

**Borough of Highlands
Mayor & Council
Combined Meeting
July 21, 2010**

Mayor Little called the meeting to order at 6:43 p.m.

Ms. Dailey read the following statement: As per requirement of P.L. 9175, Chapter 231. Notice is hereby given that this is a Combined Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Two River Times and the Asbury Park Press. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Absent: Mr. Nolan, Ms. Kane

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

Executive Session Resolution

Ms. Dailey read the following Resolution for approval:

Mr. Francy 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: M & R Mechanical Litigation; 120 Bay Ave, T. Ryan Sewer**
- 2.Contract: Medical Insurance, Union Contracts, Prof Legal & Eng Contracts**
- 3.Real Estate: 124 Bay Avenue, Hwy 36 (Ice Cream Parlor) property, 2 Private Rd**
- 4. Personnel Matters: Personnel Manual Enforcement, Time Cards, Tuition Reimbursement**
- 5. Attorney-Client Privilege: Substandard Housing & S. Pad Drainage Bond**

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.

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7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
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. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the meeting back to order at 8:21 p.m.

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

ROLL CALL:

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

Absent: Mr. Nolan, Ms. Kane

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

Public Portion on Agenda Items:

Donald Manrodt of 268 Bayside Drive – passed.

Carla Cefalo-Braswell of 62 Gravelly Pt Road questioned the BHI fees in Ordinance O-10-15.

Mr. Hilling stated that he would speak with Ms. Braswell tomorrow.

Mayor Little then read the proposed ordinance fees to Ms. Braswell.

Mrs. Braswell continued to ask questions about Ordinance O-10-15. She wanted to know if the BHI inspections included lead inspections.

Consent Agenda:

Mr. Francy requested that Resolutions R-10-140, R-10-147, R-10-151, R-10-155 all be removed from the Consent Agenda.

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

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**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-10-132A

TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Highlands desires to constitute the SFY 2011 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands as follows:

Section 1. The SFY 2011 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget Borough of Highlands County of Monmouth, New Jersey				
Projects Scheduled for SFY 2011				
Project	Estimated Costs	Capital Improvement Fund	Other Funds	Debt Authorized
<hr style="border-top: 1px dashed black;"/>				
Reconstruction of Highland Avenue Project # R-11-01	\$170,000	\$ 8,500	\$ -0-	\$ 161,500

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the SFY 2011 Temporary Capital Budget, to be included in the SFY 2011 Permanent Capital Budget as adopted.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

BOROUGH OF HIGHLANDS

R-10-133

**Resolution of Support from Local Governing Body Authorizing the
Sustainable Jersey™ Grant funded by Wal-Mart**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Highlands strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Highlands is participating in the Sustainable Jersey Program; and

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WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands has determined that Highlands should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Highlands, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart for the Project Name of "Challenge Program" and literature to increase public awareness on recycling \$1,000 Capacity Grant.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Mayor Little

ABSTAIN: None

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**INSERT R-10-134
HERE**

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**Borough of Highlands
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Mr. O'Neil offered the following Resolution and moved its adoption:

**R-10-135
RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES
GIBBONS P.C.**

WHEREAS, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Gibbons P.C., One Gateway Center, Newark, New Jersey 07102 – 5310 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2010 through December 31, 2010. All rates based on the services utilized are provided for in the contract between Gibbons P.C. and the Borough of Highlands; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands
Contingent upon adoption of the SFY 2011 Municipal budget:
Legal
Sewer Utility
Various Bond Ordinances

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. The firm of Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$8,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Mayor Little

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-10-136
RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL
SEWER UTILITY ACCOUNTS PAYABLE EFFECTIVE
JUNE 30, 2010**

WHEREAS, the Chief Financial Officer has determined that the following accounts payable be canceled effective June 30, 2010 due to the expiration of the contract and a lack of funds to complete the project, and;

T & M Associates Inspection of the Rehabilitation of Sanitary Sewers
in Basin 2 - \$20,413.35

WHEREAS, it is necessary to formally cancel said accounts payable so that the balance may be credited to surplus and;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to cancel the above accounts payable in the sewer utility effective June 30, 2010.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

**R-10-137
RESOLUTION AMENDING RESOLUTION R-09-194
PROFESSIONAL PLANNING SERVICES OF A NON-FAIR AND OPEN CONTRACT
FOR ZONING ORDINANCE REVISIONS
T & M ASSOCIATES**

WHEREAS, there exists the need for Professional Planning Services to prepare a comprehensive amendment of the Highlands Zoning Ordinance to implement the Master Plan Examination Report as a non fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, such Professional Planning Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, a contract was awarded on October 22, 2009 for an amount not to exceed \$10,000 plus reimbursable expenses for the Professional Planning Services to prepare a comprehensive amendment of the Highlands Zoning Ordinance to implement the Master Plan Examination Report; and

WHEREAS, T & M Associates has requested an additional \$1,132.65 per their letter dated June 18, 2010 for services performed beyond the scope of the original contract (amendment to Ordinance #09-33); and

Certification of Funds: General Engineering SFY 2010

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Stephen Pfeffer, Chief Financial Officer

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous

one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the determination of value has been placed on file with this resolution with the Borough Clerk; and

WHEREAS, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

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

1. T & M Associates' contract for professional planning services is hereby increased by \$1,132.65 for a total contract amount not to exceed of \$11,132.65 plus reimbursable expenses.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

**R-10-138
RESOLUTION – CHANGE ORDER #2 AND FINAL
J.H. REID GENERAL CONTRACATOR. INC.
REMOVAL OF THE SHORE DRIVE IMHOFF TANK
DECREASE OF \$20,519.40**

WHEREAS, Resolution R-10-75 awarded a contract to J.H. Reid General Contractor on April 7, 2010 for the Removal of the Shore Drive Imhoff Tank Project for an amount not to exceed \$154,500.00 and;

WHEREAS, change order # 1 dated June 2, 2010 increased the contract to J.H. Reid General Contractor by \$40,000, and

WHEREAS, change order # 2 Final dated June 28, 2010 prepared by

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T & M Associates, Borough Engineer, sets forth reasons for said change order (adjustments to as built quantities) decreases the contract to J.H. Reid General Contractor by \$20,519.40, and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 Final decreasing the contract amount by \$20,519.40 is hereby approved and contract amount is amended for a new total amount not to exceed \$173,980.60.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-10-139

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

WHEREAS, the Borough of Highlands has a need for professional legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the Arnette Law Firm, LLC, 830 Broad Street, Shrewsbury, N.J. 07702 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$51,000 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period July 1, 2010 through December 31, 2010 per the attached contract:

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

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the Arnette Law Firm LLC from making any reportable contributions through the term of the contract, and

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

I hereby certify funds are available as follows contingent upon adoption of the SFY 2011 municipal budget:

Legal Other Expenses

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Sewer Utility Other Expenses

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

5. The Arnette Law Firm, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$51,000 plus reimbursable expenses.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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**INSERT
R-10-141
HERE**

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-10-142
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$55,000 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period July 1, 2010 through December 31, 2010; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available as follows contingent upon adoption of the SFY 2011 municipal budget:

Current Fund: General Engineering and Stormwater Management
Sewer Utility Fund: Other Expenses

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

9. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$55,000 plus reimbursable expenses.
10. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.

