

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

Mr. Nolan called the meeting to order at 7:11 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. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan

Late Arrival: Mr. O'Neil arrived 7:22 at 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:

Mayor 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: Hillside Village Condo's possible litigation**
- 2.Contract: Dan-Rob Property Lease Renewal**
- 3.Real Estate:**
- 4. Personnel Matters: Clerical Positions**
- 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. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:00 P.M.

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

ROLL CALL:

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

Absent: None

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

Public Hearing on the SFY 2011 Municipal Budget:

Mrs. Cummins stated that a summary of the budget was published in the January 7th edition of the Two Rivers Times.

Steve Pfeffer, CFO, explained the budget. We had a tax increase of about \$500,000.00 when we first started back in April. We are at a final budget of a zero tax increase. We got there thru a variety of different deductions in the budget, concessions from the Police Union, change in Health Insurance carrier, privatizing sanitation collection, and lay-offs. We reduced budgets thru out individual department budgets. We have the zero tax increase which was the goal of the council.

Mayor Nolan asked for any questions regarding the budget.

Jim Parla asked when is fiscal year?

Steve Pfeffer answered; July 1, 2010 to June 30, 2011.

Mayor Nolan closed pubic hearing..

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Possible Budget Amendment to be Supplied by CFO:

Mrs. Cummins stated that we have a resolution for a budget amendment adoption for this evening and to set a public hearing date for the February 2nd meeting at 8:00 p.m.

Steve Pfeffer read the resolution R-11.45 in to record.

Mayor Nolan offered the following Resolution and moved on its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-11-45
RESOLUTION**

WHEREAS, the local municipal budget for the fiscal year 2011 was approved on the 15th day of December, 2010 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth that the following amendments to the approved budget of fiscal year 2011 be made:

	<u>FROM</u>	<u>TO</u>
General Revenues:		
1. Surplus Anticipated	980,000.00	953,000.00
3. Miscellaneous Revenues – Section F: Special Items of Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations:		
Recycling Tonnage Grant	0.00	3,869.28
County of Monmouth Recycling Grant	0.00	13,000.00
Total Section F: Revenues	49,830.16	66,699.44
3. Miscellaneous Revenues – Section G: Special Items of Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other Special Items:		
FEMA Reimbursement	0.00	2,728.50
Total Section G: Revenues	161,243.00	163,971.50
Summary of Revenues:		
1. Surplus Anticipated	980,000.00	953,000.00
3. Miscellaneous Revenues:		
Total Section F: Revenues	49,830.16	66,699.44
Total Section G: Revenues	161,243.00	163,971.50
Total Miscellaneous Revenues	1,021,132.16	1,040,729.94
5. Subtotal General Revenues	2,436,132.16	2,428,729.94
6. Amount to be Raised by Taxes for Support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	5,731,144.01	5,670,945.57
Total Amount to be Raised by Taxes for Support of Municipal Budget	5,731,144.01	5,670,945.57
7. Total General Revenues	8,167,276.17	8,099,675.51

	<u>FROM</u>	<u>TO</u>
8. General Appropriations		
(A) Operations – Within “CAPS”		

