

**Borough of Highlands  
Mayor and Council  
Regular Meeting  
September 15, 2010**

Mr. Nolan called the meeting to order at 7:00 p.m.

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

**ROLL CALL:**

**Present:** Mr. Nolan, Mr. O'Neil, Mr. Francy

**Absent:** Ms. Kane, Mayor Little

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

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**Executive Session Resolution:**

Mrs. Cummins read the following Resolution for approval:

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

**RESOLUTION  
EXECUTIVE SESSION**

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

- 1.Litigation:**
- 2.Contract: CWA, PBA, UFCE Union Contracts, Medical Insurance Contract**
- 3.Real Estate: Sale of Sewer Utility**
- 4. Personnel Matters: Charlie Heck, Tax Assessor – Riced, Recycling Yard Attendant**
- 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.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.

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

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

**ROLL CALL:**

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

The Governing Body then entered into Executive Session.

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Mr. Nolan called the Meeting backing to order at 8:04 p.m.

Mr. Nolan asked all to stand for the Pledge of Allegiance.

**Roll Call:**

**Present:** Mr. Francy, Mr. O'Neil, Mr. Nolan

**Absent:** Ms. Kane, Mayor Little

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

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**Public Portion on Agenda Items:**

There were no questions or comments.

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**Consent Agenda:**

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

**R-10-186  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

**BLOCK LOT YEAR AMOUNT NAME**

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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

**R-10-187  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES**

**WHEREAS**, the following applicants have verbally requested the release of Maintenance Guarantees in the following amounts and the release of any remaining engineering or legal fees; and

**WHEREAS**, the Maintenance Bonds for the following block and lots have expired; and

**WHEREAS**, notification of this release has been transmitted via email to the Borough Engineers Office and the Borough Attorneys Office and the Borough has received written authorization from the Borough Engineers and Attorneys office that there is no objection to the release of said maintenance bond;

|                              |   |
|------------------------------|---|
| <b>M. Farrell</b>            | <b>\$428.40 Cash Maintenance Bond for Block 49 Lot 1</b>                          |
| <b>Forefront Homes, LLC</b>  | <b>\$11,146.05 Maintenance Bond for Block 104 Lots<br/>7.01, 7.02, 8.01, 8.02</b> |
| <b>Claddagh of Highlands</b> | <b>\$746.00 Cash Maintenance Bond for Block 82 Lots 6.01,<br/>1.01</b>            |

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby authorized to release and refund the Maintenance Bond funds for the above plus any accrued interest and any remaining engineering and legal fees..

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-10-188  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
TO T & M ASSOCIATES**

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

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**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 \$9,000 as per T & M Associates proposal dated August 10, 2010 for Professional Engineering Services for the Temporary Flow Metering of Monmouth Hills; 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 from municipal bond ordinance adopted for said purpose:

3008-3757 Sewer Account

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**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 as described above for an amount not to exceed \$9,000 which includes 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 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. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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

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**R-10-189  
RESOLUTION  
APPROVING SOCIAL AFFAIR PERMIT FOR  
THE AMERICAN LEGION TWINLIGHT POST #143**

**WHEREAS**, the American Legion has submitted a Social Affairs Permit Application to have event on September 24, 2010 which is a replacement date for previously approved August 27, 2010 Social Affair Permit; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the American Legions application for a Social Affair Permit for September 24, 2010 is hereby approved and the Borough Clerk is authorized to execute said application.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Ms. Kane, Mayor Little**

**ABSTAIN: None**

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

**R-10-190  
RESOLUTION APPOINTING EROL KECECI OF AXA ADVISORS  
AS BROKER OF RECORD FOR THE HORIZON HEALTHCARE ACCOUNT  
FOR THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands is desirous of having Erol Kececi of AXA Advisors, LLC located at 10 Madison Avenue, Morristown, NJ, act as Broker of Record for the Borough's Horizon Healthcare account, and recognizing that Erol Kececi is not an employee of Horizon Healthcare; and

**WHEREAS**, the Mayor and Council of the Borough of Highlands also is desirous of having Emerson Reid act as the Master Broker for the Borough's Horizon Healthcare account; and

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

1. Erol Kececi of AXA Advisors, LLC, is hereby appointed as Broker of Record for the Borough's Horizon Healthcare account effective September 15, 2010 and Emerson Reid as the Master Broker. It is understood that Erol Kececi is not an employee of Horizon Healthcare.

