

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
June 16, 2010**

Mayor Little called the meeting to order at 7:09 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 & 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. O'Neil, Mr. Francy, Ms. Kane, Mayor Little

**Absent:** None

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

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**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:**
- 3.Real Estate: Careless Navigator Property, 2 Private Road**
- 4. Personnel Matters:**
- 5.**

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

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

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

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

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8. Related to investigation of violations or possible violations of the law.
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

The Governing Body then entered into Executive Session.

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Mayor Little called the Regular Meeting back to order at 8:06 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, CFO  
Scott Arnette, Esq., Borough Attorney

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**Public Portion on Agenda Items:**

Donna O'Callaghan - passed

Tara Ryan – passed

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**Consent Agenda:**

Mayor Little stated that Resolutions R-10-117 and R-10-123 are for separate discussion.

Mrs. Cummins stated that there was a typo in Resolution R-10-129. Change name in first sentence from American Legion to VFW.

Mr. Nolan offered a motion to approve the consent agenda with the removal of Resolution R-10-177 and R-10-123 and a typo correction be approved for R-10-129, seconded by Ms. Kane and all were in favor.

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

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**R-10-113**

**RESOLUTION - CANCELING GRANT FUND RECEIVABLES**

**WHEREAS**, various receivable balances remain on the balance sheet of the grant fund; and

**WHEREAS**, the Chief Financial Officer has investigated the receivable balances and has determined that these receivables should be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that the following grant receivable balances in the amount of \$178.75 be and the same are hereby canceled:

2009 Summer Food Program                      \$178.75

Seconded by Ms. Kane 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-10-114**

**RESOLUTION - CANCELING VARIOUS GRANT FUND RESERVES**

**WHEREAS**, various reserve balances remain on the balance sheet of the grant fund; and

**WHEREAS**, the Chief Financial Officer has investigated the reserve balances and has determined that these reserves should be canceled;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that the following reserves in the amount of \$529.88 be and the same are hereby canceled:

Summer Food – 2009                                      \$ 182.63  
Alliance Grant 2008                                      \$ 347.25

Seconded by Ms. Kane 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-10-115**

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET  
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

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**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that transfers between SFY 2010 Budget Appropriations be made as follows:

CURRENT FUND	FROM	TO
Police:		
Salaries & Wages	\$ 22,000.00	
Snow Removal:		
Salaries & Wages	9,300.00	
Other Expenses	8,000.00	
Police:		
Other Expenses		\$ 22,000.00
Beachfront:		
Salaries & Wages		2,000.00
Building & Grounds:		
Other Expenses		15,000.00
Uniform Fire Safety:		
Other Expenses		300.00
	\$ 39,300.00	\$ 39,300.00

Seconded by Ms. Kane 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-10-116  
RESOLUTION  
APPROVING APPLICATION FOR SPECIAL PERMIT TO OPERATE LIQUOR  
LICENSE  
FOR L & P TAVERN, INC.  
LIQUOR LICENSE 1317-33-017-002**

**WHEREAS**, Liquor License 1317-33-017-002 currently under the ownership of L& P Tavern, Inc. t/a Ye Ole Cork & Bottle; and

**WHEREAS**, application has been made by Debra Lynne Card for a special permit to operate under license of a deceased person pending extension of such license to the executor or the administrator.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the application made by Debra Lynn Card for liquor license 1317-33-017-002 for a special permit to operate liquor license of a deceased person pending extension of such license to the Executor or the Administrator; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized to execute the permit for approval.

Seconded by Ms. Kane 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

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

**R-10-118  
RESOLUTION APPROVING PAYMENT  
FOR EMPLOYEE'S WAIVER OF HEALTH BENEFITS**

**WHEREAS**, by way of prior resolution, R-09-184, the Mayor and Council of the Borough of Highlands approved a "Section 125 Cafeteria" (the "Plan"); and

**WHEREAS**, that resolution has subsequently been modified to comply with P.L.2020 Ch.2; and

**WHEREAS**, pursuant to the modified resolution an employee of the Borough who elects to waive health insurance benefits after May 21, 2010 is entitled to receive 25% of the Borough's savings from the waiver of coverage up to a maximum of \$5,000; and

**WHEREAS**, a formal request has been made by the Borough Administrator Bruce Hilling for payment in lieu of health insurance benefits;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Highland hereby approves the payment of \$ 5,000 to Mr. Hilling in return for his waiver of health insurance coverage from July 1, 2010 through June 30, 2011; and further approves an annual payment for the waiver of health insurance coverage in an amount equal to 25% of the Borough's cost of the waived health insurance coverage up to a maximum of \$5,000;

Seconded by Ms. Kane 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-10-120  
RESOLUTION  
RENEWING 2010-2011 LIQUOR LICENSES**

**WHEREAS**, Liquor License Renewal Applications were filed for the year 2010-2011 for the following Liquor Licenses; and

**WHEREAS**, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2010 to June 30, 2011:

<b>1317-31-027-001</b>	<b>American Legion Twilight Post 143 t/a American Legion Twilight Post 143</b>	<b>85-87 Bay Avenue</b>
<b>1317-31-028-001</b>	<b>Highlands Post 6902 VFW of US t/a Highlands VFW 6902</b>	<b>331 Bay Avenue</b>

