

**Borough of Highlands  
Mayor and Council  
Combined Meeting  
August 18, 2010**

Mr. Nolan called the meeting to order at 7:03 p.m.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Combined Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

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

**Late Arrival:** Mr. O'Neil arrived at 7:17 p.m.  
Mayor Little arrived at 7:40 p.m.

**Absent:** None

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

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**Executive Session Resolution:**

Mrs. Cummins read the following Resolution for approval:

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

**RESOLUTION  
EXECUTIVE SESSION**

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

- 1.Litigation:**
- 2.Contract: Medical Insurance Contract, JT White Lease, Union Contracts,  
Shared Service Agreements**
- 3.Real Estate: 124 Bay Ave, Borough Property on Hwy 36, 2 Private Rd**
- 4. Personnel Matters: William McCann - Riced**
- 5. Attorney-Client Privilege:**

**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. Francy and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. O'Neil, Mayor Little**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

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Mayor Little called the Combined Meeting back to order at 8:22 p.m.

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

**ROLL CALL:**

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

**Absent: None**

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

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**Ocean Tidal Power Generation Presentation:**

Roger Basin and his wife are the owners of Natural Currents Energy Services, LLC. He stated the company has been around for 10-years. He explained that the lateral movement of the tides is converted into electricity using a turbine. Here in New Jersey they have a great deal of support from the NJDOT and they have a grant from the State of New Jersey to install a turbine in Point Pleasant Beach. Also the State of New Jersey has requested that our company evaluate the twenty best sites in the State for tidal energy generation. So over the next 18-months we expect to identify these areas and identify the environmental impact, financial impact and the energy impact. He stated that one of the sites that they are looking at is here in Highlands and we have found that you have an excellent tidal resource and they have actually tested for tidal disturbance today. The property owner of the site in Highlands is here with him tonight as well as his wife. He then asked if there were any questions.

Mayor Little questioned financing of this.

Roger Basin – based on our work here which began in May of this year they have evaluated the waterway and submitted a proposal to the United States Department of Energy. They have proposed to test and install tidal turbines, which would be fifty percent supported by Department of Energy. Whether they fund it or not we expect to find private financing to install these. He

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explained that you can generate power and sell it to utility companies. He also stated that the Borough has ten Riparian Grants.

Mr. Francy questioned the unit that would be installed at Mr. Colby's property on South Bay Ave.

Mr. Basin described the system that they tested at this site was a two by ten foot unit and they are looking to install a five by fifty foot unit.

Ms. Kane requested a pamphlet on this information.

Mrs. Basin explained that the turbine will not be visible, it will be submerged underwater.

Michelle Pezzullo of 115 Highland Avenue wanted the email address for this company.

Robin Basin replied its [www.naturalcurrents.com](http://www.naturalcurrents.com).

Mayor Little thanked them for the presentation.

**Mayor's Proclamation**

Mayor Little read the following proclamation:

# Proclamation

## BIG BROTHERS BIG SISTERS

**WHEREAS**, *the mission of Big Brothers Big Sisters of Monmouth County has been to make a positive difference in the lives of at-risk children; and*

**WHEREAS**, *for the past 32 years Big Brothers Big Sisters has raised awareness of the role of mentors in the lives of children; and*

**WHEREAS**, *they serve over 300 children ages 6-18 each year, helping to produce confident, competent, and caring children, which in turn, contributes to a stronger community for all; and*

**WHEREAS**, *research shows that children engaged in the one-to-one, professionally supported mentoring programs of Big Brother Big Sisters are more likely to finish high school and less likely to begin using drugs and alcohol, skip school, or be involved in violence; and*

**WHEREAS**, *Big Brothers Big Sisters makes a positive difference in the lives of children who are facing emotional, social, and academic challenges. Through professionally-supported relationships with a caring adult Big Brothers Big Sisters assists the children as they grow in achieving their highest potential as they grow to become confident, competent and caring.*

**NOW, THEREFORE BE IT PROCLAIMED**, *that the Mayor and Council of the Borough of Highlands wish to commemorate this valuable organization and urge the citizens of Highlands to give their full support to Big Brothers Big Sisters of Monmouth County.*

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**Public Portion on Agenda Items:**

Michelle Pezzullo of 115 Highland Avenue withdrew her name from the list.

Carol Bucco of 330 Shore Drive also withdrew her name from the list.

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**Consent Agenda:**

The following items were approved:

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

**R-10-155  
RESOLUTION  
APPROVING MEDICAL LEAVE OF ABSENCE FOR  
BUILDING DEPARTMENT SECRETARY**

**WHEREAS**, Dawn Horniacek, Full-Time Building Department Secretary/Licensing Clerk has requested a Medical Leave of Absence effective October 19, 2010 for a period not to exceed eight weeks.

**NOW, THEREFORE BE IT RESOLVED** by the Borough of Highlands Governing Body that the Medical Leave of Absence for Dawn Horniacek is hereby approved for a period of up to eight weeks effective October 19, 2010. Employee will only receive salary for leave based on accrued number of sick/vacation hours. After accrued sick/vacation hours are used employee will no longer receive a salary from the Borough.

