

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

Rick O'Neil called the meeting to order at 7:05 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, Ms. Kane

Absent: Mayor Nolan

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:

Mr. O'Neil 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: Rauen/Hillside Village Condo's Possible Litigation
Seastreak Sewer Billing Possible Litigation**
- 2.Contract: Clam Plant Lease**
- 3.Real Estate:**
- 4. Personnel Matters: Temporary Part Time Dispatcher Position**
- 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.

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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.
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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

The governing body then entered into Executive Session.

Mr. O'Neil called the Meeting back to order at 8:18 P.M.

Mr. O'Neil asked all to stand for the pledge of allegiance.

Mr. O'Neil asked for a moment of silence for Mayor Nolan brother who passed away on Saturday.

Present: Mr. Connelly, Mr. O'Neil, Mr. Francy,

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Absent: Ms. Kane, Mayor Nolan
Also Present: Carolyn Cummins, Borough Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Michael Halfacre, Esq., Borough Attorney

Resolution – Proclaiming Development Disabilities Awareness Month

Mrs. Cummins read Resolution R-11-72 proclamation into the record.

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

R-11-72
RESOLUTION
PROCLAMATION IN RECOGNITION

WHEREAS intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;

AND WHEREAS public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities;

AND WHEREAS people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;

AND WHEREAS the month of March has been designated Developmental Disabilities Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

AND WHEREAS The Arc of Monmouth serves over 2000 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

AND WHEREAS The Arc of Monmouth is celebrating 62 years of service to families and individuals throughout Monmouth County;

THEREFORE the Governing Body of the Borough of Highlands, NJ does hereby proclaim March, 2011 as
DEVELOPMENTAL DISABILITIES AWARENESS MONTH

In the Borough of Highlands, New Jersey and urges that the citizens of Highlands, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Presentation:

SPCA re: Trap, Neuter and Release Program for Cats

Laurie Garrison, Executive Director of the Monmouth County SPCA. We would like to start this program of cats in Highlands and Atlantic Highlands. She described the process of how the program works. This would stop the cycle. It stabilizes the population. The kittens would be put up for adoption. The SPCA sponsors the program. She explained the training of colony caregivers and that this would make it okay for people to feed the cats.

Francesca Alexander, Community Cat Coordinator spoke about how this program is working in Sea Bright. She explained the process of organizing the people who are feeding cats. They teach them how to trap the cats for processing and how to keep the colonies clean. She said the feral cats will become managed by a care taker.

Mr. O'Neil asked about the cost.

Ms. Alexander said that right now, it costs the town \$130.00 per cat. Trapped cats that go through this program will cost \$90.00 per cat. She explained that feral cats can live between 5-6 years.

Mr. Francy asked about the responsibilities of the colony managers, would they get licenses for these cats?

Ms. Alexander stated that this would be up to the town.

Discussions continued.

Mr. Francy feels that this is a win/win for Highlands. This is a cost reduction to the town.

Mr. Hubeny, Borough Administrator of Atlantic Highlands said that he has received the ordinance from Sea Bright and is looking in to it. He is here to listen to the presentation and bring back information to the council. He questioned the location of the feeding stations.

Ms. Alexander stated that the stations are usually on public property. In Sea Bright, it is the recycling yard. The caretakers are trained to keep it clean and organized.

Kerry Gowan said that in Highlands, it would most likely be on private property.

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Gail Barther of Wyndmoor Condo's feels that this is a great program for those who love cats or do not like cats.

Ms. Alexander said that there is a lot of information in the ordinance. There is a workshop that the colony care takers would have to complete and get ID cards.

Steve Pfeffer asked if we could do this within the budgets confines that we are restricted to. We only have a certain amount of money budgeted for animal control.

Laurie Garrison said we could stabilize one colony at a time. Work up to three colonies in this year. The training of care takers will not cost the town.

Council continued discussions on locations of colonies.

Francesca Alexander would be our contact person for this program.

Steve Pfeffer we can move on the ordinance and make it work with in the confines of the budget.

Mr. Francy made a motion to authorize Mr. Halfacre to prepare the ordinance and it was seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Presentation:

911 Memoria Project – James Fox

Mr. Fox, Vice-President of the Memoria Project presented a scaled back version of the installation that was last approved by the council in April in 2006 or 2007. They need to stabilize the male statue that has started to lean. They would like to install the foundations for the statues and move them to these new locations. They would also like to install the name stones to the approved location, do some grading and planting.