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11. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
12. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-10-143

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LABOR RELATIONS COUNSEL
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands has a need for professional Labor relations counsel services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, this contract is to be awarded at an hourly rate of \$170 for an amount not to exceed \$17,000 plus reimbursable expenses for professional labor relations counsel services provided to the Borough of Highlands for the period July 1, 2010 through December 31, 2010, and

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Apruzzese, McDermott, Mastro & Murphy has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the firm of Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract, and

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

I hereby certify funds are available as follows contingent upon adoption of SFY 2011 budget:

SFY 2011 Municipal Budget:
Current Fund: Legal
Sewer: Legal

Stephen Pfeffer, Chief Financial Officer

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WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

13. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel services as described above for an amount not to exceed \$17,000 plus reimbursable expenses.
14. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
15. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
16. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-10-144

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR SPECIAL COUNSEL SERVICES
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands has a need for special counsel services for on going litigation related to the construction of the firehouse and other legal matters as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, this contract is to be awarded at an hourly rate of \$170 for an amount not to exceed \$4,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2010 through June 30, 2010, and;

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Apruzzese, McDermott, Mastro & Murphy has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the firm of Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract, and

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

I hereby certify funds are available as follows:

Bond Ordinance O-98-11 \$4,000

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

17. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide special counsel services as described above for an amount not to exceed \$4,000 plus reimbursable expenses.
18. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
19. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
20. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-10-145
RESOLUTION
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
SPECIAL COUNSEL SERVICES
SCARINCI & HOLLENBECK, LLC**

WHEREAS, the Borough of Highlands has a need for special counsel services to perform any and all legal services in redevelopment, taxation, land use and environmental matters regarding the disposition of various properties in the Borough of Highlands including litigation if necessary; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 is so recognized; and

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WHEREAS, this contract is to be awarded at an hourly rate of \$135 for an amount not to exceed \$20,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2010 through December 31, 2010; and

I hereby certify funds are available as follows contingent upon adoption of the SFY 2011 municipal budget:

Current Fund: Legal \$20,000

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck, LLC has not made any reportable contributions to a political candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

21. Scarinci & Hollenbeck, LLC are hereby retained to provide special counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expenses.
22. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
23. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
24. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-10-146
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-10-11
HIGHLANDS BUSINESS PARTNERSHIP**

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WHEREAS, the Highlands Business Partnership has submitted a Raffle License Application No. RA1317-10-11 for an Off Premise Raffle to raffle off painting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License RA#1317-10-11 for the Highlands Business Partnership 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. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

**R-10-148
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-10-12
HI-MAR STRIPER CLUB, INC.**

WHEREAS, the Hi-Mar Striper Club, Inc. has submitted a Raffle License Application No. RA1317-10-12 for an Off Premise Raffle to raffle off various items which will be held on October 24, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License RA#1317-10-12 for the Hi-Mar Striper Club, Inc. 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. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Ms. Kane, Mr. Nolan

ABSTAIN: None

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

**R-10-149
RESOLUTION SUPPORTING
ASSEMBLY BILL A-2931
WHICH REPEALS THE DOG CENSUS LAW**

WHEREAS, on June 17, 2010, Assemblywoman Caroline Casagrande introduced Assembly Bill A-2931 which would repeal Section 15 of P.L. 1941 requiring an annual or biennial census of dogs owned, kept or harbored in a municipality; and

WHEREAS, the current law was enacted about 70 years ago at a time when rabies was a real threat to household pets and seen as a way to make sure owners had their pets inoculated.

WHEREAS, it has been determined that this law has not been obeyed by most municipalities and there are only 81 out of the State's 566 municipalities that conducted a dog census in 2009.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that they support the passage of Assembly Bill A-2931 and the reduction of unfunded mandates by the State of New Jersey.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Chris Christie, Senator Sean Kean, Assemblywoman Pat Angelini, Assemblyman Davie Rible.

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

ROLL CALL:

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

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

**R-10-150
RESOLUTION AMENDING RESOLUTION R-10-108 AND APPOINTING
ADDITIONAL TEMPORARY SUMMER SEASONAL RECREATION EMPLOYEES**

WHEREAS, on June 2, 2010 the Governing Body adopted Resolution R-10-108 appointing temporary summer seasonal recreation employees; and

WHEREAS, Resolution R-10-108 had an error which was the appointment of Christina Stefan as a Recreation Aide which should have indicated that Ashley Stefan was being appointed as a Recreation Aide; and

WHEREAS, the Recreation Department is also still in need of hiring temporary Lifeguards to provide adequate coverage for the beaches this summer; and

WHEREAS, Timothy Hill made the following recommendations for appointments to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following temporary appointments be and hereby are approved:

2010 Summer Seasonal		Rec. Dept.	Years Experience	Hourly Rate
Program	Position	Name		
Temp Seasonal	Lifeguard	Andrew Mueller	1	\$8.00
Temp Seasonal	Lifeguard	Sean Mulkeen*		\$7.50
Temp Seasonal	Lifeguard	Marissa Morales*	1	\$8.00
Temp Seasonal	Lifeguard	Jacob Bremekamp*		\$7.50

(* Pending LG,FA,CPR Certifications completion/documentation)

BE IT FURTHER RESOLVED, that Resolution R-10-108 is hereby amended to correct the name of Recreation Aide from Christina Stefan to Ashley Stefan at an hourly rate of \$7.50.

Seconded by Mr. Francy adopted on the following Roll Call Vote:

ROLL CALL:

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

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

**R-10-152
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR
FOR THE PERIOD OF JULY 1, 2010 THROUGH SEPTEMBER 30, 2010**

WHEREAS, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties from July 1, 2010; and

WHEREAS, the Borough of has a genuine need for Reg Robertson to continue duties of Acting DPW Supervisor for the period of July 1, 2010 through September 30, 2010; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Reggie Robertson be paid a stipend in the amount of \$625.00 for his services as Acting DPW Supervisor for the period of July 1, 2010 through September 30, 2010.

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

ROLL CALL:

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

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

**R-10-153
RESOLUTION
APPROVING RAFFLE LICENSES
APPLICATIONS NO. RA#1317-10-13 & RA#1317-10-14
HIGHLAND FIRE DEPARTMENT**

WHEREAS, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-10-13 for a November 9, 2010 Raffle and Raffle License Application RA#1317-10-14 for a Bike Raffle for 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#1317-10-13 and RA#1317-10-14 for the Highlands Fire Department are both 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. O'Neil, Mr. Francy, Mayor Little
NAYES: None
ABSENT: Mr. Nolan, Ms. Kane
ABSTAIN: None

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

**R-10-156
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
GENERATORS**

WHEREAS, bids were received on July 13, 2010; and

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WHEREAS, eight (8) bids were picked up by vendors and three (3)

Responsive Bids were received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. FM GENERATOR 35 PEQUIT STREET CANTON, MA. 02021	\$ 166,953.00
2. GENSERVE INC. 209 RIVER ROAD CLIFTON, N.J. 07014	\$ 170,500.00
3. FOLEY INC. P.O. BOX 1555 PISCATAWAY, N.J. 08855	\$ 193,389.00

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

FM GENERATOR, 35 PEQUIT STREET, CANTON, MA. 02021. shall Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated July 13, 2010 said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
FURNISH AND DELIVER FIVE (5) NEW UNUSED PORTABLE GENERATORS	FM GENERATOR 35 PEQUIT STREET CANTON, MA. 02021

WHEREAS, bids have been reviewed by the Purchasing Agent and Dave Parker and it is their recommendation that the contract be awarded to FM GENERATOR, 35 PEQUIT STREET, CANTON, MA. 02021. in the amount of: \$ 166,953.00

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 “Generators” to FM Generator, 35 Pequit Street, Canton, Ma. 02021. in the amount of: \$ 166,953.00**
- 2. BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.**

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3. **WHEREAS, certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands that adequate funds for such contract are available, and are designated to line item appropriation of the official budget ordinance no. 08-02.**