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

**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-165**

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL  
CAPITAL FUND ACCOUNTS PAYABLE**

**WHEREAS**, the Chief Financial Officer has determined that the following accounts payable should be canceled due to the completion of the project and expiration of the contract and;

George Cooper Rudolph III Architect  
Bond Ordinance 98-11 \$1,656.00

**WHEREAS**, it is necessary to formally cancel said accounts payable so that the balance may be credited to capital 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 general capital fund.

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

**ROLL CALL:**

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

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

**R-10-166  
2010 Women's Equality Day Resolution**

**Whereas**, August 26, 2010 marks the 90th anniversary of the ratification of the 19th Amendment, guaranteeing women's right to vote; and

**Whereas**, the beginning of the debate over a woman's right to vote began at the world's first Woman's Rights Convention in Seneca Falls, NY in 1848; and

**Whereas**, the campaign continued for seventy-two years highlighted by the extraordinary efforts of New Jerseyan Alice Paul; and

**Whereas**, support for the movement grew and on August 26, 1920, the final state ratification for the amendment was passed and the enfranchisement of women became law; and

**Whereas**, this date also marked the re-enfranchisement of women in New Jersey after an absence of 113 years; and

**Whereas**, this year's 90th anniversary of the greatest single expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women's right to vote and also to illustrate how much can be achieved in a democratic society by the collective efforts of citizens committed to political reform; and

**Whereas**, it was the hope of our Foremothers who fought and died for Women's Suffrage that future generations of women would use that hard-won vote to make this a better world and to fight for full equality and justice for women; and

**Now, therefore, be it resolved** by the Governing Body of the Borough of Highlands that August 26, 2010, the 90th anniversary of the constitutional affirmation of women's right to vote in the United States, be celebrated by governing agencies at the local, state, and national level, as well as by educational institutions, workplaces, civic organizations, places of worship, and communities throughout the nation, with programs, events, proclamations, performances, parades, conferences, and other special ceremonies worthy of this uniquely important and historic occasion.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-10-167  
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:



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<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
35	7	2010	\$1479.65	ALVATOR, DONNA

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

**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-170**

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

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

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

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

<u>ORDINANCE NUMBER</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNTS TO BE CANCELED</u>	
		<u>FUNDED CAPITAL SURPLUS</u>	<u>UNFUNDED</u>
O-98-11	Construction of Firehouse - Emergency Management Facility	\$55,014.78	
0-07-04	Community Center Park & Playground Improvements	\$12,178.05	\$32,500.00
0-05-20	Improvements to Community Center		\$93,144.00
		\$67,192.83	\$125,644.00

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-10-171  
RESOLUTION  
APPROVING SOCIAL AFFAIR PERMITS FOR  
THE AMERICAN LEGION TWINLIGHT POST #143**

**WHEREAS**, the American Legion has submitted two Social Affairs Permit Applications to have event on August 27, 2010 with a rain date of September 3, 2010 and for an event on September 11, 2010 with a rain date of September 12, 2010; and

**WHEREAS**, the Chief of Police has reviewed the applications and has approved both of them.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the American Legions two applications for Social Affair Permits for August 27, 2010 with a rain date of September 3, 2010 and September 11, 2010 with a Rain Date of September 12, 2010 are hereby approved and the Borough Clerk is authorized to execute said applications.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-10-172  
RESOLUTION AUTHORIZING MUNICIPAL TAX ASSESSOR  
TO OBTAIN PRICE QUOTES  
FOR THE MANDATED PROPERTY TAX REVALUATION**

**WHEREAS**, the Monmouth County Board of Taxation has issued an order to revalue all property in the Borough of Highlands to the Division of Taxation, Department of the Treasury, State of New Jersey; and

**WHEREAS**, the Borough of Highlands ratio of assessed value is now at 66.94 which is a 18.20 coefficient deviation of the Monmouth County 100 per cent value; and

**WHEREAS**, it is in the best interest of the Borough to authorize the Tax Assessor at this time to obtain price quotes a revaluation of all property in the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Municipal Tax Assessor is hereby authorized to obtain price quotes for revaluation of all properties located within the Borough.

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



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**ROLL CALL:**

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

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

**R-10-175  
RESOLUTION OF THE BOROUGH OF HIGHLANDS  
ENTERING INTO AN AGREEMENT WITH  
THE GARDEN CLUB TO COVER COSTS  
OF UNFORESEEN EVENTS**

**WHEREAS**, the Borough of Highlands' Garden Club provides invaluable services to the Borough in planting, maintaining and watering plants that beautify the Borough; and

**WHEREAS**, there are irrigation systems within the four Borough parks that are winterized and activated annually at a cost of \$500.00, paid for by the Garden Club from its budget; and

**WHEREAS**, the Garden Club has asked that the Borough cover the costs of unforeseen events that may happen to the irrigation systems in the four Borough parks, such as damages from flooding or vandalism.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands, that it is hereby agreed that the Borough will cover the costs of unforeseen events such as flooding and vandalism that damage the irrigation systems in the four Borough parks in an amount not to exceed \$2,500.00 annually; and

**BE IT FURTHER RESOLVED**, that the Borough agrees that in the event that such damage occurs to the irrigation system in the four Borough parks that the Borough will submit such a claim for such damages with its insurance company.

