

**Borough of Highlands  
Mayor & Council  
Workshop/Regular Meeting  
April 6, 2011**

Mayor Nolan called the meeting to order at 7:05 PM.

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

**ROLL CALL:**

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

**Absent: None**

**Also Present: Carolyn Cummins, Borough Clerk  
Mike Halfacre, Esq., Borough Attorney**

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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: Jennings vs. Borough  
Walczeski Property  
Property Damage Claims**
- 2.Contract: Prof. Legal Services Contract-McKenna  
Shared Services for Dispatching  
Clam Plant Lease  
Shared Service Contract w/ Atl. For Vehicle Repairs**
- 3.Real Estate:**
- 4. Personnel Matters: Bruce Hilling, (Riced)  
Dave Mercado, (Riced)  
Budget Review Committee Members**
- 5. Investigation:**

**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.**

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

**ROLL CALL:**

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

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:45 P.M.

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

**ROLL CALL:**

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

**Absent: None**

**Also Present: Carolyn Cummins, Borough Clerk**

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**Consent Agenda:**

Mrs. Cummins asked to correct R-11-96, the correct should be \$10, 902.

Mr. Connelly would like to see a policy in place for the future, regarding contracts for all employees. We should have a review process.

Mayor Nolan asked to table R-11-97.

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

**R-11-85  
RESOLUTION AMENDING RESOLUTION R-09-213  
PROFESSIONAL PLANNING SERVICES OF A NON-FAIR AND OPEN CONTRACT  
FOR  
WATERWITCH AVENUE RESURFACING AND SANITARY SEWER REPAIRS  
T & M ASSOCIATES**

**WHEREAS**, there exists the need for professional engineering services for the Waterwitch Avenue Resurfacing and Sanitary Sewer Repairs Project as a non fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

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**WHEREAS**, such Professional Planning Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

**WHEREAS**, a contract was awarded on December 16, 2009 for an amount not to exceed \$36,000 plus reimbursable expenses for the Waterwitch Avenue Resurfacing and Sanitary Sewer Repairs Project; and

**WHEREAS**, T & M Associates has requested an additional \$11,500 per their letter dated February 16, 2011 for services performed beyond the scope of the original contract; and

**WHEREAS**, the Governing Body of the Borough of Highlands has agreed to pay \$5,750, half the requested the amount for a total revised contract amount of \$41,750; and

**Certification of Funds: Bond Ordinance 09-27**

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**Stephen Pfeffer, Chief Financial Officer**

**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**, the determination of value has been placed on file with this resolution with the Borough Clerk; and

**WHEREAS**, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

**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 Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional planning services is hereby increased by \$5,750 for a total contract amount not to exceed of \$41,750 plus reimbursable expenses.
2. This 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 person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-86**

**RESOLUTION – REDUCING DEFERRAL OF REGIONAL  
HIGH SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said annual school tax levy has been reduced from the prior year and necessitated the need to reduce the deferral of school taxes; and

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to comply with the regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Henry Hudson Regional School District \$2,129,256.17.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorizes the Chief Financial Officer of the Borough to reduce the deferral of school taxes by \$14,636.84 to comply with the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-87**

**RESOLUTION – REDUCING DEFERRAL OF LOCAL SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said annual school tax levy has been reduced from the prior year and necessitated the need to reduce the deferral of school taxes; and

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to comply with the regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Highlands School District is \$1,523,257.00.

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**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorizes the Chief Financial Officer of the Borough to reduce the deferral of school taxes by \$23,376.50 to comply with the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Insert Resolution R-11-88**

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Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-89**

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE**

**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 or grant awards 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:

**AMOUNTS TO BE  
CANCELED**

<b>ORDINANCE NUMBER</b>	<b>PROJECT DESCRIPTION</b>	<b>FUNDED CAPITAL SURPLUS</b>	<b>DOT UNFUNDED GRANT</b>
O-08-05	Improvements to Shore Drive	\$ 4,583.90	\$208,000.00 \$51,405.40
O-08-11	Various Road Improvements	\$4,460.62	\$114,000.00

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

**ROLL CALL:**

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

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-90**

**RESOLUTION APPROVING TERMS  
OF AN EMPLOYMENT AGREEMENT BETWEEN  
THE BOROUGH OF HIGHLANDS AND  
POLICE CHIEF BLEWETT**

**WHEREAS**, Joseph Blewett serves as the Police Chief for the Borough of Highlands; and

**WHEREAS**, both the Borough and the Chief seek to have the terms and conditions of his employment with the Borough codified in an employment agreement; and

**WHEREAS**, representatives of the Borough and the Chief have reached an agreement on the terms and conditions of employment for the Chief and have recommended those terms to the governing body of the Borough of Highlands for approval; and

**WHEREAS**, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written employment agreement, for the period from July 1, 2010 through June 30, 2012 will provide a fair and reasonable level of benefits and compensation for the Police Chief; now therefore

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**IT IS HEREBY RESOLVED** this 6<sup>th</sup> day of April, 2011 that the Mayor and Borough Council hereby approve the terms of the Employment Agreement negotiated between the Borough of Highlands and its Police Chief; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized and directed to sign the employment Agreement with the Chief on behalf of the Borough.

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

**ROLL CALL:**

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

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

**R-11-91  
RESOLUTION APPROVING  
PETITION TO EXTEND LICENSED PREMISES  
FOR LIQUOR LICENSE 1317-33-015-006  
CERVANTES & CARTO, LLC  
t/a CHILANGOS**

**WHEREAS**, Chilangos Restaurant has submitted an Petition to Extend Licensed Premises for Liquor License #1317-33-015-006 located at 272 Bay Avenue; and

**WHEREAS**, the petition is for an for Cinco De Mayo to be held on May 5, 2011 with a rain date of May 6, 2011 between the hours of 3pm and 10pm; and

**WHEREAS**, this application has been reviewed by and approved by the Borough of Highlands Chief of Police.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Petition to Extend Licensed Premises for Chilangos Restaurant, Liquor License 1317-33-015-006 for May 5, 2011 with a rain date of May 6, 2011 is hereby approved.

