

**Borough of Highlands
Mayor & Council
Regular Meeting
October 20, 2010**

Mr. O'Neil called the meeting to order at 7:35 P.M.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Mayor & 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. O'Neil, Mr. Francy, Ms. Kane

Absent: Mayor Little

Late Arrival: Mr. Nolan arrived at 8:34 P.M.

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

Executive Session Resolution:

Mr. O'Neil 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, UFCW Union Contracts – Robert Merryman, Esq.
Medical Contract Negotiations – Health Pact
Shared Service Contract w/Atlantic Highlands**

3.Real Estate: 2 Private Road

4. Personnel Matters:

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mr. O'Neil called the Regular Meeting back to order at 8:32 P.M.

Mr. O'Neil asked all to stand for the Pledge of Allegiance.

ROLL CALL:

Present: Mr. O'Neil, Mr. Francy, Ms. Kane

Late: Mr. Nolan arrived at 8:34 P.M.

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

Public Participation of Agenda Items:

Carol Bucco of 330 Shore Drive – no comments.

Donna O'Callaghan of S. Bay Ave – no comments.

Roberta McEntee commented on Resolution R-10-209.

Mr. Nolan arrived to the meeting.

Consent Agenda:

Mrs. Cummins announced that there was a correction to Resolution R-10-208 it needs to be corrected to \$50.00 per hour.

Ms. Kane offered the following Resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-10-203
RESOLUTION - CANCELING CAPITAL FUND RECEIVABLE**

WHEREAS, a receivable balance remains on the balance sheet of the capital fund; and

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WHEREAS, the Chief Financial Officer has been advised by the Borough Engineer that the receivable balance should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following grant receivable balance in the amount of \$146,764.14 be and the same are hereby canceled:

CDBG Grant – Emergency Generators Ordinance 08-02 \$146,764.14

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

ROLL CALL:

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

NAYES: **None**

ABSENT: **Mayor Little**

ABSTAIN: **None**

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-204
RESOLUTION AUTHORIZING AGREEMENT
FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)
BETWEEN THE BOROUGH OF HIGHLANDS AND
THE BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Borough of Highlands has a need for eligible residents to have transportation to and from local food markets; and

WHEREAS, the Monmouth County Board of Chosen Freeholders has established the Special Citizens Area Transportation System (referred to as SCAT) which provides such transportation services at a rate of \$155.00 per half day.; and

WHEREAS, the Borough of Highlands has reviewed an agreement for said services for the period of January 1, 2011 through December 31, 2011 and finds it to be acceptable; and

WHEREAS, certification of availability of funds here hereby made contingent upon the adoption of the SFY 2011 Municipal Budget.

Account 1262 – 3805

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for the period of January 1, 2011 through December 31, 2011 at a rate of \$155 per half day for the purpose of providing transportation to eligible residents.

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

ROLL CALL:

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

NAYES: **None**

ABSENT: **Mayor Little**

ABSTAIN: **None**

Ms. Kane offered the following Resolution and moved on its adoption:

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**R-10-205
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:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
37	10	2010	\$233.50	Roberts,George&Jennifer

Seconded by Mr. Francy and adopted on the following roll call vote:
Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-206
RESOLUTION OF THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH STATE OF NEW JERSEY
REJECTING BIDS FOR WEBSITE DESIGN AND DEVELOPMENT**

WHEREAS, the Borough of Highlands authorized the receipt of bids for for Website Design and Development; and

WHEREAS, four bids were received on September 22, 2010; and

WHEREAS, said bids were reviewed by the Purchasing Agent for the Borough of Highlands, and it has been determined that all bids received exceeded the cost estimate of the Borough of Highlands: and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Highlands NOT to authorize the receipt of new bids for Website Design and Development.

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

- 1. That the Mayor and Council does not hereby authorize the receipt of new bids for Website Design and Development.**
- 2. That a certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:**

- A) Administrator**
- B) Purchasing Agent**
- C) All Vendors:**

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**Civic Plus, 317 Houston St, Ste E. Manhattan, KS 66502
Revize Software Systems, Forbes-Haffrey Bldg, 1890 Crook,
Suite 340, Troy Michigan 48084
Civica Software, 20101 SW Birch St, Suite 250,
Newport Beach, CA 92660
Interactive Design & Solutions, 4390 Route 1, Suite 205
Princeton, NJ 08540**

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

ROLL CALL:

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

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-207
RESOLUTION AUTHORIZING
SITE ACCESS TO BOROUGH PROPERTIES
TO THE DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS**

WHEREAS, the Department of the Army New York District has requested authorization for site access to several Borough Properties in connection with the Raritan Bay and Sandy Hook, New Jersey – Highlands Hurricane and Storm Damage Reduction Project; and

WHEREAS, the properties that the Department of the Army, New York District, Corps of Engineers are Block 101, Lot 3, a portion of a public thoroughfare known as Block 39 Lot 1.01, Block 97 Lots 1 & 1.01 and a portion of a public thoroughfare known as Locust Street adjacent to Block 102 lots 3.01, 4 & 5.

