

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

Mayor Little called the meeting to order at 7:09 p.m.

Mrs. Cummins read 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 the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

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

**Late Arrival: Mr. O'Neil**

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

---

---

**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: 5 Seadrift Ave Possible Litigation**
- 2.Contract: CMX Engineering Contract**
- 3.Real Estate:**
- 4. Personnel Matters: Paul Murphy & Dave Parker Fire Officials**
- 5.**

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

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

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

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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

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 Ms. Kane and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. O'Neil**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

---

Mayor Little called the Regular Meeting back to order at 8:14 p.m.

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

**ROLL CALL:**

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

**Absent: None**

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

Mayor Little honored Rebecca Kane for her outstanding work as Fire Chief for the past year.

---

**Highlands Environmental Commission Presentation:**

Steve Szulecki of the Environmental Commission gave out handouts entitled "Proposed Borough of Highlands Bike Path" dated March 17, 2010. He explained that he is here this evening to speak about a grant opportunity for a bike path along the Henry Hudson trail. He wants to apply for a grant to create a inter bike path to jump off points of interest within the town. Would like to purchase bike racks, keys maps of points. He has a price estimate of \$3,5000 for concept. The NJAC would provide 50% reimbursement and the grant application is due at the end of this month. He stated that \$3,500 is the cost for T & M Associate to do the work.

The Council had a discussion on this matter and stated that the Borough will adopt a Resolution of support for this project.

Mr. Pfeffer read the following resolution for approval:

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

**R-10-72  
RESOLUTION SUPPORTING HIGHLANDS ENVIRONMENTAL COMMISSION  
GRANT APPLICATION FOR  
PROPOSED INTRA-BOROUGH BIKE PATH**

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**WHEREAS**, it is the desire of the Highlands Environmental Commission to apply for a 2010 Smart Growth Planning Grant through the Association of New Jersey Environmental Commissions for a proposed Intra-Borough Bike Path; and

**WHEREAS**, the Chairman of the Environmental Commission made a presentation before the Mayor and Council of the Borough of Highlands at its March 17, 2010 meeting of the proposed grant application for an intra-borough bike path.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Borough hereby supports the Highlands Environmental Commission 2010 Smart Growth Planning Grant application for an Intra-Borough Bike Path; and

**BE IT FURTHER RESOLVED** that the borough understands that this is a matching reimbursement fund grant and guarantees matching funds up to an amount of \$1,750.00.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

---

**Public Participation on Agenda Items:**

Bernadine Harford of Highland Avenue stated that there are grammar errors in Resolution R-10-55.

Tara Ryan of 17 Ocean Street questioned Resolutions R-10-64 & R-10-67 and Mrs. Cummins explained the Resolutions to her.

---

**Consent Agenda Resolutions:**

Mayor Little requested that Resolution R-10-55 be tabled until the grammar errors are corrected.

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

**R-10-54  
RESOLUTION  
AUTHORIZING THE BOROUGH TO  
EXECUTE THE SCATURRO FAMILY TRUST APPLICATION  
FOR PERMIT  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A  
COASTAL AREA FACILITY REVIEW PERMIT**

**WHEREAS**, the Borough of Highlands received a letter from Martin A. McGann, Jr. stating that he represents the Scaturro Family Trust in reference to an application they had made to the New Jersey Department of Environmental Protection for a Coastal Area Facility Review (CAFRA) Permit to construct one home on tax Lots 9 & 10 of Block 3 and part of lot 18 of Block 1; and

**WHEREAS**, the Borough of Highlands owns certain right-of-ways which are set forth on the map attached to the application; and

As a result of this application to construct one home which would also have to be approved by Zoning Officer and or either Planning or Zoning Board, it also requires the Borough to execute the Application for the CAFRA Permit to be issued in light of the fact that there is Borough property, i.e., a Municipal right-of-way paper street serving the subject property; and

**WHEREAS**, on March 3, 2010 the Mayor and Council forwarded this application to the Borough Attorney and the Borough Engineer to review; and

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**WHEREAS**, this has been reviewed and approved by the Borough Attorney and the Borough Engineer subject to the applicant complying with Borough Engineers comment as follows:

1. The map contains a title block that has the preparer's name, date and plant title so as to eliminate any discrepancy in the future.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Highlands hereby approve this request and authorize the Mayor and Borough Clerk to execute Scaturro Family Trust application to the New Jersey Department of Environmental Protection for a Coastal Area Facility Review Permit upon the resubmission of the map to comply with Borough Engineer comment.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-10-56  
RESOLUTION ADOPTING  
REVISED EMPLOYMENT POLICIES**

**WHEREAS**, the Borough of Highlands continuously strives to improve the working conditions for its employees; and

**WHEREAS**, the Borough continuously strives to improve the level and quality of service provided to the public; and

**WHEREAS**, in order to accomplish these goals the Borough from time to time adopts and revises employment policies; and

**WHEREAS**, it has been determined by the Mayor and Council that revisions are needed with respect to a number of the policies contained in the Borough Employee Handbook and the Supervisor's Manual; and

**WHEREAS**, the revised policies have been reviewed by the Mayor and Council; now therefore

**IT IS HEREBY RESOLVED** this 17th day of March, 2010 that the Mayor and Borough Council of the Borough of Highlands hereby adopt the attached revised Employment Policies addressing:

- (1) The Americans with Disabilities Act;
- (2) Anti-Harassment;
- (3) Family and Medical Leave Act;
- (4) E-Mail, Voice Mail and Internet Usage; and
- (5) Employment Procedures; and be it further

**RESOLVED**, that the Borough Administrator is directed to take all necessary steps to distribute the revised policies to all Borough employees and enforce the revised policies in an appropriate manner.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**R-10-57**

**RESOLUTION AMENDING R-10-53 APPOINTING A  
TEMPORARY PART-TIME DPW WORKER**

**WHEREAS**, the Mayor and Council adopted resolution R-10-53 on March 1, 2010 appointing Barry J. McKellar as temporary part-time DPW worker at \$10.00 per hour; and

**WHEREAS**, the corrected hourly salary for this position should be \$12.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Resolution R-10-53 is hereby amended to reflect the correct hourly rate of Barry J. McKellar to \$12.00 per hour effective March 1, 2010.

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

**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-58**

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE  
GENERAL CAPITAL FUND**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

**AMOUNTS TO BE  
CANCELED**

<b>ORDINANCE NUMBER</b>	<b>PROJECT DESCRIPTION</b>	<b>DOT GRANT RECEIVABLE</b>	<b>UNFUNDED</b>
O-07-21	Reconstruction of Washington Ave. Phase II	\$104,846.67	\$19,508.09

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

**ROLL CALL:**

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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-59**

**RESOLUTION - DEFERRAL OF REGIONAL HIGH SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Henry Hudson Regional School District is \$2,143,893.01.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$96,011.34 of school taxes as permitted by the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-60**

**RESOLUTION – REDUCING DEFERRAL OF LOCAL SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said annual school tax levy has been reduced from the prior year and necessitated the need to reduce the deferral of school taxes; and

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to comply with the regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Highlands School District is \$1,546,633.50.

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorizes the Chief Financial Officer of the Borough to reduce the deferral of school taxes by \$62,503.00 to comply with the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-10-61  
RESOLUTION CREATING A  
TEMPORARY WEBSITE COMMITTEE**

**WHEREAS**, it is the desire of the Governing Body of the Borough of Highlands to take an extensive review of the borough's website to establish improvements to the website; and

**WHEREAS**, the Borough sought out volunteers to be on said committee by posting opening notice on the borough's bulletin board, website and electronic notice board; and

**WHEREAS**, the Governing Body at its March 3, 2010 meeting reviewed Citizens Leadership Forms and or letters of interest that were submitted by potential volunteers to serve on the Website Committee; and

**WHEREAS**, this committee will be headed up by both Mayor Anna C. Little and Councilman Chris Francy.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following volunteers be appointed to Temporary Website Committee for the purpose of reviewing the borough's website for possible improvement recommendations: **Michelle Pezzullo, William Iler, Brian Cobb and Laurie Salka.**

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-10-62  
RESOLUTION APPROVING LIST OF VOLUNTEER FIREMEN AND FIRST AID  
SQUAD MEMBERS WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS  
LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2009**

**WHEREAS**, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**WHEREAS**, the Highlands Fire Department and the Highlands First Aid Squad are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

**WHEREAS**, the Highlands Fire Department and the Highlands First Aid Squad have submitted certified lists of qualified volunteers for the year 2009; and

**WHEREAS**, the both lists have been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the lists and found them to be accurate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands Fire Department and the Highlands First Aid Squad of qualified volunteers for the year 2009 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

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:** None

**ABSTAIN:** Ms. Kane

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

**R-10-63  
RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR:  
GASOLINE AND DIESEL FUEL**

WHEREAS, bids were received on February 17, 2010; and

WHEREAS, one (1) bid was picked up by a vendor and one (1) Responsive Bid

was received as follows:

VENDOR

J. SWANTON FUEL OIL CO. INC.  
214 SLEEPY HOLLOW ROAD  
RED BANK, N.J. 07701

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

J. SWANTON FUEL OIL CO., INC., 214 SLEEPY HOLLOW ROAD, RED BANK, N.J. 07701. shall Furnish and Deliver the following as per Bid Proposal and Specifications and Covenants thereof dated February 17, 2010. said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

PROVIDE GASOLINE AND DIESEL  
FUEL FOR A TWENTY FOUR (24)  
MONTH PERIOD

J. SWANTON FUEL OIL CO., INC.  
214 SLEEPY HOLLOW ROAD  
RED BANK, N.J. 07701



**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to J. SWANTON FUEL OIL CO., INC., 214 SLEEPY HOLLOW ROAD, RED BANK, N.J. 07701.

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

1. It hereby awards the contract for "Gasoline and Diesel Fuel" to J. Swanton Fuel Oil Co., Inc., 214 Sleepy Hollow Road, Red Bank, N.J. 07701.
2. This contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A.-20.5 et seq.
3. This contract is open-ended pursuant to N.J.A.C. 5:34-5-2 (b) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service.