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

**ROLL CALL:**

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

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

**R-11-92  
AUTHORIZING THE DISSOLUTION OF THE  
ATLANTIC HIGHLANDS – HIGHLANDS REGIONAL SEWERAGE AUTHORITY**

**WHEREAS**, on August 1, 1969, the Borough of Highlands and the Borough of Atlantic Highlands entered into agreements with the Atlantic Highlands – Highlands Regional Sewerage Authority (“AH/HRSA”), which was created by parallel Ordinances of the Borough of Highlands and the Borough of Atlantic Highlands in 1968; and

**WHEREAS**, an agreement dated August 1, 1969 between the Borough of Highlands, the Borough of Atlantic Highlands and the AH/HRSA, there was an anticipated construction of a sewerage treatment plant, which was not completed, causing subsequent agreements between AH/HRSA and the Township of Middletown Sewerage Authority (“TOMSA”), for treatment of the sewerage, coming from AH/HRSA by TOMSA at the TOMSA sewage treatment plant; and



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WHEREAS, the Borough of Highlands has determined that the dissolution of the Atlantic Highlands – Highlands Regional Sewerage Authority would be cost effective, based upon the following:

1. The AH/HRSA operates separate pumping stations for Atlantic Highlands and Highlands, the operation of which could be conducted more efficiently by the existing water and sewer departments of each Borough.
2. Borough operation of the pumping stations would relieve the rate payers of unnecessary operating costs due to redundant salaries and fees paid to the AH/HRSA, its employees and professionals.
3. AH/HRSA has quarreled with TOMSA over charges, leading to expensive arbitration and litigation, now pending.
4. TOMSA has counterclaimed in said litigation for very large sums.
5. The AH/HRSA exists only to benefit the users of the system and the AH/HRSA is not beneficial to the rate payers of Highlands and Atlantic Highlands.

WHEREAS N.J.S.A. 40SA:5A-20 stipulates that any authority established by more than one municipality may only be dissolved by the adoption of parallel ordinances, and that the Local Finance Board shall approve the dissolution if it finds the ordinances make adequate provisions for the payment of all creditors and obligations of the authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the dissolution of the AH/HRSA would benefit the residents and rate payers of both the Boroughs of Highlands and Atlantic Highlands and it would be in the best interest of both Boroughs to dissolve the Regional Sewer Authority.

IT IS FURTHER RESOLVED that the Borough Administrator, Chief Financial Officer and any other necessary party, implement the process to effectuate an orderly dissolution, of the Atlantic Highlands – Highlands Regional Sewerage Authority, with the Borough of Atlantic Highlands.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-11-93  
RESOLUTION CHANGING JOB TITLE  
OF SANITATION DRIVER**

**WHEREAS**, the Borough of Highlands privatized the Sanitation Department and Barry E. McKellar has transferred to the Street Department of Public Works and maintains the title of Sanitation Driver, and;

**WHEREAS**, the Civil Service Commission recognizes the title of Truck Driver as a lateral move in job titles and salary and Mr. McKellar must maintain his CDL license; and

**WHEREAS**, Barry E. McKellar’s job title will be changed from Sanitation Driver to Truck Driver, and

**NOW, THEREFORE, BE IT RESOLVED** that Barry E. McKellar’s employment title is amended to Truck Driver for the Borough of Highlands Department of Public Works effective April 6<sup>th</sup>, 2011.

**BE IT FURTHER RESOLVED** that this title also requires that Mr. McKellar maintains a CDL license.

**BE IT FURTHER RESOLVED** that this change is in title only and will not result in any change of salary.

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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, Ms. Kane, Mayor Nolan

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
R-11-94  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL ENGINEERING SERVICES  
PRE-DESIGN, DESIGN AND INSPECTION  
FOR THE RECONSTRUCTION OF BAY AVENUE  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services which work will not occur until after April 15, 2011 for the pre-design, design and inspection of the reconstruction of Bay Avenue 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 \$87,400 plus reimbursable expenses per T & M Associates proposal dated February 24, 2011 for Professional Engineering Services for the survey, design and inspection of the reconstruction of Bay Avenue provided to the Borough of Highlands for the period of one year; 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 contingent upon the Borough not receiving objections to the adoption of Bond Ordinance O-11-7 which will be certified by the Borough Clerk after the 20 day estoppels period of Bond Ordinance O-11-7:

I hereby certify funds are available from:

Bond Ordinance 11-7 contingent upon the 20 day estoppels period of Bond Ordinance O-11-7 and that no work will be performed prior to the funds becoming available from Bond Ordinance O-11-7

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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

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follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$87,400 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 execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-11-95**

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

**WHEREAS**, the Borough of Highlands has a need for professional engineering services which work will not occur until after April 15, 2011 for the Highland Avenue Area Reconstruction 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 \$60,000 plus reimbursable expenses per T & M Associates proposal dated April 21, 2010 for Professional Engineering Services for the Highland Avenue Area Reconstruction provided to the Borough of Highlands for the period of one year; 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 contingent upon the Borough not receiving objections to the adoption of Bond Ordinance O-11-7 which will be certified by the Borough Clerk after the 20 day estoppels period on Bond Ordinance O-11-7:

I hereby certify funds are available from:

Bond Ordinance 11-6 contingent upon the 20 day estoppels period of Bond Ordinance O-11-7 and that no work will be performed prior to the funds becoming available from Bond Ordinance O-11-6  
Bond Ordinance 11-6

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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:

5. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$60,000 plus reimbursable expenses.
6. 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 execute the contract documents.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
R-11-96**

**Resolution of Support from Local Governing Body  
Authorizing the Application for the Notice of Available Funds  
through the 2011 Juvenile Justice and Delinquency Prevention (JJDP) Program**

**WHEREAS**, the Borough of Highlands recognizes the need and seeks to optimize the recreational opportunities for the teen population and its residents by ensuring that structured activities and programs are afforded within the community; and

**WHEREAS**, one of the purposes of the Highlands Recreation Department is to serve residents of all populations with programs and activity choices that are of benefit to the general health, welfare, & education of those who participate, and therefore, increasing the quality of life for all residents of our community

**WHEREAS**, the Borough of Highlands strives to reach out to the teen population and those at risk who may benefit from such services offered in a socially responsible, respectful atmosphere; and

**WHEREAS**, the Borough of Highlands desires to participate in the 2011 **Juvenile Justice and Delinquency Prevention** (JJDP) Program from July 1, 2011 to September 30, 2011; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Director of Recreation should apply on behalf of the Highlands Recreation Department for the aforementioned funds.

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Highlands, State of New Jersey, authorizes the submission of the aforementioned application for the 2011 **Juvenile Justice and Delinquency Prevention** (JJDP) Program funds in an amount \$10,902 and that in-kind expenses within the Recreation Department will be utilized as part of our overall program commitment.

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, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**RECAP OF PAYMENT OF BILLS  
04/06/11**

<b>CURRENT:</b>		\$ 283,063.34
Payroll	(03/30/11)	\$ 218,492.67
Manual Checks		\$ 743,660.99
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 61.37
Payroll	(03/30/11)	\$ 30,523.39
Manual Checks		\$ 71.90
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$
<b>CAPITAL-MANUAL CHECKS</b>		\$ 132.00
<b>WATER CAPITAL ACCOUNT</b>		\$
Voided Checks		\$ - 2,895.00
<b>TRUST FUND</b>		\$ 1,951.04
Payroll	(03/30/11)	\$ 3,525.00
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$ 163.20
<b>GRANT FUND</b>		\$ 3,411.00
Payroll	(03/30/11)	\$ 1,389.93
Manual Checks		\$ 1,953.09
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  
April 6, 2011**

**CURRENT FUND**

Broadview Networks	Telephone Service #11-09	3,060.94
Everbank Commerical Finance	Copier Machine Leases (2)	246.76
	Solid Waste-Recycling Pickup 3/16/11-	

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	3/31/11	
Future Sanitation	Tipping Fees 3/16/11-3/31/11	7,097.28
Horizon Blue Cross	Dental 4/2011	458.24
J Swanton Fuel	Unleaded & Diesel	2,759.90
N.J. American Water	Hydrants & Water Charges	5,101.22
N.J. Division of Pensions & Benefits	Health Benefits 4/2011	67,462.23
N.J. Division of Pensions & Benefits	Retiree Health Benefits J Davis 4/2011	1,613.42
Nextel Communications	Cell Phones EMS/Fire/Fire Prevention	443.72
T & M Associates	General Services	4,429.25
T & M Associates	Stormwater Management	93.75
T & M Associates	Tax Map Revisions	158.00
T & M Associates	EECBG & Direct Install Application	958.50
T & M Associates	Route 36 Bridge	250.00

<b>Total Current Fund</b>	<b>102,499.88</b>
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**CAPITAL FUND**

T & M Associates	Highland Ave Reconstruction	12,845.84
T & M Associates	NJEIT Planning Document Preparation	4,642.50

<b>Total Capital Fund</b>	<b>4,642.50</b>
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**SEWER UTILITY FUND**

N.J. American Water	Water Charges	10.00
N.J. Division of Pensions & Benefits	Health Benefits 4/2011	3,163.58
T & M Associates	General Sewers	1,251.05

<b>Total Sewer Utility Fund</b>	<b>4,424.63</b>
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**TRUST FUND**

Hillside Village Condominium Association	Release of S. Pad, Inc. Bond	2,168.00
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<b>Total Supplemental Bill List</b>	<b>113,735.01</b>
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**Seconded by Mr. Francy and approved for payment on the following roll call vote:**

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**R-11-98  
TAX REIMBURSEMENT CERTIFICATION RESOLUTION**

**WHEREAS**, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

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**WHEREAS**, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

**WHEREAS**, whenever a municipality operates a municipal service system for solid waste collection or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law," the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Highlands hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2010 in the amount of \$6,501.96. Documentation supporting this submission is available at 171 Bay Avenue, Highlands, NJ 07732 and shall be maintained for no less than five (5) years from this date.

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

**ROLL**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Other Resolutions:**

**Resolution R-11-99**

Mrs. Cummins stated there is another resolution to be added to the agenda this evening its Resolution R-11-99 and that the Municipal Attorney will be reading it in its entirety.

Mr. Halfacre then read Resolution R-11-99 in its entirety for approval.

