

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
December 1, 2010**

Mr. Nolan called the meeting to order at 7:09 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 and 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, Ms.Kane

Late: Mayor Little arrived at 8:00 p.m.

Absent: None

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

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:Union Contract Negotiations – Robert Merryman, Esq.**
- 3.Real Estate:**
- 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.

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

Seconded by Ms. Kane 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

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:27 P.M.

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

ROLL CALL:

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

Absent: None

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

Public Portion on Agenda Items:

Jenn Topper of 131 Route 36 wanted to speak about the Police Layoffs.

Mayor Little advised her that this subject was not part of the consent agenda.

Consent Agenda:

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

**R-10-218
MUNICIPAL RECYCLING SERVICES
IMPROVEMENT GRANTS**

WHEREAS, the Borough of Highlands had applied to the Monmouth County Solid Waste Advisory Council for a Municipal Recycling Services Improvement Grant in order to provide more visible convenient recycling services to our residents and businesses; and

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WHEREAS, the Borough of Highlands had subsequently received an invitation to submit a final application in the amount of \$13,000 in order to purchase recycling receptacles to complement existing trash containers located in the downtown, parks and beach areas; and

WHEREAS, the Borough of Highlands had submitted its final application with appropriate documentation and is now in receipt of a Notice of Intent to Award a municipal grant for the identified purposes; and

WHEREAS, the Borough of highlands will provide, not later than six month from receipt of an initial check for 50% of the total grant funds, a progress and financial report documenting project status and expenditures and schedule for completion of the authorized recycling improvements;

NOW, THEREFORE, BE IT RESOVED by the Borough of Highlands that Reg Robertson, Recycling Coordinator is here by authorized to executive and submit the necessary, status and financial reports on behalf of the municipality to secure these grant funds.

BE IT FURTHER RESOLVED that the Borough of Highlands will commit such municipal funds as may be required to provide their share of the costs of the approved recycling project(s) and consents to the requirements and payment schedule of the Municipal Recycling Services Improvement Grant procedural guidelines.

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

ROLL CALL:

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

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

**R-10-219
RESOLUTION
AUTHORIZING REFUND OF INCORRECT TAX PAYMENT RECEIVED BY THE
BOROUGH OF HIGHLANDS**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies were received in error on November 2, 2010. Payment was intended for the Borough of Highland Park Tax Department; and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands be refunded to Highland Park Borough.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer is hereby authorized to immediately refund and pay Highland Park Borough the taxes it has received in error in the amount of \$10,733.49.

<i>BLOCK</i>	<i>LOT</i>	<i>AMOUNT</i>
36	1 of Highland Park Borough	\$10,733.69

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

ROLL CALL:

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

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

**R-10-220
RESOLUTION
APPROVING RAFFLE LICENSES**

WHEREAS, the Highlands Business Partnership and the Henry Hudson Regional School PTO, Inc. have both submitted a Raffle License Applications for approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle Licenses RA#1317-10-17 and RA#1317-10-18 for the Highlands Business Partnership and the Henry Hudson Regional School PTO are hereby approved and the Borough Clerk is authorized to sign off on license.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-10-221
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL AUDITING SERVICES
FALLON & LARSEN, LLP**

WHEREAS, the Borough of Highlands has a need for professional auditing services; and

WHEREAS, such professional auditing services can only be provided by licensed professionals and of the firm of Fallon & Larsen, LLC, 1390 Route 36, Suite 102, Hazlet, N.J. 07730-1716 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$49,900 plus reimbursable expenses for professional auditing services for the Borough of Highlands for the SFY 2011 audit; and

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

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

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon adoption of the following SFY 2011 Municipal Budget:

Account # 1030A-3551 \$31,900
3008-4000 \$18,000

Stephen Pfeffer, Chief Financial Officer

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WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:1101 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 Governing Body of the Borough of Highlands as follows:

1. The firm of Fallon & Larsen is hereby retained to provide professional auditing services as described above for an amount not to exceed \$49,900.00 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign the contract.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Nolan introduced and offered for adoption of the following resolution:

**R-10-222
RESOLUTION TERMINATING INTEREST
IN THE ACQUISITION OF CERTAIN LAND
FOR THE BOROUGH OF HIGHLANDS**

WHEREAS, the Mayor and Council of the Borough of Highlands had been looking at the possible acquisition of lands within the Borough for the use and utilization as a public park; and

WHEREAS, officials of the Borough took all of the necessary actions to secure funding through the DEP Green Acres Program for such a property acquisition; and

WHEREAS, the Borough's investigation of lands for potential purchase and use as a public park included appraisals and soil testing of a property identified as Block 56, Lots 12 and 12.01 on the tax map of the Borough of Highlands; and

WHEREAS, this investigation revealed that in addition to acquisition costs, there will be additional funds needed for site work, potential remediation, construction and maintenance costs of the park and facilities thereafter; and

WHEREAS, it has been determined that the costs of acquisition, improvement, remediation and maintenance, even with grants and funding, would be too great given the current fiscal environment that the Borough finds itself in;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough's present interest in the acquisition of Block 56, Lots 12 and 12.01, is hereby terminated; and

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BE IT FURTHER RESOLVED, that the Borough Attorney is hereby directed to forward the soil analysis report prepared by Birdsall Services Group to the Attorney for the owners of Block 56, Lots 12 and 12.01; and

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby directed to advise the DEP, Green Acres Program and the Monmouth County Open Space Trust Fund that the Borough has terminated its present interest in acquiring Block 56, Lots 12 and 12.01.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-10-223

RESOLUTION AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM OF NOT TO EXCEED \$938,000 AUTHORIZED BY VARIOUS BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, THE AUTHORIZATION TO DELEGATE THE AWARD OF THE BONDS BY AN AUTHORIZED OFFICER AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE.

