

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
February 16, 2011**

Mayor Nolan called the meeting to order at 7:29 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 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, Mayor Nolan**

**Absent: Ms. Kane**

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

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**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: Ed Kwik, Robert Rauen**
- 2.Contract: Eastpointe Condo Service Agreement**
- 3.Real Estate:**
- 4. Personnel Matters: Dave Mercado – Riced,  
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.

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

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Ms. Kane**

**ABSTAIN: None**

The governing body then entered into Executive Session.

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Mayor Nolan called the Meeting back to order at 8:29 P.M.

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

**ROLL CALL:**

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

**Absent: Ms. Kane**

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

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**Consent Agenda:**

Mrs. Cummins stated that as per the request of the property owner, we are pulling R-11-56 Change of Corporate Structure of Liquor License.

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

**R-11-52  
RESOLUTION  
AUTHORIZATION FOR SALE OF NOTES  
SPECIAL EMERGENCY APPROPRIATION  
SEVERANCE LIABILITIES RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE LAYOFF OR  
RETIREMENT OF EMPLOYEES**

**DATE: FEBRUARY 16, 2011**

WHEREAS, an ordinance (O-11-02) has been adopted creating a special emergency appropriation of \$110,000 to meet certain expenses to be incurred for severance liabilities resulting from accrued leave in connection with the layoff or retirement of employees and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members, thereof, affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55:

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1. The sum of \$110,000 is hereby appropriated for severance liabilities resulting from accrued leave in connection with 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. That an emergency note or notes be authorized not in excess of \$110,000, the amount appropriated by the Ordinance stated above.
3. That said note or notes shall be issued in fiscal 2011 and may be renewed from time to time and at least 1/5 of all such notes and renewals, thereof, shall mature and be paid in each fiscal year thereafter until all are paid.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

Mayor Nolan offered the following and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-53**

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE  
GENERAL CAPITAL FUND**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

<b>ORDINANCE NUMBER</b>	<b>PROJECT DESCRIPTION</b>	<b>AMOUNTS TO BE CANCELED</b>	
		<b>FUNDED CAPITAL SURPLUS</b>	<b>UNFUNDED</b>
O-08-12	Acquisition of Open Space (2 Private Road)	\$17,600	\$760,000

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

Mayor Nolan offered the following resolution and moved for its adoption:

**R-11-54**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

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**RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR SFY 2010**

**WHEREAS**, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

**WHEREAS**, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the State Fiscal Year 2010;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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:** Ms. Kane

**ABSTAIN:** None

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-55

**RESOLUTION PROFESSIONAL LABOR COUNSEL SERVICES  
AS A NON-FAIR AND OPEN CONTRACT TO  
CLEARY GIACOBBE ALFIERI JACOBS, LLC**

**WHEREAS**, the Borough of Highlands has a need for professional labor counsel 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 firm of Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, NJ 07932 is so recognized; and

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

**WHEREAS**, this contract is to be awarded at an hourly rate of \$145.00 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period February 16, 2011 through June 30, 2011. All rates based on the services utilized are provided for in the contract between Cleary Giacobbe Alfieri Jacobs, LLC and the Borough of Highlands; and

**WHEREAS**, the firm of Cleary Giacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Cleary Giacobbe Alfieri Jacobs, LLC 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 firm of Cleary Giacobbe Alfieri Jacobs, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of Cleary Giacobbe Alfieri Jacobs, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

Current Fund Legal = \$20,000

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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. That Matthew J. Giacobbe, Esq. of the firm of Cleary Giacobbe Alfieri Jacobs, LLC. is hereby retained to provide professional labor counsel services as described above for an amount not to exceed \$20,000 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.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Ms. Kane**

**ABSTAIN: None**

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

**R-11-57  
RESOLUTION AUTHORIZING  
RENEWAL OF SERVICE AGREEMENT  
WITH THE MONMOUTH COUNTY SPCA**

**WHEREAS**, the Borough of Highlands has a need for providing housing services for stray animals in the Borough of Highlands; and

**WHEREAS**, the Borough currently uses the Monmouth County SPCA as a drop off site to be used by our Animal Control Officer to drop off stray animals; and

**WHEREAS**, the Borough's current service agreement is expiring and must be renewed no later than by February 14, 2011.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Service Agreement with the Monmouth County SPCA is hereby approved and the Borough Clerk and Borough Administrator are hereby authorized to sign contract.