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1317-32-018-004	Wunderbar, Inc. t/a Driftwood Liquors	300 Bay Avenue
1317-32-021-003	Andy's Shore Bar, Inc. t/a Andy's Shore Bar	150-52 Bay Ave
1317-33-001-003	Bahrs Restaurant Inc. t/a Bahrs Landing Moby's	2 Bay Avenue
1317-33-003-007	Claddagh of Highlands t/a Claddagh	297-299 Bay Ave
1317-33-004-011	Bay Avenue Restaurant Co, LLC t/a Grimaldi's	123 Bay Avenue
1317-33-005-002	Sandy Hook Holdings, LLC t/a Beacon on the Bay	1 Willow Street
1317-33-006-004	Tomaini, John J.	Pocket
1317-33-007-003	Inlet Café, Inc. t/a Inlet Café Inc.	3 Cornwall St
1317-33-008-004	Highlands Landing Corporation Not Actively Used at Site as per Renewal Application	
1317-33-010-009	JWALKERBLACK, LLC t/a Havana Tropical Cafe	409 Bay Avenue
1317-33-016-003	Filip Enterprises, Inc. t/a Doris & Ed's Restaurant	348 Shore Drive
1317-33-019-010	Triple Beta, LLC t/a Clam Hut	1 Atlantic Street
1317-33-022-010	M & D, Inc. t/a Off The Hook Restaurant & Bar	1 Navesink Avenue
1317-44-011-003	Monir Inc. t/a Bay Spirits	116 Bay Avenue

Seconded by Ms. Kane and adopted on the following Roll Call Vote:

**ROLL CALL:**

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

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

**R-10-121  
RESOLUTION**

**WHEREAS**, by way of prior resolution, R-09-184, the Mayor and Council of the Borough of Highlands approved the implementation of a Section 125 Cafeteria Plan (the "Plan"); and

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**WHEREAS**, pursuant to that plan an employee of the Borough who elected to waive health insurance benefits was entitled to receive \$5,500 in return for their waiver of health coverage; and

**WHEREAS**, with the adoption of P.L.2020 Ch.2, there is now a cap imposed on the amount a municipality can pay to an employee in return for their waiver of health benefits for those employees who elect to waive coverage after the effective date of the law, May 21, 2010; and

**WHEREAS**, the Borough must implement its health benefits waiver provision in compliance with state law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Highlands hereby amends its prior Resolution R-09-184, to provide that Borough employees who elect to waive health insurance benefits after May 21, 2010 will be entitled to a payment of 25% of the amount saved by the employee's waiver of health insurance coverage, or the sum of \$5,000, which ever amount is less.

Seconded by Ms. Kane 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-10-122  
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**

101 34 2010 \$827.74 FLYNN,C.& CUMMINGS,D.

35 1 2010 \$1894.02 MCGAVIN,P.& O'NEIL,T.

Seconded by Ms. Kane 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

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

**R-10-124  
RESOLUTION  
APPROVING RAFFLE LICENSE  
APPLICATIONS NO. RA#1317-10-7  
AND RA#1317-10-9 HIGHLAND FIRE DEPARTMENT**

**WHEREAS**, the Highlands Fire Department has submitted Raffle License Applications No. RA1317-10-7 and RA 1317-10-9 for Raffle Licenses which will be held on August 5, 2010 through August 8, 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Raffle License RA#1317-10-7 and RA#1317-10-9 for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on licenses.

Seconded by Ms. Kane 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-10-125  
RESOLUTION  
APPROVING RAFFLE LICENSE  
APPLICATION NO. RA#1317-10-8  
KNIGHTS OF COLUMBUS**

**WHEREAS**, the Knights of Columbus has submitted a Raffle License Application No. RA#1317-10-8 for Raffle License which will be held on 7/7/10 – 12/12/10.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Raffle License RA#1317-10-8 for the Knights of Columbus is hereby approved and the Borough Clerk is authorized to sign off on license.

Seconded by Ms. Kane 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-10-126  
RESOLUTION  
APPROVING FIRE DEPARTMENT MEMBERSHIP**

**WHEREAS**, Matthew James Smock and Louis Angel Areola, Jr. have submitted Membership Applications to the Highlands Fire Department; and

**WHEREAS**, Dave Parker, Fire Chief has reviewed both applications and is recommending that they both be approved.



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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Fire Department Membership Applications for both Matthew Smock and Louis Angel Areola, Jr. are hereby approved subject to approval of background check and physical examine.

Seconded by Ms. Kane 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-10-127  
RESOLUTION APPOINTING  
BOROUGH REPRESENTATIVE  
AS ACTIVE MEMBER TO THE  
DIVISION ON AGING, DISABILITIES & VETERAN'S INTERMENT OF  
MONMOUTH COUNTY**

**WHEREAS**, the Borough has received a request for the Borough to appoint an active member to the Office on Aging to represent the Borough of Highlands and attend various monthly meetings; and

**WHEREAS**, Tim Hill, Recreation Director has served as the Borough Representative in the past.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Tim Hill, Recreation Director is hereby designated as the Borough of Highlands Representative with the Office on Aging.

