

**Borough of Highlands
Mayor & Council
Regular Meeting
December 15, 2010**

Mr. Nolan called the meeting to order at 7:12 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 Arrival: Mayor Little arrived at 8:10 P.M.

Absent: None

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

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: Gary Branin, Sanitation Bids**
- 2.Contract: Union Contracts – Robert Merryman, Esq.**
- 3.Real Estate:**
- 4. Personnel Matters: Personnel Administrative Matter RE: Hearing
Paul Murphy & David Parker – Riced**
- 5. Attorney-Client Privilege:**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. **Deals with collective bargaining, including negotiation positions.**
5. Deals with purchase, lease or acquisition of real property with public funds.
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.

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

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

ROLL CALL:

AYES: Mr. Nolan, Mr. 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 meeting back to order at 8:20 P.M.

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

Mayor Little observed a moment of silence for the recent passing of both Harry Cefalo and Bernard Harten.

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, CFO
Scott Arnette, Esq., Borough Attorney**

Mr. Nolan then presented Mayor Little with an award for being the first female Mayor of Highlands.

Bike Path Grant Public Input – Environmental Commission

Steve Szulecki of the Highlands Environmental Commission and Marty Truscott, P.P. of T & M Associates were both present and briefly discussed the ANJEC Funding of the Bike Path Grant.

Mayor Little opened it up to the public.

Tara Ryan of 17 Ocean Street – she thinks this project is wonderful and thanked the Environmental Commission.

Lori Dibble of 32 Paradise Park questioned how bike path would connect to bridge pathway.

Mr. Szulecki – it's the week link.

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Jim Parla of 16 Portland Road also asked why no link to the bridge.

Mr. Szulecki – at the end of Shore Drive up to the bridge is a lost link,

Mayor Little – the Borough may have to complete that link.

Arnie Fuog of 50 Valley Street explained that user wise there are no problems.

There were no further questions from the public; therefore Mayor Little closed the public hearing on this matter.

Public Portion on Agenda Items:

Bernadine Harford of 168 Highland Avenue spoke in support of the PBA Resolution to avoid layoffs.

Tara Ryan – passed.

Carol Bucco of 330 Shore Drive questioned R-10-228 pertaining professional labor counsel services.

Mr. Pfeffer explained that it is based on billings and projections for last two months of the fiscal year.

Mr. Merryman – this has not been a typical year, there has been a lot going on this year.

Ms. Kane – we should reduce calls to labor counsel to reduce billing.

Edward O’Neil of 286 Bay Avenue stated that R-10-229 regarding the DPW Supervisor Stipend is wrong.

Mr. Hilling explained how the stipend dollar amount was calculated.

Arnie Fuog – passed.

Carla Cefalo-Braswell of 62 Gravelly Point Road questioned Resolution R-10-236 which pertained to the award of contract for sanitation bid. She wanted to know if snow plowing was included.

Mr. Pfeffer explained no change in snow plowing.

Mr. O’Neil stated that the Borough will still do snow plowing

Dawn Horniacek of 287 Bay Avenue – passed.

Consent Agenda

Mr. Francy requested that Resolution R-10-228 be removed from the Consent Agenda.

Mrs. Cummins stated that the Borough Engineer is requested that a payment to Fiore Paving be added to the bill list this evening.

Mr. Leubner explained the Fiore Paving payment request of \$91,468.30.

Mr. Francy and Mr. Nolan objected to the adding of the Fiore Paving payment.

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

**R-10-229
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISORS
FOR THE PERIOD OF OCTOBER 1, 2010 THROUGH JANUARY 31, 2011**

WHEREAS, various DPW Employees of the DPW Department were asked to perform additional supervisory duties for the period of October 1, 2010 through December 31, 2010; and

WHEREAS, the Borough of has a genuine need to continue with designating an Acting DPW Supervisor for the period of January 1, 2011 through January 31, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that following DPW Employees be paid a stipend in the following amounts for services provided to the Borough as Acting DPW Supervisor for the following periods:

Barry McKellar	October 1, 2010 through October 15, 2010	\$104.17
Steve Chiger	October 16, 2010 through October 30, 2010	\$104.17
Reg Robertson	November 1, 2010 through December 31, 2010	\$416.66
Reg Robertson	January 1, 2011 through January 31, 2011	\$208.34