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

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**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-11-58**

**RESOLUTION APPROVING DISABLED PARKING SPACE**

**WHEREAS**, applications for a Disabled Parking Designations were submitted to the Highlands Police Department by Lisa Granata of 302 Navesink Avenue, Cindy Palm of 25 Fourth Street and William Mesek of 16 Ocean Avenue; and

**WHEREAS**, the Chief of Police has reviewed the applications and recommends the approval of said Disabled Parking Designations;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designations for the following is hereby approved:

1. Lisa Granata of 32 Navesink Avenue – disabled parking designation sign be erected onto existing “No Parking Here to Corner” on Rogers Street near the corner of apartment A-1 with placard #P844277.
2. Cindy Palm of 25 Fourth Street – disabled parking designation sign be erected Fourth Street adjacent to Pole #110 and four (4) feet east with placard #P977930.
3. William Mesek of 16 Ocean Ave – disabled parking designation sign be erected on Ocean Ave four (4) feet north of pole #BT400364B with placard #P998205.

**BE IT FURTHER RESOLVED** that the Borough of Highlands DPW install Disabled Parking Designations Signs at said locations:

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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

**R-11-59**

**RESOLUTION SETTING  
SALARIES FOR SFY 2011  
STATUTORY OFFICERS**

**WHEREAS**, the Borough of Highlands and the Borough Clerk and the CFO seek to have the salary set for the fiscal year 2011; and

**WHEREAS**, it has been determined by the Governing Body that a salary increase in the amount of 3.25%, which is the same rate approved for the CWA be approved for the Borough Clerk and CFO.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Highlands that a salary increase of 3.25% for the SFY 2011 be approved for both the Borough Clerk and the 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, Mayor Nolan

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**NAYES: None**  
**ABSENT: Ms. Kane**  
**ABSTAIN: None**

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

**R-11-60  
RESOLUTION AUTHORIZING DISPOSAL OF  
OFFICE EQUIPMENT**

**WHEREAS**, the Brother Typewriter Model BEM-530, Serial #A98168083 assigned to the Police Department no longer works; and

**WHEREAS**, because of the condition of the equipment it has been determined that the subject typewriter is of little or no value and should be disposed of.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that authorization to dispose of the Brother Typewriter Model BEM-530, Serial #A98168083 is hereby approved.

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

**ROLL CALL:**

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

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

**R-11-61  
RESOLUTION  
BOROUGH OF HIGHLANDS  
LOAN NO. 1329001-001-003**

**WHEREAS**, the Borough of Highlands intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Borough's Drainage Improvements Project:

The proposed project includes the construction of various drainage system improvements in the downtown, low lying areas of the Borough. The intent of the improvements is to increase the capacity of the existing drainage system and add a pump station to the northwestern portion of the downtown region to alleviate flooding and sediment pollution concerns. Proposed improvements include construction of a new storm water pump station in Jones Creek, replacement of the existing outfall from the Valley Street Pump station, the replacement/upgrade of portions of the existing storm water infrastructure and the installation of additional drainage infrastructure in various portions of the Borough.

**NOW, THEREFORE BE IT RESOLVED**, that Frank Nolan, Mayor, be authorized to act as the Authorized Representative to represent the Borough of Highlands in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

Borough of Highlands  
171 Bay Avenue  
Highlands, New Jersey 07735

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(732) 872-1224**

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Ms. Kane**

**ABSTAIN: None**

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-62

**RESOLUTION APPOINTING THE ARNETTE LAW FIRM, LLC  
AS PROFESSIONAL LEGAL COUNSEL  
THROUGH THE NON-FAIR AND OPEN PROCESS**

**WHEREAS**, the Borough of Highlands has a need for professional legal counsel services for tax appeal and tax litigation matters and special litigation matters: and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm the Arnette Law Firm, LLC, P.O. Box 7366, Shrewsbury, NJ 07702 is so recognized; and