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

- A) Administrator
- B) Chief Financial Officer
- C) Purchasing Agent
- D) Bidder

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

**ROLL CALL:**

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

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

**R-10-64  
RESOLUTION APPROVING  
PETITION TO EXTEND LICENSED PREMISES  
FOR LIQUOR LICENSE 1317-33-015-006  
CERVANTES & CARTO, LLC  
t/a CHILANGOS**

**WHEREAS**, Chilangos Restaurant has submitted an Petition to Extend Licensed Premises for Liquor License #1317-33-015-006 located at 272 Bay Avenue; and

**WHEREAS**, the petition is for an for Cinco De Mayo to be held on May 8, 2010 between the hours of 4pm and 9pm; and

**WHEREAS**, this application has been reviewed by and approved by the Borough of Highlands Chief of Police.

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Petition to Extend Licensed Premises for Chilangos Restaurant, Liquor License 1317-33-015-006 for May 8, 2010 is hereby approved.

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

**ROLL CALL:**

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

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

**R-10-65  
RESOLUTION  
APPROVING RAFFLE LICENSE  
APPLICATION NO. RA#1317-10-4  
HIGHLANDS FIRE DEPARTMENT**

**WHEREAS**, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-10-4 for April 1, 2010 and May 29, 2010 to raffle off a basket of luck.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Raffle License RA#1317-10-4 for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on license.

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

**ROLL CALL:**

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

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

**R-10-66  
RESOLUTION  
APPROVING COOPERATIVE AGREEMENT BETWEEN THE BOROUGH OF  
HIGHLANDS AND THE HIGHLANDS BOARD OF EDUCATION,  
HIGHLANDS ELEMENTARY SCHOOL  
FOR SNOW REMOVAL AND TRASH COLLECTION SERVICES**

**WHEREAS**, the Mayor and Council of the Borough of Highlands and the Highlands Board of Education wish to cooperate in an attempt to save Highlands taxpayer dollars; and

**WHEREAS**, the Highlands Board of Education has requested that the Governing Body renew the execution of an Interlocal Governmental Services Agreement for snow plowing and trash removal services for a period of one-year for the period of April 1, 2010 through March 31, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Interlocal Governmental Services Agreement between the Borough of Highlands and the Highlands Board of Education for snow and trash removal for the period of April 1, 2010 through March 31, 2011 is hereby approved and the Mayor and the Borough Clerk are hereby authorized to execute agreement.

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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**ROLL CALL:**

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

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

**R-10-67  
RESOLUTION APPROVING  
PETITION TO EXTEND LICENSED PREMISES  
FOR LIQUOR LICENSE 1317-32-018-004  
WUNDERBAR, INC.  
t/a DRIFTWOOD LIQUORS**

**WHEREAS**, Wunderbar, Inc. has submitted an Petition to Extend Licensed Premises for Liquor License #1317-32-018-004 located at 300 Bay Avenue; and

**WHEREAS**, the petition is for an for an event to be held on May 1, 2010 between the hours of 2pm and 7pm (Rain Date: May 8, 2010); and

**WHEREAS**, this application has been reviewed by and approved by the Borough of Highlands Chief of Police.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Petition to Extend Licensed Premises for Wunderbar Inc. Liquor License 1317-32-018-004 for May 1, 2010 is hereby approved.

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

**ROLL CALL:**

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

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

**R-10-68  
RESOLUTION  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

**BLOCK LOT YEAR AMOUNT NAME**

108            2.03    2010    \$538.68    470 BAYSIDE PARTNERS

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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**ROLL CALL:**

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

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

**R-10-69  
RESOLUTION  
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR PALATIAL HOMES  
FOR BLOCK 76 LOTS 9 & 12**

**WHEREAS**, Palatial Homes has submitted a written request for the for the release of their Performance Guarantees and Inspection fees for property located at Block 76 Lots 9 & 12 that were posted back in 2001; and

**WHEREAS**, the request has been forwarded to both the current engineers office and the prior borough engineers office and there is no objection to release said performance guarantee and inspections fees from either engineers office.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highland hereby authorizes the Chief Financial Officer to release and refund all monies to Palatial Homes for performance guarantees and inspection fees, plus any accrued interest for Block 76 lots 9 & 12.

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

**ROLL CALL:**

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

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

**R-10-70  
RESOLUTION APPROVING AGREEMENT #10A-6  
2010 ALLIANCE TO PREVENT ALCOHOLISM & DRUG ABUSE**

**WHEREAS**, the Borough of Highlands adopted Resolution R-09-170 Supporting the 2010 Municipal Alliance Program Grant Application and funding on September 16, 2009; and

**WHEREAS**, the County of Monmouth, Department of Human Services, Division of Mental Health and Addiction Services has submitted the 2010 Agreement to the Borough for approval.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that 2010 Alliance Agreement is hereby approved and the Mayor, Chief Financial Officer and the Borough Clerk are hereby authorized to execute said agreement.

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

**ROLL CALL:**

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

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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**R-10-71**

**RESOLUTION DECLARING AN EMERGENT CONDITION AND AUTHORIZING TO  
OBTAIN CONTRACT WITHOUT PUBLIC BIDDING PURSUANT TO THE  
PROVISIONS OF N.J.S.A. 40A:11-6  
WATERWITCH PUMP STATION**

**WHEREAS**, an emergent condition developed on Sunday, March 14, 2010 at the Borough's Waterwitch Sewer Pump Station as a result of an intensive wind and rain storm which caused massive flooding in the borough; and

**WHEREAS**, the pump station ceased to operate as a result of the flooding causing a sewer back up throughout the Borough of Highlands; and

**WHEREAS**, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

**WHEREAS**, the Borough Administrator, Bruce Hilling declared the situation an emergency condition affecting the health and safety of the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that authorization be and is hereby given to the Borough Administrator to proceed with processing the necessary payments for services rendered to rectify the sewer problem and to file a claim with the Borough's Joint Insurance Fund.

