

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Mayor Nolan called the meeting to order at 7:04 p.m.

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

ROLL CALL:

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

Absent: None

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

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

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

1.Litigation:

2.Contract: Dan-Rob Lease Renewal

3.Real Estate:

**4. Personnel Matters: Tim Hill – Riced, Dave Mercado – Riced, Cashier Position,
Borough Clerk & CFO Salaries**

5. Attorney-Client Privilege:

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

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

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

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

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

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

The governing body then entered into Executive Session.

Mayor Nolan called the Meeting back to order at 8:18 P.M.

Mayor Nolan asked all to stand for the pledge of allegiance.

ROLL CALL:

AYES: 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
Michael Halfacre, Esq., Borough Attorney

Reorganization Resolutions:

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

**R-11-01
RESOLUTION APPOINTING
BOROUGH ATTORNEY**

WHEREAS, there exists the need for professional legal services in the Borough of Highlands, and funds are or will be available for this purpose; and

WHEREAS, the Mayor has offered the name of Michael Halfacre, Esq. for appointment to the position of Borough Attorney for calendar year 2011; and

WHEREAS, the Local Public Contract Law, (N.J.S.A. 40A:11-5 [1] [a] requires that the resolution awarding the contract state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Michael Halfacre, Esq. is hereby appointed Borough Attorney effective February 1, 2011 through December 31, 2011, such person being appointed is a member of a recognized profession; and

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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-11-03
RESOLUTION
APPOINTING BOROUGH PROSECUTOR**

WHEREAS, there exists the need for professional legal services for the Borough of Highlands; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

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

1. **James Butler**, Esq. is hereby appointed Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2011.
2. The appointment is made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 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 this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

Seconded by Ms. Kane 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

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Mayor Nolan offered the following resolution and moved its adoption:

**R-11-04
RESOLUTION
APPOINTING ALTERNATE BOROUGH PROSECUTOR**

WHEREAS, there exists the need for professional services for the Borough of Highlands; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) requires that the resolution awarding the contract state the supporting reasons and be printed in a newspaper of general circulation not more than ten (10) days after passage of the resolution;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that **Steve Reubin Esq.** be appointed Alternate Borough Prosecutor for the one (1) year term to expire December 31, 2011; and.

BE IT FURTHER RESOLVED that a copy of this resolution be published in the Courier within ten (10) days of its passage.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-11-05
RESOLUTION
AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

WHEREAS, the Borough of Highlands is in need of a Municipal Public Defender pursuant to Public Law 1997 C.256; and

WHEREAS, pursuant to Ordinance 98-02 the Municipal Public Defender shall be paid an annual salary of not less than \$1,500.00, which shall be apportioned pro rata for the portion of the year in which the Public Defender serves; and

WHEREAS, the Municipal Public Defender shall only be required to attend Court when his clients are listed on the calendar; and

WHEREAS, 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 printed in a newspaper of general circulation not more than ten days after passage of the resolution;

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

1. **THOMAS SMITH**, Esq. is hereby appointed Public Defender for the (1) one year term to expire December 31, 2011.
2. The appointment is made 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

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

recognized profession.

3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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-11-10
RESOLUTION APPOINTING PART-TIME PROVISIONAL
DEPUTY COURT ADMINISTRATOR**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that **Kate Chieffo** be appointed as a Provisional Part-time Deputy Court Administrator for the one (1) year term to expire December 31, 2011.

BE IT FURTHER RESOLVED that said position shall be compensated at the rate of \$20.00/hour.

Seconded by Ms. Kane 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

Awards Presentation:

Chief Blewett read a letter he received regarding a Emergency Rescue that occurred in December at Gravelly Point Road. He then presented awards to Detective Siegel and Sgt. Rogers of the Police Department and Peter Lynch, Billy Caizza, Lt. Wells of the Fire Department for their rescue operation and going above and beyond the call of duty. He thanked Jackie Kranis and the First Aide Squad and Patty Parker for their work during this storm and rescue operation. He then presented awards to Officer Roxby for assistance in delivering a baby back on August 10, 2008.

Mr. Hilling thanked Councilwoman Kane and Dave Parker, OEM Officer for their work during the storm.

SFY 2011 Municipal Budget:

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Public Hearing on SFY 2011 Budget Amendment

Mrs. Cummins stated that a public notice of this budget amendment was published in the January 28th edition of the Two River Times and may now be open to the public.