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Code Enforcement		
Salaries and Wages	64,200.00	49,200.00
General Liability Insurance	101,712.00	96,000.00
Workers Compensation Insurance	164,320.00	157,000.00
Employee Group Insurance	1,136,675.00	1,119,000.00
Police		
Salaries and Wages	1,610,425.00	1,589,000.00
Dispatch		
Salaries and Wages	147,510.00	160,510.00
Uniform Fire Safety		
Salaries and Wages	35,500.00	30,070.00
Road Repair and Maintenance		
Other Expenses	38,100.00	33,100.00
Snow Removal		
Other Expenses	33,500.00	68,850.00
Sanitation		
Salaries and Wages	320,470.00	202,330.00
Other Expenses	12,000.00	6,000.00
Other Expenses – Contractual Services	0.00	104,000.00
Mechanical Garage		
Salaries and Wages	28,590.00	27,090.00
Other Expenses	30,950.00	29,000.00
Community Center		
Salaries and Wages	170,935.00	162,435.00
Construction Code		
Salaries and Wages	62,775.00	53,600.00
Accumulated Sick Leave	0.00	6,100.00
Gasoline and Diesel Fuel	69,000.00	60,000.00
Total Operations Within "CAPS"	6,229,742.00	6,156,365.00
Total Operations Including Contingent Within "CAPS"	6,229,742.00	6,156,365.00
Detail:		
Salaries and Wages	3,078,127.00	2,911,957.00
Other Expenses	3,151,615.00	3,244,408.00
Public Employees' Retirement System	127,368.00	146,022.00
Social Security System	137,865.00	134,865.00
Police and Firemen's Retirement System	274,819.00	335,817.00
Total Deferred Charges and Statutory Expenditures – Municipal Within "CAPS"	543,552.00	620,204.00
Total General Appropriations for Municipal Purposes Within "CAPS"	6,773,294.00	6,776,569.00
Operations Excluded from "CAPS"		
Public Employees' Retirement System	18,654.00	0.00
Police and Firemen's Retirement System	60,998.00	0.00
Total Other Operations – Excluded from "CAPS"	171,852.00	92,200.00
Shared Service Agreements:		
Atlantic Highlands – Maint. Of Motor Vehicles	37,000.00	31,000.00
	<u>FROM</u>	<u>TO</u>
Total Shared Service Agreements	37,000.00	31,000.00
Public and Private Programs Offset by Revenues:		
Recycling Tonnage Grant	0.00	3,869.28
County of Monmouth Recycling Grant	0.00	13,000.00
Total Public and Private Programs Offset by Revenues	55,908.16	72,777.44
Total Operations – Excluded from "CAPS"	264,760.16	195,977.44
Detail: Other Expenses	264,760.16	195,977.44
Municipal Debt Service – Excluded from "CAPS"		
Interest on Notes	14,370.00	14,685.00
Total Municipal Debt Service – Excluded from "CAPS"	491,099.00	491,414.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	782,279.16	713,811.44
(O) Total General Appropriations – Excluded from "CAPS"	782,279.16	713,811.44

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(L) Subtotal General Appropriations	7,555,573.16	7,490,380.44
(M) Reserve for Uncollected Taxes	611,703.01	609,295.07
9. Total General Appropriations	8,167,276.17	8,099,675.51
Summary of Appropriations:		
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	6,773,294.00	6,776,569.00
(A) Operations – Excluded from "CAPS"		
Other Operations	171,852.00	92,200.00
Shared Service Agreements	37,000.00	31,000.00
Public and Private Programs Offset by Revenues	55,908.16	72,777.44
Total Operations – Excluded from "CAPS"	264,760.16	195,977.44
(D) Municipal Debt Service	491,099.00	491,414.00
(M) Reserve for Uncollected Taxes	611,703.01	609,295.07
Total General Appropriations	8,167,276.17	8,099,675.51

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that a summary of this amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Two River Times in the issue of January 28, 2011, and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on February 2, 2011, at 8:00 o'clock p.m.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 19th day of January, 2011.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Consent Agenda :

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-11-33

RESOLUTION AMENDING RESOLUTIONS 09-215 AND 10-255 EXTENDING 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 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, 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

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

WHEREAS, this contract was awarded for an amount not to exceed \$406,000 plus reimbursable expenses per T & M Associates proposal dated April 9, 2009 and amended on December 1, 2010 for a reduced amount of \$364,300 per T & M Associates proposal dated October 4, 2010 for Professional Engineering Services to Design Flood Mitigation Improvements and the new Snug Harbor Pump Station provided to the Borough of Highlands; and

WHEREAS, The term of the contract will expire on December 16, 2010 and the Governing Body desires to extend the term of the contract for an additional year until December 15, 2011; 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, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

1. T & M Associates contract for professional engineering services is hereby extended for an additional year until December 15, 2011 with no change in the 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.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-11-34

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO March 01, 2011**

WHEREAS, the Borough of Highlands mailed Municipal tax bills in January, 2011 to all property owners; and

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WHEREAS, the delay of the mailing of the Municipal tax bills will result in the imposition of interest payments if a further extension of time for the payment of the bills is not granted to the residents of the Borough of Highlands.