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

**ROLL CALL:**

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

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

**R-10-176  
RESOLUTION RESCINDING RESOLUTION R-10-157**

**WHEREAS**, on July 21, 2010 the Governing Body of the Borough of Highlands adopted Resolution R-10-157 entitled "Resolution Authorizing Termination of, and Release from, Escrow of Remaining Balance of Contract Funds for New Municipal Firehouse Project"; and

**WHEREAS**, Resolution R-10-157 was not the correct resolution that the Chief Financial Officer required; and

**WHEREAS**, the Chief Financial Officer has prepared a separate Resolution for approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Resolution R-10-157 is hereby rescinded.

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

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**ROLL CALL:**

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

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

**RECAP OF PAYMENT OF BILLS  
08/18/10**

<b>CURRENT:</b>		\$ 45,387.58
Payroll	(08/15/10)	\$ 147,610.70
Manual Checks		\$ 160,680.90
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 102,617.47
Payroll	(08/15/10)	\$ 6,542.36
Manual Checks		\$ 5,309.05
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 3,537.65
<b>CAPITAL-MANUAL CHECKS</b>		\$ 28,200.68
Voided Checks		\$ - 28,200.68
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 17,837.03
Payroll	(08/15/10)	\$ 950.00
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$ 716.84
<b>DOG FUND</b>		\$ 55.80
<b>GRANT FUND</b>		\$ 7,457.04
Payroll	(08/15/10)	\$ 1,455.03
Manual Checks		\$ 7,573.00
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$
Manual Checks		\$
Voided Checks		\$

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN  
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.  
August 18, 2010  
Supplemental Bill List**

Current Fund:

Rebecca Kane - Reimbursement for Cell Phone expense \$89.60  
Account #1285 -3706

Capital Fund:

Gary Kubiak & Sons Payment #1 – Electric Modifications \$38,435.86  
Various Locations

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Other Resolutions:**

**Resolution R-10-123**

Mr. O'Neil stated that he has spoke with Police Chief about the parameters of this vehicle.

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

**R-10-123  
RESOLUTION ACCEPTING OWNERSHIP OF A  
VEHICLE**

**WHEREAS**, as per Superior Court of New Jersey Docket No. DC-017197-09 the Borough of Highlands has been issued ownership of Vehicle Number WBADD6328WBW49674; and

**WHEREAS**, this accepting of ownership to the Borough of Highlands is free and clear of any lien or encumbrance for the subject motor vehicle.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Borough of Highland accepts the ownership of motor vehicle number WBADD6328WBW49674 and the Borough of Highlands Police Department is hereby authorized to register said vehicle in the name of the Borough of Highlands.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

**ABSENT: None**

**Resolution R-10-174**

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

**R-10-174  
RESOLUTION  
APPOINTING ALTERNATE FINANCE COMMITTEE MEMBER**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Councilman Frank Nolan is appointed as Alternate Member for the Mayor to the Finance Committee. This appointment will expire on December 31, 2010.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Ordinances: Introduction and set Public Hearing Date for September 15, 2010**

**Ordinance O-10-16**

Mrs. Cummins read the title of Ordinance O-10-16 as follows for introduction and setting of a public hearing date for September 15, 2010:

**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”**

**Ordinance O-10-17**

Mrs. Cummins read the title of Ordinance O-10-17 as follows for introduction and setting of a public hearing date for September 15, 2010.

**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”**

Mr. Francy offered a motion to table ordinances O-10-16 and Ordinance O-10-17 until the next meeting, seconded by Mr. Nolan with the condition that the Borough Clerk obtains three other penalty amounts from three other towns. This motion was approved on the following roll call vote:

**ROLL CALL:**

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

The Governing Body directed the Borough Clerk to obtain penalty amounts from other towns to put in this ordinance and for it to be introduced at the next meeting.

**Ordinance O-10-18**

Mrs. Cummins read the title of Ordinance O-10-18 for introduction and setting of a public hearing date for September 15, 2010.

Mr. Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for September 15, 2010 at 8:00 p.m.

**ORDINANCE O-10-18  
AN ORDINANCE AMENDING CHAPTER 6 OF THE REVISED  
GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS  
SECTION 6-6.3 ENTITLED  
“IDENTIFICATION CARDS; ON FILE; EXPIRATION DATE”**

[ additions shown in underline, deletions shown by ~~strikeout~~]

**WHEREAS**, it has been determined by the Governing Body of the Borough of Highlands that the one year expiration of identification cards for employees of liquor licensed establishments is a financial hardship;

**NOW, THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of Highlands that Chapter 6, Section 6.3 of the Revised General Ordinance of the Borough of Highlands be amended and supplemented in the following part:

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**6-6.3 Identification Cards; One File; Expiration Date.**

The Borough of Highlands Police Department shall furnish to the licensee and to every agent, bartender, waiter, waitress or other employee connected with or employed by the licensee and who will handle alcohol directly during course of discharging duties by licensee an identification card demonstrating compliance with the provisions of this section. This card shall be on file on the licensed premises and shall be exhibited upon demand at any time requested by any law enforcement office or official of the Borough of Highlands. Such identification card shall expire ~~one year~~ three years from the date of issue, at which time new photographs shall be taken by the Highlands Police Department and a new fee therefore paid by the licensee. Every licensee and every agent bartender, waiter, waitress or other employee connected or person associated or to be associated with or employed by licensee and who will handle alcohol directly during course of discharging duties by licensee in the future shall make application for liquor sale or distribution identification cards within ten days of employment or association with the license shall secure the identification card as provided for in this section.