Council continued to discuss the locations and improvements to the park.

Mr. Francy stated that he is all for getting this done. He is concerned with the time line. We do not have 3 years.

Mr. Fox will give the borough a written timeline based on the resources that they have now to Mr. Hilling to be reviewed at the next meeting.

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Joanne Smith, Treasurer of Memoria Project, spoke about a small sign that they would like to include with this project. It is a heartfelt letter. It lets visitors know why the statues are there.

Mr. O'Neil asked for Mr. Fox to locate it on the next plan and also the amount of fill needed.

Mr. Fox will have that and the time line for the next meeting, March 16th.

HBP 2011 Budget – Public Hearing & Adoption:

Mrs. Cummins read the title of the resolution R-11-73, which was published in the February 12th edition of the Asbury Park Press and it must be approved by not less than a majority of the full membership of the governing body.

Mr. O'Neil opened up for public hearing.

There were no questions.

Mr. O'Neil closed public hearing.

Mr. O'Neil offered a motion and moved on the adoption of the following Resolution:

R-11-73
RESOLUTION APPROVING THE ADOPTION OF THE
HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2011– December 31, 2011 Budget
(12 months)

COMMERCIAL DISTRICT
PROGRAM BUDGET

2011

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

- Ad campaigns
- Tourism
- Public Relations
- Image Building
- Publish Visitor Guide
- Maintain and expand website
- Videos/Commercials

Economic Development.....10,000.00

- Business Recruitment/Retention & Redevelopment

Administrative Budget

Personnel.....15,000.00

Miscellaneous10,000.00

- Legal
- Audit
- Insurance
- Supplies

TOTAL Expenses\$100,000.00

**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

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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 Mr. Connelly and adopted on the following roll call vote:

ROLL CALL:

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

Mr. Pfeffer had a question for the council concerning the budget. The HBP has asked him for an advance to them. They are low on funds. This would require council approval.

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

**R-11-74
RESOLUTION
AUTHORIZATION OF \$5,000 PAYMENT
OF THE HIGHLANDS BUSINESS PARTNERSHIPS BUDGET
IN ADVANCE OF THE BILLING OF THEIR BUDGET**

WHEREAS, the Borough of Highlands Governing Body adopted the Highlands Business Partnerships 2011 Budget in the amount of \$20,000 in assessments; and

WHEREAS, there is a need for an advancement in payment in the amount of \$5,000 for an upcoming event.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to issue payment to the Highlands Business Partnership in the amount of \$5,000 of the \$20,000 budget amount.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy
NAYES: None

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ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Consent Agenda:

Mrs. Cummins stated that we need to remove R-11-69 Resolution for Professional Legal Services - Scarinici & Hollenbeck. She did not receive all of the paperwork in time to proceed with this resolution.

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

**R-11-66
RESOLUTION
APPROVING SOCIAL AFFAIR PERMITS & RAFFLE LICENSE APPLICATIONS
FOR
THE HIGHLANDS FIRE DEPARTMENT**

WHEREAS, the Highlands Fire Department has submitted two Social Affairs Permit Applications and three Raffle License Application with event dated of March 19, 2011 and April 9, 2011; and

WHEREAS, the Chief of Police has reviewed and approved of the applications.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Highlands Fire Departments two applications for a Social Affair Permit and three Raffle License Applications for events to be held on March 19, 2011 and April 9, 2011 are hereby approved and the Borough Clerk is authorized to execute said licenses.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

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R-11-67

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed **\$55,000** plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period January 1, 2011 through June 30, 2011; and

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

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

WHEREAS, 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:

Current Fund: General Engineering and Stormwater Management
Sewer Utility Fund: Other Expenses

Stephen Pfeffer, Chief Financial Officer

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed **\$55,000** 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 hereby authorized to sign said 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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

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

R-11-68
RESOLUTION APPOINTING
TEMPORARY POLICE COMMUNICATIONS OPERATOR

WHEREAS, there exists a need within the Police Department to appoint a temporary part-time Police Communications Operator to cover open shifts caused by an upcoming retirees use of vacation and compensatory leave; and

WHEREAS, it is the recommendation of the Chief of Police that Troy Hartsgrove of 13 Shrewsbury Avenue, Highlands be appointed temporarily.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Troy Hartsgrove is hereby appointed as a temporary part-time Police Communications Operator effective March 1, 2011.