NOW, THEREFORE, BE IT RESOVLED by the Mayor and Council of the Borough of Highlands that access to the above referenced borough properties is hereby granted and the Borough Administrator is hereby authorized to execute access agreements for the above referenced properties.

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

ROLL CALL:

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

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-208
RESOLUTION TO AUTHORIZE A SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF ATLANTIC HIGHLANDS AND THE BOROUGH OF
HIGHLANDS FOR THE ROUTINE MECHANICAL REPAIR AND MAINTENANCE
OF HIGHLANDS VEHICLES, EQUIPMENT AND TRUCKS
(EXCLUDING FIRE TRUCKS)**

WHEREAS, the Borough of Highlands has inquired about developing a Shared Service with the Borough of Atlantic Highlands to provide routine mechanical repair, maintenance and advise of Highlands Borough vehicles, equipment and trucks (excluding fire trucks); and

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WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in this agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Atlantic Highlands has the facility, equipment, manpower and expertise to provide this type of service to the Borough of Highlands; and

WHEREAS, the Administrator of the Borough of Atlantic Highlands and the Borough of Highlands have reached an agreement for said services at a rate of \$50.00 per hour plus the cost of any needed parts;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Borough Administrator and Municipal Clerk be authorized to enter into an Inter-local Service Agreement with the Borough of Atlantic Highlands for routine mechanical repair, maintenance and advise of Highlands Borough Vehicles, equipment and trucks (excluding fire trucks) effective January 1, 2011 or earlier date if needed at the discretion of the Borough Administrator do to absence of Borough Mechanic.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and the Borough of Highlands Administrator and the Borough of Atlantic Highlands Administrator.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Little

ABSTAIN: None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-209
RESOLUTION
AUTHORIZING GOVERNING BODY
AHRSA SUBCOMMITTEE
TO EXPLORE OPTIONS**

WHEREAS, the Governing Body of the Borough of Highlands along with the Borough of Atlantic Highlands formed subcommittees to look into issues that pertain to the Atlantic Highlands/Highlands Regional Sewerage Authority. The Highlands Subcommittee is looking for support from the Governing Body to explore the possibility of dissolving the Atlantic/Highlands Regional Sewerage Authority and their remaining debt issues. They would also like to explore the steps required to establish an agreement with the Township of Middletown Sewerage Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Council Subcommittee is hereby authorized to proceed with the exploration of dissolving the AHRSA and its debt and also to meet with TOMAS to explore steps required to establish an agreement with them in conjunction with the Borough of Atlantic Highlands.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Little

ABSTAIN: None

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Ms. Kane offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
10/20/10**

CURRENT:		\$ 51,200.14
Payroll	(10/15/10)	\$ 123,127.55
Manual Checks		\$ 38,330.58
Voided Checks		\$
SEWER ACCOUNT:		\$ 93,097.00
Payroll	(10/15/10)	\$ 6,529.45
Manual Checks		\$ 769.92
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 7,247.03
Payroll	(10/15/10)	\$ 2,075.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$ 1,733.47
DOG FUND		\$
GRANT FUND		\$ 2,009.50
Payroll	(10/15/10)	\$ 2,453.76
Manual Checks		\$
Voided Checks		\$
DEVELOPER'S TRUST		\$
Manual Checks		\$
Voided Checks		\$

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Little

ABSTAIN: None

Other Resolutions:

Resolution R-10-210

Mrs. Cummins read the following Resolution for approval:

HR-0426-0310

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

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State of New Jersey
Department of the Treasury
Division of Pensions and Benefits
State Health Benefits Program
School Employees' Health Benefits Program
P.O. Box 229 Trenton, NJ 08625-0299

R-10-210

RESOLUTION

**TO ADOPT THE PROVISIONS OF CHAPTER 48 (NJSA 52:14,17.38)
UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE
HEALTH PLAN BENEFITS PROGRAM (SHBP) AND/OR SCHOOL EMPLOYEES'
HEALTH BENEFITS PROGRAM (SEHBP) COVERAGE OF CERTAIN RETIREES**