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

**R-11-99**

**RESOLUTION ADOPTED PURSUANT TO BOROUGH  
ORDINANCE 2-6.3 AND N.J.S.A. 40A:9-138 REMOVING  
BOROUGH ADMINISTRATOR**

**WHEREAS**, The Borough Administrator of the Borough of Highlands currently serves without a contract and at the pleasure of the governing body; and

**WHEREAS**, Borough Ordinance 2-6.3 and New Jersey Statute 40A:9-138 provides for the removal of a Borough Administrator by not less than a 2/3 vote of the governing body; and

**WHEREAS**, Borough Ordinance 2-6.3 and New Jersey Statute 40A:9-138 permits the governing body to adopt such a Resolution of removal so as to have immediate effect, provided the Borough Administrator shall be paid 3 months salary as well as all other salary and benefits contractually due; and

**WHEREAS**, the Governing Body has provided the required Notice to the Borough Administrator that the Terms and conditions of his employment, including possible adverse consequences will be discussed at the regularly scheduled meeting of April 6, 2011, and

**WHEREAS**, the governing body, after having provided opportunity to the Borough Administrator to be present, and the Borough Administrator having declined said opportunity, has discussed the performance of the Borough Administrator and determined that the services of Bruce Hilling, Borough Administrator will no longer be required;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Highlands, pursuant to Borough Ordinance and State Statute as aforesaid, do hereby remove Bruce Hilling from the position of Borough Administrator, effective immediately, with the payment of three months salary, together with any unpaid salary now due and any other contractual benefits.

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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, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**Committee Reports:**

**Finance**

Steve Pfeffer stated that he has been working on the budget since last meeting. Needs some guidance for budget, such as: Capital Projects, Environmental Commission. He needs some suggestions, dollars amounts, to develop what we might need in the Capital Improvements Fund. He needs a direct contact for the Environmental Commission. There are areas that he is looking at history, interlocal with Atlantic Highlands Garage and gasoline usage and costs. He explained slight increase in PERS for next year. The revenue numbers have him concerned. He is watching closely.

Mr. Francy said that we are appointing Budget Committee tonight. He wants an excel spreadsheet of where we stand at this point. He wants to have a budget committee meeting before next workshop meeting.

**Public Safety**

Chief Blewett read through the following report:

**POLICE DEPARTMENT  
BOROUGH OF HIGHLANDS**



JOSEPH R. BLEWETT  
CHIEF



171 BAY AVENUE                      HIGHLANDS, N.J. 07732

**Report to Council  
April 2011**

- \* The Highlands Police Department is currently investigating three (3) reported cases of identity theft which occurred during the month of March. Due to the increasing number of these crimes the department strongly urges residents to safe guard their identity by shredding financial documents, protecting your social security number by not carrying your social security number in your wallet, not giving out personal information on the phone, internet or mail unless you're sure who you are dealing with and by always keeping your personal information in a secure place.
- \* The Highlands Police Department, Explorer Post #1900, was created in 2006 since that time the membership had diminished due to the members reaching the maximum age. The advisors recently educated the students at Henry Hudson Regional School about the program which rejuvenated interest in the program. The Post now has eleven (11) new members and is continuing to grow.
- \* The St. Patrick's Day parade itself went well and was relatively quiet. Although, officers did respond to a local business later that night in regard to a report of criminal sexual contact. As a result of the officer's investigation Domenick Desimone, 25 years of age, Belford, NJ was arrested and charged with criminal sexual contact. He was later released pending a court appearance.



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- \* The Highlands Police Department is investigating several vehicle burglaries which occurred between March 2 and March 11, 2011 in various areas of town. The initial investigation indicates that the vehicles may have been left unlocked and the actors removed items including GPS units and change. The department does not have a specific suspect description at this time but the department is asking residents to take the time to ensure that you lock your vehicles and you do not leave valuable items in plain view.
- \* While on routine patrol during the early morning hours of March 3, 2011 duty officers observed heavy smoke along the water and could smell that something was burning. Officers located a residence on Shrewsbury Avenue on fire and the third story fully involved in flames. The Highlands Fire Department was immediately dispatched along with the Atlantic Highlands and Navesink fire departments. Highlands, Atlantic Highlands and Sea Bright First Aid Squads also responded to the call, as well as, the Monmouth County Fire Marshalls Office. As a result of the fire two homes on Shrewsbury Avenue suffered extensive damage.
- \* March 10, 2011 this department along with the Highlands Fire Department responded to East Manor Square Condominiums in regard to a multi-dwelling structure fire. The fire destroyed two units and caused some fire, water and smoke damage to other units before it was suppressed. The Monmouth County Fire Marshalls Office assisted in the investigation into the cause of the fire which was later determined to be accidental.
- \* On March 13, 2011 officers responded to a Portland Road residence in response to a disturbance. As a result of the preliminary investigation a 21 year old Long Branch woman was charged with engaging in prostitution after it was discovered that she was brought to the residence after being promised items in exchange for sex.
- \* The manager of Bakers Marina on the Bay reported that unknown person(s) entered multiple boats causing damage and stealing items on the marina property, as well as, the Clam Hut property.

\* Total Calls for Service: 510

\* Arrests: Adults: 23 ( 2 for possession of CDS)  
JV: 1

\* Summons: Total: 92

Moving Violations: 48  
Non-Moving: 28  
DWI: 11  
Boro Ordinance: 5

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

JRB/dla

**Department of Public Works**

No report at this time.

**Building & Housing**

No report at this time.

**Parks & Recreation**

Ms. Kane announced that there will be an Easter Egg hunt and candy bingo on Saturday, April 16<sup>th</sup>.

Mayor Nolan stated that there is now a gate at Huddy Park.

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**Public Relations**

No report at this time

**Environmental Shade Tree**

No report at this time.

**Administration**

No report at this time.

Mayor Nolan asked Mrs. Cummins to do Administration reports at the meetings until further notice

**Library**

Tara Ryan read through the following report:

APRIL 6, 2011 LIBRARY REPORT  
HIGHLANDS LIBRARY TO SPONSOR EARTH DAY EVENT

The Highlands Library will be sponsoring a demonstration of an alternative fuel vehicle as part of the Earth Day 2011 observance. On Sat. April 23, 2011 one of the two largest, all-electric powered, zero tail-pipe emission commercial trucks working in the United States will be on display at Huddy Park, Highlands.