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

**WHEREAS**, this contract is to be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 through December 31, 2011 at an hourly rate of \$115.00 per hour for the period February 1, 2011 through June 30, 2011 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands. All rates based on the services utilized are provided for in the contract between The Arnette Law Firm, LLC and the Borough of Highlands; and

**WHEREAS**, the firm The Arnette Law Firm, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm, LLC 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 The Arnette Law Firm, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Arnette Law Firm, LLC 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

Current Fund Legal = \$15,000

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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;



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

1. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby appointed and retained to provide professional legal counsel services as described above through December 31, 2011.
2. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby retained at an hourly rate of \$115.00 per hour for the period February 1, 2011 through June 30, 2011, in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
3. 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.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. 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, Mayor Nolan

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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

**R-11-63**

**CANCEL TAX OVERPAYMENTS**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the tax rolls and determined that certain properties have credit balances that are old and outstanding, and

**WHEREAS**, the Tax Collector recommends that the tax overpayments be cancelled,

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Council of the Borough of Highlands, in the County of Monmouth, New Jersey, that the Tax Collector cancel tax overpayments effective immediately as follows:

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
1.01	15	2008	24.06
1.01	16	2006	266.49
1.02	4	2008	838.84
1.02	12	2008	30.00
1.02	23	2007	1,267.54
1.04	8	2006	1,010.53
1.04	17	2008	1,102.65
6	10	2008	49.35
9.01	21	2007	1,496.73
10	3.02	2008	800.00
11.09	5	2008	13.53
11.09	8	2008	43.51
11.10	6	2007	28.81
11.11	14	2008	10.73
11.11	15	2007	16.33
14	1.01	2007	84.72

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21	15	2007	203.58
23	1	2008	22.85
36	2	2007	438.26
37	8.02	2008	250.00
38	1	2007	3,460.38
40	2	2007	127.16
43	10	2007	200.00
44	2	2007	261.84
45	2.05	2007	940.26
47	12	2008	18.95
48	3	2008	18.32
54	23	2008	1,120.90
57	14	2008	174.92
57	16	2008	835.05
59	3	2008	47.49
59	16.01	2007	235.58
59	23	2007	356.64
60	16	2007	50.92
62	2	2007	110.34
63	9.01	2007	83.28
63	19.01	2007	55.41
64	8	2006	885.43
65	12	2007	308.49
66	8	2008	28.48
66	14.07	2007	41.14
69	1	2007	1,163.22
69	15.10	2008	42.35
71.73	7.06	2007	83.18
71.73	7.16	2007	63.41
72	7.02	2007	61.92
72	9.22	2008	16.09
72	36	2007	19.25
75	15	2008	17.56
76	14	2007	20.00
79	8	2007	39.13
83	6	2007	200.83
87	4	2007	41.07
88	1.01	2007	16.10
91	13.01	2008	890.00
93	3	2007	1,062.37
98	6.18	2008	33.49
100	26.47	2007	24.94
100	26.47	2008	51.47
100.4	29	2008	773.52
100.5	44	2008	12.51
100.6	56	2007	960.84
100.6	60	2008	250.00
100.7	17	2007	18.20
100.7	26	2007	862.67
100.10	91	2008	13.72
100.11	140	2008	901.97
100.12	153	2007	42.77
101	7	2007	860.69
103	10	2008	133.19
103	16	2008	32.99
106.1	303	2007	53.66
106.1	608	2008	31.58
106.1	1107	2007	1,544.91
106.1	1204	2008	41.48
106.1	1307	2008	46.54
109	1	2008	16.99
112	12.05	2007	27.30

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112	12.13	2008	106.82
115	9.110	2008	1,988.72
115	9.201	2007	138.13
115	9.303	2007	15.33
118	7	2007	231.55
120	8.05	2007	270.94
120	10.2-21	2008	27.38