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

**ROLL CALL:**

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

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

**RECAP OF PAYMENT OF BILLS  
03/17/10**

<b>CURRENT:</b>		\$ 599,006.64
Payroll	(03/15/10)	\$
Manual Checks		\$ 161,264.72
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 93,965.10
Payroll	(03/15/10)	\$
Manual Checks		\$ 11,372.32
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 2,088.99
<b>CAPITAL-MANUAL CHECKS</b>		\$ 18,597.32
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 26,119.19
Payroll	(03/15/10)	\$
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

<b>DOG FUND</b>		\$	90.00
<b>GRANT FUND</b>		\$	77.96
Payroll	(03/15/10)	\$	
Manual Checks		\$	
Voided Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	
Manual Checks		\$	
Voided Checks		\$	

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

Seconded by Mr. Francy and approved for payment 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

=====

**Ordinances: Introduction & Set P.H. Date for April 21, 2010**

**Ordinance O-10-5**

Mrs. Cummins read the title of Ordinance O-10-5 for introduction and setting of a public hearing date.

Mr. Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for April 21, 2010 at 8:00 p.m.

**O-10-5  
AN ORDINANCE AMENDING CHAPTER VI,  
OF THE GENERAL AND LICENSING  
ORDINANCES OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Governing Body of the Borough of Highlands is the local Liquor Board, having the authority to set hours of sale and consumption of alcoholic beverages on and in licensed premises within the Borough; and

**WHEREAS**, the Governing Body of the Borough of Highlands is desirous of amending and modifying the time for sale, service, delivery or consumption of any alcoholic beverage on and in a licensed premises within the Borough.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands that Chapter VI, of the General and Licensing Ordinances of the Borough of Highlands is amended to include the following:

**6-4.3 New Year's Day.**

A licensee, after requesting special permission and guaranteeing reimbursement to the Borough of Highlands for the costs associated with the placement of one law officer dedicated to be at or around the licensed premises between the hours of 1:30 a.m. and 5:30 a.m., shall be granted permission to sell, serve, deliver, or permit the sale, services or delivery of any alcoholic beverage or allow consumption of any alcoholic beverage on licensed premises within the Borough of Highlands on New Year's Day up to the hour of 5:00 a.m.

Seconded by Ms. Kane and approved on the following roll call vote:

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Ordinance O-10-6**

Mrs. Cummins read the title of Ordinance O-10-6 for introduction and setting of a public hearing date.

Mr. Nolan offered the following Ordinance pass first reading and moved on its introduction and setting of a public hearing date for April 21, 2010 at 8:00 pm.

**O-10-6  
ORDINANCE AMENDING CHAPTER III, SECTION 3-7  
OF THE ORDINANCES OF THE  
BOROUGH OF HIGHLANDS**

**WHEREAS**, on March 9, 2009, Monmouth County adapted an update to the Solid Waste Management Plan designed to increase recycling and improve compliance and enforcement; and

**WHEREAS**, the County of Monmouth has set out various deadlines for towns to make necessary changes to their individual recycling ordinance and provisions in order to come into compliance with the County's updated Solid Waste Management Plan; and

**WHEREAS**, the Borough of Highlands is desirous of making those updates to its Municipal Recycling Ordinance so as to bring it into compliance with the updated Solid Waste Management Plan put in place by the County of Monmouth.

**NOW THEREFORE, BE ORDAINED**, as follows:

3-7.1 Within the definition of the term, *Trash*:

Delete "grass cuttings and clippings"

3-7.2 The entirety of the existing section shall be deleted, and shall be replaced by the following subparts:

a – There is hereby established a program for the mandatory separation for aluminum, glass, metal and non-metal objects, paper, trash, cardboard, building materials debris, garbage, and other debris within the Borough of Highlands. All recyclable materials shall be separated from other garbage, debris and trash and recycled consistent with this ordinance.

b – Any multi-family complex, business or institution that is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclable collection services, including the size, number and location of storage containers, frequency of pick up services, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.

3-7.4(g) The word "Tires" shall be deleted from this section.

3-7.4(h) The following shall be deleted:

"The collection of and disposal of grass cuttings and clippings shall be included in the collection of and disposal of garbage and trash."

3-7.4(l) The first sentence shall be deleted and replaced with the following:

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

“All business, industrial, institutional and residential properties shall separate clean and unsoiled corrugated cardboard.

All business, industrial, institutional and residential cardboard shall be separated and tied and placed curbside on the appropriate pick up day. No pizza boxes or food soiled boxes shall be allowed with residential pick up.”

3-7.4(m) Is hereby created and shall read as follows:

“Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in a manner and schedule as shall be published and distributed by the municipality. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.”

3-7.4(n) Is hereby created and shall read as follows:

“Automotive and other vehicle or wet cell batteries, used motor oil and antifreeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to local service stations, scrap yards or publicly operated recycling facilities designed and permitted to handle such products.”

3-7.4(o) Is hereby created and shall read as follows:

“Liquid and hazardous waste shall not be disposed of as solid waste. No liquids of any type shall be placed with recyclables, or other solid waste for collection and disposal. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products or other hazardous waste shall be placed with recyclables, or with solid waste for collection and disposal.”