**BE IT FURTHER ORDAINED** that all other provisions of Ordinance 6-6.3 which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**Ordinance O-10-14**

Mrs. Cummins read the title of Bond Ordinance O-10-14 for the second reading and public hearing. She stated that notice of this bond ordinance was published in the July 30<sup>th</sup> edition of the Two River Times.

Mayor Little opened up the public hearing on Bond Ordinance O-10-14.

Donald Manrodt of Bayside Drive question engineers cost estimate.

Robert Keady, P.E., Borough Engineer explained the engineering costs. He stated that this is a grant from the NJDOT and is for engineering design and utility investigation and this bond ordinance is for the front costs.

Mr. Manrodt stated that this is a high engineering price and we should bid it out.

Mr. Francy explained that this is a 1.12 million dollar project and this percentage of engineering costs of \$170,000 is an acceptable percentage for this.

Michelle Pezzullo of 115 Highland Avenue questioned how this bond ordinance would affect property taxes.

Mr. Pfeffer explained how this bond ordinance effects the budget.

Mayor Little further explained that there is grant money and she explained the grant money process.

Mr. Francy stated that the NJDOT grant does not cover the soft costs for design.

There were no further questions or comments from the public; therefore Mayor Little closed the public hearing on Bond Ordinance O-10-14.

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Mrs. Cummins read the title of Bond Ordinance O-10-14 for the third and final reading and adoption.

Mr. O'Neil offered the following Bond Ordinance and moved on its adoption 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 maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

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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.

**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:**

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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.

**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. Francy and adopted on the following roll call vote

**ROLL CALL:**

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

**NAYES: Mr. Nolan**

**ABSENT: None**

**ABSTAIN: None**



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**Ordinance O-10-15**

Mrs. Cummins read the title of Ordinance O-10-15 for the second reading and public hearing. She stated that this ordinance was published in the July 30<sup>th</sup> edition of the Two River Times.

Mayor Little opened up the public hearing on Ordinance O-10-15.

Carol Bucco of 330 Shore Drive questioned if these inspections would supersede the State inspections.

Mayor Little explained that the BHI inspections will now happen annually instead of once every five years by the State. This ordinance addresses the fees that will be charged to the property owner for said inspections.

Carol Bucco – does that include condos.

Council explained that it would apply to condos with common areas.

Carol Bucco expressed her opposition to the proposed ordinance increasing the inspection fees.

Don Manrodt of 268 Bayside Drive questioned if this would eliminate the State inspections.

Mayor Little - yes it will.

Michelle Pezzulo of Highland Avenue asked what BHI meant.

Mayor Little replied that its Building and Housing Inspections.

Carol Bucco objected to the adoption of this ordinance.

There were no further questions or comments from the public; therefore Mayor Little closed the public hearing on Ordinance O-10-15.

Mrs. Cummins read the title of Ordinance O-10-15 for the third and final reading and adoption.

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

**\*\*\*\*\*FAILED ADOPTION\*\*\*\*\***

**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

**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

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

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

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

R-1	1 to 6 units	<del>\$35.00</del>	<u>\$75.00</u>
R-2	7 to 12 units	<del>\$50.00</del>	<u>\$100.00</u>
R-3	13 to 20 units	<del>\$75.00</del>	<u>\$150.00</u>
R-4	21 to 50 units	<del>\$125.00</del>	<u>\$200.00</u>
R-5	For each additional unit	<del>\$ 3.00</del>	<u>\$7.00 per unit</u>

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

**ROLL CALL:**

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

Ms. Kane then asked the Mayor what happens now that we took the inspections over from the State are we staying at the lower inspection rates.

Mayor Little – yes

Mr. Nolan – yes, until we settle the budget.

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**Additional Resolutions:**

**Resolution R-10-173**

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-10-173  
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 for the design and survey of the Highland Avenue Area Reconstruction Project 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

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**WHEREAS**, this contract is to be awarded for an amount not to exceed \$101,865.00 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the design and survey services for the Highland Avenue Area Reconstruction; 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 the expiration of the 20-day Estoppel Period of Bond Ordinance O-10-14:

Bond Ordinance O-10-14

-----  
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. T & M Associates are hereby retained to provide professional engineering services for the design and survey work for the Highland Avenue Area Reconstruction as described above for an amount not to exceed \$101,865.00 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 hereby authorized to sign said 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 Francy and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** Mr. Nolan

**ABSENT:** None

**ABSTAIN:** None

Mr. Leubner stated that we will go to construction next spring on this project.

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**Committee Reports:**

**Finance**

Mr. Pfeffer spoke about the sewer utility budget and stated that with regard to the budget, there is no increase. With regard to the change in billing, we will go with it one more time and if the collection rate does not increase then we may go back to quarterly billing.

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Mayor Little questioned electronic payments.

Mr. Pfeffer stated that he will speak with Tax Collector. He then spoke about the need to increase the sewer rate to \$480.00 yearly retroactive to cover the Atlantic Highlands/Highlands Regional Sewerage Authority costs.

Mr. Francy questioned if the TOMSA fees went up.

Mr. O'Neil – our flow has gone up.

Mr. Pfeffer – we need to act quickly because rate is going to have to be retroactive.

Mr. O'Neil spoke about rainfall and the increase in infiltration.

The Council further discussed sewer budget.

