafter be designated as the district management corporation for the District, which corporation shall have its principle place of business and office at Borough Hall at 171 Bay Avenue, Highlands, NJ. This management corporation shall conduct its business in accordance with the law. This corporation shall have no power of condemnation or eminent domain. It shall regularly file copies of the minutes of its meetings with the Borough Clerk so the minutes shall be conveniently available to the public for inspection.

17-7 POWERS OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The district management corporation, in addition to acting as an advisory board to the mayor and council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this chapter and the District, including, but not limited to:

a. Adopting bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the law and shall hold regular meetings no less than quarterly.

b. Appointing a Board of Directors which shall consist of 21 members. As to the membership of the Board of Directors it shall include (1) a member of the governing body selected by the governing body; (2) a member of the Borough Planning Board selected by the governing body; (3) one resident of the borough who shall not be an owner or occupant of commercial property within the District, selected by the Governing Body. All of these appointments shall serve at the pleasure of the appointing authority.

The Board of Directors shall also include one non-voting member appointed from bodies such as: (1) Northern Monmouth Area Chamber of Commerce; (2) Gateway National Park; (3) Twin Lights Historic State Park; and (4) New Jersey Department of Transportation. The members appointed by these bodies shall serve at the pleasure of the appointing body.

The remaining 14 members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The bylaws shall provide for an election to the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the Ordinance designating the District Management Corporation. Said elections will be for a term of three years, except, however, at the first election five members shall be elected for one year; four members shall be elected for two years and five members shall be elected for three years. Any vacancies with regard to these elected members shall be filled by a majority vote of the remaining Board members for the balance of the term. The Board shall provide annual reports on its membership.

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c. The Mayor and Council will designate a 7 person BID Steering Committee from the Board of Directors who shall carry on the duties of the non-profit corporation, to include securing corporate and non-profit status and creation of bylaws, form a nominating and election committee and utilize technical assistance of the League of Women Voters. The BID Steering Committee shall not expend or commit any district management corporation funds without a majority vote of the full Board of the BID Committee members. The BID Committee shall elect from its membership a director, who shall be the Chief Officer of the Committee and of the Designated Management Corporation.

d. The Designated Management Corporation shall also:

1. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.
2. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
3. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.
4. Administer and manage its own funds and accounts and pay its own obligations.
5. Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods.
6. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
7. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
8. Accept, purchase, rehabilitate, sell, lease or management property in the District.
9. Enforce the conditions of any loan, grant sale or lease made by the corporation.
10. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
11. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough of Highlands.
12. Publicize the District and the businesses included within the District boundaries.
13. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.
14. Organize special events in the District.
15. Provide special parking arrangements for the District.
16. Provide temporary decorative lighting in the District.

17-8 ANNUAL BUDGET, HEARING AND ASSESSMENTS.

a. The fiscal year of the District and of the management corporation shall be the calendar year. The first budget shall be submitted by the District Management Corporation within 45 days after its designation by Ordinance. Then, beginning December 1, 2010, the district management

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corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the mayor and council. The budget shall be processed and adopted by the borough on or before April 1st of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84.

b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Business Improvement District together with the following:

1. The amount of such costs to be charged against the general funds of the municipality, if any.

2. The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the year with the assessment against each property not to exceed \$5. per property.

3. The amount of costs, if any, to be specially assessed against properties in the District.

c. Each year, when the mayor and council shall have acted on the estimated costs and/or on the budget, the municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties, and the names of the ten current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the municipal clerk and be there available for inspection. The mayor and council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the governing body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the municipal clerk shall forthwith certify a copy of the assessment roll, with such changes, if any to the Monmouth County Tax Board.

d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Business Improvement District and the furnishing of any other local improvement which benefits properties within the District. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of the Business Improvement District, mean costs of annual improvements; and all other costs, including planning costs, incurred or to be incurred in connection with annual improvements to and operation and maintenance of the District.

e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Business Improvement District, shall be credited to a special account. The mayor and council may incur the annual costs of improving, operating and maintaining a Business Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, it in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

f. The mayor and council shall pay over funds to the management corporation quarterly on the first day of March, June, September and December of each year.