Stephen Pfeffer, CFO

4. **A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:**

- A) Purchasing Agent**
- B) Comptroller**
- C) Administrator**
- D) All of the above bidders**

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

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

R-10-157

**RESOLUTION AUTHORIZING TERMINATION OF, AND RELEASE
FROM, ESCROW OF REMAINING BALANCE OF CONTRACT FUNDS
FOR NEW MUNICIPAL FIREHOUSE PROJECT**

WHEREAS, the Governing Body of the Borough of Highlands (the "Borough") by Resolution R-04-179 adopted September 15, 2004 awarded a contract for the construction of a new municipal firehouse at Miller Street and Shore Drive (the "Firehouse") to M & R Mechanical Contractors, Inc. ("M & R") for an amount not to exceed \$1,665,000.00; and

WHEREAS, the Borough entered into a contract dated September 15, 2004 with M & R for the construction of the Firehouse in the aggregate lump sum of \$1,665,000.00 (the "Contract"); and

WHEREAS, during the course of construction of the Firehouse, the Governing Body of the Borough by Resolutions 06-34 dated February 1, 2006, 06-140 dated 8/16/06, 07-23 dated 1/17/07, 07-38 dated 2/7/07, 07-57 dated 4/4/07, 07-96 dated 5/16/07 and 07-144 dated 8/15/07 approved change orders increasing the aggregate lump sum of the Contract from \$1,665,000.00 to \$1,779,734.62; and

WHEREAS, the construction official of the Borough issued a Certificate of Occupancy for the Firehouse on May 31, 2007 at which time the work was deemed substantially complete; and

WHEREAS, on or about the date of issuance of the Certificate of Occupancy the Borough had paid M&R the aggregate sum of \$1,657,089.60 and withheld the balance of the

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aggregate contract lump sum of \$122,645.02 on account of retainage, uncorrected deficiencies in the work and an amount left for completion; and

WHEREAS, M & R failed and refused to correct deficiencies and otherwise complete its work on the Firehouse and in December, 2007 the Borough and M&R submitted their dispute to non-binding mediation before a single mediator under the auspices of the American Arbitration Association, which mediation was unsuccessful; and

WHEREAS, a final notice to correct the deficiencies in the work on the Firehouse including, but not limited to the removal and replacement of the exterior concrete apron, was issued to M&R on May 9, 2008; and

WHEREAS, despite such final notice M&R continued to refuse and failed to correct the deficiencies in its work and the Governing Body of the Borough by Resolution R _____ dated _____, 2008 canceled the Contract to the extent of the monies retained by the Borough in escrow for and on account of claims of the Borough against M & R in the sum of \$122,645.02; and

WHEREAS, the Borough subsequently advertised pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., advertised for sealed bids to remove and replace the exterior concrete apron to the Firehouse and awarded a contract for such work to the responsible qualified low bidder Jads Construction Company, Inc. (“Jads”); and

WHEREAS, the removal and replacement of the exterior concrete apron to the Firehouse was successfully completed by Jads and the cost of such work was paid from the monies retained by the Borough on account of its claims against M & R; and

WHEREAS, in June 2009 the Borough received a letter from an attorney representing Amboy Bank (f/k/a Amboy National Bank) advising that M & R had defaulted under a certain revolving credit note and by reason of such default Amboy Bank, in accordance with the terms of a certain General Security Agreement executed by M & R in favor of Amboy Bank, demanded payment of all amounts due and owing by the Borough to M & R. The Borough replied by advising that the Governing Body had terminated the Contract with M & R and that there no longer was any monies due and owing by the Borough to M & R. Subsequent to such response no further communication has been received from or on behalf of Amboy Bank; and

WHEREAS, although the statute of limitations on a potential claim by M & R against the Borough for breach of the Contract has not elapsed and despite numerous threats of litigation against the Borough by M & R, no such litigation appears to have been commenced to date.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the proper Borough officials be, and they hereby are, authorized and directed to terminate and release from escrow the remaining unpaid balance of the Contract sum in the amount of \$ from and to apply the aforesaid sum for and against the budget of the Borough for its current fiscal year.

Seconded by Mr. Francy and adopted on the following Roll Call Vote:

ROLL CALL:

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

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

**R-10-158
RESOLUTION – CHANGE ORDER #1 - INCREASE OF \$2,024.50
GARY KUBIAK & SON ELECTRIC, INC.**

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**PERMANENT ELECTRIC SERVICE MODIFICATIONS TO ACCOMMODATE
EMERGENCY GENERATORS AT VARIOUS LOCATIONS**

WHEREAS, Resolution R-10-107 awarded a contract to Gary Kubdiak & Son Electric, Inc. on May 19, 2010 for \$49,307.00 for the Permanent Electric Service Modifications to Accommodate Emergency Generators at Various Locations Project and;

WHEREAS, change order # 1 dated July 14, 2010 prepared by T & M Associates, Borough Engineer, sets forth reasons (One 400A Electric Meter at Community Center) for said change order increasing the contract amount by \$2,024.50 for an adjusted contract amount of \$51,331.50; and

WHEREAS, certification of funds is hereby made by the Chief Financial Officer:

Bond Ordinance O-08-02 \$2,024.50

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 granting an increase of \$2,024.50 in the contract is hereby authorized for the Permanent Electric Service Modification to Accommodate Emergency Generators Project. The amended contract amount is \$51,331.50.

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

ROLL CALL:

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

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

**R-10-159
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:

1317-32-009-006	Sugar Shack, LLC t/a Sugar Shack	23 Bay Avenue
1317-33-012-004	Dan-Rob Restaurant Assoc. t/a Windansea	56 Shrewsbury Ave
1317-33-015-007	Chilangos Restaurant, Inc. t/a Chilango's Rest. Inc.	272 Bay Avenue

Seconded by Mr. Francy and adopted on the following Roll Call Vote:

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ROLL CALL:

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

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

**R-10-160
RESOLUTION
FOR RENEWAL OF MEMBERSHIP
IN THE
MONMOUTH MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Highlands is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2010 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Borough of Highlands desires to renew said membership;

NOW, THEREFORE BE IT RESOLVED as follows:

1. The Borough of Highlands agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intension to renew its membership.

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

ROLL CALL:

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

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

**R-10-161
RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO September 01, 2010**

WHEREAS, the Borough of Highlands mailed Municipal tax bills in JULY, 2010 to all property owners; and

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

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

1. That the Mayor and Council hereby authorize the extension of time for payment of the Municipal tax bills to September 01, 2010.
2. In the event that the tax bills are not paid by a resident on September 01, 2010 interest shall be retroactive to the August 1, 2010 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Marc Pfeiffer, Acting Director
Division of Local Government Services
Department of Community Affairs
 - B. Tax Collector

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
06/30/10**

CURRENT:		\$ 44,171.42
Payroll	(06/15/10)	\$ 252,214.40
Manual Checks		\$ 25,925.65
Voided Checks		\$
 SEWER ACCOUNT:		 \$ 5,200.10
Payroll	(06/15/10)	\$ 13,350.46
Manual Checks		\$ 71.90
Voided Checks		\$ 8,370.00
 CAPITAL/GENERAL		 \$ 34,475.81
CAPITAL-MANUAL CHECKS		\$ 2,083.16
WATER CAPITAL ACCOUNT		\$
 TRUST FUND		 \$ 17,811.39
Payroll	(06/15/10)	\$ 650.00
Manual Checks		\$
Voided Checks		\$
 UNEMPLOYMENT ACCT-MANUALS		 \$
 DOG FUND		 \$
 GRANT FUND		 \$ 6,914.00
Payroll	(06/15/10)	\$ 1,471.76