Totals \$30,610.27

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

**ROLL CALL:**

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

**Mayor Nolan offered a motion and moved on the approval of the following payment of bills:**

RECAP OF PAYMENT OF BILLS

02/16/11

<b>CURRENT:</b>		\$	86,092.12
Payroll	(02/15/11)	\$	
Manual Checks		\$	33,345.75
<hr/>			
Voided Checks		\$	
<b>SEWER ACCOUNT:</b>		\$	4,861.66
Payroll	(02/15/11)	\$	
Manual Checks		\$	1,040.57
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	18,751.01
<b>CAPITAL-MANUAL CHECKS</b>		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$	49,951.56
Payroll	(02/15/11 )	\$	
Manual Checks		\$	
Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	253.80
<b>GRANT FUND</b>		\$	200.00
Payroll	(02/15/11)	\$	
Manual Checks		\$	
Voided Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	
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

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**CURRENT FUND**

Century Office Products	Copier Maint. & Supplies	57.14
Ceridian	Annual Renewal Fee - Cobra Services	72.00
Ceridian	January Cobra Fees	171.89
Future Sanitation	Tipping Fees 2/1/11-2/10/11	4,851.65
Future Sanitation	Solid Waste & Recycling Service	8,366.92
Michael Halfacre	Retainer 2/2011	3,333.34
Horizon Blue Cross	Dental Premium 3/2011	2,778.98
NJSHBP	2/11 Employee Health Benefits	43,253.68

**Total Current Fund**

62,885.60

**CAPITAL FUND**

Freehold Soil Conservation	Permit Fee Highland Ave. Road Improvements	2,895.00
NJDEP	Permit Fee Drainage Improvements	52,500.00
<b>Total Capital Fund</b>		<u>55,395.00</u>

**SEWER UTILITY FUND**

Horizon Blue Cross	Dental Premium 3/2011	342.96
NJSHBP	2/11 Employee Health Benefits	3,163.58

**Total Sewer Utility Fund**

3,506.54

**Total Supplemental Bill List**

121,787.14

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

**ROLL CALL:**

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

Mrs. Cummins asked for a motion to carry R-11-56 to March 2<sup>nd</sup> meeting,

Mayor Nolan offered and it was 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, Mayor Nolan  
**NAYES:** None  
**ABSENT:** Ms. Kane  
**ABSTAIN:** None

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**HBP Budget:**

Mrs. Cummins stated that this was previously scheduled for adoption this evening. Mr. Halfacre reviewed the statute and there is a time concern. This will be carried to the March 2<sup>nd</sup> meeting.

Mayor Nolan offered to carry to March 2<sup>nd</sup> meeting and it was seconded by Mr. O'Neil and all were in favor on the following roll call vote:

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**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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**Ordinances: Introduction & Setting Public Hearing Date for March 16, 2011:**

**Ordinance O-11-3**

Mrs. Cummins read the title of Ordinance 0-11-3 for introduction and setting of a public hearing date of March 16, 2011.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 16, 2011 at 8:00 P.M. and authorized its publication according to law:

**Ordinance No.O-11-3**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF  
THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF HIGHLANDS**

WHEREAS, the Mayor and Council are desirous of allowing dog owners to responsibly walk with their dogs in the Borough's public spaces, parks, walkways and beaches; and

WHEREAS, certain modifications to the Borough Ordinance needs to be made to allow this recreational purposes to be met;

NOW THEREFORE, be it Ordained that the following amendments to the Revised General Ordinances of the Borough of Highlands are made:

§3-13.16(b) is hereby deleted in its entirety and the following inserted in its place:

b. *Domestic Animals.* No person shall bring a dog or other domestic animal into a park unless the dog or domestic animal is on a leash, under control and the person has a visible means to clean up animal waste.

§5-12 is hereby deleted in its entirety and the following inserted in its place:

No person owning, walking or otherwise having custody or possession of any domesticated animal kept for amusement or companionship shall cause, suffer or permit such domesticated animal to soil, defile, defecate on, or commit any nuisance on any private property without the permission of the owner of the private property obtained in the last instance.

Any person owning, walking or otherwise having custody or possession of any domesticated animal which soils, defecates on, or commits any nuisance on any curb, street, sidewalk, park, playground, school land, or upon any private property without the permission of the owner of said private property, shall immediately remove all feces deposited by any such domesticated animal, which removal shall be in a sanitary manner by shovel, scoop or other device, and placed in a container and promptly disposed of in a sanitary manner.