Seconded by Mr. Francy 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

ASTAIN: None

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

**R-10-230
RESOLUTION AUTHORIZING DISPOSAL OF
BOROUGH VEHICLE**

WHEREAS, the Borough Administrator has determined that the Borough of Highlands has vehicles and equipment that have a value of \$1,000 or less and are no longer of any use to the Borough; and

WHEREAS, the Borough Administrator desires to conduct a public auction to dispose of certain borough vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following vehicles and or equipment may be sold at a public auction to be conducted by the Borough Administrator:

- 1. 1986 Chevy Blazer 4 x 4 Diesel
Vin#1G8E018J29F105590**

Seconded by Mr. Francy 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-10-231
AUTHORIZING REFUND OF TAX OVERPAYMENTS**

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>
11	16.01	2010	\$3,126.46	Frederick,Gangemi
11.02	11	2010	\$1,240.01	Robert & Deb,Rekoon

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

ROLLCALL:

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-10-232
RESOLUTION AUTHORIZING EXTENSION OF HOURS OF OPERATION FOR
SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, the Windansea Restaurant and the Driftwood Liquors have both submitted written requests to the Borough of Highlands for approval to extend the hours of operation for the sale of alcoholic beverages from 2AM to 5AM for the New Year's Eve Holiday.

WHEREAS, the Borough of Highlands retains the right pursuant to its Police Powers to regulate the times permitted for the sale and service of alcoholic beverages within the Borough; and

WHEREAS, New Year's Day extended hours is permitted in the Borough of Highlands General Ordinance 6-4.3.

WHEREAS, the Mayor and Council of the Borough of Highlands has determined that this extension of hours for the sales and service of alcoholic beverages is consistent within its authority as the Local Liquor Board for regulation of hours.

WHEREAS, it is the desire of the Governing Body of the Borough of Highlands to grant such a time extension to both the Driftwood Liquors and the Windansea Restaurant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that request for extension of hours of operation for the sale of alcoholic beverages from 2AM to 5AM on the morning of January 1, 2011 is hereby granted to the following:

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**Dan-Rob Restaurant Associations Liquor License 1317-33-012-005
t/a Windansea Restaurant, 56 Shrewsbury Avenue**

**Wunderbar Liquor License 1317-32-018-004
t/a Driftwood Liquors, 300 Bay Avenue**

BE IT FURTHER RESOLVED, that the establishments listed above who have sought extended hours shall be required to reimburse the Borough in advance for one Police Officer that shall be dedicated to be at or around the licensed premises between the hours of 1:30 AM and 5:30 AM..

Seconded by Mr. Francy 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-10-233
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR FANG LIN FOR PROPERTY LOCATED
AT 214 BAY AVENUE ALSO KNOWN AS
BLOCK 64 LOT 24**

WHEREAS, the Yong Hai Huang for Fang Lin the applicant has requested the release of her Performance Guarantees in the amount of \$13,725.00 (90% Performance Bond Amount posted with cash) and \$1,525.00 (10% Cash Portion paid with cash) for Block 64 Lot 24 deposited by Yong Hai Huang; and

WHERAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee be posted in the amount of \$1,907.00 for a two year period.
2. Payment of any outstanding inspection or other fees owed to the Borough; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Guarantees for Fang Lin for Block 64 Lot 24, 214 Bay Ave is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Guarantee funds in the amount of \$13,725.00 (90% Bond Amount) and \$1,525.00 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$1,907.00 to Yong Hai Huang of YHH Realty, LLC.**

Seconded by Mr. Francy 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-10-234

**Borough of Highlands
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 RESOLUTION CORRECTING
 TITLE OF EXISTING JOB POSITION**

WHEREAS, the Governing Body adopted Resolution R-08-115 on June 18, 2008 appointing Tim Hill as Director of Parks & Recreation; and

WHEREAS, during an audit by the Civil Service it was brought to the attention of the Borough that based on Tim Hills job duties the correct title for Mr. Hill is Recreation Director; and

WHEREAS, it is the desire of the Borough to comply with the Civil Service determination of a change in title for Mr. Hill.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Tim Hills is hereby appointed to the correct title of Recreation Director effective immediately with no change in salary.