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

1. That the Mayor and Council hereby authorize the extension of time for payment of the Municipal tax bills to March 01, 2011.
2. In the event that the tax bills are not paid by a resident on March 01, 2011 interest shall be retroactive to the February 01, 2011 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Director
Division of Local Government Services
Department of Community Affairs
 - B. Tax Collector

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-35

RESOLUTION CONFIRMING THE SALE OF \$890,000 GENERAL OBLIGATION BONDS, SERIES 2011 OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

WHEREAS, pursuant to the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, the Borough adopted a resolution on January 10, 2011 (the "Authorization Resolution"), providing for the issuance and sale of bonds to The Monmouth County Improvement Authority (the "Authority") in an aggregate amount not to exceed \$938,000 to be issued as two series designated as General Improvement Bonds, Series 2011 and Sewer Utility Bonds, Series 2011; and

WHEREAS, pursuant to the Authorization Resolution, the terms of the bonds shall be confirmed by the provisions set forth herein (the "Confirming Resolution").

NOW, THEREFORE, BE IT RESOLVED BY 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. \$130,000 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. \$265,952.68 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. \$45,429.64 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. \$134,396.01 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. \$30,286.43 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 VALLEY AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW

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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. \$189,290.16 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. \$94,645 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. Amount of Bonds. The bonds in the principal amount of \$890,000 are hereby issued and sold in accordance with the provisions of the Authorization Resolution and the provisions of this Confirming Resolution. The bonds shall constitute a single issue and shall be designated “General Improvement Bonds, Series 2011” in the amount of \$760,000 and “Sewer Utility Bonds, Series 2011” in the amount of \$130,000 (collectively, the “Bonds”).

SECTION 3. Description of the Bonds.

(a) Terms of the Bonds. The Bonds shall be dated and shall bear interest from January 24, 2011 at the rates, and shall mature, subject to prepayment as herein provided, on January 15 in the year and in the principal amount set opposite such year in the following table:

General Obligation Bonds, Series 2011

<u>Year</u>	<u>General Improvement Bonds</u>	<u>Sewer Utility Bonds</u>	<u>Interest Rate</u>
2012	\$65,000	\$10,000	2.00%
2013	65,000	10,000	3.00
2014	70,000	10,000	3.00
2015	70,000	10,000	2.50

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2016	70,000	15,000	2.75
2017	75,000	15,000	5.00
2018	80,000	15,000	5.00
2019	85,000	15,000	5.00
2020	90,000	15,000	5.00
2021	90,000	15,000	5.00

(b) Payment of Principal of the Bonds. The Bonds as to principal, will be payable on the first day of the month immediately preceding the due date therefor at the corporate trust office of The Bank of New York Mellon, the Authority's trustee (the "Trustee").

(c) Interest Rate Per Annum and Interest Payment Date. The Bonds shall bear interest at the respective interest rates per annum which are set forth in the table above and such interest shall be payable at the corporate trust office of the Trustee on the January 1 and July 1 prior to each January 15 and July 15 until maturity or earlier prepayment, commencing on July 15, 2011.

(d) Form of the Bonds. The Bonds shall be in substantially the form set forth in the Authorization Resolution, which form is by this reference incorporated in full as if set forth herein, with such omissions, insertions and variations as are properly required and which are not contrary to any of the provisions of the Authorization Resolution or any of the provisions of this Confirming Resolution.

SECTION 4. Prepayment of the Bonds.

(a) Redemption of the Bonds. The Bonds shall be subject to prepayment prior to their stated maturities on the terms and in the manner set forth in the Authorizing Resolution.

(b) Notice of Prepayment. Notice of prepayment shall be given as set forth in the Authorizing Resolution.

SECTION 5. Award of the Bonds. The Bonds are authorized to be sold and awarded to The Monmouth County Improvement Authority (the "Authority") at a purchase price of \$970,035.35 for the General Obligation Bonds, Series 2011. The terms and conditions of such offer are set forth in a bond purchase agreement, dated January 13, 2011 (the "Bond Purchase Agreement"), a copy of which is attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein. Settlement for the Bonds were made in immediately available funds on January 24, 2011.

SECTION 6. Additional Acts. On behalf of the Borough, the appropriate representatives of the Borough are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of the Authorization Resolution and the terms of this Confirming Resolution with respect to the issuance, sale and delivery of the Bonds.