**SFY 2011 Municipal Budget Discussions**

Mr. Pfeffer explained that he and Mr. Francy have been going back and forth with emails and we put together a lot of different scenarios and a lot of different spread sheets on trying to see where there was money to be saved by privatization, consolidation and retirements. We need a special meeting to discuss the possible budget cuts. That's why a special meeting for Monday August 23<sup>rd</sup> was mentioned.

Mr. Francy stated that he would get the spread sheets to the Borough Clerk to distribute to the Council. He will also email them to the Council Members.

Mr. Pfeffer spoke of wage freezes for all employees, freeze on health benefits, merge dispatch, reduce Police Dept by three officers, privatize residential garbage collection and contract out of house for mechanic services. He explained that after the Council goes into Executive Session then any action you need to take are taken after words in the public portion. So the regular meeting will start at 7:30 p.m. and then you go into Executive Session, then you go to public meeting.

Mr. Arnette advised the Council that this special meeting will be advertised for a public meeting and those issues that are okay to discuss in Executive Session, will be and those that are not will not be

Mr. Nolan offered a motion to have a Special Council Meeting on August 23<sup>rd</sup> at 7:30 p.m. to discuss SFY 2011 Budget Cuts, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

**ABSTSENT: Mr. O'Neil left the meeting room during roll call vote**

**DPW Report**

Mr. Hilling stated that bulk pick up is scheduled for September by zone along with Brush pick up. We are still waiting for FEMA to come through on the money for the Waterwitch Avenue Pump Station. A new chain link fence was installed at the old sewer plant and we have signs there prohibiting parking.

**Public Safety**

Chief Blewett read through the following report:

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Report to Council  
August 2010

\* As per the question raised by Carla Braswell at the last Council meeting, as per Borough Ordinance 6-6.1 the fee for the issuance for an identification card is \$20.00. The Highlands Police Department has been charging \$5.00 for a duplicate card.

\* As per the questions raised by Councilman Francy in response to handicap signs, the Highlands Police Department makes a recommendation to the Governing Body for the issuance of a handicap parking sign only after the State has issued the said person a permanent handicap placard or license plates. The Borough of Highlands does not have an ordinance in reference to this but it's governed by Title 39:4-197.5 & 39:4-197.6. As per the NJ Motor Vehicle Commission handicap plates are renewed every year and a permanent placard has to be renewed every three years. After the initial application the State does not require the applicant to obtain certification from a physician that he or she is disabled. He then asked if we could enact an ordinance to make applicants renew their plaque.

***Mr. Francy – we can talk about this later.***

\* On August 7, 2010 duty officers responded to a report of an aggravated assault. The investigation revealed that two individuals were assaulted by William Gill. During the investigation officers responded to Gill's Washington Avenue residence where they arrested William Gill, age 21, for aggravated assault, criminal restraint and terroristic threats. Gill allegedly assaulted the two victims while they were at his residence. After the assault both victims left the residence, sometime thereafter victim #2 was approached by Gill and forcibly taken back to his residence where the victim was threatened and detained against his will.

\* Between August 1 and August 2, 2010, the Highlands Police Department investigated two separate vehicle burglaries in the Second Street area. An unknown actor gained entry to one vehicle removing several items but was confronted by the vehicle owner prior to gaining entry into the second vehicle and fled the scene. After a brief investigation a 17 year old Highlands resident was charged with these burglaries, as well as, confessing to at least a dozen more. This is the third individual in the last three months charged with multiple vehicle burglaries. All three suspects targeted unlocked vehicles, therefore, the Highlands Police Department urges residents remove any valuables including GPS units and to lock their vehicles. As always, all residents are urged to report any suspicious activity to the department at (732) 872-1158.

\* Total Calls for Service: 672

\* Arrests: Adults: 48 ( 10 for possession of CDS)  
JV: 0

\* Summons: Total: 264

Moving Violations: 149  
Non-Moving: 52  
DWI: 17  
Boro Ordinance: 46

(Statistical Information is from July 1 – 31, 2010)

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Mr. Nolan then read a letter of appreciation for the recent arrest of a burglar from Craig Bahrs.

**Building & Housing**

Mr. Hilling spoke about substandard housing and stated he continues to work on 150 Navesink Avenue and 80 Miller Street.

**Parks & Recreation**

Ms. Kane reviewed the following report and requested that the Borough Administrator have the DPW make the park repairs as listed in the following report:

**PROGRAM:**

Senior Citizen Programs – Senior Group does not schedule any programs during the summer. Registration still taking place for Farmer’s Market Voucher Program - \$20 in vouchers available to eligible seniors.

Kids on the Move: Program ended in June. “Kids Connection” for the summer (Mon. – Thursday afternoons has 50 children enrolled.

Summer Kidfest 2010 (July 1 to August 13.) For July - 130 children enrolled. Nutrition component is serving over 150 meals per day (breakfast and lunch). Activities and events for July included: Hot Shot Contest, Pool Tournament, Home Run Derby, Arts and Crafts, Frisbee Golf, Volleyball, Pitch Hit and Run event, Hula Hoop Contest, Street Hockey, Table Soccer Tournament, Scavenger Hunt, “Gertrude Ederle Water Relay Day”.

SCREEN – Sun Cancer / Heat Awareness activities took place throughout the month of July.

“Choose Your Cover” Skin Cancer Screening with the Monmouth Cancer Coalition took place on July 17<sup>th</sup> at the community center. Over 70 people participated in on-site screenings.