Adopted: December 1, 2010

WHEREAS, the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough"), has heretofore adopted various bond ordinances authorizing bonds to finance part of the cost of various general improvements in said Borough; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of not to exceed \$938,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said various ordinances into one consolidated issue in the aggregate principal amount of not to exceed \$938,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; NOW, THEREFORE,

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

Section 1. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

A. Not to exceed \$135,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-06-06):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF
\$650,000 FOR REHABILITATION OF SANITARY SEWER

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FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

which such ordinance has been heretofore amended by an ordinance entitled: (#0-07-15)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 06-06 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON JUNE 7, 2006.

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

B. Not to exceed \$281,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-08-02):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$515,000 FOR VARIOUS IMPROVEMENTS AT CERTAIN PUMP STATIONS AND COMMUNITY CENTER FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$313,300 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

C. Not to exceed \$48,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-08-05):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$480,000 FOR IMPROVEMENTS TO SHORE DRIVE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$256,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 20 years.

D. Not to exceed \$142,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-08-11):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$280,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$256,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 10 years.

E. Not to exceed \$32,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-09-03):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$86,500 FOR REHABILITATION OF STORM SEWER ON

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VALLEY AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$82,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

As amended by ordinance no. 0-09-19 finally adopted on September 16, 2009

“BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 09-03 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON MARCH 18, 2009.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

F. Not to exceed \$200,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-09-05):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$235,000 FOR DEMOLITION OF THE WASTEWATER TREATMENT PLANT FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$223,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

G. Not to exceed \$100,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 09-27):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$300,000 FOR IMPROVEMENTS TO WATERWITCH AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$102,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 10 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of not to exceed 938,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in Subsection A shall be designated “Sewer Utility Bonds, Series 2010” and shall be numbered with the prefix SU from one (1) consecutively upward. The bonds referred to in Subsections B through G shall be designated “General Improvement Bonds, Series 2010” and shall be numbered with the prefix G from one (1) consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery of the Bonds and will be issued in fully registered form. The Chief Financial Officer of the Borough (the “Chief Financial Officer”) and the Administrator of the Borough (each, an “Authorized Official”), are each hereby delegated the power to determine the final principal amount of the Bonds; provided, however, that the maximum principal amount of the Bonds shall not exceed \$938,000. The bonds of said consolidated issue shall be dated the date of delivery of the Bonds and will be issued in fully registered form. The Bonds shall mature annually on such dates and in such principal amounts and shall bear interest at such rates, all as shall be determined by an Authorized Official; [provided, however, that (i) the year of final maturity of the Bonds shall be no later than 2021 or eleven (11) years from the year of issuance, whichever is later and (ii) the effective rate of interest on the Bonds does not exceed 6.00%.]

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The Bonds shall not be subject to redemption prior to their stated maturities.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Improvement Bonds is to be issued, taking into consideration the amount of such General Improvement Bonds to be issued for said improvements or purposes, is 13.79 years. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said Sewer Utility Bonds are to be issued, taking into consideration the amount of such Sewer Utility Bonds to be issued for said improvements or purposes, is 40 years.

Section 4. The Bonds shall be payable as to interest at the corporate trust office of The Bank of New York Mellon, payable semi-annually on May 15 and November 15 prior to each June 1 and December 1 in each year until maturity, commencing on June 1, 2011, and payable as to principal at the corporate trust office of The Bank of New York Mellon, payable on November 15 prior to each December 1, commencing on December 1, 2011. Interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months.

Section 5. The Bonds shall be signed by the Mayor or Deputy Mayor and the Borough Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Borough.

Section 6. The Bonds are hereby sold and awarded to the Monmouth County Improvement Authority by an Authorized Officer at the price determined by the Authorized Officer. The Mayor and Deputy Mayor are hereby authorized on behalf of the Borough to execute the Bond Purchase Agreement by and between the Borough and the Monmouth County Improvement Authority and the Continuing Disclosure Agreement by and between the Borough and The Bank of New York Mellon.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

No. 2010 G-_, S-__

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MONMOUTH**

**BOROUGH OF HIGHLANDS
GENERAL IMPROVEMENT BOND, SERIES 2010
OR
SEWER UTILITY BOND, SERIES 2010**

DATE OF
ORIGINAL
ISSUE: December __, 2010

BOROUGH OF HIGHLANDS in the County of Monmouth, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY (the "Authority")
c/o The Bank of New York Mellon
(the "Trustee")

Account No. _____

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the May 15 and November 15 prior to each June 1 and

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December 1, commencing June 1, 2011, in an amount equal to the interest accruing to each such June 1 and December 1. This bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the bond resolution adopted by the Authority on October 14, 2010 (as the same may be supplemented and amended, the "Resolution").