17-9 ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.

The district management corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the mayor and council and for that purpose the

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corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days of filing of the audit with the mayor and council.

17-10 ANNUAL REPORT TO MUNICIPALITY.

The district management corporation shall, within thirty days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the mayor and clerk of the borough.

17-11 MUNICIPAL POWERS RETAINED.

Notwithstanding the creation of a Business Improvement District, the Borough of Highlands expressly retains all its powers and authority over the area designated as within the Business Improvement District. No improvements or modifications shall be made to any public property without the prior formal approval of the borough governing body.

17-12 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions of this chapter and to this end the provisions of this chapter are severable.

17-13 EFFECTIVE DATE.

This chapter shall take effect immediately after passage and publication as required by law. This chapter shall expire at the end of 2010 unless re-enacted by the mayor and council of the Borough of Highlands prior to December 31, 2010. Upon the first anniversary of the Business Improvement District, this chapter will expire unless the Board of Directors recommends the continuation of the BID with the approval of the mayor and council.

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

ROLL CALL:

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

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ATTACH EXHIBIT A – TAX LISTING HERE.

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OTHER BUSINESS:

Engineer's Report

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Robert Keady, P.E., Borough Engineer reviewed the following Report with Council:

HGHL-G1001

February 12, 2010

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. **Valley Avenue Drainage Repairs:** We have been authorized by the Governing Body to proceed with design of this project. The project design has been completed and approved by the NJDOT. The project was advertised for bidding and bids were received on July 9, 2009. Two bids were received and both costs were above the Engineer's Estimate and were formally rejected by Mayor and Council on July 15, 2009. As a result, the Bond Ordinance was amended to increase the overall amount.

Bid Date: October 14, 2009
Contractor: En-Tech Corporation, Closter, NJ
Amount: \$96,125.00

The Borough awarded the project to En-Tech in this amount at the October 22, 2009 Council Meeting. Contracts have been processed and a pre-construction meeting was held on December 10, 2009. The pre-construction video was performed the week of January 11, 2010, and shop drawings for the lining were submitted and rejected by T&M Associates. The Contractor is currently researching an alternate liner which conforms to the project specifications.

Capital Improvement Projects

1. **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.
2. **Emergency Generators Project:** It is our understanding that the County Community Development Office agreed with the change in scope of the overall project. Permanent wiring will be installed at all locations and the Borough will purchase a portable generator for each location to be utilized as necessary. A meeting was held with T&M Associates and Borough Officials to finalize revised project scope and project scheduling. Final project design has been completed and will be reviewed with the Borough the week of February 15, 2010. Once the Borough approves the design of the project, we will submit the plans and specifications to the Monmouth County Community Development Office for final approval.
3. **Roadway Improvement Program:** As authorized, we have completed the 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 been televised and appropriate repairs of the mains have been included on the plans. These roadways have been combined with the Shore Drive Improvements (FY 2008 NJDOT Municipal Aid).

Bid Date: March 13, 2009
Contractor: S. Brothers, South River, NJ

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Amount: \$316,533.58

The Borough awarded the project to S. Brothers in this amount at the March 18, 2009 Council Meeting. Contracts have been processed and a pre-construction meeting was held on May 12, 2009. The punchlist has been completed and final closeout documentation has been executed by the Contractor.

4. **Portland Road Rehabilitation Project:** As requested, we have completed a FY 2009 NJDOT Discretionary Aid application for this project and submitted it to the NJDOT on behalf of the Borough for consideration.