BE IT FURTHER RESOLVED that said temporary appointment be compensated at an hourly rate of \$10.46 per hour.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

HIGHLANDSNJ.COM

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Insert resolution R-11-70 Capital Budget Amendment

HIGHLANDSNJ.COM

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

**R-11-71
RESOLUTION
RENEWING 2010-2011 LIQUOR LICENSE**

WHEREAS, a Liquor License Renewal Application was filed for the year 2010-2011 for Liquor License 1317-33-030-008 Water Witch Highlands, LLC; and

WHEREAS, no objections were filed against the renewal of said liquor license and recently a Special Ruling to Permit Renewal of Inactive License was issued by the State of New Jersey, Department of Law & Public Safety, Division of A.B.C.; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Liquor License 1317-33-030-008, Water Witch Highlands, LLC is hereby renewed for the license period of July 1, 2010 through June 30, 2011.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Mr. O'Neil offered the following Payment of Bills List and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS

03/02/11

CURRENT:		\$	592,530.20
Payroll	(02/15/11)	\$	141,976.39
Manual Checks		\$	11,892.12
Voided Checks		\$	13,218.32

SEWER ACCOUNT:		\$	99,611.00
Payroll	(02/15/11)	\$	9,884.44
Manual Checks		\$	5,353.27
Voided Checks		\$	

CAPITAL/GENERAL		\$	24,753.79
CAPITAL-MANUAL CHECKS		\$	

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WATER CAPITAL ACCOUNT	\$	775.78
TRUST FUND	\$	25,262.39
Payroll (02/15/11)	\$	3,756.84
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	19,976.90
Payroll (02/15/11)	\$	- 12.00
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
 March 2, 2011**

CURRENT FUND

Future Sanitation	Tipping Fees 2/11/11-2/28/11	7,382.37
Gravelly Point Beach Condo Association	Street Lighting Reimbursement	177.55
N.J. Division of Pensions	Retire Health Benefits - Cobra	2,007.78
N.J. Division of Pensions	Retire Health Benefits - Cobra	1,613.42
T & M Associates	General Services - CDBG Grant	307.93
T & M Associates	General Services	1,744.75
T & M Associates	Stormwater Management	160.75

Total Current Fund	13,394.55
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TRUST FUND

State of N.J.	4th Quarter 2010 Reimb. - Unemployment	8,270.26
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Total Capital Fund		<u>8,270.26</u>
SEWER UTILITY FUND		
T & M Associates	General Sewers	227.75
Total Sewer Utility Fund		<u>227.75</u>
Total Supplemental Bill List		<u>21,892.56</u>
Highlands Business Partnership		\$5,000.00

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

ROLL CALL:

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

Approval of Minutes -

Mr. O'Neil offered the approval of the February 2, 2011 & February 16, 2011 Regular & Executive Session Minutes, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

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

(Ms. Kane absent at February 16th Mtg)

Committee Reports:

Mr. O'Neil said we will dispense with committee reports tonight. We will do next meeting.

Mr. Hilling was looking for guidance from the council, regarding the issue of the Bridge columns. Discussed calling the Park Service and have them moved to Popomora Park.

Council discussed. They instructed Mr. Hilling to wait until they come up with another solution.

Mr. Pfeffer discussed information given to the council regarding 2011-7 Transitional Aid to Municipalities. There is a deadline of March 18th. Feels that is imperative that all read this and weigh in on the March 16th meeting to decide if we want to put in a request.

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Mr. Francy stated that he doesn't think we qualify.

Mr. Pfeffer stated that we can decide that we want the option; we don't have to take it. We can also consider converting back to a calendar year. We would do a six months transition budget and that revert back to a full 12 month calendar budget. If we do the six month transition, we have to do that quickly.

Council continued discussion.

Mr. O'Neil said we will discuss at the next meeting.

Mr. Hilling said that Mayor Nolan had asked him about putting a fence around Huddy Park Playground area. He will supply proposals at next meeting. He is also working on getting rid of the old benches at the park and replacing them with the benches that were on the promenade.