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate and (ii) the maximum interest rate allowed by law.

The Bonds are not subject to redemption prior to their stated maturities.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Borough of Highlands adopted on December 1, 2010 and entitled "Resolution Authorizing Bonds Aggregating the Principal Sum of Not to Exceed \$938,000 Authorized By Various Bond Ordinances Heretofore Adopted To Finance Part Of The Cost of Various General Improvements In The Borough of Highlands, County of Monmouth, New Jersey into One Consolidated Issue of Bonds and Providing for the Form, the Authorization to Delegate the Award of the Bonds By an Authorized Officer and Other Details of Said Consolidated Issue," and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Borough of Highlands are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough of Highlands, is within every debt and other limit prescribed by such Constitution or statutes.

The Borough of Highlands agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond and (ii) its share of the amounts payable pursuant to Section 9(vi)(B) of the Bond Purchase Agreement between the Borough of Highlands and the Authority.

IN WITNESS WHEREOF, the BOROUGH OF HIGHLANDS, in the County of Monmouth, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

BOROUGH OF HIGHLANDS

By: _____
Anna Little, Mayor

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ATTEST:

Carolyn Cummins, Clerk

By: _____
Stephen Pfeffer, Chief Financial
Officer

Assignment Provision on Back of Bond)

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____ (Please Print or Type Name and Address of Assignee) the within bond and irrevocably appoints _____ as Attorney to transfer this bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE

The signature of this assignment must correspond with the name as it appears on the face of the within bond in every particular.

Dated:

Signature of Guarantee:

HIGHLANDSNJ.COM

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SCHEDULE A**

BOROUGH OF HIGHLANDS
GENERAL IMPROVEMENT BONDS, SERIES 2010
OR
SEWER UTILITY BONDS, SERIES 2010

Schedule of Principal and Interest Payments

HIGHLANDSNJ.COM

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

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**Borough of
Highlands
County of
Monmouth**

R-10-224

**Resolution - SFY 2011 Emergency Temporary
Appropriations #2**

WHEREAS, an emergent condition has arisen due to the anticipated delay of the adoption of the SFY 2011 budget and no adequate provision has been

made in the SFY 2011 temporary appropriations for the aforesaid purposes, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary

appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the fiscal year 2011 pursuant to the provisions of Chapter 96, P.L. 1951

Section 8. The Borough Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Borough Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Ratings Services of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 9. Upon the date of issue of the Bonds, the Borough Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said successful bidder (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 10. The proceeds of the Bonds shall be applied in the amounts and for the purposes provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 11. The Mayor or Deputy Mayor and Borough Chief Financial Officer are hereby authorized, as is the Borough Clerk or Deputy Clerk, to execute all documents and certificates necessary for the sale and delivery of said Bonds.

Section 12. This resolution shall take effect immediately.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

(N.J.S. 40A:4-20) including this resolution total:

Current Fund	
Appropriations:	2,614,770.23
Sewer Utility	
Appropriations:	971,992.00

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NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriation:

Current Fund	
Appropriations:	1,319,520.23
Sewer Utility	
Appropriations:	421,992.00
2. That said emergency temporary appropriation will be provided in the SFY 2011 budget under the following titles:

Current Fund	
Appropriations:	1,319,520.23
Sewer Utility	
Appropriations:	421,992.00
See Attached Sheets	
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

ROLL CALL:

MOVED BY: Mr. Nolan
SECONDED BY: Ms. Kane

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

Date: December 1, 2010

CAROLYN CUMMINS, BOROUGH CLERK

I hereby certify the above resolution to have been duly adopted by Governing Body at a regular meeting held on December 1, 2010.

Borough Clerk/Deputy Borough Clerk

SFY 2011 EMERGENCY TEMPORARY APPROPRIATIONS: # 2

MUNICIPAL BUDGET

Department	Salaries	Other Expenses	Total
"IN CAPS"			
Borough Council			0.00
Borough Clerk		2,000.00	2,000.00

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Borough Administrator	6,700.00		6,700.00
Central Services	2,100.00	5,000.00	7,100.00
Financial Administration	9,000.00	2,000.00	11,000.00
Audit			0.00
Assessment of Taxes	2,100.00	2,000.00	4,100.00
Collection of Taxes	5,500.00	1,000.00	6,500.00
Legal Services & Costs		75,000.00	75,000.00
Municipal Prosecutor			0.00
Engineering Services		35,000.00	35,000.00
Public Building & Grounds		25,000.00	25,000.00
Shade Tree Commission			0.00
Planning Board		5,000.00	5,000.00
Zoning Board		5,000.00	5,000.00
Insurances:			
Group		300,000.00	300,000.00
Other		101,712.00	101,712.00
Workmen's Compensation		164,320.00	164,320.00
Unemployment		10,000.00	10,000.00
Fire		15,000.00	15,000.00
Police	175,000.00	5,000.00	180,000.00
Dispatch	13,000.00		13,000.00
Municipal Court	3,600.00	1,000.00	4,600.00
First Aid		3,000.00	3,000.00
Public Defender	500.00		500.00
Emergency Management	200.00		200.00
Streets & Roads	7,000.00	5,000.00	12,000.00
Snow Removal			0.00
Monmouth County Regional			
Health Commission		15,300.00	15,300.00
Dog Control		1,000.00	1,000.00
Beachfront Maintenance			0.00
Parks & Playgrounds			0.00
Celebration of Public Events			0.00