2. Commissions will be paid to the new Broker of Record as of the effective date of September 15, 2010. The designation of the Broker of Record is in effect until notice to the contrary is given in writing.

3. This appointment hereby replaces any previously appointed Broker of Record including terminating that designation previously held by Grinspec and Ted Wordell, who are no longer the Broker of Record for the Borough of Highlands.

4. As of September 15, 2010, the new Broker of Record will receive commission payment for the Borough's account and the previous Broker of Record will cease to receive commission payment on the Borough's account.

5. Any such notice shall apply prospectively to future contract renewals.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane Mayor Little

Mr. Nolan offered a motion to approve the August 18, 2010 Regular & Executive Session Minutes, seconded by Mr. O'Neil and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**Absent:** Ms. Kane, Mayor Little

**Abstain:** None

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

**RECAP OF PAYMENT OF BILLS  
09/15/10**

|                                  |            |                     |
|----------------------------------|------------|---------------------|
| <b>CURRENT:</b>                  |            | \$ 565,351.90       |
| Payroll                          | (09/15/10) | \$                  |
| <b>Manual Checks</b>             |            | <b>\$ 29,819.04</b> |
| <b>Voided Checks</b>             |            | <b>\$</b>           |
| <br>                             |            |                     |
| <b>SEWER ACCOUNT:</b>            |            | \$ 98,368.24        |
| Payroll                          | (09/15/10) | \$                  |
| Manual Checks                    |            | \$ 9.00             |
| Voided Checks                    |            | \$                  |
| <br>                             |            |                     |
| <b>CAPITAL/GENERAL</b>           |            | <b>\$</b>           |
| <b>CAPITAL-MANUAL CHECKS</b>     |            | <b>\$</b>           |
| <b>WATER CAPITAL ACCOUNT</b>     |            | <b>\$</b>           |
| <br>                             |            |                     |
| <b>TRUST FUND</b>                |            | \$ 8,882.43         |
| Payroll                          | (09/15/10) | \$                  |
| Manual Checks                    |            | \$                  |
| Voided Checks                    |            | \$                  |
| <br>                             |            |                     |
| <b>UNEMPLOYMENT ACCT-MANUALS</b> |            | <b>\$</b>           |
| <br>                             |            |                     |
| <b>DOG FUND</b>                  |            | \$ 30.00            |
| <br>                             |            |                     |
| <b>GRANT FUND</b>                |            | \$ 15,389.61        |
| Payroll                          | (09/15/10) | \$                  |
| Manual Checks                    |            | \$                  |
| Voided Checks                    |            | \$                  |
| <br>                             |            |                     |
| <b>DEVELOPER'S TRUST</b>         |            | <b>\$</b>           |
| Manual Checks                    |            | \$                  |
| Voided Checks                    |            | \$                  |

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

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

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**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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**Other Resolutions:**

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

**Borough of Highlands**

**County of Monmouth**

**R-10-191**

**Resolution approving notification to and discussions with Bargaining unit representatives concerning a reduction in force due to an elimination of Borough provided services.**

**Whereas**, the Highlands Borough Council has determined that the Borough will no longer provide residential garbage and recycling pickup as a service through Borough employees; and

**Whereas**, the Borough plans to solicit bids from private contractors to provide residential garbage and recycling services; and

**Whereas**, as a result of the elimination of residential garbage and recycling pickup as a service provided by the Borough through its employees the workload of the Borough's Department of Public Works ("DPW") section, currently made up of nine (9) full time and two (2) part-time employees, will be reduced, thus warranting the elimination of four (4) full-time positions; and

**Whereas**, prior to effectuating any layoffs caused by the elimination of these four (4) full-time positions the Borough seeks to discuss the matter with the appropriate bargaining unit to determine how such elimination can be effectuated with minimum impact;

**Now Therefore** Be It Resolved that the Highlands Borough Council directs Borough Administrator to notify the CWA Local 1032 concerning the proposed elimination of the four (4) full time positions in the DPW and to meet with union representatives to discuss the elimination of the four positions and how best to effectuate the reduction in force with the least amount of impact on current employees.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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