3-7.6(a)subparts, (1) and (2) Are hereby created and shall read as follows:

(1) “All apartment and other multi-family complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and the various types of recyclables, as appropriate.”

(2) “Any company or agency providing dumpsters, roll off or other containers to any apartment or other multi-family complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/demolition project, shall clearly mark such container for trash or for specific recyclables, as may be appropriate.”

3-7.7 The entirety of this section shall be deleted and replaced by the following:

3-7.7 Debris Management Plan for Construction Permits.

a. The municipality shall issue construction and demolition permits only after the applicant has provided a debris management plan identifying the estimated number and types of containers to be used for the handling of all solid waste and recyclables generated during the project, and arrangement for the proper disposition of the generated materials.

b. A refundable deposit of \$50.00 to \$1,000.00 shall be submitted with the debris management plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid waste and recyclables. Inadequate or incomplete documentation may result in a refundable deposit of \$1,000.00.

3-7.8 The entirety of this section shall be deleted and replaced by the following:

3-7.8 Title, Appointment and Duties of Recycling Coordinator:

a. The position of recycling coordinator is hereby created and established within the municipality, to be appointed by the Governing Body of the Borough of Highlands, for a term of one year expiring on December 31<sup>st</sup> of each year.

b. The duties of the recycling coordinator shall include, but are not limited to: the preparation of annual or other reports as required by State and County Agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies and conducting recycling activities, periodic review of local residential and business recycling practices and compliance,



**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

review and recommendation and local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, reports to the Governing Body on the implementation and enforcement of the provisions of this Ordinance, and such other reports and activities as may be requested by the Governing Body.

c. The recycling coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators as established by the State of New Jersey, the Recycling Coordinator shall have completed or be in the process of completing the requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

3-7.9 The entirety of this section shall be deleted and replaced with the following:

3-7.9 Collection by Unauthorized Persons.

From the time of placement at the curb by anyone described herein, items shall become the property of the Borough of Highlands or its authorized agent. It shall be a violation of this section for any person not authorized by the Borough of Highlands to collect or pick up or caused to be collected or picked up any such items. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

3-7.10 The entirety of this section shall be deleted and replaced by the following:

3-7.10 Enforcement.

a. The duly appointed Municipal Recycling Coordinator, the Monmouth County Health Department and the Monmouth County Solid Waste Enforcement Team are hereby jointly and severely empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this Ordinance, by issuance of warnings, notices, summons and complaints. A typical inspection may consist of sorting through containers and opening bagged solid waste to detect the presence of recyclable materials.

b. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection, with a follow up visit to determine compliance within a stated period of time.

3-7.11 Is hereby created and Shall state the following:

Violations and Penalties

a. Violations or Non-compliance with any of the provisions of this ordinance, or the rules and regulations promulgated hereunder, shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00.

b. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

c. Fines levied and collected in Municipal Court pursuant to the provisions of this Ordinance shall be deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the Municipal Recycling Program.

3-7.12 Is hereby created and Shall state the following:

Repealer

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect immediately upon its passage and publication in accordance with the Law.

Seconded by Ms. Kane and approved on the following roll call vote:

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Ordinance O-10-7**

Mrs. Cummins read the title of Ordinance O-10-7 for introduction and setting of a public hearing date.

Mr. Nolan offered the following Ordinance pass first reading and moved on its introduction and setting of a public hearing date for Wednesday, April 21, 2010 at 8:00 p.m.

**O-10-7  
AN ORDINANCE OF THE BOROUGH OF HIGHLANDS  
ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF  
POLICEMEN'S BENEVOLENT ASSOCIATION SANDY HOOK LOCAL #48  
FOR STATE FISCAL YEARS 2009-2012**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, a municipal Corporation of the State of New Jersey;

Section 1. The annual salaries and compensation of the police officers holding the positions hereinafter described for Fiscal Year 2009 through Fiscal Year 2012 (July 1, 2008 – June 30, 2012) as follows, payable semi-monthly unless herein described in.

	Fiscal Year			
	2009	2010	2011	2012
Probationary/Academy	\$30,000	\$31,275	\$32,604	\$33,990
Probationary P.O. 1 (1 <sup>st</sup> 6 months after 1 <sup>st</sup> full year of employment)	\$35,000	\$36,488	\$38,038	\$39,655
Probationary P.O. 2 (2 <sup>nd</sup> 6 months after 1 <sup>st</sup> full year of employment)	\$42,000	\$43,785	\$45,646	\$47,586
Police Officer I (after 2 full calendar years of employment)	\$46,778	\$48,766	\$50,839	\$52,999
Police Officer 1 (officers hired prior to July 1, 2008)	\$48,766	\$50,839		
Police Officer 2	\$53,355	\$55,623	\$57,987	\$60,451
Police Officer 3	\$62,770	\$65,438	\$68,219	\$71,118
Police Officer 4	\$70,618	\$73,619	\$76,748	\$80,010
Police Officer 5	\$86,730	\$90,416	\$94,259	\$98,265
Sergeant	\$91,000	\$94,868	\$98,899	\$103,103
Lieutenant	\$93,696	\$97,678	\$101,829	\$106,157
Captain	\$95,152	\$99,196	\$103,411	\$107,806
Juvenile Officer	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000

Section 2. LONGEVITY BENEFITS.