SECTION 7. Effective Date. This Confirming Resolution shall take effect upon adoption hereof.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-11-36
RESOLUTION ACCEPTING SFY 2010AUDIT
BOROUGH OF HIGHLANDS**

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COUNTY OF MONMOUTH**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ended June 30, 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the governing body: and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

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WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

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NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-11-37

RESOLUTION – COMPENSATED ABSENCE-RETIREMENT

WHEREAS, John Coberg has been employed by the Borough of Highlands as a sanitation driver since November 1, 1985 ; and

WHEREAS, on December 31, 2010 John Coberg retired; and

WHEREAS, John Coberg is entitled to compensated absence benefits for his accrued vacation time of 97 hours equating to \$2,792 (amount subject to minor changes including rounding); said benefits are in accordance with Borough Ordinance 95-29, Personnel Policy Manual and the collective bargaining agreement between the Borough of Highlands and the Communications Workers of America Local 1032 effective July 1, 2008-June 30, 2011 as authorized by Resolution 09-111; and

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands that subject to the certification of funds availability by the Chief Financial Officer, that John Coberg receive the aforementioned compensated absence benefits.

Certification of Funds: Trust Fund – Reserve for Accumulated Leave
Contingent upon adoption of Special Emergency Ordinance for Severance Liabilities Resulting
from Accrued Leave

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Date: January 19, 2011

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-11-38
RESOLUTION – COMPENSATED ABSENCE-RETIREMENT**

WHEREAS, Michael Johnson has been employed by the Borough of Highlands as Borough Mechanic since July 27, 1976 ; and

WHEREAS, on December 31, 2010 Michael Johnson retired; and

WHEREAS, Michael Johnson is entitled to compensated absence benefits for his accrued vacation time of 20 hours equating to \$698 and accrued sick time of 1,573 hours equating to \$54,914 totaling \$55,612 (all amounts subject to minor changes including rounding); said benefits are in accordance with Borough Ordinance 95-29, Personnel Policy Manual and the collective bargaining agreement between the Borough of Highlands and the Communications Workers of America Local 1032 effective July 1, 2008-June 30, 2011 as authorized by Resolution 09-111; and

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands that subject to the certification of funds availability by the Chief Financial Officer, that Michael Johnson receive the aforementioned compensated absence benefits.

Certification of Funds: Trust Fund – Reserve for Accumulated Leave
Contingent upon adoption of Special Emergency Ordinance for Severance Liabilities Resulting
from Accrued Leave

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

**R-11-39
RESOLUTION AUTHORIZING
REFUND OF OFF-DUTY POLICE DEPOSIT**

WHEREAS, Driftwood Liquors paid a required deposit of \$240.00 for off-duty police which was a requirement in the ordinance to allow for extended business hours on New Year’s Eve; and

WHEREAS, unfortunately the Highlands Police Department was unable to provide off-duty police coverage to Driftwood Liquors on New Year’s Eve and the Chief of Police recommends the immediate refund of \$240.00 deposit.

**Borough of Highlands
Mayor & Council
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January 19, 2011**

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Chief Financial Officer is hereby directed to refund Driftwood Liquors their off-duty police deposit in the amount of \$240.00.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-11-41
RESOLUTION AMENDING R-11-21 THE SCHEDULE FOR
MEETINGS OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2011**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following schedule is hereby designed as the official Meeting Calendar of the Governing Body for the year 2011. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where formal action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

DATE

WORKSHOP/REGULAR MEETINGS

February 2, 2011
March 2, 2011
April 6, 2011
May 4, 2011
June 1, 2011
No 1st Wednesday Meeting
No 1st Wednesday Meeting
September 7, 2011
October 5, 2011
November 2, 2011
December 7, 2011

REGULAR MEETINGS

January 5, 2011 & January 19, 2011
February 16, 2011
March 16, 2011
April 20, 2011
May 18, 2011
June 15, 2011
July 20, 2011
August 17, 2011
September 21, 2011
October 19, 2011
No 3rd Wednesday Meeting
December 21, 2011

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Municipal Building, Council Chambers, 171 Bay Avenue, Highlands, NJ at 7:00 p.m. for Executive Session and at 8:00 p.m. for Business Meetings; and

BE IT FURTHER RESOLVED that all Meetings shall have a General Public Portion as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-42

RESOLUTION – CHANGE ORDER #2

**Borough of Highlands
 Mayor & Council
 Regular Meeting
 January 19, 2011
 FIORE PAVING COMPANY, INC.
 DECREASE OF \$4,253.00
 RESURFACING OF WATERWITCH AVENUE**

WHEREAS, a contract was awarded for Fiore Paving Company, Inc. as follows:

R-10-164	August 9, 2010	\$163,637.50
R-10-200	October 6, 2010	\$ 33,625.00 Change Order #1 Increase

WHEREAS, change order # 2 dated January 18, 2011 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Reflection of as-built quantities and the introduction of Supplemental Items) ,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 decreasing the original contract amount by \$4,253.00 is hereby authorized for the Resurfacing of Waterwitch Avenue Project. The total contract amount is hereby amended to \$193,009.50.