BE IT FURTHER RESOLVED that the Payroll Clerk is hereby directed to notify Civil Service of this change in title.

Seconded by Mr. Francy 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: Non

Mr. Nolan offered the following Payment of Bills and approved its payment With removal of Two Appruzzese Professional Legal Services invoices,

**RECAP OF PAYMENT OF BILLS
 12/15/10**

CURRENT:		\$	632,906.73
Payroll	(11/30/10)	\$	131,434.98
Manual Checks		\$	131,875.08
Voided Checks		\$	
SEWER ACCOUNT:		\$	349.23
Payroll	(11/30/10)	\$	4,820.03
Manual Checks		\$	2,649.08
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	5,273.29
Payroll	(11/30/10)	\$	1,025.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	138.00
GRANT FUND		\$	850.00
Payroll	(11/30/10)	\$	

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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.**

**SUPPLEMENTAL BILL LIST
December 15, 2010**

CURRENT FUND

Avaya	Telephone Maintenance	374.00
Apruzzese, McDermotm Mastro & Murphy	Labor Counsel November 2010	6,145.56
Ceridian	Cobra Service Fees	42.59
DeLage Laden Financial Services	Copier Lease	81.28
J. Swanton Fuel Co.	Unleaded & Diesel Fuel	2,112.00
NJ Natural Gas	Natural Gas Varius Locations	1,324.68
Realty Appraisal Company	Revaluation Payment #2	27,000.00
Scarinci Hollenback	Substandard Housing November 2010	587.84
Total Current Fund		37,667.95

Total Supplemental Bill List	37,667.95
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Seconded by Mr. Francy and approved with the removal of all Apruzzese, McDermott Mastro Professional Legal Bills:

ROLL CALL:

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

Other Resolutions:

Resolution R-10-228 – Resolution Amending R-10-143 Authorizing the Award of a Non-Fair and Open Contract for Professional Labor Relations Counsel Apruzzese, McDermott, Mastro & Murphy

Mr. Francy stated that he is unhappy with how this bill is being presented for extra ordinance expenses.

Mr. Francy offered a motion to table Resolution R-10-228, seconded by Mr. Nolan and tabled on the following roll call vote:

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ROLL CALL:

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

Mr. Nolan offered a motion to remove the payment to Apruzzese, McDermott, Mastro & Murphy from the payment of bills, seconded by Mr. Francy and all were in favor.

Resolution R-10-236

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

**R-10-236
RESOLUTION OF THE BOROUGH OF HIGHLANDS
ENTERING INTO AN AGREEMENT WITH
FUTURE SANITATION, INC.**

WHEREAS, the Borough of Highlands advertised for bids in connection with Solid Waste and Recycling Collection and Disposal Services; and

WHEREAS, the said bid solicitation process was effectuated in accordance with prevailing provisions of the Local Public Contracts Law, pursuant to *N.J.S.A. 40A:11-1 et seq.* ; and

WHEREAS, in response to the subject bid solicitation process, the Borough of Highlands received six (6) bids as follows:

Waste Management

Option #1	Recycling	\$ 299,460.00
Option #2	Recycling (limited winter pickup)	\$ 245,460.00
Option #3	Solid Waste	\$1,124,148.00
Option #4	Solid Waste (limited winter pickup)	\$ 918,948.00

M&S Waste Services

Option #1	Recycling	\$ 176,020.91
Option #2	Recycling (limited winter pickup)	\$ 128,743.52
Option #3	Solid Waste	\$ 864,623.25
Option #4	Solid Waste (limited winter pickup)	\$ 626,097.45

DeLisa Demolition

Option #1	Recycling	\$ 148,690.00
Option #2	Recycling (limited winter pickup)	\$ 135,090.00
Option #3	Solid Waste	\$ 514,325.00
Option #4	Solid Waste (limited winter pickup)	\$ 493,308.00

MeadowBrook

Option #1	Recycling	\$ 253,800.00
Option #2	Recycling (limited winter pickup)	\$ 225,300.00
Option #3	Solid Waste	\$ 745,200.00
Option #4	Solid Waste (limited winter pickup)	\$ 663,300.00

Republic Services of NJ, LLC (d/b/a Marpal Company)

Option #1	Recycling	\$ 133,049.00
Option #2	Recycling (limited winter pickup)	\$ 120,953.00
Option #3	Solid Waste	\$ 764,434.00
Option #4	Solid Waste (limited winter pickup)	\$ 703,542.00