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

Ordinance O-11-6

Mrs. Cummins read the title of Ordinance O-11-6 for introduction and setting of a public hearing date of March 16, 2011.

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

**O-11-6
BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 10-14 FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW
JERSEY ON AUGUST 18, 2010**

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

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$170,000 For Reconstruction of Highland Avenue For And By The Borough Of Highlands In The County Of Monmouth, New Jersey And, Authorizing The Issuance Of \$161,500 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation," finally adopted on August 18, 2010 (the "Ordinance") is hereby incorporated by reference in its entirety.

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Section 2. The second sentence of Section 1 of the Ordinance is amended in its entirety as follows:

“For the said Improvements there is hereby appropriated the amount of \$1,484,000, such sum includes the sum of (a) \$1,184,000 expected to be received from the New Jersey Department of Transportation and (b) \$15,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”).”

The description of the Improvements in Section 3(a) of the Ordinance is amended in its entirety as follows:

“Survey, design and inspection in connection with the reconstruction of Highland Avenue from Valley Avenue to Portland Road, Valley Avenue from Highland Avenue to State Highway 36 and Miller Street from Highland Avenue to State Highway 36 and the reconstruction of Highland Avenue from Valley Avenue to Portland Road, Valley Avenue from Highland Avenue to State Highway 36 and Miller Street from Highland Avenue to State Highway 36, which includes drainage, installation of curbs, sidewalks and handicap accessible ramps, sanitary sewer renovations, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.”

The Ordinance is hereby further amended by (a) deleting the reference to “\$170,000” for the appropriation and estimated cost and “\$161,500” for the estimated maximum amount of bonds or notes and substituting in lieu therefor “\$1,484,000” and “\$285,000”; (b) deleting the reference of “\$8,500” for the down payment and substituting in lieu therefor “\$15,000”; and by (b) deleting the reference to “\$170,000” for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu therefor “\$320,000”.

Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected

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to be issued for payment of the costs of the Improvements is \$285,000. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

ROLL CALL:

Ayes: Mr. Connelly, Mr. O'Neil, Mr. Francy
Nays: None
Absent: Ms. Kane, Mayor Nolan
Abstain: None

Ordinance O-11-7

Mrs. Cummins read the title of Ordinance O-11-7 for introduction and setting of a public hearing date of March 16, 2011.

Mr. Francy offered the following Bond 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:

O-11-7

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$760,000 FOR RECONSTRUCTION OF BAY AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$310,075 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

Section 6.

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$760,000, such sum includes the sum of (a) \$250,000 expected to be received as a grant from the New Jersey Department of Transportation, (b) \$183,603 expected to be received

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as a Community Development Block Grant and (b) \$16,322 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

Section 7.

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$310,075 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$310,075 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

Section 8.

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Reconstruction of Bay Avenue from Waterwitch Avenue to Gravelly Point Road, which includes drainage, installation of curbs and sidewalks, storm sewer system renovations and replacements, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$760,000	\$310,075	20 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$310,075.

(c) The estimated cost of the Improvements is \$760,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above and the amount of the expected grants is the amount of the Down Payment.

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(d) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$310,075.

(e) The estimated cost of the Improvements is \$760,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above and the amount of the expected grants is the amount of the Down Payment.

Section 9.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

Section 10.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

Section 11.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

Section 12.

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The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

Section 13.

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$310,075 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

Section 14.

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

Section 15.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Seconded by Mr. Connelly and introduced on the following roll call vote:

ROLL CAL:

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

Mr. Pfeffer left the meeting at 9:19 p.m.

Mr. Connelly left the meeting at 9:20 p.m.

Mr. O'Neil called for a recess at 9:20 p.m.

Mr. O'Neil called the meeting back to order at 9:25 p.m.

Mrs. Cummins did a roll call:

ROLL CAL:

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

Ordinance O-11-5

Mrs. Cummins read the title of Ordinance O-11-5 for introduction and setting of a public hearing date of March 16, 2011.