Mayor Nolan opened up the public hearing.

Carol Bucco of 330 Shore Drive questioned what "From and To" meant.

Mr. Pfeffer explained.

Carol Bucco questioned the salary and wages for the sanitation department.

Mr. Pfeffer explained the dollar amounts in the sanitation dept.

Carol Bucco then questioned the Mechanics budget.

Mr. Pfeffer explained.

Carol Bucco then questioned the gas budget dollar amount.

Mr. Pfeffer explained it's for the past six months and the next six months.

There were no further questions from the public on the budget amendment.

Mayor Nolan closed the public hearing on the budget amendment.

Resolution R-11-48 Resolution Adopting the SFY 2011 Municipal Budget

Mr. Pfeffer read the following resolution for approval:

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

**INSERT RESOLUTION R-11-48
HERE**

HIGHLANDSNJ.COM

**Borough of Highlands
 Mayor & Council
 Workshop/Regular Meeting
 February 2, 2011**

HBP 2011 Budget Review & Possible Introduction:

Mr. Nolan – we wanted to make sure there were a few things in the BID Ordinance.

Mayor Nolan offered a motion and moved on its introduction of the HBP Budget and setting of a Public Hearing Date for February 16, 2011 at 8:00 P.M. and authorized its publication according to law:

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
 District Management Corporation
 Highlands Business Partnership
 January 1, 2011– December 31, 2011
 (12 months)**

COMMERCIAL DISTRICT 2011
 PROGRAM BUDGET

EXPENSE

| | |
|--|---------------------|
| Visual Improvement..... | 5,000.00 |
| <input type="checkbox"/> Beautification | |
| <input type="checkbox"/> Maintenance | |
| <input type="checkbox"/> Design | |
| <input type="checkbox"/> Holiday & Seasonal | |
| <input type="checkbox"/> Street Banners | |
| Special Events Calendar..... | 45,000.00 |
| <input type="checkbox"/> Creation of events | |
| | |
| Marketing & Communications..... | 15,000.00 |
| <input type="checkbox"/> Ad campaigns | |
| <input type="checkbox"/> Tourism | |
| <input type="checkbox"/> Public Relations | |
| <input type="checkbox"/> Image Building | |
| <input type="checkbox"/> Publish Visitor Guide | |
| <input type="checkbox"/> Maintain and expand website | |
| <input type="checkbox"/> Videos/Commercials | |
| | |
| Economic Development..... | 10,000.00 |
| • Business Recruitment/Retention & Redevelopment | |
| | |
| Administrative Budget | |
| Personnel..... | 15,000.00 |
| Miscellaneous | 10,000.00 |
| <input type="checkbox"/> Legal | |
| <input type="checkbox"/> Audit | |
| <input type="checkbox"/> Insurance | |
| • Supplies | |
| | |
| TOTAL Expenses | \$100,000.00 |

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2011 – December 31, 2011
(12 months)**

COMMERCIAL DISTRICT
PROGRAM BUDGET

2011

Income

Special Events Income.....70,000.00
• Vendor Fees

Marketing & Communications.....10,000.00
• Sponsorship Income
• Barter Goods & Services (approx. \$12k)

TOTAL Income\$80,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$20,000.00

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
ASENT: None
ABSTAIN: None

Consent Agenda:

Mrs. Cummins stated that the name of Allison Worthington needs to be added to Resolution R-11-50.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-11-46
RESOLUTION – AMENDING R-11-37
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

WHERAS, Resolution-11-37 adopted January 19, 2011 authorized the payment of \$2,792 for 97 hours of accrued vacation time to John Coberg; and

WHERAS, it has been determined that John Coberg had been charged 24 hours vacation time in error for December 28, 29 and 30, 2010 and that John Coberg is now entitled to compensated absence benefits for his accrued vacation time of 24 hours equating to \$691 (amount subject to

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

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

**R-11-47
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-11-2 & RA#1317-11-3
HENRY HUDSON REGIONAL SCHOOL PTO**

WHEREAS, the Henry Hudson Regional School PTO has submitted Raffle License Applications No. RA1317-11-2 and RA#1317-33-3 for an April 9, 2011 Event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Applications RA#1317-11-2 and RA#1317-11-3 for the Henry Hudson Regional School PTO are hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