5. **Flood Reduction Program:** At a public meeting held on June 20, 2009, we presented the Borough's anticipated flood reduction program and the various components. The Borough has adopted a Bond Ordinance to cover costs associated with design and permitting of all components of the project. Field survey and basemapping have been completed. Preliminary hydraulic analysis and conceptual design for the Snug Harbor Pumpstation have been completed as well as a review of the previous stormwater analysis against the current NJDEP stormwater regulations. A pre-application teleconference was held with the Army Corps of Engineers, Borough Officials and T&M Associates at a project status meeting on January 19, 2010. A public meeting was then held at Borough Hall on January 23, 2010 to further discuss the project and provide an update on progress. The next project status meeting is tentatively scheduled for Wednesday February 17, 2010 at 11am at T&M Associates.
They had a meeting today on this matter and they discussed their findings and they will prepare a document of their findings and recommendations to the Council. He recommends that we hold a presentation at a Council Meeting on March 17th.

6. **Army Corps of Engineers (ACOE) Proposed Flood Mitigation Project:** On Thursday, July 2, 2009, the ACOE along with the NJDEP presented a proposed flood mitigation project to Borough Officials. The project is currently in the conceptual design stage. At the meeting, we gave a presentation on the Borough's flood reduction project to the ACOE and the NJDEP. ACOE stated that they would be interested in possibly combining components of the Borough's project with the ACOE project. As requested at this meeting, the ACOE has provided the Borough with hard copies and electronic copies of their conceptual plans for this project. We are providing the ACOE with information pertaining to the Borough's stormwater system and pump stations as they request it.

7. **The Resurfacing of Waterwitch Avenue:** The Borough was recently notified that they received funding for this project in the amount of \$192,000.00. On March 27, 2009, we notified the NJDOT in writing that the Borough is requesting to reduce the limits of this project to the area between N.J.S.H. Route 36 and Linden Avenue and are currently preparing the NJDOT requested paperwork. At the May 20, 2009 meeting, Mayor and Council requested that the sanitary sewer improvements be added into the request. The paperwork was submitted to the NJDOT on June 19, 2009 for consideration. On July 16, 2009, the NJDOT sent a letter to our office stating that they approve the request to reduce the project limits. The Borough authorized T&M Associates to design and inspect the project on December 16, 2009. Project design is currently underway. The Borough has adopted a Bond Ordinance to cover costs above the NJDOT award amount.
Mr. Keady - Waiting for information to finalize the design for this project.
Mr. Leubner spoke about starting construction after the Fourth of July weekend.

Grants and Loans

1. **FY 2010 NJDOT Municipal Aid – Bay Avenue:** The Borough was recently notified that they have been awarded \$250,000.00 for the reconstruction of Bay Avenue between Waterwitch Avenue and Gravelly Point. This project will also include drainage improvements along Bay Avenue in the vicinity of Jones Creek. A meeting should be held between T&M Associates and Borough Officials to discuss project approach (phasing, etc.).

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

Very truly yours,

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T&M ASSOCIATES

ROBERT R. KEADY, JR. P.E., C.M.E.
HIGHLANDS BOROUGH ENGINEER

Mr. Keady then spoke about his memo from last week about federal appropriations for 2011. He stated that he attended a seminar last Monday and the deadline for any applications is February 23, 2010. Essentially it's a program from the Federal Government and its highly competitive. To put together an application for the Borough it would be about a day's worth of work for him.

The Council had a discussion about a shelf ready project to submit for this federal grant. They authorized the Engineer to apply for the Basin 2 Project.

Mayor Little spoke in support of some sort of street scape for Bay Ave.

Mr. Pfeffer informed the Council that they did not need to do a Resolution to authorize the engineer to prepare an application.

Council agreed to authorize engineer to submit an application for the Basin 2 Project.

Mr. Hilling then requested information on the Waterwitch Pump Station.

Mr. Keady – stated that he went to the pump station before the meeting and stated that Reg had do some maintenance work on the pumps. He spoke about how one pump was jammed and in order to do work you have to close off the valves and in performing this he learned that there are two pumps and each has a set of three valves and all valves leak. He called Pumping Services and they thought that we need to isolate the valves. So we need to replace the valves.