Seconded by Ms. Kane 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-10-128  
RESOLUTION AUTHORIZING THE PREPARATION OF  
RFP FOR WEBSITE SERVICES**

**WHEREAS**, the Borough's Website Committee has done a study of the Borough's website focusing on ways to improve it; and

**WHEREAS**, the Website Committee gave a presentation to the Governing Body and the public at the May 19, 2010 Council Meeting; and

**WHEREAS**, the Website Committee has requested authorization to prepare a Request for Proposal for website services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Website Committee is hereby authorized to work with the Borough Administrator to prepare an RFP for website services based on the recommendations of the New Jersey League of Municipalities website service and the committee's presentation.

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Seconded by Ms. Kane 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-10-129  
RESOLUTION  
APPROVING SOCIAL AFFAIR PERMIT  
THE HIGHLANDS VFW POST #6902**

**WHEREAS**, the Highlands VFW has submitted a Social Affairs Permit Application to have an event that will be held from August 5, 2010 through August 8, 2010; and

**WHEREAS**, the Chief of Police has reviewed the application and has approved it.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Highlands VFW application for a Social Affairs Permit for August 5 through August 8, 2010 is hereby approved and the Borough Clerk is authorized to execute said application.

Seconded by Ms. Kane 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-10-130  
CANCELLATION OF PROPERTY TAX AND SEWER OVERPAYMENTS OR  
DELINQUENT AMOUNTS +/- \$10.00**

**WHEREAS**, NJSA 40A:5-17 allows for the cancellation of property tax and sewer overpayments or delinquent amounts +/- \$10.00; and

**WHEREAS**, the governing body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of property tax and sewer overpayments or delinquencies +/- \$10.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector is hereby authorized to cancel said tax amounts as deemed necessary.

Seconded by Ms. Kane 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 introduced and offered for adoption of the following Resolution:

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**R-10-131**

**RESOLUTION ENTERING INTO AN AGREEMENT WITH THE MONMOUTH  
HOUSING ALLIANCE d/b/a AFFORDABLE HOUSING ALLIANCE FOR A PAYMENT  
IN LIEU OF TAXES (“PILOT”) AGREEMENT**

**WHEREAS**, the Mayor and Council of the Borough of Highlands have found that entering into an agreement with the Monmouth Housing Alliance d/b/a Affordable Housing Alliance for a PILOT agreement is in the best interests of the community; and

**WHEREAS**, this agreement recognizes the existence of five (5) rental units for low to moderate income individuals with special needs; and

**WHEREAS**, based upon the evidence presented in the currently pending Tax Appeal, the Tax Assessor recommends that this PILOT agreement be put in place.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands as follow:

1. The project is or will be situated on that Parcel of land known and designated as Block 58, Lot 3.01 as shown on the Official Assessment Map of the municipality of Highlands and more commonly referred to as 50 Miller Street, Highlands, New Jersey. This is a five (5) unit rental for low to moderate-income individuals with special needs.
2. As of the date the Sponsor executes this agreement concerning the Project, the land and improvements comprising the Project shall be exempt from real estate taxes, provided that the Sponsor shall make payments in lieu of taxes to the Municipality as provided hereinafter. The exemption of the project from real property taxation and the Sponsor’s obligation to make payments in lieu of taxes is not contingent on its use in satisfying the Municipalities COAH obligation pursuant to N.J.S.A. 52:27D-301 et seq. and COAH’s N.J.A.C. 5:94-1 et seq. However, if used by the Municipality pursuant to the aforesaid authority and for the aforesaid purposes shall not exceed fifty (50) years. The Sponsor shall make payment to the Municipality of an annual service charge in lieu of taxes in such amount as follows:
  - A. Sponsor shall make payment to the Municipality in an amount equal to ten (10%) percent of the annual gross operating revenue from the date of this agreement pursuant to the procedures set forth more fully below.
  - B. As used herein, “Gross Operating Revenue” means the total annual gross rental or other income of the Sponsor from the Project, which shall not include the cost of gas, electricity, heating fuel for direct housing units or the cost of water and sewage as part of the operation of the Project. Gross Operating Revenue shall also not include any rental subsidy contributions received from any Federal or State program.
  - C. The amount of payment in lieu of taxes to be paid shall be as a result of an annual audit as set forth in Paragraph D below but the first payment shall be based on Exhibit “A” attached hereto. It is expressly understood and agreed that the statement aforesaid represents revenue projections provided to the Municipality as part of the Sponsor’s application for an agreement for payment in lieu of taxes and are estimates only. The actual payments in lieu of taxes to be paid by the Sponsor shall be determined by annual audits as set forth more fully below. Sponsor may have to provide revenue projections provided to the Municipality between audits.