§13-6.2(e) is hereby deleted in its entirety and the following inserted in its place:

e. Permit his/her dog or domestic animal on the borough beaches or public walk unless the dog or domestic animal is on a leash, under control and with a visible means to clean up dog or domestic animal waste.

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**ORDAINED** that this Ordinance shall take effect immediately upon its passage and publication in accordance with the Law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

**Ordinance O-11-4**

Mrs. Cummins read the title of Ordinance 0-11-4 for introduction and setting of a public hearing date of March 16, 2011.

Steve Pfeffer stated that a correction had to be made to a job title.

Chris Francy asked what these salaries represent.

Steve Pfeffer explained that this ordinance will cover all employees who worked here in this twelve month period, represents people who may not be here now. The ordinance reflects the salaries as they will be, with new increases.

Mr. Hilling asked if giving a higher range in the salaries now so we don't have to amend it again next year.

Steve Pfeffer explained that we can do that for the next salary ordinance.

Mr. Francy offered the following Ordinance and moved on its introduction and setting of a public hearing date of March 16, 2011 and authorized its publication according to law:

**O-11-4  
AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF  
CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF HIGHLANDS FOR  
SFY 2011**

BE IT **ORDAINED** by the Mayor and Council of the Borough of Highlands, a municipal Corporation of the State of New Jersey;

Section 1. The annual salaries and compensation exclusive of longevity benefits of the officers and employees holding the offices or positions hereinafter described shall be shown on Schedule A, annexed hereto, for Fiscal Year 2011 (July 1, 2010 – June 30, 2011), payable semi-monthly unless herein described.

Except as provided by labor contract, all salary ranges shall constitute minimum and maximum to be determined by subsequent Resolution of the Mayor and Council within those limits.

Section 2. **OTHER POSITIONS AND DUTIES**

A. All other persons employed by the Borough not otherwise mentioned herein shall be paid at a rate to be fixed by a Resolution of the Mayor and Council.

B. Additional duties associated with the administration of grants awarded to the Borough may be compensated out of the proceeds of said grants at a rate to be fixed and determined by Resolution of the Mayor and Council.

Section 3. **LONGEVITY BENEFITS.**

There shall be no longevity benefit other than where the benefit is specifically mandated by agreement or contract.

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Section 4.       EFFECTIVE DATE:

The salaries and compensation set forth herein shall be effective and payable as of and after July 1, 2010 through June 30, 2011.

Section 5.       REPEALED

All ordinances or parts of ordinances inconsistent with this ordinance are hereby superseded.

Section 6.       IMPLEMENTATION

This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Seconded by Mayor Nolan and approved on the following roll call vote:

Roll Call:

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

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**Other Business:**

**Engineers Report:**

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

***Bruce Hilling***

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

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

Re:     Engineer's Status Report

Dear Mr. Hilling:

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

*General*

1.   **Sanitary Sewer Flow Metering – Monmouth Hills:** As requested by the Borough, we have solicited a quotation to monitor the sanitary sewer flow from Monmouth Hills that is collected within the Borough's sanitary sewer system. We have identified three (3) locations at which the meters will be installed. We have been authorized by the Borough to have the metering completed, interpret the data and prepare a summary report outlining the metering results. The meters have been removed and the data was received by T&M Associates. We have evaluated the data and have requested the water usage for each property. We have not yet received that information.

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 Pump station.

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The design of the entire project is being finalized for submission to the NJDEP at the end of the month.

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.

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

The Contractor has substantially completed the project and will address the remaining minor items in the spring.

4. **2011 Roadway Improvements Project:** T&M Associates has prepared and submitted a revised proposal for design and contract administration services for the following roadways:
  - **Valley Avenue Resurfacing:** from Highland Ave. to the western terminus
  - **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street
  - **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity 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 which confirms the change in approach to the rehabilitation of this roadway.

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. A meeting was held with the Borough and various residents on February 12, 2011 to review the design and further discuss resident concerns.

#### 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 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. The Borough has been notified that it will receive \$160,000 towards the construction of this project.