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

O-11-5

**AN ORDINANCE ADDING NEW CHAPTER 3-7C OF THE REVISED CODE OF THE
BOROUGH OF HIGHLANDS ENTITLED MUNICIPAL SERVICES FOR PRIVATE
COMMUNITIES**

New Chapter 3-7C Municipal Services for Private Communities

1. As used in this article, the following terms shall have the meanings indicated:

QUALIFIED PRIVATE COMMUNITY

Any residential condominium, cooperative, fee simple community, or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust device, condominium association, homeowners' association, or council of co-owners, wherein the cost of

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A street or road located within a qualified private community and providing access to driveways or parking areas within that qualified private community; provided, however, that in no event shall areas used primarily as parking areas or parking lots be considered qualified streets.

QUALIFIED STREET-LIGHT POLE

Those poles providing street-lighting which are located on or near qualified streets and which provide lighting for qualified streets. Street-lighting poles providing lighting for areas primarily used as parking lots shall be excluded from the definition of "qualified street-light pole."

REIMBURSABLE SNOW/ICE REMOVAL COSTS

Cost incurred by the qualified private community for the removal of snow and ice from the roads and streets located on the qualified private community property, where the Borough of Highlands did not supply snow removal. Reimbursement shall not exceed the cost that would have been incurred by the Borough in providing snow/ice removal services directly.

A. The Borough of Highlands shall provide the following services within a qualified private community in the same fashion as it provides these services on public roads and streets:

(1) Streetlighting of qualified street-light poles.

(a) The Borough shall provide street-lighting to the extent of payment for the electricity required for the operation of such poles, but shall not be responsible for the installation or maintenance of lamps, standards, wiring or other equipment.

(b) For purposes of providing street-lighting services, any qualified private community, through its homeowners' association, shall transfer billing of qualified street-light poles from the qualified private community to the Borough, and the Borough shall assume liability for payment of lighting said poles from the date when the power company providing electric service revises its billing records.

(2) Snow and ice removal.

(a) The Borough shall provide the qualified private community with snow and ice removal services in lieu of paying reimbursement to the qualified private community for such service. If the Borough elects to terminate any such service after it has been provided, the qualified private community shall be given advance written notice. The Borough shall not be obligated to pay reimbursement to the qualified private community for any costs incurred by the qualified private community for any services while the same services are being provided by the Borough. If the Borough elects to provide any service, the qualified private community shall pay the cost of any insurance riders required by the Borough to enable Borough vehicles to operate on the qualified private community's private roads and streets, consistent with N.J.S.A. 40:67-23.4.

(b) The Borough may choose instead to provide annual reimbursement to any qualified

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[i] Following the close of each budget year, the Borough will determine the annual cost incurred by the Borough for snow and ice removal. Based upon those figures, the Borough will determine the annual cost for each such service in accordance with this chapter.

[ii] The annual Borough cost for snow and ice removal shall be divided by the total linear miles of all public streets owned and maintained by the Borough to produce the annual unit cost for snow removal. The annual unit cost for snow and ice removal shall be multiplied by the total linear miles or roads within the qualified private community, to produce the annual reimbursement cost ceiling for snow and ice removal services.

(iii) Requests by the qualified private community for payment of reimbursement under this section shall be processed pursuant to the following procedure:

[1] The qualified private community shall submit a voucher signed by an authorized officer of the qualified private community's homeowners' association with each request for payment, using voucher forms to be provided by the Borough.

[2] The Borough will review the underlying documentation to determine whether the requested reimbursement is consistent with and authorized by this chapter. The Borough will disallow any excess amount or unauthorized portion of the reimbursement request.

[3] Vouchers shall be submitted on an annual basis following the end of the snow removal season for which reimbursement is requested, but in no event later than September 15. Each voucher shall be accompanied by copies of invoices, payment receipts and other appropriate documentation, which demonstrates to the satisfaction of the Borough that all costs constitute reimbursement costs and that the qualified private community has incurred all costs during the applicable reimbursement period. Vouchers shall not be processed for payment by the Borough if they do not conform with these requirements. In that event, the qualified private community will be given notice and the opportunity to provide additional requested documentation and/or otherwise cure any nonconformity with these submission requirements.

[4] After making such determination, the reimbursement amount (less any disallowed amount) for snow and ice removal will be reduced by the Borough if it exceeds the applicable reimbursement cost ceiling, as calculated pursuant to the foregoing provisions.

[5] Following formal approval of a reimbursement request, payment shall be issued in accordance with routine Borough procedures.