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- D. (a) Payment by the Sponsor shall be made on a quarterly basis in accordance with bills issued by the Tax Collector of the Municipality in the same manner and on the same dates as real estate taxes are paid to the Municipality and shall be based upon the Gross Operating Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of operation after signing this agreement and each year thereafter, that this Agreement remains in effect, the Sponsor shall submit to the Municipality a certified, audited financial statement of the operation of the Project (the "Audit"), setting forth the Gross Operating Revenues and the total payments in lieu of taxes due to the Municipality calculated at 10 percent of Gross Operating Revenues as defined above and the Sponsor shall simultaneously pay the amount calculated either immediately based on the Audit or based on projection until the next annual Audit based on the preceding fiscal year payment. The Municipality may accept any such payment without prejudice to its right to challenge the amount due. In the event that the payment made by the Sponsor for any fiscal year shall exceed the Audit Amount for such fiscal year, the Municipality shall credit the amount of such excess to the account of the Sponsor.
- (b) All payments pursuant to this Agreement shall be in lieu of taxes and the Municipality shall have all the rights and remedies of tax enforcement granted to Municipalities by law just as if said payments continued regular tax obligations on real property within the Municipality. If, however, the Municipality disputes the total amount of the annual payment in lieu of taxes due, based upon the Audit, it may apply to the Superior Court, Chancery Division for an accounting of the service charge due the Municipality, in accordance with this Agreement. Any such action must be commenced within one year of the receipt of the Audit by the Municipality.
- (c) In the event of any delinquency in the aforesaid payment, the Municipality shall give notice to the Sponsor in the manner set forth in 2 H below, prior to any legal action being taken.
- E. The tax exemption provided herein shall apply only so long as the Sponsor or its successors and assigns and the Project remain low to moderate-income rental for special needs tenants, but in no event longer than the term identified in paragraph 2. In the event of (a) sale, transfer or conveyance of the Project by the Sponsor or (b) a change in the organizational structure of the Sponsor, this Agreement shall be assigned to the Sponsor's successor and shall continue in full force and effect so long as the successor entity qualifies as low to moderate-income tenants for special needs and any law applicable at the time of the transfer of this Agreement to the Sponsor's successor or assign.
- F. Upon any termination of such tax exemption, whether by affirmative action of the Sponsor, its successor and assigns, or by the terms of this agreement, or by virtue of the provisions of or any other applicable law, the Project shall be taxed as omitted property in accordance with the law.
- G. The Sponsor, its successors and assigns shall, upon request, permit inspection of property, equipment, Buildings and other facilities of the Project and also documents and papers by representatives duly authorized by the Municipality. Any such inspection, examination or audit shall be made during reasonable hours of the business day, in the presence of an officer or agent of the Sponsor or its successor and assigns.
- H. Any notice or communication by one party to the other hereafter shall be sent by certified mail, return receipt request addressed as follow:  
(a) When sent by Municipality to the Sponsor, it shall be addressed to Monmouth Housing Alliance, 59 Broad Street, Eatontown, New Jersey, 07724 or to such other address as the Sponsor may hereafter designate in writing.

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(b) When sent by the Sponsor to the Municipality, it shall be addressed to the Borough Clerk, 171 Bay Avenue, Highlands, New Jersey, 07732 or to such other address as the Municipality may designate in writing.

- I. In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the listed provisions as set forth herein either party may apply in the Superior Court of New Jersey, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the law.

Seconded by Ms. Kane 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  
06/16/10**

<b>CURRENT:</b>		\$ 20,341.02
Payroll	(06/15/10)	\$
Manual Checks		\$ 31,193.43
Voided Checks		\$ 900.00
<b>SEWER ACCOUNT:</b>		\$ 2,781.41
Payroll	(06/15/10)	\$
Manual Checks		\$ 9.00
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 78,961.99
<b>CAPITAL-MANUAL CHECKS</b>		\$
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 4,344.17
Payroll	(06/15/10)	\$
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$ 16.80
<b>GRANT FUND</b>		\$ 24,010.00
Payroll	(06/15/10)	\$
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.**

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BOROUGH OF HIGHLANDS

Supplemental Bill List for June 16, 2010

**CURRENT FUND**

Ceridian	Cobra Service Charge		\$ 42.59
Comcast	Internet Fees		\$180.00
Henry Hudson Regional School District	School Taxes Due 7/09/10		\$194,243.81
Henry Hudson Regional School District	School Taxes Due 7/16/10		\$194,243.81
Highlands Board of Ed	School Taxes Due 7/12/10		\$238,382.37
Highlands Board of Ed	Debt Service Due 7/10/10		\$ 10,938.72
Hutchins, Farrell, Meyer & Allison	GASB 45 Software Access Fee		\$ 2,800.00
JCP & L	Traffic Lights		\$ 1,901.00
Naylor's	Auto Parts & Supplies		\$ 272.20
N.J. Natural Gas	Natural Gas	Borough Garage	\$ 7.73
N.J. Natural Gas	Natural Gas	Borough Hall	\$ 146.37
Scarinci Hollenbeck	Substandard Housing		<u>\$ 2,609.94</u>
Total Current Fund			\$645,768.54

**SEWER UTILITY**

JCP & L	Electric	Pump Stations	\$348.01
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**CAPITAL FUND**

Birdsall Group	Preliminary Assessment	<u>2 Private Road</u>	<u>\$2,040.00</u>
Total Supplemental Bill List			<u>\$648,156.55</u>

***Seconded by M***

Seconded by Ms.Kane 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

DATE: June 16, 2010

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**Other Resolutions:**

**Resolution R-10-117 & R-10-123**

Mayor Little stated that Resolution R-10-117 was to authorize a purchase of a police car and Resolution R-10-123 had to do with the Acceptance of a Police Vehicle.

Mr. Nolan explained that the cost for the purchase of a police vehicle is \$28,000 and the other Resolution was to accept ownership of a drug seized vehicle.

Mr. Nolan then informed the Borough Attorney that the table wishes to accept the ownership of the vehicle and then sell it.

Mr. Arnette stated that he will have to review the law to see if we can accept sized vehicle then auction it off.

Mr. Pfeffer asked if we auction off the BMW seized vehicle then what would happen to funds, can we put it in next years budget if allowed.