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Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	38.99
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 adopted on the following roll call vote:

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
07/21/10**

CURRENT:		\$1,412,034.02
Payroll (07/15/10)		\$ 384,667.81
Manual Checks		\$ 718,848.38
Voided Checks		\$
 SEWER ACCOUNT:		 \$ 107,170.44
Payroll (07/15/10)		\$ 20,772.27
Manual Checks		\$ 96,102.35
Voided Checks		\$ -8,370.00
 CAPITAL/GENERAL		 \$ 125,468.56
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$
 TRUST FUND		 \$ 70,853.98
Payroll (07/15/10)		\$ 1,050.00
Manual Checks		\$
Voided Checks		\$
 UNEMPLOYMENT ACCT-MANUALS		 \$
 DOG FUND		 \$
 GRANT FUND		 \$ 1,716,406.82
Payroll (07/15/10)		\$ 3,773.52
Manual Checks		\$
Voided Checks		\$
 DEVELOPER'S TRUST		 \$
Manual Checks		\$
Voided Checks		\$

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

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

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ROLL CALL:

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

The following Minutes were approved under the Consent Agenda:

Regular Meeting Minutes: May 12, 2010, June 2, 2010, June 16, 2010

Executive Session Minutes: June 2, 2010, June 16, 2010

Other Resolutions:

R-10-140

Mr. Francy questioned Mr. Pfeffer about this Resolution.

Mr. Pfeffer explained that this covers certain bills to avoid late fees.

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

BOROUGH OF HIGHLANDS

COUNTY OF MONMOTH

R-10-140

**RESOLUTION PERMITTING PRE-PAYMENT OF
CERTAIN ITEMS**

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the Governing Body, debt service, governmental fees and other statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body.

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4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.
10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$10,000.
11. Third Party Tax Lien and Premium Redemptions.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

Resolution R-10-147

Mr. Francy asked Mr. Pfeffer to explain this Tax Levy Resolution to the public.

Mr. Pfeffer explained that this is a preliminary levy.

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

R-10-147

**RESOLUTION APPROVING THE PRELIMINARY MUNICIPAL TAX LEVY FOR
THE CALENDAR YEAR 2010**

WHEREAS, the New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for Municipalities operating on a fiscal year basis ending June 30th, and

WHEREAS, The revised procedures for the calculation of a preliminary Municipal Tax Levy on the basis of a calendar year requirement as per the attached form hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, Monmouth County, New Jersey as follows: that the attached certificate of preliminary fiscal year levies is hereby approved reflecting a preliminary levy of \$5,791,535.15 for the calendar year 2010

BE IT FURTHER RESOLVED, that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Monmouth County Board of Taxation.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

R-10-151

Mr. Francy stated expressed his concern with some of these disabled parking spaces. He always likes to see a sunset clause on these spaces that forces people to reapply.

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Chief Blewett explained that these are regulated by Title 39. He stated that he will check to see if we can do such a clause.

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

**R-10-151
RESOLUTION APPROVING DISABLED PARKING SPACE**

WHEREAS, an applications for a Disabled Parking Designation were submitted to the Highlands Police Department by Maryann Nutile of 72 Fourth Street, Owen William of 56 Valley Street, Kerry Hernandez of 2 Rogers Street Apt A-10 and Donna Ryan of 191 Bay Avenue; and

WHEREAS, the Governing Body adopted Resolution R-09-201 in 2009 approving a Disabled Parking Designation for Ms. Kerry Hernandez in front of the Residence at 121 Waterwitch Ave; and

WHEREAS, Ms. Hernandez has since moved and has submitted a new application for a Disabled Parking Designation for her new residence at 2 Rogers Street unit A-10; and

WHEREAS, the Chief of Police has reviewed the applications and recommends the approval of said Disabled Parking Designation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the following is hereby approved:

1. Maryann Nutile of 72 Fourth Street – sign be erected at 72 Fourth Street in front of the residence on existing empty sign post.
2. Owen William of 56 Valley Street – sign be erected on Street, the west side of driveway apron at least 25 feet from the intersection.
3. Kerry Hernandez of 2 Rogers Street, Unit A-10 – sign be removed from 121 Waterwitch Avenue and the existing handicap sign located on Rogers Street be designated with Ms. Hernandez's placard number.
4. Donna Ryan of 191 Bay Avenue – sign be erected on Bay Avenue four feet west of pole #BT90073HB; and

BE IT FURTHER RESOLVED that the Borough of Highlands install Disabled Parking Designations Signs at said locations:

BE IT FURTHER RESOLVED that the disabled parking designation currently located in front of the Residence of 121 Waterwitch Avenue be removed.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

Resolution R-10-155

Council had a discussion about Resolution R-10-155 which pertains to a medical leave of absence and authorization to hire a temporary replacement.

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Mr. Francy offered a motion to table Resolution R-10-155, seconded by Mr. O'Neil and all were in favor.

Resolution R-10-123 Resolution Accepting Ownership of a Vehicle

Mr. Arnette explained to the Council that the general process is if the town is going to utilize the vehicle then its titled to the town. If the town is not going to utilize the vehicle then the County sells it at an auction then gives us a portion of the money.

Chief Blewett stated that some parts have been ordered for the vehicle. He stated that he was informed by the County that if we do not use the vehicle then they will take the vehicle back. The car is currently in our possession and the Borough Mechanic has been working on the vehicle.

Mr. Francy – we don't want to add another car to our fleet.

Mr. O'Neil stated that he was informed that we in this for a substantial some of money which includes a week of the mechanics time. If that's the case then you got to get it and sell it. The mistake was repairing the car before we got it.

Chief Blewett explained that it would be an undercover car used for undercover operations. He stated that since 2007 we have used an undercover vehicle 1,036 times for the narcotics unit. This car was seized as part of a borough raid.

Mr. O'Neil offered a motion to table Resolution R-10-123, seconded by Mr. Francy and all were in favor.

Mr. O'Neil offered a motion to table this resolution and move ahead with the generation of obtaining how much money the borough has spent on this vehicle, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

R-10-154

Mr. Hilling briefed the Council about this grant application for Woodland Street.

Dale Leubner of T & M Associates stated this is basically a tie into Highland Avenue, which he further explained.

Mayor Little offered the following Resolution and moved on its adoption:

R-10-154

Resolution: Approval to Submit Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Reconstruction of Woodland Street Project

WHEREAS, the New Jersey Department of Transportation is accepting application for funding; and

WHEREAS, the Borough of Highlands is seeking Municipal Aid for the Reconstruction of Woodland Street.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands formally approves the grant application for the above stated project.