**RESOLUTION
R-11-49
BOROUGH OF HIGHLANDS**

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

**RESOLUTION OF THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
FOR BLOCK 56, PART OF LOT 13
(PART OF SAID LOT LOCATED EAST OF PRIVATE ROAD
WHICH IS DEPICTED AS BLOCK 56, LOT 9 ON THE
TAX MAP OF THE BOROUGH OF HIGHLANDS) LEASE EXTENSION**

WHEREAS, The Borough of Highlands has title to the property known as Block 56, Lot 13 (more particularly the portion of which that is located east of Private Road [identified as Block 56, Lot 9]) on the Tax Map of the Borough of Highlands; and

WHEREAS, the hereinbefore mentioned property has been previously determined to not be needed for public use, which determination is herein again restated; and

WHEREAS, the identified property has been the subject of a land lease with Dan-Rob Restaurant Associates, LLC since 2003; and

WHEREAS, the Mayor and Council of the Borough of Highlands have been approached by Dan-Rob for a temporary extension of their lease through August 30, 2011; and

WHEREAS, The long term lease that has been in existence for this property has benefited the Borough of Highlands in creating revenue, has benefited those individuals who reside in the area of the lot by decreasing street parking and congestion by the utilization of the lot by Dan-Rob for valet parking for its facility Windansea, and by the maintenance of a lot in a safe and reasonable condition; and

WHEREAS, Dan-Rob has agreed to certain terms and conditions to insure the effective use of the lot as well as decrease the impact of exiting patrons from their facility; and

WHEREAS, the Borough of Highlands is desirous of offering a last temporary extension of the property that has been leased to Dan-Rob since the original land lease auction in 2003, to continue to benefit the area and realize revenues;

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Highlands that the property known as Block 56, Lot 13 (more particularly the portion of which that is located east of Private Road [identified as Block 56, Lot 9]) on the Tax Map of the Borough of Highlands and which is identified on Schedule A attached hereto and which has been the subject of a lease agreement with Dan-Rob since on or about 2003, is hereby temporarily extended through August 30, 2011.

BE IT FURTHER RESOLVED, that the terms and conditions of the lease shall be substantially similar to those outlined in the prior lease agreement and shall include the following conditions and restrictions:

1. The extension of the lease shall be for June, July, August and September with a monthly rental of \$1,250.00 per month to be paid to the Borough of Highlands. Any arrears currently in existence shall be made current immediately and the payment of rents going forward shall occur on the 15th day of each month of this temporary extension and if not received, the lease extension shall immediately terminate and further use of the land prohibited.

2. A per diem fee of \$100.00 per day for the utilization of the lot for valet parking on days beyond the term of the lease identified herein above shall be paid to the Borough of Highlands for each day of use. The days which Dan-Rob intends to utilize the property for valet parking beyond the four month term outlined herein above must be approved in writing in advance of any such use, by the Borough Administrator in writing. But under no circumstances shall said use of land extend beyond August 30, 2011.

3. Dan-Rob shall continue its liability insurance which names the Borough of Highlands as an additional insured with defense and indemnity rights and protection identified on the certificate of insurance and defends the Borough of Highlands from any loss or claims arising out of the use of the lot. The insurance limits of liability coverage shall be a minimum of \$1,000,000.00. Dan-Rob shall continue to be responsible for all maintenance of the parking lot.

4. Dan-Rob shall maintain the property during the lease extension and may be required, at its own cost and expense, to have a Borough of Highlands Police Officer specifically assigned to special

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

patrol of its property and location from 11:00 p.m. until 3:00 a.m. on Friday and Saturday nights throughout the term of this lease extension.

Seconded by Ms. Kane 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. Francy offered the following Resolution and moved on its appointment:

**R-11-50
RESOLUTION APPOINTING
PROVISIONAL
PART-TIME CASHIER, TYPIST**

WHEREAS, the Borough is in need of a part-time cashier/typist in the Main Office at Borough Hall; and

WHEREAS, the Borough Administrator advertised for said position and conducted interviews; and

WHEREAS, it is the recommendation of the Borough Administrator that **Allison Worthington** be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that **Allison Worthington** is hereby appointed provisionally as a part-time Cashier/Typist for the Borough of Highlands.