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**If you have any questions or require additional information, please do not hesitate to call.**

Very truly yours,

T&M ASSOCIATES

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

Mayor and Council discussed the costs and grants from FEMA.

**Highland Avenue Project:**

Dale Leubner spoke about the presentation on Highland Avenue on Saturday, February 12, 2011. He went over the entire project as it stands. It is a reconstruction with significant drainage improvements. Also, sidewalks, curbs, driveways aprons are included in this project. He feels the meeting went well and received good feedback from the residents. He asked for direction from Mayor and Council in regards to traffic calming devices. He would like to include that in this project.

Mayor Nolan directed him to speak with the Chief of Police.

Mr. Leubner requested that residents, who would like a curb cut, notify Mrs. Cummins.

Mr. Francy asked about various traffic calming devices. He would like options. We need to address this.

Mayor and Council continued to discuss driveways aprons and sidewalks.

Mr. Francy asked about Woodland Avenue.

Mr. Leubner said that is a separate project; anticipate starting that toward the end of the summer. He addressed concerns with the location of utility poles around the "s" curve. JCP & L said that maybe one pole could be moved.

Mr. Francy asked about a retaining wall that is falling.

Mr. Leubner said that is private owner issue. It needs to be cleaned up and stabilized. He believed the Code Enforcement Officer sent letters to the owner last year.

Mr. Hilling will follow up on correspondence sent to property owner.

Mr. O'Neil asked about sidewalks on Valley Avenue

Mr. Leubner explained sidewalks will be on the north side.

Mr. Pfeffer stated that originally the Council had authorized by bond ordinance, just the Engineer. Anything that you decided to do we have to put the money in place.

Discussion continued about grant money for this project.

Mr. Leubner stated that there will be a preconstruction meeting with the contractor in March.

Mr. Francy said we will not be doing anything with out the traffic calming issue being resolved.

Mr. Pfeffer stated the money will have to be in place.

**2011 Road Improvement Program:**

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Mr. Leubner spoke about adding other roads to the Highland Avenue Project. Spoke about upper Valley, North Peak. Originally was a reconstruction, and the DOT denied the application. We will now resurface the road. That reduced the cost. He discussed Woodland Street grants and resurfacing of Prospect Street. Money is in place.

Mr. O'Neil stated that everyone should go look at these roads and weigh in at the next meeting.

Council continued discussion about consolidating projects into one Bond Ordinance.

Mr. Pfeffer discussed bonding.

**Community Center Crawl Space Piping – Review of Cost Estimate:**

Mr. Leubner explained the cost to fix this is approximately \$12,000.00.

Mr. Hilling has reached out to several contractors.

Mr. Leubner said to make sure all contractors have the same specs.

Mr. Francy commented that this is a relatively new building. We should not deem a project complete and then have this problem unfinished. This should have been taken care of.

**Garden Club – Proposed Improvement to Ederle Park:**

Mrs. Cummins stated the issue is to resolve the property ownership.

Mr. Hilling said that he spoke with Mr. Heck, Tax Assessor. He stated that he is not sure who owns the property and he will do a title search. Mr. Hilling will copy Mayor and Council and the Borough Attorney on the results. He recommends that the Garden Club to proceed as they have.

**SPCA – Trap, Neuter & Release Program:**

Mrs. Kerry Gowan, Animal Control Officer, spoke explained this program. She explained the costs to the Borough of bringing animals to the SPCA. She feels the language of the ordinance needs to be tightened up regarding feeding stray cats. The State law is, if you feed a cat or animal, it becomes your responsibility. Also, we should have progressive fines. She said that you will see results in four to five years with the TNR program. If the Borough is interested, she will set up a meeting with SPCA to do a presentation. She said many of the surrounding towns are doing this program. Mrs. Gowan recommends that we get a copy of Middletown's Ordinance.

Mr. Francy said lets get a copy of Middletown's ordinance.

Mr. Halfacre said he would look it over.

Mrs. Cummins will contact them to get a copy of it.

Mrs. Gowan will set up the meeting for the March 2<sup>nd</sup> meeting.

**911 Memoria Project Committee-Requests to Replace Sign in Veterans Park:**

Mrs. Cummins said the Project Committee is requesting to replace the sign,

Mr. Francy said that they need to come up with a plan for Statue repairs.