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BE IT FURTHER RESOLVED that the Borough Engineer and the Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Highlands Borough-00162 to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Borough Clerks seal serve to acknowledge that the above resolution constitutes acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the above resolution

ATTEST and AFFIX SEAL

Carolyn Cummins
Borough Clerk

Anna C. Little
Mayor

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

R-10-162

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

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County of Monmouth**

R-10-162

Resolution approving the terms of a new Collective Negotiations Agreement between the Borough of Highlands and the CWA Local 1032

WHEREAS, the Borough of Highlands and the CWA Local 1032 are parties to a collective bargaining agreement (the "Agreement") effective July 1, 2008 through June 30, 2011 and

WHEREAS, the Borough has proposed a wage delay for July 2010 to avoid staff reductions and the disruption to public services caused by such staff reductions while it considers its financial situation for the next fiscal year; and

WHEREAS, representatives of the Borough and the CWA who were involved in discussions regarding a wage delay have reached an agreement on modifications to the parties' current Agreement to delay the scheduled wage increase while at the same time avoiding a layoff, furlough or reduction of hours during the period of the delay in the wage increase and have recommended those terms to the full membership of the CWA and the governing body of the Borough of Highlands for approval; and

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WHEREAS, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written memorandum of agreement, will relieve the Borough from the financial burden of an immediate wage increase and will provide time for the Borough to confirm its ability to continue to provide the same level of services given its financial situation; now therefore

IT IS HEREBY RESOLVED this 21st day of July, 2010 that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the CWA; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments necessary to effectuate these approved terms and conditions.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

R-10-163

Ms. Dailey read the following Resolution for approval:

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

**R-10-163
RESOLUTION
SUPPORTING 2011 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, the Municipal Alliance Program has provided a wide range of services to the people of the Borough of Highlands and Borough of Atlantic Highlands, supporting programs such as D.A.R.E., parent education programs, drug free recreational programs such as Project Graduation and Project Prom, senior citizens programs and other services to all student and residents in need;

WHEREAS, for 2011, with contribution of 24% matching funds from the Borough of Highlands and Borough of Atlantic Highlands, this program is eligible for a 75% Municipal Alliance Grant for most costs; and

WHEREAS, this contribution has been split evenly, 12.5% from each Borough, and will be used for programs that directly benefit students and residents with no portion of these funds being used for the compensation of any staff; and

WHEREAS, Karen Van Natten, the Substance Awareness Coordinator, requests an amount of funding and approval to file the Municipal Alliance Grant Application for 2011 which is now underway and due; and

WHEREAS, the Borough had contributed an additional \$4,246.00 last year for continued support of this Program.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the request for matching funds of \$3,410.00 and additional funds of \$5,246.00 totaling \$8,656.00 for 2011 is approved.

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BE IT FURTHER RESOLVED that the request to prepare and file the Municipal Alliance Grant Application for 2011 is approved and the Mayor and Borough Administrator and Municipal Clerk are hereby authorized to sign the Statement of Assurances concerning the Municipal Alliance Grant.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

Ordinances: Introduction & Set P.H. Date for August 18th

Ordinance O-10-14

Ms. Dailey read the title of Ordinance O-10-14 for introduction and setting of a public hearing date for August 18, 2010.

Mr. Francy offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date for August 18, 2010 at 8:00 p.m. and authorized its publication according to law:

O-10-14

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,000 FOR RECONSTRUCTION OF HIGHLAND AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$161,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$170,000, such sum includes the sum of \$8,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$161,500 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$161,500 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated

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maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Survey, design and inspection in connection with the reconstruction of Highland Avenue from Valley Avenue to Portland Road, Valley Avenue from Highland Avenue to State Highway 36 and Miller Street from Highland Avenue to State Highway 36, which includes drainage, installation of curbs, sidewalks and handicap accessible ramps, sanitary sewer renovations, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$170,000	\$161,500	20 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$161,500.

(c) The estimated cost of the Improvements is \$170,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

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SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$161,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$170,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

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SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$161,500.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

Ordinance O-10-15

Ms. Daily read the title of Ordinance O-10-15 for introduction and setting of a public hearing date:

Council had discussion about the fees covering the costs of the inspections.

Mr. Hilling stated that he will direct Dave Parker, Fire Official to attend the public hearing on this ordinance.

Mr. O'Neil offered the following Ordinance and moved on its introduction and setting of a public hearing date for August 18, 2010 at 8:00 p.m. and authorized its publication according to law:

**O-10-15
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

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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	\$35.00	<u>\$75.00</u>
R-2	7 to 12 units	\$50.00	<u>\$100.00</u>
R-3	13 to 20 units	\$75.00	<u>\$150.00</u>
R-4	21 to 50 units	\$125.00	<u>\$200.00</u>
R-5	For each additional unit	\$ 3.00	<u>\$7.00 per unit</u>

This Ordinance shall take effect immediately upon its enactment.
Seconded by Mayor Little and introduced on the following roll call vote:

ROLL CALL:

AYES: Mr. O'Neil, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: Mr. Francy

Mr. Arnette explained that introduction passed.

Ordinance O-10-16

Ms. Dailey read the title of Ordinance O-10-16 for introduction and setting of a public hearing date.

Mr. Francy offered the following Ordinance and moved on its introduction and setting of a public hearing date of August 18, 2010 at 8:00 pm and authorized its publication according to law:

O-10-16

**An Ordinance for Private Storm Drain Inlet Retrofitting
Amending And Supplementing Chapter 8
of the Revised General Code of the Borough of Highlands Entitled
"Streets And Sidewalks"**

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Highlands so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense

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include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

SECTION IV. Design Standard:

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains.

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Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by the [Police Department and/or other Municipal Officials] of [insert name of municipality].

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed [insert amount] for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

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ROLL CALL:

AYES: Mr. O’Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

Ordinance O-10-17

Ms. Daily read the title of Ordinance O-10-17 for introduction and setting of a public hearing date:

Mr. O’Neil offered the following Ordinance and moved on its introduction and setting of a public hearing date for August 18, 2010 at 8:00 p.m. and authorized its publication according to law:

O-10-17

**An Ordinance for Refuse Containers / *Dumpsters*
Amending and Supplementing Chapter 3, Section 7 of the Revised General Code of the
Borough of Highlands Entitled “Separation and Collection of Aluminum, Building,
materials, Debris, Garbage, Glass, Metal and Nonmetal Objects, Paper and Trash”**

SECTION I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the [insert name of municipality] and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

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Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the [insert name of municipality].

SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION V. Enforcement:

This ordinance shall be enforced by the [Police Department and/or other Municipal Officials] of [insert name of municipality].

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed [insert amount].

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption

Ordinance O-10-13

Ms. Dailey read the title of Ordinance O-10-13 for the second reading and public hearing. She stated that is ordinance was published in its entirety in the June 25th edition of the Two River Times.

Mayor Little opened up the public hearing on Ordinance O-10-13.

Tara Ryan of 17 Ocean Street asked for an explanation of this ordinance.

Mayor Little explained that there is a State Law so the Borough Ordinance is being cleaned up.

Jim Parla of 16 Portland Road questioned impact.

Chief Blewett responded.

There were no further questions or comments from the public; therefore the public hearing on ordinance O-10-13 was closed.

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Ms. Dailey read the title Ordinance O-10-13 for third and final reading and adoption.

Mr. O'Neil offered a motion and moved on the adoption of the following Ordinance 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. Francy and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Mayor Little

NAYES: None

ABSENT: Mr. Nolan, Ms. Kane

ABSTAIN: None

Committee Reports:

Finance

Mr. Pfeffer stated the following:

1. He filed the annual debt statement for the Borough.
2. The Monmouth County Improvement Authority is going to have a bond sale. He is in the process of compiling a list of bond ordinances ready for the next meeting. He further spoke about this bond sale and the borough's bond ordinance.
3. He spoke about his concerns with yearend financials of the Borough. He spoke about the tax collection rate.
4. He spoke about the budget as it stands at this moment is up 1. __ percent. He spoke about loss of state aide. He spoke about this budget the taxes going up over \$512,000. He continued to speak about the SFY 2011 budget problems and levy cap concerns.
5. He then spoke with the Council about a Transitional Aide for Municipalities and he urged the Council to read through it. The deadline is September 3rd for the borough to submit for this.

DPW Report

Mr. Hilling spoke about Steve Chiger continues to be out on Workers Comp. He stated that Jones Creek drainage clean up was completed last week. Signs have been installed at the Recycling Yard and the old sewer plant. Transition of the garbage pick up for Bayside Drive continues.