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Community Center	15,000.00	3,000.00	18,000.00
Uniform Fire Safety Act	3,000.00	500.00	3,500.00
Code Enforcement	2,700.00	2,000.00	4,700.00
Sanitation	80,000.00	1,000.00	81,000.00
Monmouth County Reclamation Center		20,000.00	20,000.00
Construction Code Official	6,000.00	500.00	6,500.00
Mechanical Garage	5,600.00	5,000.00	10,600.00
Condo Services		5,000.00	5,000.00
Accumulated Leave			0.00
UTILITIES:			
Electricity		25,000.00	25,000.00
Street Lighting		20,000.00	20,000.00
Telephone		6,000.00	6,000.00
Water		1,000.00	1,000.00
Natural Gas		2,000.00	2,000.00
Telecommunications		2,000.00	2,000.00
Gasoline & Diesel		10,000.00	10,000.00
Fire Hydrants		16,000.00	16,000.00
Deferred Charges:			
Social Security System		30,000.00	30,000.00
TOTAL INSIDE "CAP"	337,000.00	927,332.00	1,264,332.00
"OUTSIDE CAPS"			
Insurance:			
Group			0.00
Recycling Tax		1,500.00	1,500.00
Stormwater Management		2,000.00	2,000.00
LOSAP		45,000.00	45,000.00
GRANTS:			
Body Armor		1,603.86	1,603.86
Sustainable Jersey		1,000.00	1,000.00
D.D.E.F.		4,084.37	4,084.37
TOTAL OUTSIDE "CAP"	0.00	55,188.23	55,188.23
SUB-TOTAL APPROPRIATIONS			
Statutory Additions:			
Capital Improvement Fund			0.00
Acquisition of Property			0.00

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SUB-TOTAL STATUTORY ADDITIONS	0.00	0.00	0.00
TOTAL TEMPORARY MUNICIPAL BUDGET	337,000.00	982,520.23	1,319,520.23

SEWER UTILITY:

Operating:	25,000.00	300,000.00	325,000.00
Insurance:			
Group			0.00
Other Workmen's Compensation		40,000.00	40,000.00
Capital Improvements: Improvements to Sewer System		40,000.00	40,000.00
Statutory Expenditures:			
PERS Social Security System		16,992.00	16,992.00
Unemployment Compensation			0.00
Insurance		1,200.00	0.00
Total Water Sewer Utility	25,000.00	398,192.00	421,992.00

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-10-225

***RESOLUTION AMENDING RESOLUTION R-09-215 A RESOLUTION AUTHORIZING
THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES***

DESIGN FLOOD MITIGATION IMPROVEMENTS AND

SNUG HARBOR PUMP STATION

T & M ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional

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engineering services to Design Flood Mitigation Improvements and the new Snug Harbor Pump Station as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, on December 16, 2009 the Governing Body adopted Resolution R-09-215 awarding a Non-Fair and Open Contract for Professional Engineering Services to T & M Associates for an amount not to exceed \$406,000 for the design of the flood mitigation improvements; and

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

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

WHEREAS, the scope has been amended as per T & M Associate Letters dated 9/15/10 and 10/4/10 and as a result of the amended scope the contract amount is reduced to \$364,300.

WHEREAS, this contract is to be awarded for an amount not to exceed \$406,000 plus reimbursable expenses per T & M Associates proposal dated April 9, 2009 for Professional Engineering Services to Design Flood Mitigation Improvements and the new Snug Harbor Pump Station provided to the Borough of Highlands for the period of one year; 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:
Bond Ordinance 09-28

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 that Resolution R-09-215 and the Professional Engineering Services Contract is hereby amended as follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for a reduced amended amount not to exceed \$364,300 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign 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.

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

ROLL CALL:

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

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

**R-10-226
RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES
FOR KLECHA CONSTRUCTION, LLC
FOR BLOCK 19 LOTS 24 & 25**

WHEREAS, Klecha Construction, LLC posted a Performance Bond No. S20102 from First Indemnity of America back in July 2007 in the amount of \$27,440.64 and a 10% cash portion of a Performance Guarantee in the amount of \$3,048.96 and inspection fees as required to make improvements for Block 19 Lots 14 & 25; a

WHEREAS, Klecha Construction, LLC has submitted a request to the Borough of Highlands requesting the release of all maintenance guarantees for said project.

WHEREAS, T & M Associates, Borough Engineers Office has authorized the release of all performance guarantees for said project; and

WHEREAS, T & M Associates has also waived the requirement the posting of a two year maintenance bond being that the bond was never released and the two year maintenance period has expired.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough Clerk is hereby directed to release the performance bond #S20102 for Klecha Construction, LLC in the amount of \$27,440.64 and the Chief Financial Officer is hereby authorized to refund the \$3,048.96 (10% Cash Portion) and the unused inspection fees plus any accrued interest.