BE IT FURTHER RESOLVED that said appointment will be compensated at an hourly rate of \$12.00 per hour for four (4) hours per day Monday through Friday.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mayor Nolan

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-11-51
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES
MICHAEL HALFACRE, ATTORNEY AT LAW**

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

WHEREAS, such professional legal services can only be provided by licensed professionals and the Law Office of Michael Halfacre, P.O. Box 299, Little Silver, NJ is so recognized; and

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$36,666.70 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period February 2, 2011 through June 30, 2011 per the attached contract:

Retainer \$3,333.34 per month
Hourly Rate for additional services outside of retainer \$115

WHEREAS, the Law Office of Michael Halfacre has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Michael Halfacre 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 the Law Office of Michael Halfacre from making any reportable contributions through the term of the contract, and

WHEREAS, the Law Office of Michael Halfacre has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

I hereby certify funds are available as follows contingent upon adoption of the SFY 2011 municipal budget:

Legal Other Expenses
Sewer Utility Other Expenses

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

1. The Law Office of Michael Halfacre, Esq. is hereby retained to provide professional legal services as described above for an amount not to exceed \$36,666.70 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.
5. The Borough Clerk and Mayor are hereby authorized to execute 2011 Contract.

Seconded by Ms. Kane 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

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

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

**RECAP OF PAYMENT OF BILLS
02/02/11**

| | | |
|----------------------------------|------------|---------------------|
| CURRENT: | | \$1,029,985.62 |
| Payroll | (01/30/11) | \$ 112,539.09 |
| Manual Checks | | \$ 20,505.96 |
| Voided Checks | | \$ |
| | | |
| SEWER ACCOUNT: | | \$ 1,612.84 |
| Payroll | (01/30/11) | \$ 6,921.17 |
| Manual Checks | | \$ 71.90 |
| Voided Checks | | \$ |
| | | |
| CAPITAL/GENERAL | | \$ |
| CAPITAL-MANUAL CHECKS | | \$ 54,855.50 |
| Voided Checks | | \$ |
| WATER CAPITAL ACCOUNT | | \$ |
| | | |
| TRUST FUND | | \$ |
| Payroll | (01/30/11) | \$ 62,306.27 |
| Manual Checks | | \$ |
| Voided Checks | | \$ |
| | | |
| UNEMPLOYMENT ACCT-MANUALS | | \$ 910.50 |
| | | |
| DOG FUND | | \$ |
| | | |
| GRANT FUND | | \$ 150.00 |
| Payroll | (01/30/11) | \$ 24.00 |
| 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

CURRENT FUND

| | | |
|-------------------|-----------------------------------|----------|
| Future Sanitation | Tipping Fees 1/12/11-1/31/11 | 7,579.74 |
| N.J. D.C.A. | State Training Fees 4Th Qtr. 2010 | 364.00 |
| Verizon Wireless | Cell Phones | 677.39 |

| | |
|---------------------------|-----------------|
| Total Current Fund | 8,621.13 |
|---------------------------|-----------------|

CAPITAL FUND

| | | |
|--------------|---------------------------|-----------|
| Fiore Paving | Waterwitch Ave Payment #3 | 16,253.01 |
|--------------|---------------------------|-----------|

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

| | |
|---------------------------|------------------|
| Total Capital Fund | <u>16,253.01</u> |
|---------------------------|------------------|

SEWER UTILITY FUND

| | |
|---------------------------------|-------------|
| Total Sewer Utility Fund | <u>0.00</u> |
|---------------------------------|-------------|

| | |
|-------------------------------------|------------------|
| Total Supplemental Bill List | <u>24,874.14</u> |
|-------------------------------------|------------------|

Seconded by Ms. Kane 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

Minutes

Mr. Francy offered a motion and moved on the approval of the January 19, 2011 Regular Meeting Minutes, seconded by Ms. Kane and all were in favor.

Ordinances: P.H. & Adoption

Ordinance O-11-2

Mrs. Cummins read the title of Ordinance O-11-2 for the second reading and public hearing. She stated that this ordinance was published in January 25th edition of the Asbury Park Press and may now be opened up for a public hearing.

Mayor Nolan then opened up the public hearing on Ordinance O-11-2 but there were no comments.

Mayor Nolan closed the public hearing on Ordinance O-11-2.

Mrs. Cummins read the title of Ordinance O-11-2 the third, final reading and adoption.

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption 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

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

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

Committee Reports:

Finance

Mr. Pfeffer stated that the SFY 2011 Budget was just adopted. He will start working on the SFY 2012 budget with the Budget Review Committee. He stated that the Finance Committee is made up of the Mayor, Mr. Francy and himself. He then stated that with regard to Ordinance O-11-2 a resolution will follow for the next meeting for this.