Public Safety

Chief Blewett read through the following report:

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POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1158
FAX: 732-872-9240

Report to Council July 2010

- * A Barberie Avenue resident was arrested on June 16, 2010 after officers were dispatched to a motor vehicle burglary in progress on Bay Avenue. While investigating the burglary officers were provided information which led the investigation to a Barberie Avenue residence. Michael A. Smith, 21 years of age, Barberie Avenue, Highlands was subsequently charged with five counts of burglary and theft. Officers recovered GPS units, radios, cell phones and various electronic chargers and accessories from the residence. Mr. Smith's bail was set at \$15,000.00 and he was transported to the Monmouth County Correctional Institution, Freehold.
- * The Highlands Police Department Street Crimes Unit conducted a prolonged investigation into distribution of marijuana which resulted in the arrest of Dylan Herbert, 18 years of age. On June 22, 2010 officers executed a search warrant at the residence located on Navesink Avenue where Dylan Herbert was arrested and charged with possession with the intent to distribute, possession with the intent to distribute within 500 feet of a public housing facility, possession of paraphernalia, possession of a controlled dangerous substance and possession within 1000 feet of a school.
- * The Highlands Police Department Street Crimes Unit executed a second search warrant on June 23, 2010 at a Rogers Street residence. Daniel Fredrick, 19 years old, was subsequently arrested and charged with possession with the intent to distribute, possession with the intent to distribute within 500 feet of a public housing facility, possession of paraphernalia, possession of a controlled dangerous substance and possession within 1000 feet of a school.
- * As a result of a large amount of car burglaries the Highlands Police Department conducted a proactive investigation that led to the arrest of William Pasqua, Bay Avenue. Officer started surveillance details on June 23, 2010 in the primary area of the burglaries. As a result of the surveillance officers observed William Pasqua entering a vehicle on June 25, 2010 and subsequently arrested him. After further investigation Pasqua was charged with eight burglaries and thefts.
- * On June 27, 2010, Det. Robert Burton was on routine patrol in the area of Bay Avenue and South Street when he observed three individuals acting suspiciously. As the three individuals noticed Det. Burton one individual left the area, Det. Burton stopped to talk with the two remaining individuals and after a brief conversation James P. Sharkey, 21, Bay Avenue, Highlands was found to be in possession of a hypodermic needle. Rogerio Pereira, 25, Long Branch was subsequently found to be in possession of sixty two decks of heroin. Sharkey was processed and later released on his own recognizance and Pereira's bail was set at \$15,000.00. He was later transported to the Monmouth County Correctional Institution, Freehold.

Report to Council
July 2010
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- * The final installation of the communications system was completed last week. The equipment consisting of a comparator and an antenna was over \$38,000.00 and was paid for by the State

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of New Jersey. The equipment was installed on the new State Highway 36 bridge and allows for full radio coverage throughout the Borough. Prior to this installation coverage was lost in the Portland Road area which created a huge officer safety issue.

* In May Officer Chesek and K-9 Dedr attended and graduated patrol school in Holmdel, certifying Dedr as a patrol dog to assist officers in patrol duties, as well as, in tracking. Since graduating Dedr has used his tracking skills to help apprehend a burglary suspect in town, as well as, assisting in narcotics investigations. The department considers this program to be very successful while costing the Borough very little. P.B.A. Local #48 has donated Dedr's food for the last two years for a total \$840.00.

* While we are well aware of the Borough's budgetary constraints which prohibited the purchase of a new patrol vehicle during the 2010 budget year, I would stress the importance of seeking alternative funding. Since the last council meeting patrol vehicle 1703 has not yet been on the road due to mechanical problems and 1704 has been out of service and unavailable for patrol due to transmission problems. As I have previously reported both vehicles are five years old and have over 105,000 miles.

* Every year the department receives grant money from the State of New Jersey Body Armor Grant which covers the cost of purchasing officers body armor. This year the department also had funds from the Federal Body Armor Grant Program. The body armor has to be replaced every five years and in 2010 our department had seven officers that were due for replacements. The officers received the vests which were mainly paid for by the two grants.

* Earlier today, Mr. Hilling and I attended a meeting with the Bayshore Mayors and Monmouth Co. Prosecutor Luis Valentin. Mr. Valentin spoke about the important work being conducted by the Bayshore Narcotics Taskforce and emphasized the importance of the partnership between the Bayshore and the prosecutor's office. Mr. Valentin directed all of the Chiefs to speak to their governing body about the possibility of sending an officer to work with the Bayshore Taskforce in order to fulfill their commitment to the taskforce. Mr. Valentin has requested the chiefs to respond by Friday, July 30, 2010. He also addressed the economic situation within the county/state but believes that the advantages outweigh the economic disadvantages. Therefore, I am respectfully requesting to meet in reference to this issue as soon as possible so I may respond to the Prosecutor.

* Total Calls for Service: 706

* Arrests: Adults: 37 (5 for possession of CDS)
JV: 3

* Summons: Total: 127

Moving Violations: 69
Non-Moving: 30
DWI: 8
Boro Ordinance: 20

(Statistical Information is from June 1 – 30, 2010)

Building & Housing

No Report

Parks & Recreation

No one presented the following report:

PROGRAM:

Senior Citizen Programs for June: – "Sun Safety and UV Program" held on 6/10, Senior Salute to the 6th Grade Class at HES held on 6/11, Lunch & Bingo held on 6/17, Calendar Party & Magic Show held on 6/24 & annual Senior Picnic held on 6/29.

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Farmer's Market Voucher Program - \$20 in vouchers available to eligible seniors. Registration held at Ptak Towers and ongoing at Center – 39 have rec'd vouchers in June. Another on-site registration will be set up at Ptak in mid-July.

Kids on the Move: 37 children enrolled. Activities for June included: Arts and Crafts, Home Run Derby, Scattergories, Limbo contest, Tennis instruction, Beach Football and Frisbee games.

Other Group Use: Girl Scout Troop Meetings / Activities (3), 4-H activities (2), Garden Club, Census Training, Historical Society & 6 condominiums / homeowner / other group meetings.

Summer Kidfest begins July 1 - over 100 registered. All program Components are being finalized.

Zumba exercise program has begun for 6 week trial period, requesting an extension for another period of activity – building use is available.

Movie on the Beach and Magic Show was held on June 29th - had 130+ in attendance.

Project Graduation held in cooperation with HHRS and the Municipal Alliance at HH on 6/8 – over 50 students attended this annual event.

Highlands / AH Youth Soccer Program for Fall – final registration set for June 30th.

UK Elite Soccer Camp held from June 28 – July 2nd at Fireman's Field in AH.

Library – Re-opened in June. Summer hours will be Monday 1:30 until 4, Thursday 3-7 and Saturday 10-1.

Staff training conducted for Summer Food Service program operations – Safe handling of foods and all program content.

Staff training conducted on Summer Kidfest Program & review of MEL/JIF seasonal video.

Lifeguard training and review implemented by K. Gannon, Lifeguard Supervisor.

First Aid Certification (First Responder) completed for recreation staff.

Skin Cancer Screening set for Saturday, July 17, 10 a.m. to 2:00 p.m. in cooperation with the Monmouth Cancer Coalition at the Community Center / Snug Harbor Beach.

Brookdale Big Band Concert tentative date is July 30th at Veteran's Park, from 7:00 to 9:00 p.m.

PARKS & FACILITY:

Skate Park: Repair to sign (vandalized) still outstanding.

Community Center Park / Playground Backboard / rim damaged by vandalism has been replaced. Court surface area has been graffitied and some damage done. Replacement of small surface areas will be needed.