Mr. Nolan offered a motion to table both Resolution R-10-117 and R-10-123 until the next meeting so that the Attorney can research the forfeiture law and also for the CFO to determine accounting principles necessary. Seconded by Mr. Francy and all were in favor.

Mr. Pfeffer stated that Resolution R-10-117 has to be moved on this evening or it becomes a mute issue.

Mr. Nolan offered a motion to untable Resolution R-10-117, seconded by Ms. Kane and approved on the following roll call vote:

**ROLL CALL:**

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

Mr. Nolan stated that we want to sell the BMW to offset the cost of the new police vehicle.

Mr. Pfeffer explained the purchase of the new police car is separate and the money is in place to buy the car and if we wait until the next fiscal year we won't be able to buy because we won't have room under the CAP to buy it.

Council discussed and deferred any action on R-10-117 until they hear the Finance Report.

**Resolution R-10-119**

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

**R-10-119  
RESOLUTION APPOINTING MEMBER OF HOUSING  
AUTHORITY**

**WHEREAS**, Rev. Marty McGrail, Housing Authority Board Member has recently resigned from his unexpired appointment to the Housing Authority; and

**WHEREAS**, due to Rev McGrails resignation there is currently a vacancy on the Highlands Housing Authority; and

**WHEREAS**, the Borough has solicited volunteers to serve on the Housing Authority.

**BE IT RESOLVED** that the following appointment to the Housing Authority be and hereby is made:

Rebecca Kane	for the unexpired term of Rev. M. McGrail to Expire November 30, 2013
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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:** None

**ABSTAIN:** Ms. Kane

**Resolution R-10-132**

Mr. Nolan stated that he and Councilwoman Kane had a meeting with two members of the HBP Executive Board last week and they agreed upon a price to offset some of the expenses of the Clam Fest. They also got a reduction in the cost from the Fire Department. They agree that the HBP would pay \$2,500 to offset our costs.

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

**R-10-132  
RESOLUTION APPROVING  
HIGHLANDS BUSINESS PARTNERSHIP'S REQUEST  
TO HOLD THE ANNUAL CLAM FEST**

**WHEREAS**, the Highlands Business Partnership has held an Annual Clam Fest in the Borough of Highlands for the past several years and is requesting permission to hold the event again this year in August 2010; and

**WHEREAS**, the Governing Body of the Borough of Highlands supports the Annual Clam Fest; and

**WHEREAS**, the Clam Fest will require the support of the Borough of Highlands to provide certain required services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Highlands Business Partnership is hereby authorized to hold the Annual Clam Fest; and

**BE IT FURTHER RESOLVED** that the Borough will provide certain municipal services to the Clam Fest and that the HBP will make a financial contribution of \$2,500 to the Borough to help with the costs of providing such municipal services. This contribution



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payment will be made to the Borough by the end of August 2010.

Seconded by Ms. Kane 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

**Resolution R-10-102**

Mr. Nolan asked Don Manrodt of the VFW how he felt about the HBP obtaining a Social Affairs Permit for the Clam Fest.

Mr. Manrodt stated that an agreement has been made between the VFW and the HBP.

Mrs. Cummins stated that the Chief of Police has not signed off on the Social Affairs Permit as of yet so this would be subject to his approval.

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

**R-10-102  
RESOLUTION  
APPROVING RAFFLE LICENSE  
APPLICATIONS NO. RA#1317-10-6 & RA#1317-10-10 AND  
SOCIAL AFFAIR PERMIT FOR THE  
HIGHLANDS BUSINESS PARTNERSHIP**

**WHEREAS**, the Highlands Business Partnership has submitted two Raffle License Applications No. RA1317-10-6 and RA#1317-10-10 for five Games of Chance and One Money Wheel and 50/50 Raffle for the Clam Fest which will be held on August 5, 2010 through August 8, 2010; and

**WHEREAS**, the HBP has also submitted a Social Affair Permit Application for August 5<sup>th</sup> through August 8, 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands here approves Raffle Licenses RA#1317-10-6 and RA#1317-10-10 for the Highlands Business Partnership and the Borough Clerk is authorized to sign off on the licenses.

**BE IT FURTHER RESOLVED** that the Highlands Business Partnerships application for a Social Affair Permit is hereby approved subject to the approval of the Chief of Police.

Seconded by Ms. Kane 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

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

**Ordinance O-10-13**

Mrs. Cummins read the title of Ordinance O-10-13 for introduction and setting of a public hearing date for July 21, 2010.

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Mr. O'Neil offered a motion and moved on the introduction of the following Ordinance and set a public hearing date for July 21, 2010 at 8:00 p.m. and authorized its publication according to law:

**O-10-13  
AN ORDINANCE AMENDING CHAPTER III,  
OF THE GENERAL AND LICENSING  
ORDINANCES OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Governing Body of the Borough of Highlands has had the Borough Ordinances reviewed and have determined that the section entitled "Loitering" is outdated and covered by other provisions of the Municipal Criminal Code and the New Jersey State Criminal Code; and

**WHEREAS**, it has been determined that deleting that portion of the Borough's Code entitled "Loitering" can be done without impacting the Borough Resident's quality of life and safety given the other provisions that cover the activities within the "Loitering" Ordinance.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands that Chapter III, §3-3 "Loitering", of the General and Licensing Ordinances of the Borough of Highlands is deleted in its entirety.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Ordinances: 2<sup>nd</sup> Reading & Public Hearing & Adoption:**

**Ordinance O-10-11**

Mrs. Cummins read the title of Ordinance O-10-11 for the second reading and public hearing. She stated that this Ordinance was published in the May 28<sup>th</sup> edition of the Two River Times.