Longevity will be administered as follows to a maximum amount of \$5,000.00 per year, in accordance with the following schedule:

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

0-5 Years	0% Longevity
6-10 Years	3% Longevity
11-15 Years	6% Longevity
16-20 Years	9% Longevity
21 Years or over	12% Longevity

Section 3. HOLIDAY PAY

A. Police officers shall receive twelve (12) paid holidays per the collective bargaining agreement. All holiday pay shall be paid to the police officers by November 15<sup>th</sup> of each year.

B. Every police officer shall receive eight (8) hours of extra pay for each of the above holidays in addition to his full weekly pay for the week in which the holiday appears regardless as to whether or not the employee works.

Section 4. EFFECTIVE DATE:

The salaries and compensation set forth herein shall be effective and payable as of and after July 1, 2008 through June 30, 2012.

Section 5. IMPLEMENTATION

This ordinance shall take effect immediately upon its passage and publication in accordance with law.

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**

---

**Other Business:**

**Engineers Status Report**

Robert Keady, P.E. Borough Engineer reviewed the following report:

**HGHL-G1001**

**March 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.

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

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 project has been completed. The Contractor has to submit a post-lining video for review prior to project close-out.

**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. As requested by Mayor and Council we prepared and submitted a Federal Appropriations grant application to Senators Lautenberg and Menendez to request assistance with funding of this project.
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. Project plans and specifications have been sent to the Monmouth County Community Development Office for review. Once County approval is granted, we will advertise the project for construction.
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  
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. We are currently closing out the project with the NJDOT so that the Borough may receive the remaining funding for this project.

4. **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. A project status meeting was held on Wednesday February 17, 2010 at T&M Associates. On February 24, 2010, a pre-application meeting was held at the NJDEP and was attended by T&M Associates. Design of the Snug Harbor Pumpstation is currently progressing. A project presentation will be made to the Mayor and Council at the March 17, 2010 Council meeting.
5. **The Resurfacing of Waterwitch Avenue:** The Borough 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

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

the request to reduce the project limits. The Borough authorized T&M Associates to design and inspect the project on December 16, 2009. The Borough has adopted a Bond Ordinance to cover costs above the NJDOT award amount. The design of the project is approximately 60% complete.

6. **2010 Roadway Improvements Project:** As recently discussed with the Governing Body, we are preparing an overall proposal for design and contract administration services for the following roadways:

- **Highland Avenue Reconstruction:** from Portland Road to Valley Avenue
- **Valley Avenue Reconstruction:** from Route 36 to the western terminus
- **Miller Street Reconstruction:** from Route 36 to Highland Avenue
- **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street
- **Prospect Street Mill/Overlay:** from Osborne Street to a limit east of Woodland Street
- **Bay View Street Rehabilitation:** The entire length

The proposal will be provided with a breakdown of each roadway so that the Borough has the option to only proceed with various portions of the overall project if they choose to do so. It should be noted that the NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue. The Borough has expressed interest of having a pre-design walkthrough with the residents on Highland Avenue.

**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.).
2. **Alternate Energy:** Previously, we gave a presentation to the Mayor and Council pertaining to the utilization of and transformation to utilizing alternate energy. The presentation focused specifically on funding and procedures. As there is a new Council in place, we are offering to repeat the presentation to the current Mayor and Council.

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

Very truly yours,

T&M ASSOCIATES

---

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

The Council directed the Engineer to do a brief presentation on Solar Energy at the next Work Shop Meeting.

**Flood Mitigation Presentation by Borough Engineer**

Keith Henderson of T & M Associates gave a Flood Mitigation Presentation to the Council. He reviewed the T & M Associates Letter on this matter dated March 17, 2010. He explained that we would have to go through the NJDEP Permit Process. They have completed survey of area and are working on application. He then described the yellow areas on a large map on a board. He spoke about the Valley Avenue Pump Station. On the third map he spoke of the North Street area improvements which are identical to Valley Street. He went through Application “A” costs. He recommended pulling off the diversion and explained that the mitigation plan can be done in phases.

Mayor Little – total costs is nine million dollars. She expressed her concerns with doing this in phases.

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

Mr. Henderson explained that to dry of pieces at a time, doing in phases takes diversion out. He further explained Snug Harbor and Waterwitch areas.

Mayor Little stated that she needs to digest this information and find some money.

Mr. Pfeffer explained that we hope to borrow money from trust with no 5% down payment.

Mr. Keady – Snug Harbor, Valley Avenue, North Street is within the original scope. The investigation was in the scope but it revealed other areas in need of improvements.

Mayor Little stated that we need to look at FEMA and look to see about grant money, then determine what neighborhoods to do

Discussion on this matter will continue at the April Regular Meeting.

**CDBG Possible 2011 Grant Application**

Mayor Little stated that she wants to do Street Scape.

Mr. Keady explained that the maximum amount is \$250,000. He explained the process and need to finish generator project.

**Review of D. Tarpy Memo RE: Peddlers License Ordinance**

The Governing Body reviewed a letter that they received from Mr. Donald Tarpey dated March 9, 2010 relating to the Borough's Peddlers License Ordinance.

Mr. O'Neil stated that he does not support any change in the Borough's Ordinance.