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
12/01/10**

CURRENT:		\$	590,715.42
Payroll	(11/15/10)	\$	182,820.13
<i>Manual Checks</i>		\$	39,718.49
<i>Voided Checks</i>		\$	
SEWER ACCOUNT:		\$	94,393.10

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Payroll	(11/15/10)	\$	4,819.96
Manual Checks		\$	434.86
Voided Checks		\$	
CAPITAL/GENERAL		\$	5,031.33
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	9,323.86
Payroll	(11/15/10)	\$	3,050.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	2,845.36
DOG FUND		\$	
GRANT FUND		\$	516.45
Payroll	(11/15/10)	\$	738.76
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	31.25
Manual Checks		\$	
Voided Checks		\$	

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

**SUPPLEMENTAL BILL LIST
December 1, 2010**

CURRENT FUND

Horizon Blue Cross Blue Shield	Health Insurance 12/10	89,115.73
Horizon Blue Cross Blue Shield	Health Insurance 12/10 Retirees	12,296.96
J. Swanton Fuel Co.	Diesel Fuel 10/19/10	594.92
Naylors Auto Parts	Auto Parts & Supplies	397.64
Principal Life Insurance	Employee Life Insurance	1,067.87
T & M Associates	General Services	1,463.27
T & M Associates	Rt 36 Bridge Project	187.50
T & M Associates	Energy Efficiency Grant Prep	69.50
T & M Associates	Energy Efficiency Grant Prep	410.00
T & M Associates	Tax Map Revisions	8,074.66
Verizon	Police Repeater	226.64
VSP	Employee Vision Plan	775.75

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Total Current Fund	114,680.44
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CAPITAL FUND:

	Emergency Generator Wiring #2	
Gary Kubiak & Son Electric	Final	12,895.64
T & M Associates	Highland Ave. Reconstruction	14,944.75
T & M Associates	Waterwitch Ave Resurfacing	5,780.83
T & M Associates	Drainage Improvements	4,375.96
T & M Associates	2010 NJEIT Planning Document	1,741.12
T & M Associates	Emergency Generators	1,465.50
Total Capital Fund		41,203.80

GRANT FUND

T & M Associates	Intra Boro Bike Route Plan	1,973.50
Total Grant Fund		1,973.50

SEWER UTILITY

Horizon Blue Cross Blue Shield	Health Insurance 12/10	2,297.12
Principal Life Insurance	Employee Life Insurance	43.90
T & M Associates	Monmouth Hills Flow	1,573.25
T & M Associates	General Sewer Services	30.00
VSP	Employee Vision Plan	28.00
Total Sewer Utility		3,972.27

ESCROW TRUST

T & M Associates	Lin 64/24	98.25
Total Escrow Trust		98.25

Total Supplemental Bill List	161,928.26
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Seconded by Ms. Kane approved
for payment on the following roll
call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

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Other Resolutions:

Resolution R-10-214

Mrs. Cummins read the title of Resolution R-10-214 for approval.

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

**R-10-214
RESOLUTION APPOINTING MEMBER OF THE HIGHLANDS
HOUSING AUTHORITY**

WHEREAS, the term of Housing Authority Member Ray Goddard expired on November 30, 2010; and

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BE IT RESOLVED that the following appointment be and hereby is made effective December 1, 2010:

Daniel Conrad for the 5 year term to expire 11/30/2015

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: Mayor Little
ABSENT: None
ABSTAIN: None

Resolution R-10-227

Mrs. Cummins stated that Resolution R-10-227 was not on the agenda and will be read into the record by the Borough Attorney.

Mr. Arnette read the following Resolution for approval:

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

**R-10-227
RESOLUTION TO OFFER A REVISED
AGREEMENT TO THE PBA**

WHEREAS the general terms and parameters of that agreement will include the following:

1. That the PBA will receive the increase that was anticipated on July 1, 2010 on January 1, 2011 of 4.25%.
2. The PBA will accept comp time in lieu of overtime through June 30, 2012.
3. The PBA agrees to enter State Health Benefits Insurance Plan on February 1, 2011.
4. On July 1, 2011 the PBA will receive a 4.25% increase as stated before.
5. If layoff's have to happen before the end of the existing fiscal year which ends on June 30, 2011 the Borough agrees to pay 4.25% salary increase retroactive for the period from July 1, 2010 through December 31, 2010;

In the event for other reasons there are other parameters in which that the Borough will negotiate concerning year two of the modifications as discussed.

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

ROLL CALL:

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

Ordinances: Introduction & Setting of a Public Hearing Date for December 15th

Ordinance O-10-24

Mrs. Cummins read the title of Ordinance O-10-24 for introduction and setting of a public hearing date of December 15, 2010.

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Council had brief discussion about the dollar amount and the designation of the HBP at the Management for the BID.