B. General Provisions; limits upon Borough's obligations; accounting by qualified private communities; required agreements.

(1) In accordance with N.J.S.A. 40:67-23.2 et seq., unless otherwise provided herein, the Borough shall not be obligated or required to operate any municipally owned or leased vehicles or other equipment, or to provide any of the services enumerated in this article, upon, along or in relation to any road or street in any qualified private community

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(a) The qualified private community is required by statute to pay the cost of any insurance riders or increased insurance costs incurred by the Borough, and the qualified private community shall pay such costs in order for the Borough to provide any snow and ice removal services.

(b) Any policy of insurance obtained by the Borough for these services shall provide, as a minimum, the following coverage amounts: \$1,000,000 liability coverage; \$500,000 property damage coverage.

(c) The cost of liability and property damage premiums for the amounts set forth above shall be apportioned among those qualified private communities electing to have the Borough provide services in the same proportion as the length of each electing qualified private community's qualified streets are to the total length of all the qualified streets in the electing qualified private communities.

(d) As the premiums for such coverage may be adjusted from time to time by the insurance carrier, so also shall the proportionate shares of the electing qualified private communities. Upon receipt of the premium notice, the Borough Administrator or authorized designee shall send notice to each electing qualified private community, by regular mail, advising of the amount due and the date payment is required. Failure to pay its share of the premiums in a timely manner shall subject the electing qualified private community to removal from the group of electing qualified private communities receiving services. In the event of removal, the removed qualified private community shall then be eligible for reimbursement in the manner set forth in this article.

(4) Agreement. In order to qualify for snow and ice removal services, reimbursement for snow and ice removal services or payment for qualified street lighting, the homeowners' association for the qualified homeowners' association must enter into an agreement with the Borough incorporating the terms and conditions of this article.

Seconded by Mr. Connelly and introduced on the following roll call vote:

ROLL CALL:

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

Other Business:

Review of Grease Trap Ordinance Amendments:

Mr. O'Neil offered to carry this to the March 16th meeting and was seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy
NAYES: None

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Mr. Hilling asked if we could move the Grease Trap Ordinance to the April 6th meeting due to the amount of items on the next meetings agenda.

Mr. O'Neil said we will leave it as is for now. He will see what the Mayor want to do.

Mr. O'Neil offered a motion for introduction of the Building Department Fee Ordinance Amendments at the March 16th meeting and was seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

FEMA Hazard Mitigation Grant Program:

Mr. Francy believes that Dave Parker is making a presentation on this.

Mr. Hilling will contact Mr. Parker and have him at the next meeting.

2011 Road Improvement Projects-Determine List of Projects to Move Forward:

Mr. O'Neil made a motion to move forward with the improvements to the top end of Valley Street where the construction stops from the Highland Avenue Project, to the end and Bayview Street and 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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

T & M Associates Request to Increase Prof. Eng.Services Contract for Waterwitch Project:

Mr. O'Neil requested that this be carried to the next meeting when the engineers will be present.

Public Portion:

Arnie Fuog of 50 Valley Street asked about the Committee Reports.

Mr. O'Neil stated that they wanted to move things along and a lot of the people who give the reports were not present.

Kim Skorka of 315 Shore Drive asked about the noise ordinance. She has an issue with the restaurant across the street from her for over year. Wanted to know if they are fined and if not, they should be.

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Mr. Francy said that it is not corrected; we need to be more aggressive.

Mr. O'Neil instructed Mr. Hilling to contact Mr. McNamara about this property.

Carol Bucco of 330 Shore Drive questioned the condo service agreement ordinance. It doesn't include garbage or recycling.

Mr. Halfacre said that this is for snowplowing and street lighting reimbursement.

Carol Bucco stated that the bulk is not picked up by the town, the Condo Association pays an outside contractor.

Mr. Francy said that bulk should be included for pick up by the town. We would not provide a container.

Council continued to discuss.

Carol Bucco asked about the ownership of the Gertrude Ederle Park.

Mr. Halfacre said that the westerly uphill slope portion falls within the State right of way. The bottom falls with in Shore Drive right of way. It is publicly owned.

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

The meeting adjourned at 9:51 p.m.

Debby Dailey, Deputy Borough Clerk