This vehicle works daily in NYC. The purchase of the truck was assisted by a grant from the Federal Dept. of Energy, which was administered by the NYS Energy Research and Development Administration.

This will be an opportunity for the public to see the design and components of the electric truck, and to learn about the technical and operational details first hand. Representatives from New Deal Logistics, owner of the vehicle, will be on hand to answer questions. There will be information about possible and practical applications of sustainable, alternative fuel solutions for personal and commercial use.

The Highlands Boro Library will have a display of books and other materials about alternative fuel sources and clean energy from April 15 through April 30, 2011.

Please contact Tara Ryan of the Highlands Library for more information; [oceanstreet@comcast.net](mailto:oceanstreet@comcast.net)

Ms. Kane stated that on April 30<sup>th</sup>, there will be a Clean Ocean Action Beach Cleanup at Snug Harbor Beach. Also, on April 23<sup>rd</sup> is a Blood Drive at the Fire Department. On June 4<sup>th</sup> is the Town Wide Yard Sale.

Mayor Nolan requested that these events be advertised on the website and electronic signboard.

**Highlands Business Partnership**

Ms. Kane stated they notified her that there was no report for tonight. They are working on the ribbon cutting for the Bridge on May 1<sup>st</sup> at 2:00 pm.

**AHHRSA**

Mr. Francy said that the Council passed a resolution joining Atlantic Highlands in dissolving the Sewerage Authority. The goal is to save money and get control over our own situation. More information will be available as we move forward, but this is the first step.

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**Ordinances: Introduction & Set Public Hearing Date for May 4th, 2011**

**Ordinance O-11-3**

Mrs. Cummins read the title of Ordinance O-11-3 for introduction and setting of a public hearing date for May 4, 2011.

Mr. Francy explained that this modifies the ordinance to allow dog walking at the bank park and South Bay Park under the bridge.

Mayor Nolan offered the following Ordinance Amendments and moved on its introduction and setting of a public hearing date for May 4, 2011 at 8:00 P.M. and authorized its publication according to law:

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**O-11-3**

**AN ORDINANCE AMENDING CHAPTER 3-13.16 OF THE REVISED GENERAL  
CODE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH**

Section 3-13.16 Conduct Regulated is hereby amended as follows:

(New Language in **bold**)

b. *Domestic Animals Prohibited.* **With the exception of the public land located at Block 114 Lot 3.02 (Shore Drive) no person shall bring a dog or other domestic animal into the park. The provisions of Section 5-7.6 Leashing of Dogs and Section 5-12 Soiling and Defecating-Domesticated Animals shall at all times apply to the use of Block 114 Lot 3.02 (Shore Drive) and Block 8 Lot 2 (South Bay Ave) by any person or domestic animal.**

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

**ROLL CALL:**

**AYES: Mr. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan**

**NAYES: Mr. O'Neil**

**ABSENT: None**

**ABSTAIN: None**

**Ordinance O-11-8**

Mrs. Cummins read the title of Ordinance O-11-8 for introduction and setting of a public hearing date for May 4, 2011.

Mr. Halfacre explained the changes, that it is a more detailed policy.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for May 4, 2011 at 8:00 P.M. and authorized its publication according to law:

**O-11-8**

**AN ORDINANCE ADDING NEW CHAPTER 277.5 TO THE REVISED GENERAL  
CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "BOROUGH VEHICLES"**

New Chapter

2-7.5

This article is intended to set forth the guidelines under which Borough of Highlands ("Borough") vehicles will be authorized to Borough personnel and the guidelines under which Borough vehicles may be used, and shall be read in conjunction with the Motor Vehicle Policy provisions of the Borough of Highlands Personnel Manual.

- A. Where there is a conflict between this Ordinance and the Motor Vehicle Policy adopted simultaneously herewith, and the adopted Standard Operating Guidelines or other adopted Rules and Regulations of a Department, or of any County or State Law Enforcement Guidelines, the provisions of this section are superseded by those standards or guidelines. Further, employees whose employment is regulated by a collective bargaining agreement ("CBA") are subject only to those provisions of this article not specifically regulated by a CBA.
- B. As used in this article, the term "borough vehicle" shall mean those automobiles, trucks, vans or other self-propelled equipment owned, rented or leased by the Borough and licensed for travel on a public way.
- C. It is the policy of the Borough that certain positions require or are entitled to employee access to Borough vehicles. Said vehicles are not personal vehicles and are not for personal use. Borough vehicles should be viewed as belonging to the citizens of Highlands and are assigned solely for purposes consistent with providing services to those citizens.