Mayor Little opened up the public hearing on Ordinance O-10-11.

There were no questions or comments from the public; therefore Mayor Little closed the public hearing on Ordinance O-10-11.

Mrs. Cummins read the title of the Ordinance O-10-11 for the third and final reading and adoption.

Mr. O'Neil offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-10-11  
AN ORDINANCE AMENDING CHAPTER X,  
BUILDING AND HOUSE, SECTION 10-10 BRUSH, WEEDS, TRASH  
AND DEBRIS REMOVAL, PARAGRAPH 10-10.2 INSPECTION  
OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands are desirous of maintaining the Borough in a clean and well kept condition with brush and weeds properly

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maintained under control and trash and debris removed from, and not allowed to accumulate on, properties; and

**WHEREAS**, the current section 10-10.2, provides for a 10 day notice provision which allows these unsightly conditions to continue for 10 days prior to the issuance of a summons; and

**WHEREAS**, the Mayor and Council of the Borough of Highlands feel that property owners or tenant of lands in the Borough should keep their lands free of fire hazards, brush, weeds, garbage, trash and debris and should maintain their land in a clean and sanitary condition at all times.

**NOT THEREFORE BE IT ORDAINED**, that Section 10-10.2, Inspection, is hereby deleted in its entirety and replaced with the following paragraph:

10-10.2. Inspection.

The Borough Code Enforcement Officer is hereby authorized to inspect lands in the Borough for the presence of fire hazards, brush, weeds including rag weed, dead and dying trees, stumps, roots, obnoxious growths, grass and weeds which exceed the height of 9 inches, filth, garbage, trash and debris, and if same are deemed to be detrimental to the public health, shall issue a summons to the persons who, according to the tax duplicate of the Borough, appear as owner or tenant, and require that the trash and garbage be removed and eliminate such fire hazards, brush, weeds, including rag weed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

This Ordinance Shall take effect immediately upon its enactment.

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

**Ordinance O-10-12**

Mrs. Cummins read the title of Ordinance O-10-12 for the second reading and public hearing. She stated that this ordinance was published in its entirety in the May 28<sup>th</sup> edition of the Two River Rimes.

Mayor Little opened up the public hearing on Ordinance O-10-12.

There were no public questions or comments; therefore Mayor Little closed the public hearing on Ordinance O-10-12.

Mrs. Cummins read the title of Ordinance O-10-12 for the third and final reading and adoption.

Mr. Francy stated that he wants the CFO to look at these fees to see if fees will cover costs of personnel changes.

Mr. O'Neil offered the following Ordinance pass third and final reading and moved on its adoption:

Mr. Pfeffer stated that the Fire Official was unsure of what the financial ramifications of this would be.

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Council had discussions about BHI fees.

Mr. Francy – the fees look low.

Mr. O’Neil stated that he wants a better assurance of fees before we adopt and change the fees.

Mr. Pfeffer explained that the Fire Official is not sure of the quantity of buildings.

Council continued discussions.

Mr. O’Neil offered the following Ordinance pass third and final reading and moved on its adoption:

**FAILED ADOPTION**

**O-10-12**

**AN ORDINANCE AMENDING CHAPTER XI, ARTICLE I  
UNIFORM FIRE CODE, SECTION 11-7f  
RESIDENTIAL (LEA Listed with multi-family BHI) AND COMMON AREAS IN  
MULTIFAMILY DWELLINGS- FEES  
OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

( additions shown in underline, deletions shown by ~~strikeouts~~)

**WHEREAS**, the Mayor and Council of the Borough of Highlands are desirous of having its local Fire Official/Fire Marshal or his designee complete BHI inspections within the Borough; and

**WHEREAS**, the Fire Official/Fire Marshal for the Borough of Highlands and any of his designees are licensed and permitted to complete the BHI inspections in lieu of the State performing this function; and

**WHEREAS**, by having the Fire Official/Fire Marshal or his designee complete these BHI inspections, the Borough will fundamentally increase compliance with the Uniform Fire Code and all of its criteria, thereby making the Borough of Highlands a safer community; and

**WHEREAS**, by the Fire Official/Fire Marshal conducting the local BHI inspections, it will allow for more frequent inspections and for any revenues generated by the inspection to be maintained by the Borough of Highlands.

**NOW THEREFORE BE IT ORDAINED**, that Section 11-7f Residential, Fees be amended as follows:

R-1	1 to 6 units	<del>\$35.00</del>	<u>\$50.00</u>
R-2	7 to 12 units	<del>\$50.00</del>	<u>\$75.00</u>
R-3	13 to 20 units	<del>\$75.00</del>	<u>\$100.00</u>
R-4	21 to 50 units	<del>\$125.00</del>	<u>\$150.00</u>
R-5	For each additional unit	<del>\$ 3.00</del>	<u>\$5.00 per unit</u>

This Ordinance shall take effect immediately upon its enactment.  
Seconded by Mr. Nolan and NOT Adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** None

**NAYES:** Mr. Nolan, Mr. O’Neil, Mr. Francy, Ms. Kane, Mayor Little

**ABSENT:** None

**ABSTAIN:** None

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FAILED ADOPTION

Mayor Little requested that the Borough Clerk inform Dave Parker of this failed Ordinance and the need for more information. The Council wants the fees times the number of units to sustain the salary costs.