Mr. Francy – we have a standing Citizens Budget Committee and at this point we would be looking for other volunteers to join this committee.

Mrs. Cummins informed the public that any interested person must submit a Citizen Participation Form to her office.

Mr. Pfeffer was then excused from the meeting.

Public Safety

Chief Blewett read the following report:

POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

Report to Council
February 2011

- * On January 23, 2011 this department received a call in regard to an erratic driver on Hwy 36. Officers were dispatched and conducted a motor vehicle stop which resulted in the vehicle driver, Michael Didominico, 43 years old, W. Highland Ave, Atlantic Highlands being arrested

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

and charged with possession of a controlled dangerous substance, possession of paraphernalia and several motor vehicle violations. The passenger, MaryEllen Malone, 48 years old, W. Highland Ave, Atlantic Highlands was also arrested and charged with possession of paraphernalia

* On January 25, 2011 Shore Drive residents reported that sometime between 9:00 a.m. and 6:00 p.m. unknown person(s) entered their residence and removed approximately \$5500.00 worth of jewelry.
The investigation has been cleared.

* As part of the department's continued Community Policing efforts Canine Officer Chesek and Dedr conducted a demonstration for the students at Henry Hudson Regional School on January 28, 2011. During the demonstration the students not only learned about the canine officer's responsibilities and training but also witnessed Dedr's ability to sniff out drugs.

* As you might already be aware, I sent a letter to the New Jersey Department of Transportation requesting a yield sign at the top of the North Ramp in order to avert any hazards created by motorists driving through the painted gore area. On February 1, 2011 I received the Department of Transportation's response stating that the North Ramp approach was designed to function as a free flow intersection without encountering conflicting traffic movements thus minimizing vehicular delays and avoiding rear end collisions. Although the DOT stated that they understand my concerns they only recommend that vehicles that willfully travel through the gore are be penalized, therefore, the DOT is not going to take any action towards placing a sign at the North Ramp.

* Total Calls for Service: 513

* Arrests: Adults: 16 (6 for possession of CDS)
JV: 0

* Summons: Total: 52

Moving Violations: 23
Non-Moving: 20
DWI: 3
Boro Ordinance: 6

(Statistical Information is from January 1 – 31, 2011)

Department of Public Works

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Mr. Hilling stated that we received a grant from County for \$13,000 for Recycling Containers to be placed along Bay Avenue. We also received DEP approval to dispose of snow into the river.

Building & Housing

Mr. Hilling spoke about Substandard Housing. He stated that 150 Navesink Avenue, we are waiting for bank to cover demolition of house but they don't want to pay. Borough is soliciting new quotes for demolition then will work on 80 Miller Street.

Parks & Recreation

Mr. Hill stated programs are up and running for the winter.

Mr. Francy – we are exploring the option of renting out our community center as a source of revenue.

Public Relations

Mr. Francy – we have set up a meeting for next Saturday at 9AM for the Highland Avenue Rehabilitation Project. This is a NJDOT fund grant that we got in relation to the bridge activities. We are going to rehab Highland Avenue and in addition we got Woodland Street added to this project. So at this point the plans are done and we are bringing it back to the citizens. A screen presentation will be done at the Saturday meeting showing the plans in detail and everyone is welcome.

Tara Ryan asked if there would be access to the plans for the public.

Mr. Francy – there will be a pdf of the drawings that will be available on a disk. They can also be put on the website.

Mr. Braswell – yes, they can be put on the website.

Environmental/Shade Tree

Mr. Francy – the Exxon who's on the hook for the contamination of the old Exxon on Hwy 36 are in the process of creating a modification plan. He then spoke about the Bayside Drive contamination.

Administration

Mr. Hilling reviewed his following report:

MEMORANDUM

DATE: February 1, 2011
TO: MAYOR NOLAN, BOROUGH OF HIGHLANDS; COUNCIL MEMBERS
FROM: BRUCE HILLING, BOROUGH OF ADMINSTRATOR
RE: SUMMARY OF ACTIVITIES •January 2011

DEPARTMENT OF PUBLIC WORKS (DPW)

1. Bulk and pick up by zone scheduled for March. Recycle pick up for zone 4 rescheduled for February 2nd.
2. Still awaiting FEMA claim money for flooding in Waterwitch Pumping Station, some 25 K.
3. Data collection costs on Christmas snowstorm completed. [50 k including sand and salt]
4. Oswald cleaned a large area of Bay Ave adjacent the new bridge. Material removed included large chunks of concrete. Will discuss reimbursement costs with DOT.
5. Twice a week Commercial garbage pick up now in place.
6. Borough awarded a 13k county grant for new recycle containers on Bay Ave and the parks.
7. Borough has received approval from State DEP ti dump snow in the Shrewsbury River if needed.