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**County of Monmouth**

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**R-10-192**

**Resolution approving notification to and discussions with Bargaining unit representatives concerning a reduction in force due to an elimination of Borough provided services.**

**Whereas**, the Highlands Borough Council has determined that the Borough will no longer service Borough vehicles through its own mechanic; and

**Whereas**, the Borough plans to solicit proposals from private contractors to provide vehicle maintenance and repairs for all Borough vehicles; and

**Whereas**, as a result of the elimination of vehicle maintenance as a service provided by the Borough through its own employees the workload of the Borough's Department of Public Works ("DPW") section, currently made up of 9 full time and two (2) part-time employees, will be reduced, thus warranting the elimination of one (1) full-time position; and

**Whereas**, prior to effectuating any layoffs caused by the elimination of this one (1) full-time position the Borough seeks to discuss the matter with the appropriate bargaining unit to determine how such elimination can be effectuated with minimum impact;

**Now Therefore** Be It Resolved that the Highlands Borough Council directs Borough Administrator to notify the CWA Local 1032 concerning the proposed elimination of the one (1) full time position in the DPW and to meet with union representatives to discuss the elimination of the one position and how best to effectuate the reduction in force with the least amount of impact on current employees.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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

**Borough of Highlands  
County of Monmouth**

**R-10-193**

**Resolution approving notification to and discussions with Bargaining unit representatives concerning a reduction in force for reasons of economy.**

**Whereas**, for the current fiscal year (2011) the Borough is faced with a significant decrease in State Aid; as well as a significant decrease in its surplus; and

**Whereas**, the Borough has experienced significant increases in Pension contributions to both PFRS and PERS as well as an increase in its Health insurance premiums of twenty percent (20%); and

**Whereas**, the Borough is obligated to prepare a budget that is in compliance with the statutory tax levy cap; and

**Whereas**, next year the Borough will be faced with a significantly lower statutory tax levy cap; and

**Whereas**, given Borough's difficulty in generating revenue and declining surplus, it will be very difficult for the Borough to continue to provide services while operating within its statutory limitations and not overburdening its residents with tax increases; and



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**Whereas**, in order to address the current fiscal crisis and be in a position to meet the change in tax levy cap in the next fiscal year without overburdening its residents with tax increases, the Borough must make changes to its operations that will result in the reduction in personnel needed; and

**Whereas**, the specific reductions needed to meet the Borough's fiscal and budgetary demands are the elimination of three (3) police officer positions and the reduction of three (3) full-time clerical positions to part-time .

**Now Therefore** Be It Resolved that the Highlands Borough Council directs the Borough Administrator to notify the CWA Local 1032 concerning the reduction of three (3) full time clerical positions to part-time and to meet with union representatives to discuss the reduction of the three (3) positions, possible ways to avoid the reductions and/or how best to effectuate the reduction in force with the least amount of impact on current employees; and be it further

**Resolved** that the Highlands Borough Council directs the Borough Administrator to notify the PBA Local 48 concerning the proposed reduction of three (3) full time police officer positions and to meet with union representatives to discuss the elimination of the three police officer positions, possible ways to avoid the reductions and/or how best to effectuate the reduction in force with the least amount of impact on current employees.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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**Ordinances: Introduction & Set P.H. Date for October 20, 2010**

**Ordinance O-10-19**

Mrs. Cummins read the title of Ordinance O-10-19 for introduction and setting of a public hearing date for October 20, 2010.

Mr. O'Neil offered the following Ordinance and moved on its introduction and set a public hearing date for October 20, 2010 at 8:00 p.m. and authorized its publication according to law:

**O-10-19**

**ORDINANCE AMENDING "THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHLANDS, 1975 CHAPTER IX, WATER AND SEWER SECTION 9-  
8.1 SEWER RATES AND CHARGES**

**WHEREAS**, the Borough of Highlands is required to establish sewerage service charges for the use or services of the municipal sewer collection system; and

**WHEREAS**, said rates shall be equitable and uniform for the same type, class and amount of usage based upon the considerations as required by law; and

**WHEREAS**, said rates shall be in amounts sufficient so that the revenues shall at times be adequate to pay the expenses of operation and maintenance of the utility system and to pay the debt service thereon; and