Other Group Use: Garden Club, Historical Society, Kavookjian Committee, Boating Safety Classes (2), 3 condominium / homeowner / other group meetings.

Highlands / AH Youth Soccer Program for Fall – Registration numbers are low. Still registering at this time. (have about 150 – normally hit 275 for total program enrollment).

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

Brookdale Big Band Concert held on July 30<sup>th</sup> at Veteran’s Park, over 125+ in attendance.

Planning for Fall / Winter Activities – Kids on the Move, Basketball, Adult Indoor Soccer, Adult Basketball, etc.

Beach:

1. Weekly Coastal Monitoring Reports have been excellent (June through July). All concentrated bacteria (enterococci) levels for this period were well below the 104 pp 100 mL. Areas tested continue to be the beach off of Connor’s, Snug Harbor, and Miller Street.
2. Weekday Ave. at Snug Harbor for July = 41 (inclusive of Summer Rec.visits) Weekends = 70+  
Weekday Ave. at Miller St. for July = 22, Weekends = 37.
3. Additional Lifeguards have been hired to cover schedule as needed.

**PARKS & FACILITY:**

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

Community Center Park / Playground Replacement of small surface areas on basketball court still outstanding. Material is in, need to schedule.

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Veterans Park – **Hand grips for PG piece in, need installation scheduled with DPW. Minor electrical repair – outlets in panel and outlet at Memoria site have been repaired to make operational.**

Miller Street / Rt. 36 – Back flow preventer for possible irrigation has been ordered for install (as per BH). Check with Bruce & DPW on status.

Huddy Park – no report.

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.

Snug Harbor Beach – Beach sifting/ cleaning has been implemented for July - to continue throughout summer. Portable restroom in place as requested.

Miller Street Beach – Beach sifting / cleaning implemented, portable restroom in place as requested.

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

Ederle Park – Garden Club drafting plans for walkway improvements. No updated report.

South Bay Ave. Park parcel (DOT / Bridge) – promenade / walkway structure pilings have been placed – ongoing construction as part of overall project.

**Parks & Facility – General** – Grass cutting for parks is on schedule by DPW. Cross walk over Jones Creek to center needs to be replaced / repaired. Electrical outlet at lot across from Huddy Park repaired (fed from Huddy Park service).

**OTHER:**

**Community Development Block Grant:** Work has begun for all sites with regards to the generators. On target for completion and submittal to Monmouth County CDBG for this year's presentation to be considered.

**Community Development Block Grant FY '11** – Grant application has been filed. Presentation date is August 18<sup>th</sup> before CDBG committee. (see above)

**Conifer Baseball Fields** (Clearwater tract) – Middletown Township (with input and the cooperation of the Borough of Atlantic Highlands) will be going out to bid this fall for construction of 2 baseball fields (60'bases w/ outfield areas +/- 210'). Lights are also being proposed. Use will be shared with Sandy Hook Little League, Middletown Recreation, & A.H. Recreation needs. Participants from our community will also benefit from this use.

**Seasonal Employment** Additional Lifeguard applications submitted for action / hire.

**Kavookjian Field 2<sup>nd</sup> Annual Fundraising event:** Approx. \$3,200 was raised at this time with anticipation of additional \$500-\$800 being sent in by various donors.

Monmouth County Open Space Grant Application due Sept. 24<sup>th</sup>. If application is being made, need to discuss seek input and set Public Hearing Date. 50% match required for up to \$250K.

Other – Meetings held with Special Event Review Committee for Clamfest, Kavookjian Field, Bridge, Municipal Alliance and Open Space Committee.

Timothy G. Hill, Director of Parks and Recreation August 12, 2010

**Highlands Business Partnership**

There was no report.

**Public Relations**

None

**Environmental/Shade Tree Commission**

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Mr. Francy stated that the town was awarded a grant for the enhancement of our bike path. He stated that the Environmental Commission will be having a meeting on this on August 24<sup>th</sup>. The grant dollar amount is \$2,500.

**Administrative**

Mr. Hilling gave the following report:

**M E M O R A N D U M**

DATE: August 16, 2010 ,  
TO: MAYOR LITTLE, BOROUGH OF HIGHLANDS; COUNCIL MEMBERS  
FROM: BRUCE HILLING, BOROUGH OF ADMINSTRATOR  
RE: SUMMARY OF ACTIVITIES •July 2010

**DEPARTMENT OF PUBLIC WORKS (DPW)**

1. Bulk pick up by zone scheduled for Sept.
2. New Mason Dump Truck now working. Purchased through state contract.
3. Still awaiting FEMA claim money for flooding Waterwitch Pumping Station some 25 K.
4. Steve Chiger has been reassigned to duties in Borough Hall as he continues his shoulder surgery recovery.
5. Clam Fest Pre and Post clean up completed with many commendations and thank yous.
6. New chain link fence placed at the recycle yard . New signs appear to be working restricting type of POV Parking.
7. Transition of garbage pick up for Bayside Drive proceeding forward without problems.

**DEPARTMENT OF TRANSPORTATION (DOT)**

1. Still processing our submitted Oswald bills for borough sewer clog work on and next to the bridge.
2. Still pending is word from DOT on Borough request for new sidewalks, curbing and curb cuts for Highlands Avenue and Portland Road.