Future Sanitation

Option #1	Recycling	\$ 95,400.00
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Option #2	Recycling (limited winter pickup)	\$ 81,300.00
Option #3	Solid Waste	\$510,000.00
Option #4	Solid Waste (limited winter pickup)	\$436,000.00

WHEREAS, the Borough reviewed the bids and the Clerk prepared a written summation of the submitted proposals; and

WHEREAS, the lowest responsible bid was submitted by Future Sanitation hereinafter referred to as "Contractor" as follows:

Oprion#1	Recycling	\$ 95,400	3 Year Term
Option #3	Solid Waste	\$510,000	3 Year Term

WHEREAS, this contract entails both the collection and disposal of solid waste, together with the collection and disposal of recyclables, being aluminum, glass, bimetal, paper and plastic; and

WHEREAS, the Contractor has complied with the mandatory requirements of *N.J.S.A. 40A:11-23.2*, and

WHEREAS, the Borough shall provide sufficient funds in its annual budget for each of the three (3) years for the purpose of fulfilling the terms and conditions of this contract; and

WHEREAS, awarding such a Contract to Future Sanitation, Inc. will be in the best interest of the Borough and its residents;

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

1. That the Borough of Highlands is hereby authorized to award the Solid Waste Collection and Disposal Services and collection of recyclables to Future Sanitation, Inc., subject to conditions set forth herein.
2. That the Contract shall reflect the services identified in Option #1, Recycling, in the total sum of \$95,400 for Recycling materials.
3. That the Contract shall reflect the services identified in Option #3, Solid Waste Materials, in the total sum of \$510,000 for Solid Waste Materials.
4. Funds are hereby certified by the Chief Financial Officer contingent upon the adoption of the SFY 2011 Municipal Budget:

Stephen Pfeffer, Chief Financial Officer

5. That the within award of Contracts shall be contingent upon the Contractor submitting appropriate Performance Security, which guarantees shall be approved as to form by the Borough Attorney.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution, including, but not limited to, the Contract.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to return all bid security, except the security of the three (3) apparent lowest responsible bidders. Upon return of said security the bids of such bidders shall be considered withdrawn.

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BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to return the bid security to the remaining unsuccessful bidders, within three (3) days of signed Contracts being received and the approval of the Contractor's Performance Guarantees by the Borough Attorney.

Seconded by Mr. Francy 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 explained that this contract is for twice a week garbage pickup and twice a month recycling pick up and working on bulk pick up.

Mr. Pfeffer stated this is a savings to the borough of \$213,000 for the first year.

Resolution R-10-235

Mayor Little distributed a letter of her point of view on this matter. She explained her reasons to approve this agreement.

Mr. Nolan challenged her reasons and figures that she spoke about.

Discussions continued.

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

Borough of Highlands

County of Monmouth

R-10-235

Resolution approving revisions and modifications to the terms of the Collective Negotiations Agreement between the Borough of Highlands and the Sandy Hook PBA Local No. 48 for the period from July 1, 2008 through June 30, 2012

WHEREAS, the Borough of Highlands ("Borough") and the PBA Local No. 48 ("PBA") are parties to a collective negotiations agreement (the "Agreement") effective July 1, 2008 through June 30, 2012 and

WHEREAS, the Borough has proposed modifications to that agreement in order to provide savings to avoid staff reductions and the disruption to public services caused by such staff reductions; and

WHEREAS, representatives of the Borough and the PBA who have been involved in discussions regarding modifications to the Agreement have recommended the terms of an agreement on modifications to the parties' current Agreement that will provide financial savings and help avoid a layoff, furlough or reduction of hours during the remaining term of the collective negotiations agreement and have recommended those terms to the full membership of the PBA and the governing body of the Borough of Highlands for approval; and

WHEREAS, it has been determined by the Mayor and Council that the terms proposed by the parties, which are contained in a written memorandum of agreement, will provide the Borough with substantial savings; now therefore

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IT IS HEREBY RESOLVED this 15th day of December, 2010 that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the PBA; and

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

Seconded by 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

Introduction of SFY 2011 Municipal Budget

Mr. Pfeffer read the following budget introductory resolution:

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INSERT BUDGET RESOLUTION HERE

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Ordinances: 2nd Reading, P.H. & Adoption

Ordinance O-10-24

Mrs. Cummins read the title of Ordinance O-10-24 for the second reading and public hearing. She stated that this ordinance was published in the December 4, 2010 edition of the Asbury Park Press.