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**Other Business:**

**Engineers Report**

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

**HGHL-G1001**

**June 11, 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 project has been completed. The contractor has submitted a post-lining video for review. T&M Associates reviewed the video and found the lining to be satisfactory. The NJDOT has declined to perform a final project walkthrough; however, the contractor is currently addressing a leak that has been detected in Manhole 2.

2. **Sanitary Sewer Flow Metering – Monmouth Hills:** As requested by the Borough, we are coordinating obtaining three (3) meters to monitor the sanitary sewer flow from Monmouth Hills that is collected within the Borough's sanitary sewer system. We have identified locations at which the meters will be installed. We will coordinate the installation of the meters with the Borough's Department of Public Works. The meters will be installed for thirty (30) days and will be monitored by T&M Associates who will also collect all data from the meters and provide a report to the Borough.

**Capital Improvement Projects**

1. **Basin Two Sanitary Sewer Rehabilitation Project:** T&M Associates has prepared a

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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. On March 18, 2010, T&M submitted additional documentation per the request of Senator Lautenberg's office. The documentation was sent to both Senator Lautenberg and Menendez as required.

2. **Permanent Electrical Services to Accommodate Emergency Generators Project:** We have completed the design of the project and obtained County approval to bid the project.

Bid Date: May 13, 2010

Contractor: Gary Kubiak and Son Electric, Inc., Allentown, NJ

Amount: \$49,307.00

The project was awarded to Gary Kubiak and Son Electric, Inc. on May 19, 2010. A pre-construction meeting was held on June 10, 2010 at Borough Hall. Contracts are currently being executed by the Contractor.

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. Final project closeout documentation was forwarded to the NJDOT. We have received comments back from the NJDOT and have prepared and submitted the final payment voucher.

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 and Bay Avenue stormsewer upgrades are currently progressing. A project presentation was made to the Mayor and Council at the March 17, 2010 Council meeting outlining various project options. T&M Associates has provided revised various project cost options to the Borough CFO and discussed. T&M Associates is currently awaiting further direction from Mayor and Council prior to advancing the project beyond the design of the Snug Harbor pumpstation.

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

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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. The Borough has adopted a Bond Ordinance to cover costs above the NJDOT award amount. The design of the project is approximately 98% complete. Plans and specifications have been sent to the NJDOT for review.

6. **2010 Roadway Improvements Project:** T&M Associates has prepared and submitted 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 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. T&M Associates and representatives from the Borough Council held a pre-design walkthrough with the residents on Highland Avenue on May 8, 2010. All comments will be reviewed and incorporated into the design as appropriate.

### 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. **FY 2011 Monmouth County CDBG Application:** As requested by the Borough, T&M Associates prepared and submitted a CDBG application to Monmouth County for consideration on the Borough's behalf. The application was for The Reconstruction of Bay Avenue Phase II. T&M Associates will present the project to the County CD Committee on August 18, 2010.
3. **Alternate Energy:** At the April 7, 2010 Councilmeeting, T&M Associates gave a presentation to the Mayor and Council pertaining to the utilization of alternate energy. The presentation focused specifically on funding and procedures. T&M Associates has forward additional information to the governing body for their review.

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

Very truly yours,

T&M ASSOCIATES

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

**Borough of Highlands  
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Mr. Keady had a discussion with the Council regarding sanitary flow metering. He stated that he will prepare a cost estimate and forward it to the Council.

Dale Leubner commented on the Emergency Generator Project. He stated that there may be temporary power outages at the four sites during the electrical repairs.

Mr. Francy suggested that town hall only be shut down at night or on a weekend.

Mayor Little does not want the Police Dispatch interrupted.

Mr. Keady requested that another meeting be set up with Council to discuss the design. He also stated that he did prepare a financial analysis.

Mayor Little suggested that Councilman Francy attend a meeting with Engineer.

Mr. Francy stated that he wants a pre-meeting prior to presentation to the Council.

Council had discussion with Engineers regarding Highland Avenue project.

Mr. Leubner stated they T & M Associates needs authorization to move forward with design and survey which is about \$160,000.

Mr. Pfeffer – we need a bond ordinance for this and we can introduce one at the July 21<sup>st</sup> meeting. He recommended that the Council review the April 21<sup>st</sup> Engineer proposal to see what they want to do in terms of improvements.

The Council requested that the Clerk forward via email a copy of the April 21<sup>st</sup> T & M proposal.

**Riparian Zone Ordinance**

The Council reviewed the sample ordinance for a Minimum Acceptable Riparian Zone Ordinance that the Monmouth County Planning Board forwarded to the Borough for adoption.

Mr. Keady explained the requirements to the Council that this is a requirement by the NJDEP.

Council discussed and rejected moving forward with adoption of said ordinance.

**Discussion RE: Creek Drain Letter from Robert & Margaret Rauen**

Margaret Rauen was present.

Mr. Francy stated that we need the Borough Attorney to give his overview on this matter.