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

ROLL CALL:

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

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

RECAP OF PAYMENT OF BILLS

01/19/11

CURRENT:		\$ 636,383.87
Payroll	(01/15/11)	\$ 118,317.38
Manual Checks		\$ 19,421.83
Voided Checks		\$
SEWER ACCOUNT:		\$ 199,371.25
Payroll	(01/15/11)	\$ 9,014.20
Manual Checks		\$ 351.96
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 1,551.93
Payroll	(01/15/11)	\$ 5,523.20
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$ 13.80
GRANT FUND		\$
Payroll	(01/15/11)	\$ 564.80
Manual Checks		\$
Voided Checks		\$
DEVELOPER’S TRUST		\$ 99.02
Manual Checks		\$
Voided Checks		\$

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

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

**SUPPLEMENTAL BILL LIST
January 19 2011**

CURRENT FUND

Future Sanitation	Tipping Fees 1/1/11-1/11/11	9,386.77
J.C.P. & L.	Traffic Lights	1,822.52
De Lage Laden Financial Services	Copier Lease Community Center	81.28

Total Current Fund 11,290.57

CAPITAL FUND

Total Capital Fund 0.00

SEWER UTILITY FUND

J.C.P. & L.	Electric for Pump Stations	394.11
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Total Sewer Utility Fund 394.11

Total Supplemental Bill List 11,684.68

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

I

NSERT
RESOLUTION
R-11-43

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**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-11-44
RESOLUTION – COMPENSATED ABSENCE-LAYOFF**

WHEREAS, on December 31, 2010 the employees below were laid off by the Borough; and

WHEREAS, the employees are entitled to compensated absence benefits for his accrued vacation time; said benefits are in accordance with Borough Ordinance 95-29, Personnel Policy Manual and the collective bargaining agreement between the Borough of Highlands and the Communications Workers of America Local 1032 effective July 1, 2008-June 30, 2011 as authorized by Resolution 09-111; and

(All amounts subject to minor changes including rounding)

Troy Hartsgrove	7 hours	\$ 73	Public Safety Telecommunicator
Dawn Horniacek	4.5 hours	\$ 68	Clerk Typist
Jennifer Strehl	71.5 hours	\$1,195	Recreation Aide
Richard White	111.5 hours	\$2,568	Sanitation Worker
Total		\$3,904	

WHEREAS, in accordance with N.J.S.A. 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands that subject to the certification of funds availability by the Chief Financial Officer, that the above employees receive the aforementioned compensated absence benefits.

Certification of Funds: Trust Fund – Reserve for Accumulated Leave
Contingent upon adoption of Special Emergency Ordinance for Severance Liabilities Resulting
from Accrued Leave

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

NAYES: None

**Borough of Highlands
Mayor & Council
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January 19, 2011**

ABSENT: None
ABSTAIN: None
Date: January 19, 2011

HBP Budget: Introduction 2011 HBP Budget & Set P.H. date for Feb. 16th

Scott Arnette said we had a meeting with BID and Tax Assessor. They discussed the list of properties. We are waiting for information back from the BID. This will be carried to the on for February 2nd meeting for review.

Offered by Mr. Nolan and seconded by Ms. Kane and all were in favor on the following vote roll call:

ROLL CALL:

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

Ordinances: Introduction & Set P.H. Date

Ordinance O-11-2 -

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for February 2, 2011 at 8:00 P.M. and authorized its publication according to law:

ORDINANCE O-11-2

AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR SEVERANCE LIABILITIES RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE LAYOFF OR RETIREMENT OF EMPLOYEES.

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

1. The sum of \$110,000 is hereby appropriated for severance liabilities resulting from accrued leave resulting from the layoff or retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

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

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

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

ROLL CALL:

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

Ordinance 0-11-3 Amending BID Ordinance

Scott Arnette requested from Mayor and Council that someone moves to carry the discussion and potential introduction of O-11-3 to the February 2nd meeting at 8:00 pm.