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- D. The assignment of Borough vehicles is solely in the discretion of the Borough. Borough vehicles available for this purpose may be assigned in a manner consistent with Borough workload and employee function. The assignment of vehicles may be rescinded by the Borough Administrator at any time.
- E. (1) Borough vehicles may only be used for legitimate Borough business. Vehicles may be taken home only upon the advance approval of the Administrator, except that department heads may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be utilized only for Borough business. The above provision shall not apply to those personnel who are determined, in the sole discretion of the Borough, to be first responders to Borough emergencies, including, but not limited to, the Police Chief and Fire Chiefs.
- (2) Borough vehicles shall only be operated by Borough Employees or officials, and shall not be used to transport any individual who is not directly or indirectly related to Borough business. Passengers shall be limited to Borough employees and individuals who are directly associated with Borough work activity (Borough members, consultants, contractors, etc.). Family members shall not be transported in Borough vehicles. A Highlands employee who is also employed by another governmental entity may utilize a Borough vehicle for that employment only if the employment is pursuant to an interlocal agreement between the Borough and the other governmental entity.
- (3) Vehicles should contain only those items for which the vehicle is designed. The Borough shall not be liable for the loss or damage of any personal property transported in the vehicle.
- (4) Employees are expected to keep Borough vehicles clean and to report any malfunction or damage to their supervisors immediately.
- (5) Employees may not operate Borough vehicles under the influence of alcohol, illegal drugs or prescription drugs or medications which may interfere with effective and safe operation.
- (6) Employees who operate Borough vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of a valid motor vehicle license annually.
- (7) Employees driving Borough vehicles shall obey all applicable traffic and parking regulations, ordinances and laws, including, but not limited to, laws regarding cellular telephone usage.
- (a) Employees who incur parking or other fines in Borough vehicles will generally be personally responsible for a payment of such fines, unless the payment of such fines is approved by the Borough Administrator.
- (b) Employees who are involved in motor vehicle accidents or who are issued citations for any offense while using a Borough vehicle must at all times follow the procedures set forth in the Personnel Manual. Failure to do so will be grounds for disciplinary action in accordance with the Borough of Highlands Personnel Manual or Ordinance.
- (9) This article is intended to provide a basic framework governing the use of Borough vehicles and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this article should contact the Borough Administrator, who will provide such clarification and may authorize exceptions to this article under mitigating circumstances. Such preapproval is required in order to avoid discipline for a violation of terms hereof.

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

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**ROLL CALL:**

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

**Ordinance O-11-10**

Mrs. Cummins read the title of Ordinance O-11-10 for introduction and setting of a public hearing date for May 4, 2011.

Mr. Francy referred to a presentation two meeting ago from the ASPCA about this program. We will see benefits over three to four years.

Mayor Nolan stated that there is a proven track record. Other options were looked at, but would cost more.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for May 4, 2011 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO. O-11-10  
AN ORDINANCE CREATING SECTION 5-16 ENTITLED " PERMITTING THE  
MANAGED CARE OF FREE-ROAMING CATS" TO THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF HIGHLANDS**

**New section 5-16**

WHEREAS the Mayor and Council of the Borough of Highlands are aware of the problems in the Borough caused by a large feral cat population; and

WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and

WHEREAS, there are no facilities in the Borough of Highlands ("Borough") or the County of Monmouth to address issues created by feral cats; and

WHEREAS, the population of feral cats has been increasing in the Borough; and

WHEREAS, communities throughout the United States have determined that the practice of trapping and euthanizing feral cats is not effective in reducing their numbers; and

WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and

WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population; and

WHEREAS the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;

THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, County of Monmouth and State of New Jersey that the following section be added to the Ordinances of the Borough of Highlands as follows:

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**5-16.1 Definitions.**

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

**Abandoned** means that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support to the cat.

**Animal Control Officer** means any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

**Caregiver** means any person who provides food, water or shelter to or otherwise cares for a cat.

**Domesticated cat** means a cat that is socialized to humans and is appropriate as a companion for humans.

**Ear Marked** means a tagged, notched or tipped left ear as performed by a licensed veterinarian.

**Feral Cat colony** means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a Colony shall be deemed to be a part of it.

**Managed Cat colony** – *spraying and neutering the cats to stabilize the population of the Feral Cat colony.*

**Nuisance** means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

**Owner** means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

**Rescue group** is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

**Stray Cat** means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

**Suitable Shelter** means shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

**TNR** means Trap, Neuter and Return.

**TNR Program** means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

**Zoonotic Disease** means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

**5-16.2 Responsibilities of owners of domesticated cats.**

1. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
2. The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.

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3. The Owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
4. An Owner shall not abandon a domesticated cat.

**5-16.3 Feral Cat colonies.**

1. Feral Cat colonies shall be permitted and Caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Ordinance.
2. Sponsorship of Colony TNR Programs.

The Monmouth County SPCA is approved as Sponsor. Other persons may apply to the Borough to serve as colony TNR program sponsors (“Sponsors”). Any person or entity so applying shall comply with the requirements of this article for sponsors and execute a Monmouth County SPCA approved sponsor contract. Any person intending to undertake the responsibilities of sponsor shall advise the Monmouth County SPCA in writing and provide his/her/its address and telephone number.

3. Sponsor requirements.

It shall be the duty of the Sponsor to:

- a. Review and approve of colony caregivers;
- b. Help to resolve any complaints over the conduct of a colony Caregiver or of cats within a colony;
- c. Maintain records provided by colony Caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the Sponsor’s colonies; and
- d. Report annually to the Borough on the following:
  - i. number of colonies in the Borough;
  - ii. total number of cats in colonies;
  - iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and
  - iv. number of cats and kittens placed in permanent homes.
- e. Register Feral Cat colonies as provided in Section 4.
- f. Equally responsible with that of the Animal Control Officer for humanely capturing, trapping, neutering, vaccinating, identifying and spaying or neutering feral cats.
- g. Obtain and maintain liability insurance for all activities, actions and work performed pursuant to Ordinance and laws of the State of New Jersey, naming the Borough of Highlands as an additional named insured and providing an annual copy of the Declaration of Insurance and proof of payment of the same.