Mayor Little believes that we need to delineate from the records how the drain originated, then the parties can take it from there. She believes that what's being requested of the Borough is some summary of records that we have on file.

Mr. Francy – I think we need to go through her presentation documents.

Mr. Nolan stated that there might be a performance bond that may never have been released.

Mr. Pfeffer explained that he will review accounts to see if there are any bonds left in the account for S. Pad, Inc. developer of the Hillside Condo.



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Mrs. Rauen stated that she did present a package of information to the Council on this matter. There was a recommendation from the Engineer back in 1985 that some of the bond items were resolved but a lot of the items were not resolved. She is here regarding the creek on the back of Shore Drive. She stated that the work down at the bottom of the creek was not done and her suggestion is that the Developer walked away without any ramification.

Mr. Francy offered a motion to authorize Mr. Arnette to review Mrs. Rauen's package and delineate the Borough's responsibilities in that this is a fully completed development that would appear that a Planning Board condition was not met.

Mr. Arnette – any obligation for the developer to meet a condition of the Planning Board would flow to the property owner or in this case the Association.

Mr. Francy – this is between two private properties and he wants the Borough Attorney guide the Council on this matter. He stated that this all started off with the condo's thinking that we were responsible for some part of the right of way, and we are not.

Mr. Arnette – right.

Mr. Francy – do we have any dog in this fight at all?

Mr. Arnette – this is private property owners. Now if the accounting shows that there is some money from a bond left over and certain work wasn't done that should have been done then perhaps the Association has an opportunity to claim that money and do the repair.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

The Council also directed Mr. Pfeffer to research any remaining bond funds.

**Inlet Café Parking Complaint Memo**

Mr. O'Neil stated that he looked into this and that we shouldn't make any changes to the parking based on the letter from the Inlet Café.

Ms. Kane stated that the Fire Marshall was down there last weekend with problems.

The Governing Body would not take any action on this.

**Finance Committee Report**

Mr. Pfeffer stated that he put together a preliminary budget that contains some very large estimated amounts as far as pensions and health benefits. The departments have submitted their budgets and those numbers went in to formulate his projection. Right now, as it stands the budget is up 2.23 %, which is approximately \$191,000. Now that's going to be subject to changes which he further explained. He then spoke about possible change in medical insurance because of rate increases. He then explained his revenue analysis. He stated that he can't get exact numbers until end of July or possibly by the July Meeting. He also stated that he needs some closure for the Capital Improvement Fund so the Council needs to give some thought on potential projects.

Council had discussion with Mr. Pfeffer about budget numbers.

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**Resolution R-10-117 Resolution Authorizing Purchase of Police Vehicle**

The Governing Body decided not to purchase the new vehicle due to financial situation.

The Governing Body requested that the Borough Administrator have the Mechanic provide a spreadsheet of work and cost of repairs being done to Borough Vehicles. They also want a vehicle maintenance schedule.

**Discussion RE: Possible Uses of Sewer Plant Property**

Mr. Hilling stated that he and Mr. Francy have been working on this. He asked JH Reid to provide us with an analysis of how to stripe the property. Once he gets proposal for striping he will present it to the Council.

Mr. Francy expressed concern and the need for signs to be posted at the site.

Mr. Hilling said that he heard that the AHHRSA has allocated \$3,000 for a new fence.

Mr. O'Neil – he wasn't sure.

**Request for Use of Community Center – Jesus Fellowship**

The Governing Body reviewed the written request for use of the Community Center to run a children's program, "Calvary Kid's Camp" from August 23<sup>rd</sup> to August 27<sup>th</sup>.

Council briefly discussed.

Mr. Nolan offered a motion to approve the request, seconded by Ms. Kane and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** Mr. O'Neil, Mr. Francy

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-10-123 Resolution to Accept Ownership of Vehicle**

Mr. Nolan – can we make it contingent upon us being able to sell it.

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**Approval of Minutes:**

Ms. Kane offered a motion to approve the April 21, 2010 Regular & Executive Session Minutes, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

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

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**Public Portion:**

Margaret Rauen already left the meeting.

Donna O'Callaghan of 29 South Bay Ave requested that the sign be put back on the S. Bay Ave Beach to pick up after dogs.

Mr. Hilling will take care of that.

Donna O'Callaghan asked if Mr. Hilling could obtain some information on the fencing around the electrical boxes to see what it will look like.

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Mr. Francy – we have requested that information.

Donna O’Callaghan questioned police budget for purchase of vehicle. She then congratulated Mayor Little on the results of the Primary Election.

Jim Parla of 16 Portland Road also congratulated Mayor Little. He then asked if Mr. Hilling researched the ordinance regarding the Recycling yard.

Mr. Hilling – yes, we found it and he is in the process of having signs made to show the fines.

Don Manrodt of 268 Bayside Drive questioned the length of time for valid ABC fingerprinting for employees was it ever changed to three years?

Mayor Little directed the Clerk to review the ordinance and if it’s not for three years then put on the July Agenda.

Don Manrodt questioned if we were billing the correct amount of houses for Monmouth Hills.

Don Manrodt of Bayside Drive then spoke about water runoff on Marie Street and the Rauen Drainage issue.

Tara Ryan-Killeen already left the meeting.

There were no further questions or comments from the public.

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

The Meeting adjourned at 9:59 p.m.

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**CAROLYN CUMMINS, BOROUGH CLERK**

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