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

Frank Nolan offered to move to February 2nd meeting and seconded by Mr. Francy and all were in favor on the following roll call vote:

ROLL CALL:

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

OTHER BUSINESS:

Engineers Status Report

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

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

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

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

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 **HGHL-G1101** **January 14, 2011**

1. meters have been removed and the data was received by T&M Associates. We are currently evaluating the data and preparing a final summary.

Capital Improvement Projects

1. **Flood Reduction Program:** 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. Field survey on the remaining items has been completed. On December 14, 2010, we met with Councilman Francy to review the updated design of the Snug Harbor Pumpstation. We are currently proceeding with the design of the entire project.
2. **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.

**Borough of Highlands
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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 Monmouth Hills septic system found during the installation of the sanitary sewer improvements. The Contractor has substantially completed the project and will address the remaining minor items in the spring.

3. **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 have investigated 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 have been 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. The CD Committee has recommended an award to the Borough in the amount of \$183,603.00 towards this project. We have completed all documentation within the subgrant agreement and forwarded it to the County for review and execution.
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.

**Borough of Highlands
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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

Mayor and Council discussed having a public meeting to review design on Highland Avenue.

Rick O'Neil and Chris Francy will do walk thru and set up date with Engineer. This will be done before the February Regular Meeting.

HBP – Approval of 2011 Calendar of Events

Mayor Nolan offered the following 2011 Events Calendar and moved on its approval:

**Highlands Business Partnership
2011 Events Calendar**

Saturday	March 19	St. Patrick's Day Parade Bay Avenue 2PM
Sunday	May 29	Seaport Craft Show Huddy Park 10AM-5PM
Saturdays	July - October	Farmer's Market 9AM Huddy Park
Thurs-Sun	Aug 4 – Aug 7	Clamfest Huddy Park Thursday 6-11PM Friday 6-11PM Saturday 12-11PM Sunday 12-8PM
Sunday	To Be Announced	Twin Lights Bike Ride 7AM Huddy Park-Shore Drive
Saturday Sunday	October 1 October 2	Oktoberfest 2-10PM Rain date- Veterans Park
Friday Saturday	December 2 December 3	Tree Lighting 6pm Rain date Huddy Park

**Borough of Highlands
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Seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

Bond Note Report by CFO

Steve Pfeffer stated that two bond Anticipation Notes and Bonds thru MCIA were issued. He then read thru each one from his report dated January 19, 2011.

Hillside Village Condo's

Patty Peterson and Jennifer Presti of Hillside Village Condo's spoke about the March 2010 landslide from the Rauens lots on to their Condo property. The Rauens requested Performance Bond to be released for maintenance of drainage easement for condo complex. They are here to ask about bonds and get a resolution.

Scott Arnette said there is a misconception on the amount. Its about \$2500.00. What we need in order to release that to the Condominium Association, is an official act by the Board. He will speak to Ms Peterson and Ms. Presti after the meeting and suggest what might need to be done, to act on to request to release that money. He will share any documentation that he has. He also stated that the Borough is not responsible for the drain behind the condos.

They also wanted to know if the town built the retaining wall on Waterwitch Avenue.

Scott Arnette will look into other issues of the retaining wall. He requested that they put this in a letter.

Mayor Nolan stated that Scott Arnette and Bruce Hilling will be contact points.

Garden Club Annual Donation

Mrs. Cummins stated that in the past, we have donated \$3500.00, previous to that, it \$3,000.00. They are asking for anything.

Bruce Hilling stated that they are looking for the same amount as last year, \$3500.00.

Offered by Mr. Francy and it was seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

Garden Club – Proposed Improvements to Ederle Park

Mrs. Cummins stated that they have requested to make improvements.

Bruce Hilling wants to table this to look into ownership of the property and would report back to council at next meeting. He asked Mr. Heck, Tax Assessor, to look into, also,

Council continued to discuss.

Chris Francy said that the Garden Club believes the property belongs to DOT.

**Borough of Highlands
Mayor & Council
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Bruce Hilling and Mr O'Neil will also look into getting money that was promised to us from NJDOT.