**NISCELLANEOUS**

1. Monmouth County has formally approved our request for reval later on this year.
2. Sewer and August tax bills mailed . Interest will begin Sept 1<sup>st</sup> for the tax bills.
3. Waterwich Ave resurfacing job scheduled to begin this month.
4. CDBG presentation scheduled for August 18<sup>th</sup> on request for Bay Ave funding.
5. New Police communications now installed and operational on top on the new Highlands Bridge.
6. Various Borough files and records have now been relocated to the borough from a Middletown commercial storage facility saving the Borough approximately \$2500 in storage fees.
7. Don't forget the Special Council with Atlantic Highlands ref the Sewer Authority on Monday, August. 30<sup>TH</sup> AT 7 pm.

**Borough Clerk**

Mrs. Cummins informed the council on the number of licenses issued this last month and stated that she continues to sort through the borough records that were moved out from the storage unit.

**Library**

No Report.

**Other Business:**

**Engineers Report**

Robert Keady reviewed the following engineers report:



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**HGHL-G1001**

**August 11, 2010**

*Via Facsimile (732) 872-0670 and First Class Mail*

Mr. Bruce Hilling  
Borough Administrator  
Borough of Highlands  
171 Bay Avenue  
Highlands, New Jersey 07732-1405

**Re: Engineer's Status Report**

Dear Mr. Hilling:

The following is the status of various projects in which we are involved as Borough Engineer:

**General**

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

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

The Borough awarded the project to En-Tech in this amount at the October 22, 2009 Council Meeting. Contracts have been processed and a pre-construction meeting was held on December 10, 2009. The project has been completed. The contractor has submitted a post-lining video for review. T&M Associates reviewed the video and found the lining to be satisfactory. The NJDOT has declined to perform a final project walkthrough. All remaining concerns have been addressed to the satisfaction of this office. The final project close out documentation has been completed and will be transmitted to the Borough for final payment.

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.

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**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 been reviewed and approved. The Contractor has mobilized and will at a minimum, be completed with the Community Development funded portion of the Contract by August 13, 2010. To satisfy County funding requirements, the Contractor must be paid in full (funded portion only) by August 25, 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 was held on July 20, 2010 with Borough representatives. T&M Associates also provided a status update and rendering of the proposed Snug Harbor Pumpstation at the July 21, 2010 Council meeting. A project financial meeting was held with Borough representatives on August 4, 2010 to discuss project phasing and possible grant sources. T&M Associates is currently awaiting direction with regards to advancing the overall design of the project.
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 has been completed. The project was advertised for bidding on July 21, 2010 and bids were received on August 3, 2010.

Bid Date: August 3, 2010

Contractor: Fiore Paving Company, Inc., Oceanport, NJ

Amount: \$163,637.50

The project was awarded to Fiore Paving Company, Inc. on August 9, 2010 for the above amount. Contracts are currently being prepared and the required documentation has been forwarded to the NJDOT for their concurrence with the contract award.

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

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- **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. The Borough has introduced a bond ordinance to cover all design and investigative costs associated with Highland Avenue.

**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.
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

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

Mr. Leubner then stated that the Waterwitch Ave Project may possibly begin by the end of the month.

**Review of Proposal for Flow Metering**

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The Council reviewed the T & M Proposal for the flow metering of Monmouth Hills.

Mr. Francy offered a motion to have a Professional Service Resolution prepared for the September Meeting, seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane left the meeting room briefly during the vote.

**ABSTAIN** None

**Security Camera's**

There was no desire from the Council to move forward with the purchasing of security camera's for the Recycling Yard or the Skate Park.

**Referendum Question**

Mr. Francy stated that at the last meeting they spoke about a referendum for the flood capital project. Dave Parker will work with T & M for six months to see if we can get more grants so the need for a referendum is withdrawn.

Mayor Little advised the Borough Engineer to not stop working on permits and the design should be moving forward on the funded phases

Mr. Francy also stated that the engineer should be moving forward with the design and permits for the funded phases.

Mr. Keady explained that in order to continue with the I.E.T. Trust Program we need a commitment letter. He then asked for authorization to send a commitment letter out.

Council had no objection to sending out a commitment letter.

**Review of OPRA Fees**

Mrs. Cummins explained that we received a notice from the Government Records Council which indicated that the fees for copies can only cover the cost of the paper and toner; therefore we are required to reduce our fee.

Council authorized an ordinance to be introduced at the next meeting.

**Review of Disorderly Conduct Ordinance**

Mr. Arnette stated that we received a letter from the New Jersey Libertarian Party and he will look at this and if need be he will report back to the Borough Clerk if any action is required.

**Review of Rauen Letter dated August 2, 2010 RE: S. Pad Performance Bonds**

Margaret Rauen was present.

Mr. Arnette explained that whatever money is available which he believes is less than \$2,500 would be accessed only to the homeowners association and they would have to request it. This money is only for site improvements it wouldn't necessarily go to the improvements that Mrs. Rauen requested.

Mr. Pfeffer stated that there is approximately \$2,500 left in that account.

Mr. Arnette stated we must be contacted by appropriate parties.

Margie Rauen questioned if the \$36,000 bond was ever refunded.

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Mr. Pfeffer explained research process for these funds.

Mayor Little informed Mrs. Rauen that the Condo Association needs to come in and request the balance.