BE IT RESOLVED:

1. The Borough of Highlands SHBPID Number 21-6000720 hereby elects to adopt the provisions of N.J.S.A. 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission and School Employees Health Benefits Commission to implement the provisions of that law.
2. This resolution affects employees shown on the attached Chapter 48 Resolution Addendum to be supplied. It is effective on the 1st day of January 2011.
3. We are aware that the adoption of this resolution does not free us of the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any Chapter 88 Resolution or Chapter 48 Resolution adopted previously by this governing body.
4. We agree that this Resolution will remain in effect until properly amended or revoked with the SHBP and or/SEHBP. We recognize that, while we remain in the SHBP and/or SEHBP, we are responsible for providing the payment for post-retirement medical coverage as listed in the attached Chapter 48 Resolution Addendum for all employees who qualify for this coverage while this Resolution is in force.
5. We understand that we are required to provide the Division of Pensions and Benefits complete copies of all contract, ordinances, and resolutions that detail post retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with the information needed to carry out the terms of this Resolution.

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

ROLL CALL

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

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INSERT ADDENDUM TO R-10-210 HERE

HIGHLANDSNJ.COM

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Ordinances: Introduction and set Public Hearing Date for November 3, 2010

Ordinance O-10-23

Mrs. Cummins read the title of Ordinance O-10-23 for introduction and setting of a public hearing date for November 3, 2010.

Mr. Pfeffer spoke about the ordinance and recommended that this be adopted.

FAILED INTRODUCTION

Ms. Kane offered the following Ordinance and moved on its introduction and setting of a public hearing date for November 3, 2010 at 8:00 pm and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**O-10-23
STATE FISCAL YEAR 2011**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its SFY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Governing Body of the Borough of Highlands hereby determines that a 3.5% increase in the budget for said year, amounting to \$243,541.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body of the Borough of Highlands hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2011 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$243,541.95, and that the SFY 2011 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

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BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

Seconded by Mr. O'Neil and NOT INTRODUCED on the following roll call vote:

ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing, Adoption

Ordinance O-10-19

Mrs. Cummins read the title of Ordinance O-10-19 for the second reading and public hearing. She stated that this ordinance was published in its entirety in the September 24th edition of the Two River Times.

Mr. Nolan opened up the public hearing on Ordinance O-10-19.

Carol Bucco of 330 Shore Drive objects to this ordinance.

Mr. Pfeffer explained that this has been discussed over several months and the need to increase the fees is due to the AHHRSA fees.

Mr. Francy stated that this is why we are looking to dissolve the AHHRSA.

Carol Custer – who came up with this rate?

Mr. Pfeffer – that is the amount needed.

Carol Custer spoke about the burden this sewer increase will have on seniors and residents.

Mr. O'Neil explained there is a cost to run the sewer plant and we have to pay costs to AHHRSA.

Mr. Pfeffer spoke about the sewer budget.

Roberta McEntee of Fifth Street spoke against breaking away from the AHHRSA. She then questioned the proposed sewer rate increase. She wants a reduction of sewer rates for senior citizens.

Mr. Pfeffer this will raise \$248,000 this has nothing to do with AHHRSA this is our own budget, which he further explained.

Don Manrodt of 268 Bayside Drive – we used to have surplus what happened to it?

Mr. Pfeffer spoke about previous budgets for sewer rates from Atlantic Highlands have been increasing. Seventy percent of that budget is contingent upon what the AHHRSA bills us.

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Donna Conrad of 13 Washington Avenue stated that this is a huge increase for seniors. Most tax sale items are for unpaid sewer bills. She then stated that some towns offer veterans a discount on sewer bills.

Mr. Francy – we are dealing with a budget that we have to balance.

Mr. O’Neil spoke about infiltration and the expense for sewer and how there is a cost to process the sewer.

Ken Braswell of the AHHRSA – Dave Palmara hours have been cut to 30 hours. The sewer goes to Atlantic Highlands then to TOMSA. He spoke about litigation between TOMSA and AHHRSA. Highlands sends clean water through system and that where the loss of money is.

Mr. O’Neil stated that costly work has been done to system.

Discussions continued with Ken Braswell and the Governing Body.

Mr. Braswell suggested that we bill sewer based on consumption.

Mr. O’Neil – its costly for the meters.

Mr. Francy – great idea, will look into it.

Kim Skorka of 315 Shore Drive suggested that the Council look into consumption billing.