**WHEREAS**, the connection charges for the sewer collection system shall be fixed in amounts sufficient to pay for the costs of the physical connection and those amounts set forth in NJSA 40:14B-22.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands that the above entitled ordinance of the Borough of Highlands is hereby amended and supplemented in its entirety to read as follows:

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1. Section 9.8.1 **SEWER RATES AND CHARGES**

Sewer service charges shall be as follows:

| User Classification                | Quarterly Rate |
|------------------------------------|----------------|
| Residential 1/01/11-6/30/11        | \$140.00       |
| Residential 7/01/11 and thereafter | \$120.00       |

Non Residential (including schools)

Quarterly sewer charges herein imposed shall be based upon water consumption of the property served, as hereinafter set forth. The charges for each quarter shall be a minimum charge of \$120.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on

|                        |            |
|------------------------|------------|
| 1/01/11-6/30/11        | \$ .004424 |
| 7/01/11 and thereafter | \$.003792  |

per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter.

Houses of Worship (including but not limited to  
Churches, rectories and convents): \$35.00

2. Any portion of the above entitled ordinance which is inconsistent herewith is hereby rescinded and repealed. In all other respects the aforesaid ordinance is ratified, confirmed and approved.

3. This ordinance shall take effect after final adoption and advertisement in accordance with law on

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Ms. Kane, Mayor Little**

**ABSTAIN: None**

**Ordinance O-10-20**

Mrs. Cummins read the title of Ordinance O-10-20 for introduction and setting of a public hearing date for October 20, 2010.

Mr. Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for October 20, 2010 at 8:00 p.m. and authorized its publication according to law:

**ORDINANCE O-10-20**

**AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY  
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE  
PREPARATION AND IMPLEMENTATION OF THE  
REVALUATION OF REAL PROPERTY.**

**BE IT ORDAINED** by the Governing Body of the Borough of Highlands, in the County of Monmouth, New Jersey that in accordance with N.J.S.A. 40A:4-53:

1. The sum of \$180,000 is hereby appropriated for the preparation and implementation of the revaluation of real property, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

3. This ordinance shall take effect as provided by law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

**Ordinance O-10-21**

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

Mr. Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for October 20, 2010 at 8:00 p.m. and authorized its publication according to law:

**O-10-21**

**AN ORDINANCE AMENDING CHAPTER II OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF HIGHLANDS  
SECTION 2-26.2 ENTITLED "FEES FOR RECORDS"**

{additions shown in underline, deletions shown in ~~strikeouts~~}

**WHEREAS**, The Government Records Council issued an Open Public Records Act Fee Schedule Alert to all municipalities in New Jersey informing them regarding the Appellate Division's decision in Smith v Hudson County Register, 411 N.J. Super. 538 (App. Div. 2010). In said case the Appellate Division held that beginning July 1, 2010, unless and until the Legislature amends OPRA to specify otherwise or some other statute or regulation applies, public agencies must charge requestors of government records no more than the reasonably approximated "actual costs" of copying such records; and

**WHEREAS**, it is the desire of the Borough of Highlands to be in compliance with recent Fee Schedule requirement.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Highlands that Chapter II, Section 2-26.2 is hereby amended as follows:

- a. Permit to purchase pistol or revolver and firearms purchaser identification cards, \$5.00 each.

Application to purchase a handgun, ~~\$200.00~~ \$2.00

Application to change name/address, \$2.00

- b. Police accident reports, \$5.00 each to mail report.  
Police accident reports requests made in person for pick up - apply fees from Section 2-26.2 g.

- g. All other documents where multiple copies are not available and ~~are not available~~ are requests for Open Public Records :

1. ~~1-10 pages: \$0.75 (each)~~ Letter Size Copies \$0.05 (each)

2. ~~10-20 pages: \$0.50 (each)~~ Legal Size Copies \$0.07 (each)

3. ~~21+ pages: \$0.25 (each)~~

The fee schedule provided in the Open Public Records Act, as may be amended from time to time, shall supersede the above schedule to the extent of any inconsistency.