**School Speed Limit Flashing Sign**

Chief Blewett explained that he had requested that NJDOT install school speed limit flashing sign and we received a quote from the DOT \$81,000 and we only have to pay 25%.

Council did not authorize this due to cost. They directed the Borough Clerk to send a letter of no interest to the NJDOT.

**Review Website Spec & Authorize Purchasing Agent to Advertise for RFP'S**

Mr. Francy stated that the Website Committee has completed a draft Request for Proposal for Website Design and Development. The Committee is asking for authorization for the Purchasing Agent to send this out for RFP's. Once RFP's are received they can be reviewed by the Committee and the Purchasing Agent. They will bring the top three proposal back to the Council and then we can take it from there.

Mr. Nolan offered a motion to authorize the Purchasing Agent to advertise for RFP's, seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**SFY 2011 Budget Discussion**

Mayor Little – we already discussed this under the Finance Report but she would like to mention that there is a Property Revaluation Order for the Borough of Highlands.

Mrs. Cummins stated that the Council did adopt a Resolution this evening authorizing the Tax Assessor to obtain price quotes for a revaluation.

**Community Incite**

Mrs. Kane stated that there is a consulting group that we can hire and what they do is find your shortcomings in the local Commerce and that kind of stuff. They advise you on what's going on and we have hit an impasse where everything was such a scurry with the HBP. So we don't have a plan and she feels we should look into this.

Mayor Little – we can have them give us a presentation and we should inform the HBP.

The Borough Clerk was directed to set up a presentation and to inform the HBP.

**Laura's Pancake House – Request for Approval of Customer Appreciation Day**

Mrs. Cummins stated that Laura's Pancake House is looking to have a DJ on private property. The Chief of Police was concerned that there could be a possible noise ordinance violation. So he wanted the Council to approve this.

There was no objection from the Council.

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**Impact Fees**

Ms. Kane stated that she and Mr. Nolan have been speaking about this and basically what we are looking for is to have the Borough Attorney speak to the Planning Board Attorney to see what we can do and then give them our recommendations.

Mayor Little – I think that there is a need to hear back from the Planning Board Attorney on a certain particular application.

Mr. Nolan – we were thinking about a general dollar amount overall moving forward and then obviously case by case. We wanted the Borough Attorney to start the conversation.

Mr. Arnette – I can contact the Planning Board Attorney.

Mr. Francy – there is an emergent problem and this problem got started with Dave Parker, Fire Official. The issue is at this point it would appear that according to an opinion rendered by the Planning Board Attorney that the Developers Agreement as applied to this particular application has to be in place at the time of the Resolution.

Mr. Arnette – I will speak with the Planning Board Attorney tomorrow.

Mayor Little – I think that the Developers Agreement comes later after the Resolution.

Mrs. Cummins stated that one of the conditions of the Planning Board Resolution will be that a Developers Agreement is required.

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**Approval of Minutes:**

Mayor Little offered a motion to approve the July 21, 2010 Executive Session Minutes, seconded by Mr. Francy and all eligible Council Members were in favor. Mr. Nolan and Ms. Kane abstained.

Mr. Francy offered a motion to approve the August 9, 2010 Regular Minutes, seconded by Ms. Kane and all were in favor except for Mayor Little who abstained.

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**Public Portion:**

Marie Schaffer of 2 Private Road asked the town to make a final decision on whether or not the Borough will purchase 2 Private Road. She stated that it's unfair for the town to tell potential buyers negative information about the property. There is no consensus apparently from the table so why keep tabling this.

Mayor Little – we spoke about this in Executive Session and we will speak again to make a final decision.

Maria Schaffer stated that she wants a copy of the report on this property.

Mayor Little stated that the goal of the borough is to wrap this up at the September 1<sup>st</sup> meeting.

Don Manrodt of 268 Bayside Drive spoke about Exxon that they have been taking samples on Bayside Drive, they want to get onto the Mobile Home Property. He then stated that he wants the Borough to verify the number of units that we are billing Monmouth Hills for sewer.

Bernadine Harford of Highland Avenue commented on the weight limitation on Highland Avenue. Trucks are exceeded weight and damaging the street and cars are exceeding speed limits. She suggested that it be a one-way on Valley Ave off of the Highway.

Chief Blewett stated that this was previously recommended and it was turned down.

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Mr. O'Neil spoke about problems that would be created by making Valley a one-way.

Michelle Pezzullo of 115 Highland Avenue stated that Mr. O'Neil does not live on Highland Avenue so he does not know how fast the cars drive there. She then stated that she has an issue with the house next to the school, they have a barking dog.

Chief Blewett advised her to call the police regarding the dog barking.

Michelle Pezzullo stated that she smelled gas on Highland Avenue and that the Gas Company could not find it, which she further explained and discussed with the Council. She stated that the storm drains are clogged up.

Mr. Hilling will send Reg Robertson, DPW Supervisor up to check it out.

Jim Parla of 16 Portland Road questioned combined meeting with Atlantic Highlands.

Mayor Little explained that it was a closed session meeting.

Carol Bucco of 330 Shore Drive spoke about traffic from Valley Ave to the bridge being worst part of highway, which she further discussed with the Council.

There were no further comments from the public.

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

The Meeting adjourned at 10:17 p.m.

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CAROLYN CUMMINS, BOROUGH CLERK