Veterans Park – Hand grips and safety surface have been ordered for playground.

Miller Street / Rt. 36 – Back flow preventer for possible irrigation has been ordered for install (as per BH).

Huddy Park – Electrical repairs needed for panel box / timers / switches.

Marine Place – peeling of painted retaining walls needs to be addressed and maintenance implemented.

Kavookjian Field: Fence repair and overhanging trees still to be addressed. Safety cap for top fence rail is in, schedule for install by DPW. Need minor repair to fence – waiting for contractor. KFRC 2nd. Annual Fundraiser set for July 31.

Snug Harbor Beach – Beach sifting/ cleaning has been implemented for June to continue throughout summer. Portable restroom ordered for summer. **Guards begin week of 6/28.**

Miller Street Beach – Beach sifting / cleaning implemented, portable restroom ordered for summer. Staffing of Lifeguards will be early season issue – lack of guards presents scheduling problem.

Cornwall Square, Frank Hall, S. Bay Beach – No report

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Ederle Park – Garden Club drafting plans for walkway improvements. GC will be submitting for review.

Parks & Facility – General – Grass cutting for parks is on schedule by DPW. Picnic Benches / trash cans placed in parks and beaches as requested. Lifeguard stands installed. Cross walk over Jones Creek to center needs to be replaced / repaired. Electrical outlet at lot across from Huddy Park needs to be replaced (fed from Huddy Park service).

OTHER:

Community Development Block Grant: Bids have been received for the generator electrical work. Pre-construction meeting held. We still need specifications for generators at each of the 3 locations with authorization to purchase.

Community Development Block Grant FY '11 –Grant application has been filed. Presentation date is August 18th before CDBG committee.

Seasonal Employment Positions have been hired as per governing body approval.

Meeting with Narjarian Assoc. to review dredging project and possible material use for local beach replenishment was held in early June. Also met with Open Space Committee & Green Team. Grant submitted as per deadline for Green Team initiative. (\$1,000 challenge grant).

Timothy G. Hill, Director of Parks and Recreation July 6, 2010

HBP

Carla Cefalo- Braswell of the HBP spoke about the Zumba classes that are held at the Community Center, the fee has been reduced to \$5.00 from \$10.00. Big Brother & Sisters fund raiser.

Mayor Little will present a Proclamation to the Big Brother & Big Sisters Organization.

Public Relations

Mr. Francy – we are working on website Request for Proposal.

Environmental/Shade Tree

Mr. Francy stated that the Environmental Commission had a very important meeting on June 28th. Exxon was present along with the DEP regarding the Bayside Drive seep. The residents were thrilled to get information at the meeting. Shadow Lawn and Exxon are on notice about dealing with the Bayside seepage.

Administration & Substandard Housing

Mr. Hilling thanked the Borough Clerk for painting the chairs and for making improvements to the building. The August tax bills will go out in the next 10-days. He also stated that we have removed records from Middletown Storage facility to save money. He then spoke about the Kavookjian Field Fundraiser.

Substandard Housing – we have demolished the house at 38 Jackson Street. 24 Cornwell Street, the demolition process has started. We do have a demolition permit in for 21 Atlantic Street. With regard to 150 Navesink Ave, we were ready to demolish then the owner stated that he had a buyer for the house and he presented an engineer's report stating that he structure was still sound.

Clerks License

Ms. Dailey read the following report:

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Borough Clerks Monthly Meeting Report for the Month of July 21, 2010 Meeting

Licenses:

There were 8 Cat Licenses and 10 Dog Licenses issued for the month of June.

Vital Statistics:

There were 3 Marriage Licenses Issued and 8 Certified Copies issued for the month of June.

Records:

The Clerks Office together with the DPW have removed all records that were being stored at a Storage Facility in Middletown and we have terminated our lease which will result in a savings of \$2,300 a year for the borough.

The Clerks Office will be sorting through the records that were moved from the storage facility to determine which ones are eligible for destruction and which ones must be retained.

Office:

All OPRA requests, emails and phone calls have been responded to in a timely manner.

Meetings:

There were two Council Meetings and Two Board Meeting Packets that were processed during the month of June.

Minutes:

I am happy to say that all Council Meeting Minutes are caught up to date.

Library Report

Tara Ryan read through the following report:

7/21

**HIGHLANDS BORO LIBRARY
JULY 21 2010 COUNCIL REPORT**

The Highlands Library is open and thriving, serving the residents of our town. The clients are a mix of adults and young people; everyone looking for a book to read. We now have books for every grade on the HES Summer Reading lists. Our newspaper subscriptions have started and we have a number of magazines as well.

The library is open three times per week, and we are keeping a strict count of visitors as well as materials borrowed. We expected to be busiest on Saturday mornings but that is not the case. We believe the extremely hot weather as well as there being no youth programs at the Rec Center on Saturday the cause. We will decide upon a new schedule in September.

Library volunteers are welcome. Anyone interested may contact me or leave a message at the library. Volunteers are asked to work one session every other week. There will be a general meeting of all current and potential volunteers in August on a date to be announced.

=====
Other Business:

Robert Keady, P.E., Borough Engineer reviewed and discussed the following report with the Council:

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HGHL-G1001

July 15, 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. All remaining concerns have been addressed to the satisfaction of this office. As such, the final project close out documentation is currently being prepared.

2. **Sanitary Sewer Flow Metering – Monmouth Hills:** As requested by the Borough, we have solicited a quotation to monitor the sanitary sewer flow from Monmouth Hills that is collected within the Borough's sanitary sewer system. We have identified three (3) locations at which the meters will be installed. We are currently preparing a proposal to interpret the data and prepare a summary report outlining the metering results.

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. 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. All shop drawings have

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been reviewed and approved. The Contractor is expected to mobilize the week of July 12, 2010.

3. **Flood Reduction Program:** 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, which is progressing along with the Bay Avenue stormwater crossing at Jones Creek. A project status meeting will be held the week of July 19, 2010 with Borough representatives. T&M Associates will also provide a status update and rendering of the proposed Snug Harbor Pumpstation at the July 21, 2010 Council meeting.
4. **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 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 99% complete. We have submitted plans and specifications to the NJDOT and have received comments back from them as well as authorization to advertise the project for bidding. The comments are currently being addressed and the project will be advertised the week of July 19, 2010.
5. **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 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. Further discussions with the Borough have resulted in a possible change in the approach to Valley Avenue from Highland Avenue to the western terminus. We are currently investigating revising the rehabilitation of this roadway from a reconstruction to a mill/overlay project. Once, determined, we will update the overall cost estimate and revise our proposal accordingly.

Grants and Loans

1. **FY 2010 NJDOT Municipal Aid – Bay Avenue:** The Borough has been 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.). A construction contract must be awarded by August 16, 2011 to avoid jeopardizing the allotted funding.

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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 is for The Reconstruction of Bay Avenue Phase II. T&M Associates will present the project to the County CD Committee on August 18, 2010. We are currently preparing the presentation to submit to the County for review and approval.
3. **Alternative 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.
4. **FY 2011 NJDOT Municipal Aid – The Reconstruction of Woodland Street:** As requested by the Borough, T&M Associates is currently preparing a Local Aid grant application for the above project to the NJDOT for consideration. The application is due electronically to the NJDOT August 13, 2010.

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

Flood Project Engineer Update Presentation:

Keith Henderson, of T & M Engineering made presentation about improvements to the Snug Harbor and Valley Street Watersheds. Had a rendering of Snug Harbor Pump Station with existing pump station and superimposed to show what the new pump station would look like. He explained the different parts of the Pump Station and that there would be minimum noise.