Mr. Nolan offered a motion and moved on the introduction of the following ordinance and set a public hearing date for December 15, 2010 at 8:00 P.M. and authorized its publication according to law:

**O-10-24
AN ORDINANCE RE-ENACTING CHAPTER 17 OF
THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHLANDS THAT ESTABLISHED
A BUSINESS IMPROVEMENT DISTRICT WITHIN
THE BOROUGH OF HIGHLANDS**

WHEREAS, the Governing Body of the Borough of Highlands established a Business Improvement District by Ordinance O-10-2, that included §17-13, requiring that the Mayor and Council of the Borough of Highlands re-enact Ordinance O-10-2, to keep the Business Improvement District in place; and

WHEREAS, the Governing Body of the Borough of Highlands feel that it is necessary and proper to keep the Business Improvement District in place to continue the promotion and revitalization of the Borough of Highlands; and

WHEREAS, the Governing Body of the Borough of Highlands finds that the continuation of the Business Improvement District would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District and the Borough; and

WHEREAS, the Governing Body of the Borough of Highlands finds that it is in the best interests of the municipality and the public to continue the Business Improvement District; and

WHEREAS, the Governing Body of the Borough of Highlands finds that a special assessment, which shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, will effectuate the purposes of this Ordinance; and

WHEREAS, the Governing Body of the Borough of Highlands finds that the designation of a Special Improvement District and the assistance of a Designated Management Corporation may help the municipality in promoting economic growth and employment within the business district; and

WHEREAS, the Governing Body of the Borough of Highlands find that a self financing Business Improvement District and a designated District Management Corporation will enhance the Borough's local business climate through self help programs by and for the businesses; and

WHEREAS, the Governing Body of the Borough of Highlands recognize that the enabling legislation enacted by the State Legislature gives the Borough the broadest possible discretion in establishing, by local Ordinance, a program that is most consistent with its local needs, goals and objectives.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 17 of the Revised General Ordinances of the Borough of Highlands establishing a Business Improvement District is hereby re-enacted in compliance with the requirements of §17-13 of said Chapter 17; and be it further

ORDAINED that Chapter 17, §17-5, Assessments, Subparagraph (a), Operation and Maintenance of the district is hereby amended to remove the cap of \$5.00. and it is further

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ORDAINED that any portion of the existing and re-enacted Chapter 17 of the Revised General Ordinances of the Borough of Highlands that is inconsistent herewith shall be amended to conform to this re-enacting Ordinance; and be it further

ORDAINED that this Ordinance shall take effect immediately upon its passage and publication in accordance with the Law; and be it further

ORDAINED that the Highlands Business Partnership be designated as the Business Managing Group.

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

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: None

ABSTAIN: None

Other Business:

HBP Memo RE: Miller Terracing Plan

The Council reviewed the March 12, 2010 Memo from Carla Braswell asking for approval to move forward with Phase II of the Miller Terracing Plan.

Mr. Hilling explained to the Council that this phase II has already done our part for this project.

Mrs. Cummins stated that Ms. Braswell indicated that she is still waiting for an answer on the borough's end for the back flow prevention and water source.

Mr. Hilling stated that its all installed, so no action is required.

Ms. Kane requested that Mr. Hilling send a letter to Ms. Braswell that the work has been installed.

Committee Reports:

Finance

Mayor Little spoke on the financial situation of the Borough and the PBA contract amendment and also the State imposed Levy Cap.

Mr. Pfeffer asked the Council if he could bring back the CAP Bank Ordinance for another vote but there was not support from the Council.

Mr. Pfeffer then informed the Council that the Labor Attorney Contract must be amended at the next meeting.

DPW

Mr. Hilling spoke about the upcoming public auction that is coming up. He also stated that the Holiday decorations will be put up starting tomorrow.

Public Safety

Chief Blewett read the following report to the Council:

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POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

Report to Council December 2010

- * On November 8, 2010 officers responded to a Miller Street address in reference to an assault. Officers forced entry to the residence and arrested Horace Bland, age 26, Long Branch for aggravated assault and violation of a final restraining order. The accused was subsequently transported to the Monmouth County Correctional Institution.

- * November 9, 2010 officers responded to two reported motor vehicle thefts from the SeaStreak Parking Lot. Actors entered both vehicles which were unlocked and disabled the GPS systems. The vehicles have not yet been recovered.

- * On November 16, 2010 officers responded to a disturbance at a Miller Street residence. The investigation into the incident revealed that the accused used a baseball bat during the course of an altercation to threaten the accused and gain access to the victim. Officers arrested Thomas Treweeke, Jr., age 24, Miller St, Highlands for possession of a weapon for an unlawful purpose, terroristic threats and criminal mischief. The accused was later transported to the Monmouth County Correctional Institution.

- * On November 17, 2010 a 12 year old Highlands juvenile and his mother reported that while riding his bicycle in the Second Street area a white male exited a four door red vehicle and chased after the child. The child was able to flee on his bicycle. Anyone with information in regard to this incident or other similar incidents, please contact the Highlands Police Department.

- * On November 23, 2010 an 18 year old male was reported missing after it was discovered that he was not in attendance at school and presumed to be endangered. Officers ascertained information that led them to believe that the missing man was in the Rocky Point section of Hartshorne Park. After a five hour search by the Highlands Police Department in cooperation with the Monmouth County Sheriff's Office K-9 Units, Monmouth County Shade Tree Commission Helicopter and a Monmouth County Ranger the missing man was located. Although he was disoriented and lost he was in good physical health.

- * Officers responded to a reported motor vehicle theft from the SeaStreak Parking Lot on November 24, 2010. Actors again entered a vehicle which was left unlocked.