Mr. Francy stated that he wants to ensure that the licenses are being used.

Mr. Arnette explained that we could change ordinance to have them sign affidavit that they are using the licenses.

The Governing Body decided to take no action on this matter.

**Broadband Discussion**

Mayor Little stated that the material that she provided to the council in their packets is food for thought.

**Soar Production Community Theatre Update**

Mr. Hilling stated that he has requested a letter of reference from Soar Production but he has not yet received one. They want to use the Community Center.

Mayor Little stated that she received a letter from Soar.

Tara Ryan of Highlands Elementary School stated that she hasn't heard anything from them and she saved dates at the school for them.

Mayor Little directed the Borough Administrator to reach out and obtain information from Soar Production.

**Library Committee – Tara Ryan**

Tara Ryan of the Library Committee read through the following report:

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

LIBRARY COMMITTEE REPORT

Today, March 17, 2010, the Library Committee met again with Tim Hill, head of Parks and Recreation for Highlands, and his staff. Mr. Hill enthusiastically supports the idea of re-establishing the Highlands Library at the Community Center, and worked with us to find ways for this to happen without any additional costs to the taxpayers. He agrees that it is possible to share the space without displacing any groups that may already be using the room.

The Library will be open a limited number of hours throughout the summer. After Labor Day we will report the number of visitors, material borrowed, and client requests. At that time the schedule will be re-evaluated and perhaps change. The collection will consist of adult, young adult and easy reader books, newspapers, magazines and movies. There will not be a computer in the space at this time. All expenses will be covered by donations, all staff will be volunteer.

I am requesting that the Highlands Council members pass a resolution approving the re-opening of the library, and instruct Mr. Hilling to work with us to release the donated funds that are being held by the town so the committee may start preparing the space and ordering the supplies needed to be ready for the proposed opening date, Saturday June 5, 2010.

**HIGHLANDS LIBRARY MISSION STATEMENT**

To serve the community of Highlands by providing a library at no additional cost to the taxpayers. The Highlands Library will be staffed by volunteers and operated with donated funds and grants.

Days of Operation/TBA, would like Thursday afternoon to coincide w/ seniors club.  
Hours of Operation/TBA after consultation w/ Highlands Dir. Of Parks and Recreation Tim Hill.  
Staffing: Two volunteers on site during all operational hours  
Co-Chairs Mary Muller or Tara Ryan will also be on-site during first few weeks of operation.  
Training will be conducted in the Library Room.  
Library will be free to all Highlands Residents.

**COSTS:** Opening operational costs will come from funds already raised. Tara Ryan will ask for release of funds at HCN 3/17/10, at which time she will also request a Resolution from the Council to re-open the Highlands Library.

Rehab and clean-out of space; paint, perhaps rug  
Signage  
Catalogue material—pockets, cards, tape etc. (PRICE GOODS)  
Date stamps, enrollment forms, library cards, volunteer pins.

**GOALS:** Eventually we want to be a full service library, with a computer station and community events, such as:

- Meet The Local Author
- Armchair Travels
- Book Clubs
- Literacy Programs

(2)

The first “season” of the Highlands Library, which we see as June 5 Sat. noon Opening Ceremony through Tues Sept. 7

(DALD) we see as the experiment. We will see how many people use the library, what materials are taken out, and what the community actually wants. There will be a suggestion box

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

In the space, and volunteers will be trained to ask the clients what they want, and to write a log after each shift. At the end of the first season the data will be collected and processed, and a report produced guiding the growth of the New Highlands Library.

**THE COLLECTION**

**WE ARE NOT ACCEPTING DONATIONS OF BOOKS AT THIS TIME, THANK YOU!**

The committee will first examine the current collection, and decide what to keep on the shelves. They will then decide how to proceed with obtaining the titles we wish to have.

The collection will be comprised of:

Books for Adult, Young Adult and Easy Readers  
Newspapers (subscriptions)  
Magazines  
Movie DVDs and tapes

After we see what is most popular with our client's adjustments will be made.

The New Highlands Library will be a work in progress, adapting to the needs and wants of all Highlands Residents.

Ms. Ryan then requested that Council adopt a Resolution approving the reopening of the library and the approval to use the donated funds.

The Governing Body supported the reopening of the library and directed the Clerk to put a Resolution on the April Regular Meeting.

---

**Other Resolutions:**

Mr. Arnette read the following Resolution for approval:

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

**R-10-73  
RESOLUTION  
REGARDING 5 SEADRIFT AVENUE**

**WHEREAS**, 5 Seadrift Avenue, Block 72 Lot 38 has been declared an eminent hazard and a danger to the health, safety and welfare of the neighboring structures and to the Borough by the Borough Construction Official, Paul Vitale; and

**WHEREAS**, based upon the Borough's Construction Officials examination of the property on March 17, 2010 at 7:45 p.m. The structure was determined to be unstable and moved and rocked back and forth upon pressure. The property must be taken down to its foundation and removed from the property; and

**WHEREAS**, given the nature of the condition of the property, the lack of integrity of the structure and the danger that it presents. The Construction Official has determined that the structure must be taken down within 24 hours of his notice to the property owner.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that in the event that the property owner does not take down the structure within the time parameters laid out within the notice. The Borough Administrator is hereby authorized to assist the Construction Official in the process of securing three quotes for the demolition of the structure on the property consistent with the direction and advisement of the Construction Official.