4. Feral Cat Caregiver requirements.

Caregivers are responsible for the following:

- a. registering the Feral Cat colony with the Sponsor;

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- b. taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured;
- c. taking steps that are reasonably likely to further the objective of the spay/neuter of at least ninety percent (90%) of the colony population;
- d. providing the Sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
- e. providing food, water and, if feasible, shelter for colony cats;
- f. observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
- g. obtaining the approval, in writing, of the owner of any property, to which the Caregiver requires access to provide colony care;
- h. in the event that kittens are born to a colony cat, the Caregiver shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement or with the Sponsor for subsequent permanent placement;
- i. reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year, the number of kittens born to colony cats and their disposition and the number of cats and kittens placed in permanent homes as companion cats; and
- j. obtaining proper medical attention to any colony cat that appears to require it.
- k. taking reasonable steps to prevent cats from creating a nuisance in adjacent properties.

5. Colony Cat requirements.

- a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be eartipped.
- b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The colony number shall be used for purposes of the EAID.

6. Disposition of Colony Cats.

- a. An Animal Control Officer or sponsor who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a Feral Cat colony shall scan any cat trapped or picked up for an EAID. If an EAID is found, the officer shall return the cat to its colony or its Owner. If an EAID is not found, the officer shall contact the Sponsor and the Sponsor or any other person named as the Owner of the cat.
- b. If the Owner or Sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony.



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- c. If the cat does not have an EAID then the Animal Control Officer shall contact the Sponsor so the cat can be properly placed in a colony. If the cat is obviously a domestic cat the Sponsor shall arrange for care for the cat until the Owner is located and may determine the disposition of the cat in those circumstances where the domestic cat's owner can not be located. If the cat does not have an EAID and the Owner cannot be located then the Sponsor will nevertheless treat the cat as any stray with a seven (7) day holding period.
  - i. Requirements in General.
- a. It shall be the responsibility of all residents of Highlands along with the Sponsor, feral cat Caregivers, and all involved individuals to use due consideration to avoid the taking of rare, threatened or endangered species under the Endangered and Non-Game Species Conservation Act, N.J.S.A. 23:2A-1, et seq. and pursuing the actions allowed by this Ordinance.

7. Registration of Feral Cat colonies.

- a. The sponsor shall register Feral Cat colonies maintained by approved Caregivers. Feral Cat colonies within the Borough that are not registered by the Sponsor are not entitled to any benefits or protections set forth in this Ordinance. No colonies may be established except in accordance with this Ordinance. On an annual basis the sponsor shall provide the Borough of Highlands with a colony management plan for the Borough containing all registered Feral Cat colonies with information on the number of cats, anticipated rate of attrition and the length of project, efforts to deter predation and to prevent immigration of more cats into each colony. The list of registered Feral Cat colonies and the annual colony management plan shall be filed with the Borough administrator.

**5-16.4 Ordinance Enforcement.**

- 1. The Borough shall have the following rights:
  - a. the right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
  - b. the right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 30 days to remove and relocate the cat and have failed to do so.
  - c. the right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 30 days of the Borough's notice to the Sponsor of the Caregiver's failure to comply with this Ordinance.
- 2. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

**5-16.5 Study and Review.**

Not later than December 31, 2015, the Borough of Highlands shall study the effectiveness of the TNR Program and review the continuance of this Ordinance. This Ordinance however shall continue as provided until specifically rescinded or amended.

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**5-16.6**

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

**5-16.7**

If for any reason any Section of this Ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

**5-16.8**

This Ordinance shall take effect upon final passage and publication according to law. Seconded by Mr. Connelly and introduced on the following roll call vote:

**ROLL CALLL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Ordinance O-11-12**

Mrs. Cummins read the title of Bond Ordinance O-11-12 for introduction and setting of a public hearing date for May 4, 2011.

Mayor Nolan offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date for May 4, 2011 at 8:00 P.M. and authorized its publication according to law:

**O-11-12**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$575,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$357,485 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 1:

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 \$575,000, such sum includes the sum of (a) \$160,000 expected to be received from the New Jersey Department of Transportation, (b) \$38,700 expected to be received from New Jersey American Water Company, and (c) \$18,815 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 2:

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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 \$357,485 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 \$357,485 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(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 Woodland Avenue from Highland Avenue to Prospect Street and Resurfacing of Valley Avenue from Highland Avenue to the southern terminus, Bay View Street from Valley Avenue to its terminus, Prospect Street from Osborne Street to approx. 50 feet east of Woodland Avenue, which include milling, drainage and installation of curbs, sanitary sewers, 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.	\$575,000	\$357,485	11.39 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 \$357,485.

(c) The estimated cost of the Improvements is \$575,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

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.

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SECTION 5:

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 6:

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 11.39 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 \$357,485 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.

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SECTION 7:

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 8:

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.

SECTION 9:

This Bond Ordinance 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 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 to be issued for payment of the costs of the Improvements is \$357,485.

SECTION 10:

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

**ROLLCALL:**

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

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**Other Business:**

**Review Grease Trap Ordinance Amendments:**

Mrs. Cummins stated that Mr. Vitale, the Borough Construction Official, has supplied a proposed Grease Trap Ordinance.

Mr. Francy does not support the ordinance as it is, too costly. We do need to fix the grease trap issues.

Mayor Nolan agreed.

Mr. Francy offered a motion to table the Grease Trap Amendments indefinitely, seconded by Mayor Nolan and approved on the following roll call vote:

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**ROLLCALL:**

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

**Designate Budget Review Committee:**

Mrs. Cummins stated that there were applications received from residents to serve on the Budget Review Committee.

Mayor Nolan said there were about a dozen applications. We decided the committee would be four people, and two council members: Mr. Francy as chairman of the Finance committee and a rotational council member so all would have a chance to weigh in. .

Mr. Francy requested their email addresses.

Mrs. Cummins will send to him tomorrow.

Mayor Nolan requested that this information be sent to all council members.