DEPARTMENT OF TRANSPORTATION (DOT)

1. Approximately 10 damage claim forms have been submitted to DOT through the Borough. Will continue to follow up.
2. Still pending is final voucher for DOT Police work performed by Borough Officers.
3. Also pending is our request for a new stop/yield sign at the top of north ramp. Will continue to push this.

NISCELLANEOUS

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

1. Watewitch Ave resurfacing job completed Dec 23rd.
2. New generators awarded from CDBG Funds have been relocated temporarily to the pump stations and Community center.
3. Borough Hall services closed on Monday, Feb 21st for President's Day.
4. Quarterly tax and Sewer bills due March 1st.
5. Highland Ave resurfacing project scheduled to start Spring 2011.
6. Many thanks to Chief Dave Parker and his firefighters for their hard work, support and dedication supplementing snow removal. Mission accomplished because of them!!
7. Will notify the county park system this month to discuss the relocation of the old bridge pillars
8. State has been formally notified the Borough will no longer conduct BHI inspections

Library

Ms. Ryan gave the following report:

HIGHLANDS BORO LIBRARY

FEBRUARY 2, 2011 COMMITTEE REPORT

- 1) Participation in "Breakfast With Santa" event at Community Center. 57 children participated in the Library Holiday Craft Project, and our 2 story-times.
- 2) 100 Books on Tape/Audio Media donated to our library by Monmouth County Library, Eastern Branch.
- 3) We are attempting to open the library whenever there are meetings or events that may also attract new Library members. Recently we opened prior to a Neighborhood Watch meeting, and a 4-H club meeting.
People attending each event joined the library; we will attempt to continue this source of out-reach.
- 4) The "Story Time For Children of All Ages" has more participants each month. The story is read in English and Spanish, and there is a craft project related to the reading material. Some wonderful projects are on display.
- 5) One of our High-School volunteers is working with another more mature volunteer to create a workshop "Computer for Absolute Beginners". The M/M volunteer had never even sat in front of a computer, let alone surfed the web. By the end of the first meeting she was sending e-mail and getting SS info. When they are ready the volunteers will offer the workshop to members of the Seniors group. We have had many inquiries about a computer. A lap-top has been donated, we are working to get it set up w/ a printer. Computer usage will be audited and filters will be used. We will be conferring w/ Tim Hill about this.
- 6) If you have not been to the Highlands Boro Libray please stop by For a visit; you'll be amazed.

Mr. Francy encouraged Ms. Ryan with moving forward with computers at the library.

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Highlands Business Partnership

Carla Cefalo-Braswell of the HBP requested to table this report.

AHHRSA

Mr. Francy – we want to move forward to dissolve the sewerage authority. Atlantic Highlands wants us to pick up the pace.

Mr. O’Neil - wait until the TOMSA litigation is resolved.

Ken Braswell of the AHHRSA – nothing can happen until TOMSA is settled.

Other Business:

Grease Trap Ordinance & Bldg Dept Fee Ordinance

Mayor Nolan advised the public that these two items are being tabled because the Construction Official was not able to attend tonight’s meeting.

Community Center Fee Ordinance

Mr. Hill explained that we are looking into rental of the community center. There is extensive work to be done. We are looking to put fees in place to offset and generate fees for Borough.

Community Center Crawl Space Piping Discussion

Mayor Nolan explained that we need to leave the water running during cold weather to prevent pipes from freezing so we are a heater for the pipes in. He then requested a cost estimate to be prepared for this by the engineer.

Review of Park & Dog Ordinance Amendments

The Council reviewed a draft park and dog ordinance and directed the clerk to schedule it for introduction at next meeting.

Mercantile License Fingerprinting Discussion

Mayor Nolan – the mercantile license with fingerprinting takes a very long time. He uses a company at his job where only a few hours. He recommends background checks and then if there are any hits require fingerprinting.