Mayor Nolan asked Mrs. Cummins to call Mr. Fox, have him at the next meeting. We need to create a plan, get deadlines.

**NJNG Energy Study Opportunity:**

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Mr. Connelly stated that this is a grant to get a graduate student who would put together an environmental , a greenhouse gas and a power usage plan for the town. They would study all the facilities the town uses. and make recommendations on how to cut back on that. They may help fund improvements. We only have to provide a point of contact. They would need access to buildings. The study is worth \$100,000.00. No upfront cost to the town. It would take place over the summer. We do have to wait and see if we are chosen.

Mayor Nolan said we are all on board with this. Mr. Hilling will be your point of contact.

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**Public Portion:**

Kerry Gowan – left

Larry Thorne of Highland Avenue – asked about the traffic calming signs. Feels they are needed on Highland Avenue. He explained existing traffic problems.

Mayor Nolan asked the Chief why speed bumps were not part of the plan.

Chief Blewett said the Fire Department objected to them.

Mr. Leubner said this is an appropriate time to address this issue. He will speak with the Chief of Police and will make recommendations.

Council discussed different traffic calming methods.

Mayor Nolan said we will look in to this and get back to him.

Mr. Hilling will be the point of contact for Mr. Thorne.

Al Verdento, no address given – asked about Gimpi's property. He noticed for sale signs on property and wants to know what the status is.

Mr. Hilling said that the Property Maintenance Officer is working on this various issues. The building is up for sale.

Mayor Nolan said that the owner was given a punch list of things to be done.

Mr. Hilling get Mr. Verdento information to contact him with updates.

Carol Bucco of 330 Shore Drive – asked about the municipal service contract for Bayview Condo's. She would like it updated. Feels that the town is not doing what they are supposed to. She gave Scott Arnette and Steve Pfeffer a proposal.

Mayor Nolan requested that Steve Pfeffer forward the proposal to Mr. Halfacre to review it.

Carol Bucco also questioned all the legal service contracts.

Mayor Nolan explained that we have sub-standard housing attorney, Borough Attorney, Labor Attorney and Mr. Arnette.

Tara Ryan of Ocean Street – as a Board of Education Member, announced that the February 21<sup>st</sup> meeting has been changed to Tuesday, March 1<sup>st</sup> at 7:00 p.m. She asked if it can be posted on the signboard and the website. At this meeting, the shared staff with Hazlet school district, will be at this meeting to meet the public and officials.

Mayor Nolan asked about their budget.

Tara Ryan said they are working on it. They will have an answer at the March 1<sup>st</sup> meeting. She mentioned the elections in April for School Board Members for two seats.

Christian Lee – passed.

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Carla Cefalo – passed.

Jim Parla of 16 Portland Road mentioned that Friday night is the Kavookjian Fundraiser at 6:00 at the Windansea. He spoke about cars speeding on Highland Avenue. He mentioned the South Bay Park, was looking great, until the DOT put up the railings. They do not look good. Happy that the DOT tried to work with us, but what happened at the end.

Mayor Nolan asked Mr. Hilling why it went that way in the end, was there a drawing?

Mr. Hilling said we knew the railing were going up. We didn't understand what they were going to look like and the size.

Mayor Nolan said he will speak with Mr. Hilling about this on Friday, to come up with some ideas to minimize it.

John Amici of 3 Thompson Avenue – spoke against shared services with Middletown. Middletown is planning lay offs also. Spoke about the gang problems. Thinks we have a great Police Department here.

Dr. Ray Horan of Grand Tour – spoke about police shared services with Middletown. He questioned the Mayor about how many meetings he has had with Middletown. He feels that we need a police presence here.

Scott Surfert of 15 Prospect Street – We need to get the road fixed. Since the Water Company tore it up two years ago, it is falling apart. It's getting worse.

Mayor Nolan asked Mr. Leubner is there are any plans for Prospect Street.

Mr. Leubner said at the end of the summer.

Mayor Nolan said anticipated finish by fall.

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

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**Debby Dailey, Deputy Borough Clerk**