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i. ~~Discovery:~~

1. Processing fee for all discovery requests: \$5.00 plus the per page fee as listed in section 2-26.2g .

2. ~~Reproduction of reports:~~ \$15.00

k. Reproduction of videotapes ~~\$75.00 (each)~~ \$5.00 each

l. Reproduction audio cassette tapes/cd's ~~\$25.00 (each)~~ \$5.00 per disk or tape.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABTSTAIN:** None

**Ordinance O-10-22**

Mrs. Cummins read the title of Ordinance O-10-22 for introduction and setting of a public hearing date for October 20, 2010.

Mr. Francy recommended that the ordinance reflect the fact that we don't know the tenants. The ordinance speaks about notification of tenants and landlords and what he would like to change that the 10-day warning goes to the tenants and landlords and that a summons be issued to the landlord.

Mr. Arnette will change to include that the summons is issued to landlord and that both tenant and landlord be issued a warning notice.

Mr. Nolan offered the following ordinance pass introduction and set a public hearing date for October 20, 2010 and authorized its publication according to law:

**O-10-22  
AN ORDINANCE AMENDING CHAPTER X,  
BUILDING AND HOUSE, SECTION 10-10 BRUSH, WEEDS, TRASH  
AND DEBRIS REMOVAL, PARAGRAPH 10-10.2 INSPECTION  
OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands are desirous of maintaining the Borough in a clean and well kept condition with brush and weeds properly maintained under control and trash and debris removed from, and not allowed to accumulate on, properties; and

**WHEREAS**, it is the recommendation of the Property Maintenance Official that the Boroughs General Ordinance permit a ten-day warning notice be issued by the Borough prior to issuing a summons.

**WHEREAS**, the current section 10-10.2, does not provide for a 10 day notice provision; and

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Highlands to accommodate the Property Maintenance Officials request for a ten-day notice.

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

10-10.2. Inspection.

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

This Ordinance Shall take effect immediately upon its enactment.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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

**Ordinance O-10-16**

Mrs. Cummins read the title of Ordinance O-10-16 for the second reading and public hearing and stated that this ordinance was published in its entirety in the September 6<sup>th</sup> edition of the Asbury Park Press.

Mr. Nolan opened up the public hearing on Ordinance O-10-16.

There were no public comments or questions therefore Mr. Nolan closed the public hearing on Ordinance O-10-16.

Mrs. Cummins read the title of Ordinance O-10-16 for the third and final reading and adoption.

Mr. Nolan offered the following Ordinance and moved on its adoption 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 the Borough of Highlands 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 Borough of Highlands.

**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 \$2,000.00 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. Francy and adopted on the following roll call vote:

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**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O’Neil, Mr. Francy

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

**Ordinance O-10-17**

Mrs. Cummins read the title of Ordinance O-10-17 for the second reading and public hearing and stated that this ordinance was published in its entirety in the September 6<sup>th</sup> edition of the Asbury Park Press.

Mr. Nolan opened up the public hearing.

There were no questions or comments from the public on Ordinance O-10-17; therefore Mr. Nolan closed the public hearing on Ordinance O-10-17.

Mrs. Cummins read the title of Ordinance O-10-17 for the third and final reading and adoption.

Mr. Nolan offered the following Ordinance and moved on its adoption 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 Borough of Highlands 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.



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- 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.

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 Borough of Highlands.

**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 the Borough of Highlands.

**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 \$2,000.00.

**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 adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

**Ordinance O-10-18**

Mrs. Cummins read the title of Ordinance O-10-18 for the second reading and public hearing and stated that this ordinance was published in the August 27<sup>th</sup> edition of the Two River Times.

Mr. Nolan opened up the public hearing.

There were no questions or comments from the public; therefore Mr. Nolan closed the public hearing on Ordinance O-10-18.

Mrs. Cummins read the title of Ordinance O-10-18 for the third and final reading and adoption.

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

**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:

**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 therefor 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 adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O’Neil, Mr. Francy

**NAYES:** None

**ABSENT:** Ms. Kane, Mayor Little

**ABSTAIN:** None

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**Other Business:**

**Engineers Status Report**

Robert Keady, P.E., Board Engineer reviewed the following report with the Council:

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**HGHL-G1001**

**September 10, 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 executed by the Borough. The documentation has been sent to the NJDOT 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 have submitted a proposal for consideration to have the metering completed, 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 substantially completed the project. It is our understanding that all Monmouth County Community deadlines and requirements regarding this project have been satisfactorily achieved. A final project walkthrough with the Contractor is tentatively scheduled for the week of September 13, 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 preparing a revised overall project proposal as requested by the Borough at the August 18, 2010 Council meeting. The proposal includes revised anticipated project phasing and associated costs and will be discussed at the September 15, 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 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 reviewed by the Borough. Once they are executed, we can issue the Contractor a Notice to Proceed. The NJDOT has concurred with the contract award. A pre-construction meeting was held at Borough Hall on August 25, 2010. We are currently reviewing several submittals sent by the Contractor.