Chief Blewett explained how the State changed the law and it now takes several weeks to get an appointment for fingerprinting.

Mayor Nolan – he will first speak with the Chief and then the Borough Attorney to amend our ordinance.

BID Ordinance Amendment Discussion

Ms. Kane – we had Mr. Arnette compare the ordinances and ours if fully functional. She read through her issues. She then read through the list of changes to that the HBP wants. Section 17-2, she does not agree with change, Section 17-2, she does not agree with change and Ms. Braswell agreed. Section 17-6 location of BID office, discussions and it did not appear to be a problem to remove this. Section 17-7, Carla spoke about not increasing the amount of board members.

Mrs. Braswell stated that she just received the assessment roster which has to be part of the ordinance and she has reviewed it and it appears to have included all of the properties.

Mr. Francy – we are going to remove the \$5.00 cap and replace it with language that reflects the approved budget.

Mrs. Braswell explained that the budget should never be in the ordinance.

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Mayor Nolan requested that Ms. Kane meet with Carla to review this ordinance and bring it back to the table.

Mr. Francy – we need to add the OPRA language to the ordinance.

Mayor Nolan – we can bring this back to the table on March 2, 2011.

Garden Club – Improvement to Ederle Park

Mr. Hilling stated that he is still waiting for the Tax Assessor to provide the proper ownership of the area with the proposed improvements.

Mayor Nolan requested that this be carried to the next meeting.

Public Portion:

Nancy Taurez of 23A North Street stated that she would like to applaud Chief Blewett for us not having gang activity in the town. She is hear about a letter about our Police Department merging with Middletown. She thought that the Police Contract was settled but at the last meeting Mayor Nolan stated that this is not off the table.

Mayor Nolan explained that nothing is off the table. He also stated that he only had one meeting with Middletown about shared services.

Nancy Taurez spoke against the borough approving Middletown Policing us.

Mayor Nolan – if any more meetings on this, he will announce at next Council Meeting or put it on the website.

Mayor Nolan and Ms. Taurez continued discussion on shared services.

Tara Ryan of Ocean Street questioned sewer bills and if there was notice of the sewer rate increase.

Mr. Francy explained that yes notice was given about the sewer rate ordinance.

Jim Parla of Portland Road questioned what would happen if we dissolve the AHHRSA.

Mayor responded and mentioned that a private company is interested in purchasing sewer. He then spoke about sewer billings issues.

Jim Parla spoke about the DOT's north ramp. He then questioned the gang news article.

Mayor Nolan and Mr. Francy explained that it was in the paper starting on Sunday and went into Monday on the Asbury Park Press.

Jim Parla – he just reviewed a recent State report which stated that we have six major gangs in Highlands.

Mayor Nolan and Mr. Francy spoke about the news article that Highlands was on the list of the top 15 towns with gang activity.

Patty Parker of 59 Snug Harbor Avenue spoke about past snow storm and how all volunteers and employees did an excellent job. She then stated that she does not support the merging of the police department.

Mayor thanked all for service during storm.

Carol Bucco of 330 Shore Drive questioned professional legal service resolution. She then questioned why the tax bills had no assessment on them.

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
February 2, 2011**

Mr. Hilling stated that he will call Ms. Bucco back about the assessments not being on the tax bills.

Mary Margaret Kurtz of 20 Second Street spoke about police and her opposition to losing our police department. She then described a personal experience that she had with the Highlands Police Department.

Carla Braswell – passed.

Dr. Ray Horan spoke against us losing police department and merging with Middletown.

Jim Bemis of Portland Road wants the “No Parking” signs put back up on Portland Road, north of Wyndmoor. He also stated that the “Stop” sign by OLPH is missing.

Mr. Hilling will take care of the signs.

Ken Braswell stated that there is also a sign missing on Central Avenue.

Peter Dempsey of S. Peak Street spoke about how he has been watching this town be dismantled. He spoke against the loss of our Police Department. He then complained about the garbage pick up.

Marissa Peterson of Barberie Avenue spoke about the police merging meetings.

Mayor Nolan explained that he met once to speak about shared services. He explained that we also looked into taking over Sea Bright’s department. He stated that nothing is off of the table and that it would take six to nine months to merge.

Ms. Kane stated that she wants to save the police department and would want to put this out for referendum.

Ray Horan of Portland Road stated that the entire town is talking about this police merger.

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

Carolyn Cummins, Borough Clerk