Donna O’Callaghan of 29 S. Bay Ave spoke about Mr. O’Neils attitude regarding consumption metering.

Mrs. Vargas of Twin Lights Terrace stated that she pays \$306.00 per month in maintenance fees, it’s not feasible.

Mr. Pfeffer spoke about bill on water usage we would need engineer to do study to establish a rate.

Carol Custer – does this effect borough layoffs?

Mr. Francy – no

Carol Bucco of 330 Shore Drive spoke about previous sewer rate reduction. She wanted to know if the commercials would be affected by the rate.

Mr. Pfeffer – yes

Donna O’Callaghan questioned the bottom line budget amount.

There were no further questions from the public.

Mr. Nolan closed the public hearing on Ordinance O-10-19

Mrs. Cummins read the title of Ordinance O-10-19 for the third and final reading and adoption.

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

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

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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:

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

ROLL CALL:

AYES: Mr. O'Neil, Mr. Francy, Ms. Kane

NAYES: Mr. Nolan

ABSENT: Mayor Little

ABSTAIN: None

Ordinance O-10-21

Mrs. Cummins read the title of Ordinance O-10-21 for the second reading and public hearing. She stated that this ordinance was published in the September 24th edition of the Two River Times.

Mr. Nolan opened up the public hearing on Ordinance O-10-21.

Carol Bucco questioned the fees.

Donna O'Callaghan of S. Bay Ave questioned the fire arm permit fee reduction.

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Diane Alvator of the Highlands Police Department explained the fees and that this item was being corrected because the fee ordinance had a typo.

Chief Blewett explained that the State sets the fees.

There were no further questions or comments.

Mr. Nolan closed the public hearing on Ordinance O-10-21.

Mrs. Cummins read the title of Ordinance O-10-21 for the third and final reading and adoption.

Mr. Nolan offered the following Ordinance pass third and moved on its adoption 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.

~~i. Discovery:~~

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

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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 adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: None
ABTSTAIN: None

Ordinance O-10-22

Mrs. Cummins read the title of Ordinance O-10-22 for the second reading and public hearing. She stated that the ordinance was published in the September 24th edition of the Two River Times.

Mr. Nolan opened up the public hearing on Ordinance O-10-22.

Roberta McEntee of 55 Fifth Street – She is very happy to see this on the agenda which she further explained. She then spoke about problems with her neighbor's house.

Mr. Hilling stated that he will contact her tomorrow about her concerns about her neighbor's house.

Carol Custer – who is property maintenance person.

Mr. O'Neil – Dave Mercado.

Carol Custer questioned violations of grass overgrowth on sidewalks.

Mr. O'Neil sidewalks are the property owner's problem.

Carol Custer – the sidewalks on Bay Ave are being raised by the County trees and nothing is being done. Is there any Borough contact with County to remove the trees.

Mr. Francy stated that the County removed three trees last week.

There were no further questions or comments.

Mr. Nolan closed the public hearing on Ordinance O-10-22.

Mrs. Cummins read the title of Ordinance O-10-22 for the third and final reading and adoption.

Mr. Nolan offered the following ordinance pass third and final reading and moved on its adoption 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

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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.

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. 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

=====
Other Business:

Engineers Report

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

HGHL-G1001

October 18, 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. **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 been authorized by the Borough to have the metering completed, interpret the data and prepare a summary report

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outlining the metering results. We are currently investigating the manholes and coordinating the installation of the meters.

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 has been held. The Contractor is currently addressing punch list items at the Community Center

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 prepared a revised overall project proposal as requested by the Borough at the August 18, 2010 Council meeting. The proposal included revised anticipated project phasing and was discussed at the September 15, 2010 Council meeting. On October 4, 2010 we sent a revised project cost analysis to the Borough based upon the project phasing discussed at the September 15, 2010 Council meeting. Upon authorization, T&M Associates will proceed with those items beyond the design of the Snug Harbor pumpstation and the Bay Avenue drainage improvements at Huddy Park.
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

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Amount: \$163,637.50

The project was awarded to Fiore Paving Company, Inc. on August 9, 2010 for the above amount. Contracts have been reviewed and executed by the Borough. The Notice to Proceed has been issued. The NJDOT has concurred with the contract award. A pre-construction meeting was held at Borough Hall on August 25, 2010. The Borough approved a change order to expose and backfill the area pertaining to the abandoned Monmouth Hills septic system found during the installation of the sanitary sewer improvements. We are currently negotiating a cost with the Contractor to construct a support structure beneath the manhole at the Linden Avenue intersection due to the 30" clay pipe found beneath the existing manhole which was removed. Work is expected to resume the week of October 18, 2010.