Mayor Nolan said we should have an answer on ownership by the next meeting. We need this before we can make any decisions to approve to do anything.

Approval of Minutes:

Mr. Nolan offered a motion to approve the December 15, and 21, 2010 Regular & Executive Session Minutes and January 1 and 5, 2011 Regular and Executive, seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mr. Connelly-not present at meetings

Mr. Nolan offered a motion to approve the January 10, 2011 Special Session Minutes, seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Public Portion:

Mayor Nolan welcomed and introduced Mr. Kevin Connelly, the new Councilman.

Patty Peterson - passed.

Carl Burger – 315a Shore Drive – lives in condos on Shore Drive, he spoke about the landslide. Wants to find out the stability of the hill and what we can do about it. Can we have someone look into the stability of it. It is effecting people selling homes or trying to get a reverse mortgage. He feels that Mr. Rauen should have engineering done to his hill.

Scott Arnette said that it is Mr. Rauen's problem and property. This is a complex issue. It is private property. The Borough does not spend tax dollars on private property issues.

Frank Nolan asked if we can make him do that?

Scott Arnette said that no one has presented to this Governing Body with an Engineering letter that there is a health, safety and welfare issue. We could contact property owner and advise him that we have been contacted by a neighbor and we are advising him that an engineer said this is an imminent danger and you should address it. If they don't address it, and our own Engineers agree with engineers hired by neighbors, perhaps the Borough could then make a decision on intervention.

Mr. Burger asked what can we do to move this to determine if the hill is safe?

Scott Arnette said to hire an engineer to review and provide a report, that it is unstable.

Kathleen Armstrong of 30 Ocean Avenue – spoke about rumor over the police department. Spoke about the agreement made with police department and that we are now going to throw it away, to take away our police department. As a taxpayer, she is scared of what will happen to the town if we do not have our own police here. What is this council intending to do?

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

Frank Nolan responded that a week before any agreement with our Police Department, he and Mr. O'Neil went to Middletown and had one discussion with them about a broad interest of shared services; police, court, dispatch, fire, many shared services. We never had another meeting again. Negotiations are still on the table. Spoke about another deficit next year. He has not had another meeting since then.

Jen Topper – no address given – spoke of concerns about the town and the PBA give backs. Crime could increase, response time will be slower. She agrees consolidations is a consideration but maybe not with Middletown, maybe Sea Bright. Do not cut services.

Kim Skorka – no address given – followed up on Mr. Burgers comments. We need and engineers report but the Rauens will not let us on property to get it. Now what do we do? Can you help us get access?

Scott Arnette answered, we can not help you gain access. He will be speaking with the Ms. Presti and Ms. Peterson after the meeting, she can meet also and he can give her some direction.

Chris Francy said the situation is complicated because that slump has existed for hundreds of years. The town is limited on what we can do.

Bernice Burger of 315a Shore Drive spoke about past mud slide and the stream in not cleaned.

Bruce Hilling said we cleaned it last year as an emergency.

Scott Arnette said that they need a lawyer.

Mayor Nolan said to speak with Mr. Arnette, he will give you direction.

Mr. Connelly stated that he had the same problem in another town. The town did not help; he had to get an attorney.

Carl Burger of 315a Shore Drive said he does not want to do that.

Roger Clemente – passed.

Pat Phillips of 56 Fourth Street – spoke against losing police department. This police department reacts so quickly and are considerate.

Patty Parker – passed.

Jackie Cunningham – passed.

Jim Parla of 16 Portland Road spoke about the new street signs by the bridge. People are not paying attention. He spoke with the Police Chief about the dangerous situation. A letter was written to the DOT about it.

Bruce Hilling stated that Mr. Francy, the Chief and he have emphasized to them, requesting a yield sign, something. Now they have backed off, with out explanation. We can take it up again to a higher person.

Chris Francy said that this has been a concern for the Chief of Police in the past.

Bruce Hilling will call and have an answer by the next meeting.

Carol Bucco of 330 Shore Drive spoke against ridiculous circle by the bridge. She also suggested that we look into limiting time that employees carry. She questioned permits for Fire Department social affairs.

There were no further questions from the public.

**Borough of Highlands
Mayor & Council
Regular Meeting
January 19, 2011**

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

The meeting adjourned at 9:28 P.M.

DEBBY DAILEY, DEPUTY BOROUGH CLERK

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