Council had a discussion with Mr. Keady and Dale Leubner regarding this Waterwitch Pump Station.

Mr. Keady suggested that he write an RFP and send it out to two other companies so we can get some costs.

Mr. Pfeffer – if you exceed \$17,500 then you will have to comply with Play to Pay.

Mr. Keady will draft an RFP with a list of companies to solicit proposals from and forward to Mr. Hilling to send out.

Mr. Francy stated that Item 6 of the Engineers Report should be removed from the monthly report.

2010 Smart Growth Planning Grant

Mayor Little – it's a small amount of money, \$20,000 and suggested that we forward this information to the Open Space and Environmental Committee and see if they get a recommendation.

Mrs. Cummins stated that this information has already been forwarded over to the Environmental Commission and Open Space Committee.

Mr. Francy stated that the Environmental Commission is working on putting together a grant statement for a bike path improvement under this program. He stated that there is a March 31st deadline and wanted to know if the Council would authorize the Borough Engineer to prepare grant application.

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Mr. Keady stated that he can have his Planner contact Mr. Francy to provide a cost estimate.

Highlands Garden Club – Request for Annual Donation

Dody ____ of S. Peak Street, President Member of Garden Club spoke about putting in an irrigation system to Veterans Park.

Mr. O’Neil offered a motion to authorize \$3,500 annual donation to the Garden Club, seconded by Mr. Nolan and approved 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

Henry Hudson PTO – Approval of (2) Raffle License Applications for April 2010

Mr. Francy offered a motion to approve two Raffle licenses for Henry Hudson PTO, seconded by Mr. O’Neil and approved on the following roll call vote:

ROLL CALL:

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

Highlands Fire Department Raffle License for 4/10/10

Mr. Nolan offered a motion to approve the Fire Department Raffle License for 4/10/10 and the Social Affairs Permit for April 10, 2010, seconded by Mr. Francy and approved 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

Review Draft Ordinance – Extended Hours for Sale of Alcohol

The Council reviewed a draft ordinance that was prepared by Mr. Arnette.

Mr. Blewett explained that last year two businesses requested this for New Year’s Eve.

Council briefly discussed ordinance and recommended that the ordinance as drafted with the bottom option be introduced at the March Regular Meeting.

HBP Request for Approval of St. Patrick’s Day Parade and the use of Police and Public Safety Officials

Mr. Francy offered a motion to approve the HBP Request for approval for the St. Patrick’s Day Parade and the use of the police and public safety officials for March 22, 2010, seconded by Mr. Nolan and approved on the following:

Mr. Francy also stated that they need to submit request to the Council in a sufficient amount of time.

ROLL CALL:

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

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NAYES: Mr. O'Neil
ABSENT: Ms. Kane
ABSTAIN: None

Approval of Minutes:

Mayor Little offered the approval of the December 16, 2009 Regular and Executive, January 20, 2010 Regular and Executive and the January 27, 2010 Council Minutes, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: Mr. Nolan and Mr. O'Neil abstained on the December 16th minutes.

Public Portion:

Ron Dowling - passed.

Donna O'Callaghan of 1 South Bay Ave thanked Mr. Francy and Mr. Hilling about notification of the implosion of the bridge. She also suggested that the town use the Reverse 911 for bridge demolition notification. She then commented on the bridge demolition that occurred.

Tara Ryan – not present.

Jim Parla of 116 Portland Road questioned Mr. O'Neil about his “no” vote on the St. Patrick's Day Parade.

Michelle Pezzullo - not present.

Carol Bucco of 330 Shore Drive suggested that the church or the elementary school be the new borough hall. She also commented on the high cost per child cost for the school.

Mr. Francy commented on the Reverse 911 comment and stated that the bridge demolition is not an emergency.

Arnie Fuog stated that there will be another implosion on Friday.

There were no further questions or comments from the public.

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

The Meeting adjourned at 10:37 p.m.

CAROLYN CUMMINS, BOROUGH CLERK

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