Mayor Little asked if the walkway was going to be eliminated?

Keith Hendersen said that it would be his recommendation to eliminate it. Do not want a lot of pedestrians around this or climbing on it.

Rick O'Neil asked would they have access to the beach.

Keith Hendersen said that they would use the first walkway by the Community Center.

Chris Francy said we would just replace it, somewhere else. It needs to have beach access.

Keith Henderson said that can be included in to the design. He continued to discuss the changes in the concept, as different problems have been brought up. He spoke about different cost savings, by using existing pipes. He spoke about replacing pipes at Valley Street, do it now or when it collapses. It will cost more as an emergency. Will also make pipes larger and increase the cycle times. He continued explanation of recommendations. He is still looking for Grants. Grant money is hard to come by. He is asking for authorization to continue with Valley Street.

Chris Francy stated that there is enough design work, so that we could apply for the Infrastructure Trust Fund and permits.

Keith Henderson stated that the State wants to see exactly what we are going to do.

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Chris Francy would like re do this presentation for Becky Kane and Frank Nolan at the August meeting and have a resolution that moves us forward, suggested that we put a referendum on the ballot to approve Capital spending.

Steve Pfeffer asked are you still on target to get us to the Infrastructure Trust and the permits with the original bond ordinance that we put in place?

Rob Keady said yes.

Chris Francy asked, what is the deadline for getting a referendum on the Ballot.

Steve Pfeffer said August 12th or 13th.

Mayor Little said that we should have a special meeting to get this done.

Steve Pfeffer said that he doesn't think the first payment to the trust is due in this fiscal budget. During the construction period, the trust fund will capitalize the interest and they give that back to us in the form of reduced debt service payments. Can be put in narrative but just won't have any numbers, yet.

Council continued to discuss.

Keith Henderson will put all information in a memo with a breakdown of the schedule.

Chris Francy would like to have the public informed.

A resident asked if this would effect the flooding at Huddy Park?

Mayor Little stated that yes, it will eliminate the flooding, when this pump is in place.

Chris Francy said we will hold a meeting to inform the public, in September.

Steve Pfeffer suggested that we have the question drafted before the meeting.

Mayor Little asked T&M to prepare the narrative and Scott Arnette could word the question.

Bruce Hilling will call the County Clerk's office to get the deadlines.

Keith Henderson will contact the Trust, and they will give preliminary financial information that will be important for the question.

Bruce Hilling will poll the council, when he gets the date from the County and decide what will be the best date to have the special meeting, based on availability.

Security Cameras – Recycling Yard & Skate Park

Bruce Hilling stated that as per council, he got a quote for security camera for the skateboard park. It came in at \$4950.00. The priority would be to put cameras at the skateboard park based on the amount of problems there. We do have signs up at the recycling yard, will see if that is a deterrent.

Mayor Little said that we will continue to discuss.

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Highlands Garden Club – Re: Park Irrigation Systems:

Mayor Little stated that the Garden Club is willing to go to \$500.00 a year to winterize and activate in the spring, all the park irrigation systems. They are concerned about unforeseen events. Would they be covered under Borough insurance?

Bruce Hilling spoke with Dodie Bower, about this. We have a deductible that is \$2500.00. We could cover that as a Council.

Dodie Bower spoke about how they never had an act of vandalism but flooding is a problem.

Chris Francy asked if they are asking for the routine irrigation system maintenance?

Dodie Bower answered that the Garden Club pays for that now, \$500.00. They are asking for anything beyond that such as vandalism or flooding that the Borough could help them with.

Scott Arnette said we can approve a resolution at the next meeting. He will work on the resolution for that meeting.

Review Fingerprint Ordinance:

Mayor Little said that there had been previous discussions about changing this from one to three years. The fingerprinting identification expires one year from date of issue. We may have negotiated something with the business owners and thru the Police Department.

Chief Blewett will agree to three years for renewal.

Carla Braswell-Cefalo said that the employee had to pay if they worked at two different establishments.

Mayor Little commented that that is administrative.

Chief Blewett explained the fingerprinting procedure and how the paperwork is handled. There are specific dates for people to come in, and a lot of people miss the dates. There is a charge of a duplicate.

Mayor Little wants two major complaints addressed, the length of time that the fingerprints are good, the time it takes to get the card, and a complaint that the Mayor heard; the need to get two cards if you work in two different places.

Discussion RE: Borough Employees Layoff's:

This was an item requested by a Council member, who is absent. The Mayor tabled this item and all were in favor.

Minutes

Executive Session & Regular – May 19, 2010 (Frank Nolan & Mayor Little absent)

Rick O'Neil offered a motion and it was seconded by Chris Francy . Mayor Little abstained.

Public Portion:

Don Mandrodt of 268 Bayside Drive commented on the fingerprinting cards. The cards say that they have to be held in the bar. He keeps them locked up. He feels that the person should be given their cards.

Chief Blewett stated that the State Law that it has to be on premises, available anytime we ask for it.

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Robert Burton commented that the business would get fined if the employee does not have the card with them.

Don Mandrodt spoke about the water running on Bayside Drive, running over ditch.

Bruce Hilling will speak to Reg Robertson, to have ditch dug out. He also said that the DEP had a negative response about the dirt.

Don Mandrodt thanked the Environmental Board did a great job, sent letter to the Planning Board which he feels was ignored. He does not feel that the Borough Engineers on the Planning Board are helping the people on Bayside Drive. They help the applicant.

Tara Ryan of 17 Ocean Street – left.

Frank Caruso of 61 S. Linden Avenue spoke about a shared tree between himself and the Borough. He would like an update from Bruce Hilling or Chris Francy.

Bruce Hilling stated that he does have his documents, we continue to review them.

Chris Francy will look at the survey, he just received it. Not sure if he agrees that we are going to share the cost. He needs to look at the survey, to see where it is. He will respond with in the week. He will look at it.

Bruce Hilling will contact him.

Christian lee of 2 Navesink Avenue – left.

Jim Parla of 16 Portland Road – left.

Carla Cefalo of 62 Gravelly Point Road wanted to talk about liquor licensing. The ordinance is now or is being modified to go from one year to three years?

Mayor Little read the ordinance that is on the books now which states that ID cards will expire one year from date of issue. We are changing it to three years.

Scott Arnette said that it won't be law until its amended. The final adoption will be in September. We are amending the ordinance from one year to three years.

Carla Cefalo asked if this is only for people handling alcohol not food prep people.

Chief Blewett said no, but it should be.

Mayor Little said the ordinance was changed earlier this year to insert words that said: who handle alcohol directly.”.

Chief Blewett said that there are guidelines thru the State on who they will give it to and who they won't give it to.

Mayor Little said the ID card is the Borough Ordinance, the ABC law is the State. She checked with other towns, no one else does it this way. We changed it to; only people who touch alcohol.. Every time we try to do it according to the State, the business owners go in an uproar. The part-time help is not there long enough, overturn, huge expense on the part of the employer.

Terry Gauthier of Long Branch stated that she works in a restaurant in Long Branch. She has an ID card . She keeps the card. Every place must have your information, but she is responsible for it. They are renewed every year. If you are late, you have to start all over again and at a higher cost. It is a simpler process to renew. It cost maybe \$10 or \$20.

Rick O'Neil made a motion to adjourn the meeting, seconded by Chris Francy and all were in favor.

**Borough of Highlands
Mayor & Council
Combined Meeting
July 21, 2010**

Meeting adjourned at 10:28 p.m.

DEBBY DAILEY, DEPUTY BOROUGH CLERK

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**Borough of Highlands
Mayor & Council
Regular Meeting
July 21, 2010**

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