Mayor Little opened up the public hearing on Ordinance O-10-24.

Lori Dibble of 32 Paradise Park questioned the required number of votes needed to adopt this ordinance.

Mr. Arnette – this does not require a super majority vote.

Carla Cefalo-Braswell of the Highlands Business Partnership stated that she brought a representative from the State to answer any questions.

Jeff Bheuler of the Department of Community Affairs was present for any questions. He stated that this is a reasonable ordinance and that its essential to have a BID and the HBP does excellent work.

Arnie Fuog of 50 Valley Street – what will be different with the BID going forward as far as changes and improvements.

Carla Cefalo-Braswell – we have set our Board Meetings and will discuss this at the January Meeting. The HBP has submitted a \$20,000 budget.

Mr. Bheuler explained that he can offer a conduit of services for Highlands.

Arnie Fuog – to bad for the HBP to come here and ask for this without a plan.

Mayor Little explained that the HBP absences at the Council meetings was because the Borough eliminated them as the BID Management.

A.J. Solomon of 102 Marina Bay Court, HBP Board Member stated that they were a private company a non-profit and they were not designated by the town so that is why they haven't been at the meetings. She then spoke about since the HBP was eliminated as the Managing Group the town does not look good, which she further explained.

Ryan Britton of 75 S. Linden Avenue questioned why code enforcement is not responsible.

Mr. Hilling – we have a new property maintenance person and his name is Dave Mercado and he is doing a great job.

Carla Cefalo-Braswell – they were going to address the commercial properties on Bay Avenue. She stated that we need to clean up Bay Avenue.

There were no further questions from the public.

Mayor Little closed the public hearing on Ordinance O-10-24.

Mrs. Cummins then read the title of Ordinance O-10-24 for the third and final reading and adoption.

Mr. Nolan offered a motion and moved on the adoption of the following ordinance and authorized its publication according to law:

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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

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

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

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

Discussions

Mr. Francy spoke about a list of responsibilities of the HBP. We have done nothing in the past year to fix the items in the DBAT Report. He wants this to work.

A.J. Solomon – you gave us nothing to work with.

Carla Cefalo-Braswell – it's unfair, they have impeccable records of bringing in money prospects, this is a shared service and a partnership.

Mr. Nolan spoke favorably about the HBP

Ms. Kane – we need to move forward. She wants to be the HBP liaison.

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: None

ABSTAIN: None

OTHER BUSINESS:

Engineers Status Report

Mr. Keady, P.E. Borough Engineer gave the following report:

HGHL-G1001

December 10, 2010

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

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

Re: Engineer's Status Report

Dear Mr. Hilling:

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

General

1. **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 outlining the metering results. The meters have been removed and the data was received by T&M Associates on December 9, 2010. We are currently evaluating the data and preparing a final summary.

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

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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. The Contractor has addressed all punchlist items and final closeout documentation has been submitted to the Borough.

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. At the November 3, 2010 Council meeting, the Borough authorized us to proceed with the design outlined in the revised scope. Soil borings were performed on December 4, 2010. The Snug Harbor Pumpstation design and the Jones Creek discharge modification design are progressing. Field survey on the remaining items is scheduled to commence on or about December 13, 2010. We would like to arrange a meeting with Borough Officials to review the updated design of the Snug Harbor Pumpstation.

4. **The Resurfacing of Waterwitch Avenue:** The Borough received funding for this project in the amount of \$192,000.00. On March 27, 2009, we notified the NJDOT in writing that the Borough is requesting to reduce the limits of this project to the area between N.J.S.H. Route 36 and Linden Avenue and are currently preparing the NJDOT requested paperwork. At the May 20, 2009 meeting, Mayor and Council requested that the sanitary sewer improvements be added into the request. The paperwork was submitted to the NJDOT on June 19, 2009 for consideration. On July 16, 2009, the NJDOT sent a letter to our office stating that they approve the request to reduce the project limits. The Borough authorized T&M Associates to design and inspect the project on December 16, 2009. The Borough has adopted a Bond Ordinance to cover costs above the NJDOT award amount. The design of the project has been completed. The project was advertised for bidding on July 21, 2010 and bids were received on August 3, 2010.