- * Total Calls for Service: 477

- * Arrests: Adults: 30 (4 for possession of CDS –marijuana)
 JV: 1

- * Summons: Total: 50

- Moving Violations: 25
- Non-Moving: 14
- DWI: 7
- Boro Ordinance: 4

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

Bldg & Housing

Mr. Hilling explained that a Contractor is coming to building for energy savings across the board. He then spoke about 80 Miller Street and that there is a court appearance next week and that he continues to work on 150 Navesink Avenue.

Parks & Recreation

Ms. Kane read through the following report:

PROGRAM: **Senior Citizen Programs** – November: Medication Awareness Program 11/4, Bingo/Lunch 11/18 & annual pre-Thanksgiving luncheon Friday, Nov. 19th. Henry Hudson Key Club members assisted with luncheon. December events: Holiday Luncheon 12/2 at Bahr's, "Holiday Reminiscing" on 12/9, Bingo/Lunch 12/16 & 2011 Planning Meeting 12/16.

Highlands / AH Youth Soccer Program for Fall – Season ended on 11/6. Over 100 games were played with over 250 practice sessions held using Fireman's Field, Kavookjian Field, Highlands Elem. School and Center Ave. Park. Program had over 230 participants in 4 age groups.

Halloween Costume Contest held Friday, October 29 at Community Center Parking Lot.

Library – Hours - Monday 2 to 4 pm, Thursday 2 to 4 pm, Saturday 10 to 12 noon.

Kids on the Move: November (11 program dates) – Arts and Crafts, football, Wii Bowling, checker tournament, pool tournament, table soccer, Scattegory Challenge and other activities.

Winter Programs: Adult Basketball and Indoor Soccer (approved at HHRS), **HRD Youth Basketball League, Games and More** and **Adult Volleyball / Basketball** at HES have been approved. **AH Youth Basketball is open to Highlands residents** (Saturday program at AHES). Registration opens for all programs.

Other Community Center Group Use for August: 4-H Program (2), Girl Scouts (5), Lions Club, Historical Society, Neighborhood Watch, Library (10) + HES Class trip visits, Holistic Moms Network, Kavookjian Committee, H/AH Municipal Alliance, Elections, Special Event Meeting, & 3 condominium / homeowner / other group meetings. (5 additional meetings / uses were canceled).

Programs set for December – Tree Lighting 12/3, Holiday Helpers 12/4, Breakfast with Santa 12/11.

White Tiger Tae Kwon Do – Free demonstration being set up for Friday, Dec. 10th. (Initial 10 week sessions to begin in January based on registration.)

Sandy Hook Little League has announced their Winter Registration Dates for 2011 season Nov 14 and Dec. 16 from 9 am to 11 am at the AH Firemans Field League Meeting room.

Red Bank Elks have invited local youth to participate in annual Elks Hoop Shoot, 12/5/10.

PARKS & FACILITY: Park and Facility Use: Henry Hudson Reg. Soccer (Kavookjian Field), AH/H Youth Soccer (Kavookjian),

Skate Park: no report – continue to monitor issues (littering, graffiti, etc)

Community Center Park / Playground - vandalism reported to PD basketball court area damaged.

Community Center - graffiti removed from building exterior.

Veterans Park – no update to report.

Miller Street / Rt. 36 –no update to report

Huddy Park – no update to report.

Marine Place – no update on bulkhead – long-range maintenance to be discussed.

PARKS & FACILITY: (continued)

Kavookjian Field: infield and grass areas need to be addressed for winter.

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Snug Harbor Beach – ADA access walkway material delivered for product demonstration. To be installed by General Recreation.

Miller Street Beach – no update to report

South Bay Ave. Beach – Benches installed along promenade, railing on order to be installed by JH Reid.

Cornwall Square, Frank Hall – no report, well maintained areas.

Ederle Park – Garden Club drafting plans for walkway improvements. No updated report – borough review should be done when submitted prior to any construction.

Parks & Facility – General – Storage of picnic benches at center to be done. Crosswalk over Jones Creek (Snug Harbor) to Community Center slated to be replaced – DPW will schedule.

OTHER:

Community Development Block Grant (FY'08): Waiting delivery of generators. Follow up will be done for testing of generators, punch-list and other items prior to close out of project.

Community Development Block Grant FY '11 – Allocation Acceptance Form submitted to CD office (\$183,000). Awaiting MC Freeholder Board for approval.

Sustainable Jersey Grant – Green Team will be implementing community wide challenge and working on brochure.

Meetings held / attended: Special Event, Kavookjian Field Committee, Bridge Committee, H/AH Municipal Alliance, Monmouth County Office on Aging, NJRPA Conference Committee, NJRPA Strategic Planning, & the Monmouth County Sheriff's / NJ TRIAD University (Senior Programs / consumer advocacy, substance abuse awareness).

End

Highlands Business Partnership

None

Public Relations

None

Environmental/Shade Tree

Mr. Francy stated that the Environmental Commission will be having a public input session at the December 15th Council Meeting regarding the Bike Path Grant.