**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby direct the Borough Administrator to take all of the necessary actions to secure reimbursement from the property owner for the money spent on the demolition and removal of the structure from the property or place a lien on the property for the amount of the expenses plus the statutorily allowable.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

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

---

**Approval of Minutes:**

Ms. Kane offered a motion and moved on the approval of the November 23, 2009 Minutes, seconded by Mayor Little and all eligible were in favor.

Mr. Nolan offered a motion and moved on the approval of the January 6, 2011 Regular and Executive Session Minutes and the February 17, 2011 Regular & Executive Session 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:** None  
**ABSTAIN:** Ms. Kane

Mr. Nolan offered a motion to approve the February 3, 2011 Executive Session Minutes, seconded by Ms. Kane and all were in favor.

---

**Public Portion:**

Carol Custer of 38 Central Avenue spoke of the flooding situation and questioned who was responsible for bulkhead and Marine Place.

Mr. Francy explained that it's the town.

Carol Custer stated that there are holes and rust and the creek needs to be cleaned.

Mr. Hilling stated that it was cleaned two months ago.

Carol Custer stated that the sewer drain on Ocean Avenue and Beach Blvd is dangerous. The four corners on Central and Bay, she cleared out storm drains.

Mayor Little stated that in advance of storms the DPW should clean the storm drains.

Carol Custer stated that she objects to the DPW working on holidays to collect garbage.

Mr. O'Neil stated that garbage will not be picked up anymore on holidays.

Carol Custer spoke about people dumping snow in the creek and stated that its illegal.

Dave Tauro – yes, it's illegal.

Carol Custer stated that she heard beeping of a truck, a dump truck dumping snow on the bank hill. She called the Police and it's the banks bringing in the snow and dumping it.

Mr. Arnette stated that its probably not allowed.

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

Mayor Little directed the Borough Administrator to send a letter to Jost Excavating for dumping snow on bank property.

Mr. Hilling announced that the Borough will be having a public auction.

Carol Custer questioned the status of the borough's street sweeper.

Mr. O'Neil – it's going to be repaired.

Carol Custer – who cleans basketball court.

Mr. O'Neil – DPW.

Tara Ryan passed on her turn to speak.

Ann Hamilton of 3 Seadrift Avenue thanked the Council for taking action on 5 Seadrift Avenue. She also stated that the bulkhead on Seadrift Avenue is in need of repair and there is a sinkhole behind her property.

Shama Kagigi of 15 Seadrift Avenue was impressed with the Council Action regarding 5 Seadrift Avenue. She expressed her concerns with regard to 5 Seadrift Avenue.

Mr. Francy – we are conducting damage assessment and he asked her to submit reports with photos for FEMA.

Tim Hamilton of 3 Seadrift Avenue thanked the Police for announcing to remove cars which saved his car. The flooding occurred through Captain Coves Marina.

Claudette Dorego of 12 Seadrift Avenue also thanked the Council for taking action on 5 Seadrift Avenue.

Mayor Little explained that 5 Seadrift Ave is private property and we will need legal help.

Donna O'Callaghan of South Bay Avenue spoke about sewer pumping into septic trucks. She wants to know if new generator will resolved problem.

Mr. O'Neil responded with explanation for Ms. O'Callaghan. He stated that the pumps are being replaced.

Donna O'Callaghan stated that Mr. Francy received an email about the dust problems which she further explained.

Mr. Hilling – there is a DOT Meeting tomorrow and he will bring the dust issue up at the meeting.

Tara Ryan of 17 Ocean Street stated that the work lights were on tonight for the bridge work.

Jim Parla of Portland Road – lights on still working on bridge.

Steve Szulecki of 116 Highland Avenue spoke about violation of administration code violations.

Roberta McEntee of 55 Fifth Street suggested that the town not allow people to use black garbage bags because we don't know what is being thrown away.

David Tauro of 39 Miller Street spoke who is a Baymen and explained that throwing snow into the water is against the law. He stated that there is a sewer spill that is seeping out of the manhole in front of the Hardware.

Kevin Kirk of the Baymens Association stated that there were 50 gallons of spill that was reported and until the water is clean over 100 men are out of work.

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
March 17, 2010**

Mr. O'Neil stated that the men are not out of work from that spill and it will be fixed on Tuesday.

Discussion continued about sewer leakage.

Jim Parla of 16 Portland Road questioned the timing for the demo of 5 Seadrift Avenue.

Mayor Little – 24 hours.

Jim Parla questioned the FEMA disaster documentation.

Mr. Francy explained that we need to establish that there is a threshold of loses.

Jim Parla questioned the lottery system for Peddlers License.

Mrs. Cummins explained that the ordinance calls for a lottery system.

Jim Parla questioned Soar Production references.

Mayor Little stated that she has a letter of reference and Mr. Hilling has been directed to obtain letters of reference for this company.

Jim Parla stated that the speed limit sign on Highland Avenue needs to be fixed.

Mr. Hilling will take care of it.

Ron Dowling of 68 Fifth Street questioned a possible locked gate by Captains Cove to close when a storm comes to prevent flooding.

Mr. Henderson of T & M Associates explained that a gate would be very expensive.

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

The Meeting adjourned at 9:08 P.M.

---

**CAROLYN CUMMINS, BOROUGH CLERK**