Bid Date: August 3, 2010
Contractor: Fiore Paving Company, Inc., Oceanport, NJ
Amount: \$163,637.50

The project was awarded to Fiore Paving Company, Inc. on August 9, 2010 for the above amount. Contracts 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

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Monmouth Hills septic system found during the installation of the sanitary sewer improvements. The Contractor has completed the sanitary sewer relocation work with the exception of providing the post construction video. The Contractor is currently waiting for NJNG to relocate services that currently traverse through the existing storm main. That work is tentatively scheduled to take place the week of December 13, 2010. The concrete work has been substantially completed.

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. The Borough DPW has performed test-pits to verify roadway thickness. We are determining the scope of the roadway rehabilitation and will provide a revised cost 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 completed and the project design is underway. We would like to arrange a meeting with Borough Officials to review the conceptual layout of the reconstructed roadway.

Grants and Loans

1. **FY 2010 NJDOT Municipal Aid – Bay Avenue:** The Borough was 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 sent the request to NJDOT in an effort to reduce the project limits under their funding. The NJDOT approved the request via letter on November 30, 2010. We are currently preparing a cost proposal to design and inspect the overall project.
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. **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

RRK:DRL:han

Enclosure

c: Honorable Anna C. Little, Mayor
Borough Council (Individually)
Carolyn Cummins, Borough Clerk
Debbie Dailey, Deputy Borough Clerk
Scott Arnette, Borough Attorney
Stephen Pfeffer, Borough CFO

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Discussions occurred regarding the delay on the Waterwitch Avenue Project.

Mr. Hilling will call Gas Company to get project moving forward.

Mr. O'Neil – pave it and leave the 100 year old pipe their if the gas company doesn't do anything.

Mr. Francy expressed concerns with delay of this project.

It was the consent of the Council for the engineer to move forward and not let the gas company delay this project any further.

B.H.I. Inspections

Mr. Hilling informed the Council that he will prepare a document about the borough's options.

Set Council Reorganization Meeting Date, Time and Location

The Council decided on January 1, 2011 at 12:00 P.M. at the Community Center.

Review of HBP 2011 Budget & Calendar of Events

Council directed the Borough Clerk to place this on for introduction at the January 19th meeting.

Monmouth County Recycling Announcement

Mr. Francy informed the public about the Monmouth County Computer & Electronic Recycling Program.

Approval of Minutes:

Mr. Nolan offered a motion to approve the November 12, 2010 Regular & Executive Session Minutes, seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Ms. Kane

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Mr. Nolan offered a motion to approve the December 1, 2010 Regular & Executive Session Minutes, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mayor Little abstained on the Executive Session Minutes

Public Portion:

Tara Ryan of 17 Ocean Street commended Tim Hill for Breakfast with Santa. She then asked the Council to amend the ordinance to allow for dogs to be in public parks.

Council directed the Borough Clerk to place the dog and park ordinance on the January Work Shop Meeting Agenda.

Carol Bucco of 330 Shore Drive questioned garbage start date.

Mr. Nolan – January 1st.

Carol Bucco commented on the Waterwitch Avenue Project delays.

Donna O'Callaghan of S. Bay Avenue - no present.

Ryan Britton of 75. South Linden Avenue questioned rumors of the Borough merging police department with Middletown.

Mr. Nolan – we are in negotiations with a lot of towns for a lot of shared services.

Ms. Kane stated that she is on the Shared Service Committee and is not part of any negotiations.

Arnie Fuog questioned why no committee report.

Mayor Little stated that there were no committee reports because this is a Regular Meeting.

Arnie Fuog then complained about the lack of Code Enforcement Action with regard to the Gimpi's property.

Mr. Hilling will follow up on that property maintenance issue.

Dawn Horniacek of 287 Bay Avenue questioned the status of the CWA layoffs.

Mr. Arnette – this issue concerns several positions and she can speak with Mr. Hilling in the morning about this.

There were no further questions from the public.

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

The meeting adjourned at 10:34 P.M.

CAROLYN CUMMINS, BOROUGH CLERK

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