Administrator

Mr. Hilling read through the following report:

MEMORANDUM

DATE: NOV 30th, 2010
TO: MAYOR LITTLE, BOROUGH OF HIGHLANDS; COUNCIL MEMBERS
FROM: BRUCE HILLING, BOROUGH OF ADMINSTRATOR
RE: SUMMARY OF ACTIVITIES •November 2010

DEPARTMENT OF PUBLIC WORKS (DPW)

1. Leaf and brush pick up continues by zone
2. Still awaiting FEMA claim money for flooding in Waterwitch Pumping Station, some 25 K.
3. Reggie Robertson has returned to full duties after surgery.
4. Once a week garbage pickup began Oct 25. No problems to date.
5. 2 police cars and 2 generators scheduled to be auctioned this Friday, Dec 3rd.
6. Bid Package opening for Recycling and Garbage pickup scheduled for Dec 10th at 10 am in Borough Hall.

DEPARTMENT OF TRANSPORTATION (DOT)

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1. New sidewalks and curbing on South Bay Ave installed by DOT.
2. DOT bridge claims have been received and processed through Borough Hall.
3. Hillside Drive and South Bay Ave will remain one way down in compliance with the current ordinance.
4. Borough continues to negotiate with the County Park System on our request to move the former bridge monuments in front of Popamora Park.
5. One invoice payment remains outstanding for off duty DOT Bridge Work. Will continue to follow up.

NISCELLANEOUS

1. Waterwitch Ave resurfacing job now scheduled for Dec completion.
2. Awaiting Freeholder approval for CDBG award of 180k to the borough for continuation of the Bay Ave resurfacing project past Central Ave.
3. Still awaiting contractor installation of new generators awarded from CDBG Funds.
4. Borough Offices will be closed on Friday, Dec 24th and Dec 31st for the holidays.
5. Holiday Tree Lighting event scheduled for this Friday, Dec 3rd.
6. Senior Holiday Luncheon scheduled for the Community Center on Thursday, Dec 2nd.
7. Highlands Historical Society Holiday Gala scheduled for Thursday, Dec 9th at Bahrs

Borough Clerk

Mrs. Cummins spoke about the success of the recent Rabies Clinic that the Borough had and commented on delinquent animal licenses.

Library Committee

Tara Ryan gave the following report to the Council:

DEC. 1, 2010 LIBRARY REPORT

- 1) In November the entire student population of Highlands Elementary School completed class trips to the library. Every student was issued a library card.
- 2) The "Story Time" program has been changed; it is now geared towards older children age 5+ and includes a craft making session at the end of the story time. It takes place on the 2nd Tuesday of the month at 4 p.m.
- 3) On Sat. Dec 11. in conjunction with Santa Claus at the Community Center we will be offering a special Holiday Program in the library. Mary Muller will conduct an ornament workshop, featuring "Decorative Eggs". All are invited, from toddlers thru adults. 9-12 Dec. 11. Council and Boro staff members who have not yet visited the Boro Library are encouraged to stop in on the 11th.
- 4) Library staff has seen a major rise in participation in the past month. Mainly the new visits are from young people, post school trip, but our adult membership has risen also. We are certain we will meet our goals at our one-year anniversary next June.
- 5) We are still getting many offers for books for our collection. Happily, our shelves are full, so we cannot accept any donations at this time. The committee will be assessing the collection in Jan. and Feb., culling and adding to the collection. We will be looking for Audio Books, Adult non-fiction, and youth classics then.

Approval of Minutes:

Mr. Nolan offered the approval of the October 6, 2010 Regular & Executive Session Minutes, seconded by Mr. Francy and approved on the following roll call vote:

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ROLL CALL:

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

NAYES: None

ABSTAIN: Mayor Little

Mr. Francy offered a motion to approve the October 20, 2010 Regular & Executive Session Minutes, seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: Mr. Nolan abstained the Executive Session Minutes

Mr. Francy offered a motion to approve the November 3, 2010 Regular & Executive Session Minutes, seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: Mayor Little

Public Portion:

Jenn Topper of 131 Route 36 thanked the Council for not laying off the cops.

Erika Casriel of 6 Mountain Street was happy that there were no cop layoffs.

Tara Ryan of 17 Ocean Street spoke about parks and the need for signs that indicate that no dogs are allowed in parks
Or they must be on a leash.

Council agreed.

Tara Ryan spoke about damage claim for her house do to the bridge construction and she stated that she wants to be reimbursed for her expenses.

Mr. Hilling told Tara Ryan to submit a written request to him about her damage claim.

Carol Bucco of 330 Shore Drive questioned the BHI inspections and fees.

Council directed that this item be placed on the next agenda and that we Rice Dave Parker to speak about this

Carol Bucco questioned condo service agreement for snow removal.

Mr. Arnette will prepare report of the condos we have on list. He then advised her to contact his office to further discuss this.

Sean Fitzgerald – passed.

Alfred Marker of 273 Shore Drive spoke in support of not laying of the cops.

Lori Dibble of 32 Paradise Park questioned the votes needed for the BID ordinance if a super majority is required.

Mr. Arnette stated that he will look into that requirement.

Lori Dibble then commented on her OPRA request to the HBP and the lack of compliance.

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Mr. Arnette informed her that the Borough Clerk or the Borough are the Custodians of Record for the HBP.

Matt Devine stated that he is happy to see BID Ordinance go through.

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 9:21 p.m.

CAROLYN CUMMINS, BOROUGH CLERK

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