5. **2010 Roadway Improvements Project:** T&M Associates has prepared and submitted an overall proposal for design and contract administration services for the following roadways:
- **Highland Avenue Reconstruction:** from Portland Road to Valley Avenue
 - **Valley Avenue Reconstruction:** from Route 36 to the western terminus
 - **Miller Street Reconstruction:** from Route 36 to Highland Avenue
 - **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street
 - **Prospect Street Mill/Overlay:** from Osborne Street to a limit east of Woodland Street
 - **Bay View Street Rehabilitation:** The entire length

The proposal provided a breakdown of each roadway so that the Borough has the option to only proceed with various portions of the overall project if they choose to do so. 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 has been substantially completed and the project is advancing to design.

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 construction contract must be awarded by August 16, 2011 to avoid jeopardizing the allotted funding. Due to the apparent funding from Monmouth County for Phase II. We will be contacting the NJDOT in an effort to reduce the project limits under their 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. We understand that the CD Committee has recommended an award to the Borough in the amount of \$183,603.00 towards this project.
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.

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4. **EECBG and Direct Install:** T&M has been authorized to prepare the grant applications for these two programs.

5. **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

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

Mr. Keady spoke about the Waterwitch Ave Project and the need for informal approval this evening for a change order of \$7,500. Council approved and directed the Clerk to prepare a Resolution for the November 3rd meeting for this.

Mr. Keady spoke about the deadline for the ETT for the flood project and the need to have an answer from the Council by the November 3rd meeting.

Mr. Francy then spoke about how he is displeased with the Waterwitch Project and that there hasn't been any work done in the past seven days.

Mr. Keady explained the delay and the need for approval for the \$7,500 change order.

Dale Leubner of T& M then spoke about the negotiated price of \$7,500.

Mr. Keady then spoke about needing approval to send amendment to NJDOT for the road project.

Set Up Shared Service Meeting & Subcommittee

Ms. Kane wants authorization to meet with both Atlantic Highlands and Sea Bright. She wants the Borough Administrator to send out a letter to each town.

Mr. O'Neil offered to be on the subcommittee with Ms. Kane.

Mr. Nolan offered a motion to appoint Ms. Kane and Mr. O'Neil on a Shared Service Committee and authorized them to meet with both Atlantic Highlands and Sea Bright regarding possible shared services.

Approval of Minutes:

Mr. Nolan offered a motion to approve the August 23, 2010 Executive & Special Meeting Minutes and the September 22, 2010 Executive Session Minutes, seconded by Mr. Francy approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: Ms. Kane abstained on the September 22nd minutes.

ABSENT: Mayor Little

Public Portion:

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Don Manrodt of 268 Bayside Drive – when are they going to dig out the ditch on Bayside Drive. Also there is seepage on the hill.

Mr. Hilling – got it.

Mr. Francy – the Environmental Commission spoke about the seepage on Bayside Drive and at this point the GES of Exxon took samples and are waiting for the results, so things are moving.

Carol Custer wants the status of the layoffs.

Mr. Nolan stated that a plan went to Trenton and we are in negotiations with the unions.

Mr. Arnette – they have opportunity to retire if they want and are eligible.

Carol Custer – this should go to a public referendum, the layoffs. She then stated that the employees should contribute more for their medical insurance and there should be a pay freeze.

Roberta McEntee – no comment.

Carol Bucco of 330 Shore Drive spoke about the storm from March and how the Matthew Street Beach still has not been cleaned up. She then stated that she has previously spoke with Mr. Hilling about pushing the sand back.

Mr. Hilling – he will take a look at it.

Carol Bucco questioned if we are paying two Borough Clerks to work the Council Meeting.

Mrs. Cummins – no we are not.

Donna Conrad- yes we sure are.

Mrs. Cummins – no, Donna we are not being paid overtime for this.

Donna Conrad – she is not receiving comp time?

Mrs. Cummins – no, she does not receive comp time or overtime pay, she is doing this as a learning experience.

Donna O’Callaghan of South Bay Ave spoke about today’s traffic issue and how DOT gave no advanced notice of the closing of Portland Road.

Mr. Hilling spoke about NJDOT not notifying him of the change in traffic pattern.

Chief Blewett also stated that he was not aware of this.

Discussion occurred about getting possible change in traffic schedule to be posted on the web.

Mr. Francy – we will talk about this at the DOT meeting.

There were no further questions or comments.

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

The meeting adjourned at 10:17 P.M.

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