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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. 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.

6. **The Reconstruction of Highland Avenue:** 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. At the August 18, 2010 Council meeting, the Borough authorized T&M Associates to design the project. 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. Field survey is tentatively scheduled to begin late September.

**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 presented the project to the County CD Committee on August 18, 2010.
3. **Alternative Energy:** At the April 7, 2010 Council meeting, 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 has prepared and submitted a Local Aid grant application for the above project to the NJDOT for consideration.

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

Very truly yours,

T&M ASSOCIATES

**Review of Updated Engineers Proposal for Flood Project Phasing**

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Mr. Keady also read through the Proposal for the Flood Project Phasing He stated that he is looking into other sources of funding for the flood project.

Mr. O'Neil requested a revised cost estimate.

Mr. Keady – we can do that.

**Building Department Permit Fees**

The Council reviewed the Construction Officials request to increase building permit fees.

The Council requested that the Administrator obtain permit fee schedule of surrounding towns to compare it to.

Carry to the next meeting.

**Use of Open Space Tax Funds to be Used for Park Maintenance**

Mr. Hilling – last November the public approved an Open Space Tax and through research we have determined that this money can be used for park maintenance, which will reduce the budget by \$6,000 to \$8,000 for park maintenance.

Mr. Pfeffer – if Council moves forward a Resolution should be adopted.

Mr. Francy and Mr. O'Neil expressed their uncertainty that the Open Space money could be used for park maintenance.

Carry this to the October 6, Meeting.

**2010 Pooled Loan Program Discussion**

Mr. Pfeffer explained that the County is having another loan pooled program and to get better interest rate he put together listing of items to put in the loan.

Council seemed supportive of participating in the loan pooled program.

**New York Army Corp. of Eng. Request to Survey Properties**

Mr. Hilling explained that he has been in contact with Army Corp of Engineers and they are seeking authorization to go onto Borough properties to do survey for Flood and Hurricane Storm Reduction Project.

Mr. Francy – only give permission for Borough Property.

A Resolution authorizing access is to be placed on the October 20<sup>th</sup> agenda.

**League of Municipalities Convention Expenses**

Mr. Francy recommends that the Borough not pay for the cost of room and board and expenses for employees and officials to attend the New Jersey League of Municipalities Convention due to budget problems.

Mr. Francy offered a motion to not authorize expenses for room and board for convention, seconded by Mr. Nolan and all were in favor.

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**Public Portion**

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Ed O'Neil had no comments.

Christian Lee of 2 Navesink Avenue questioned lay off's and increase of sewer fees and the flood project.

Mr. Nolan – the flood money was previously bonded.

Mr. Francy explained that we are trying to get this flood project to a point where its" shovel ready". We are trying to get other funding sources so we can be ready for funding when it comes available.

Michelle Pezzullo of 115 Highland Avenue commented on the work being done on Highland Ave, good job.

Carol Bucco of 330 Shore Drive – the Army Corp, they just went to survey Veterans Park. You should press issue of more important places like Huddy Avenue?

Mr. Francy explained that they need to know the physical characteristics of the subsoil.

Carol Bucco commented on the public notices being advertised in the Two River Times.

Mr. Nolan asked if we put them on our website?

Mr. Francy also asked if we put public notice on the website?

Council directed the Clerk to place public notices on the website.

Roberta McEntee of 55 Fifth Street expressed her objection to her sewer bill being raised being that she is a single person living alone. She then questioned layoff's and suggested that it not be based on seniority but rather based on doing a good job.

Mr. Arnette stated that we must comply with the law.

There were no further questions or 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 8:44 p.m.

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**CAROLYN CUMMINS, BOROUGH CLERK**

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HIGHLANDSNJ.COM