Mayor Nolan offered a motion to appoint the following to the Budget Review Committee: Sherry Ruby, Bob Rauhen, Joseph McFadden and Melisa Pederson as the four members to the committee, seconded by Mr. Francy and approved on the following roll call vote:

**ROLLCALL:**

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

**Fiscal Year to Calendar Year Conversion**

Mr. Pfeffer called the State and received more information. Basically, the conversion simplifies for the tax payer when it comes to the tax bill. We would have to do an 18 month cash flow. There are requirements with in the regulations about the cash flow. A budget would have to be adopted now for six months, July to December, if we are to do it this year. He explained that we can do it now or next year.

Discussion continued.

Mr. Pfeffer stated that there isn't any cost savings; it's more about the tax bills. Fiscal tax bills are confusing for the residents. We would have to have the budget done by the June meeting,

Mr. Francy stated that we need to digest the recent assessment.

Mr. Francy offered to table the conversion indefinitely, seconded by Mayor Nolan and all were in favor on the following roll call vote:

**ROLLCALL:**

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

**Review Motor Vehicle Policy**

Mr. Halfacre explained the policy. It deals with personal use of Borough vehicles and restrictions and procedures of accidents. This limits us in liability. He believes we should make it clear that any one driving a Borough Vehicle has to be properly licensed, and fulfilling duties on behalf of the Borough.

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Mayor Nolan offered a motion to introduce a resolution at the May 4<sup>th</sup> meeting, seconded by Mr. O'Neil and all were in favor on the following roll call vote:

**ROLLCALL:**

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

**DPW Request for No Parking in Front of Waterwitch Pump Station**

Mr. Halfacre will prepare an ordinance for no parking in front of the width of the property. He will get details from Reg Robertson.

Mayor Nolan offered a motion to introduce a resolution at the May 4<sup>th</sup> meeting, seconded by Ms. Kane and all were in favor on the following roll call vote:

**ROLLCALL:**

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

**Highland Ave-Speed Calming Devices**

Mr. Francy stated that we have approval to install 3 – 4 devices: at the “S” curve, after Grand Tour, and Miller Street. We have to give the Engineering Company guidance as to which type of traffic calming devices we wish to install and where.

Council continued discussion and cost.

Mr. Francy is proposing that we set one traffic calming device on Highland Avenue between Portland Road and Twinlights going into the “S” curve, along with painting the road, this being the most effective way to slow the traffic down.

Council continued to discuss.

Mr. O'Neil recommended to put it as an add on to the contract.

Larry Thorner of 88 Highland Avenue spoke about his concerns. He is for signage.

Mr. Francy offered a motion to include an “add on” alternate to the bid, a traffic calming device between Twinlights and the “S” curve, seconded by Mayor Nolan and all were in favor on the following roll call vote:

**ROLLCALL:**

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

**Memoria Project**

Mr. Francy said we had given approval to move on a plan that was not the approved plan. Mr. Fox needs to understand he can not move forward on plan approved at last meeting. The placement of the stones is not per the 2005 agreement.

Mrs. Cummins will send Mr. Fox an email stating that everything has been rescinded, all is on hold. He needs to come to the April 20<sup>th</sup>.

Council continued to discuss.

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Mr. Halfacre recommended that there be a conversation with Mr. Fox, a member of the Council and the two Veteran Groups.

Mayor Nolan asked the Mr. O'Neil and Mr. Francy meet with Mr. Fox and representatives from the two Veterans Groups to have a consensus at the next meeting.

Mayor Nolan offered the motion to rescind approval, seconded by Mr. Francy and all were in favor on the following roll call vote:

**ROLLCALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Public Portion**

Carol Bucco of 330 Shore Drive questioned the Homestead Rebate and its effect on tax bills.

Mr. Pfeffer explained that it is a State regulation, where the Rebate is taken off the tax bill.

Arnie Fuog of 50 Valley Street asked what the cost of litigation of the High Rise is.

Steve Pfeffer stated that it was approximately \$18,000.00.

Tara Ryan of 17 Ocean Street commented that her home was damaged by the bridge construction. She was told to document everything. They were given conflict advice. If told to file with own insurance company years ago, she would have done it.

Mayor Nolan said that all claims were denied.

Mr. Halfacre said he will look in to it. We will advocate for the residents.

Tara Ryan also asked if there is a photo rendering of the proposed Snug Harbor Pump Station.

Mr. Francy said there is one in Borough Hall.

Larry Colby of 44 South Bay Avenue stated that he had to get a lawyer for bridge damage to his property.

Don Manrodt of 268 Bayside Drive spoke about the fire lane at the ferry service, the chain was taken down to plow. It needs to be put back up. He also mentioned Bayside Drive; the DEP is letting Exxon handle it. They put bags of charcoal down. He doesn't feel that it's working. They are taking samples of the soil. He mentioned that on the tax bills, there still isn't a breakdown of assessments, which is needed for tax appeals.

Mayor Nolan directed Mrs. Cummins to contact the ferry service to have the chain put back up. Also, Mr. O'Neil will speak with Sea Streak tomorrow.

Mr. Francy stated that he and Mr. Connelly will be meeting with the DEP regarding the samples tested from Bayside Drive, to see if there is any benefit to the charcoal beds. He feels that the Environmental Commission needs to ramp up pressure on the DEP to get involved.

Pauline. Jennings of 27 Ralph Street asked if the council has authorized special council to make this motion regarding the appellate judges ruling on Ordinance 0-07-07.

Mr. Halfacre stated that he instructed the Attorney to join in the motion that was filed by the property owner.

Mrs. Jennings asked why the Borough would challenge their decision. The Appellate Court judges ruled unanimously that the ordinance was not valid any longer.



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Mayor Nolan explained that we did not; we are keeping our options open.

Mr. Halfacre stated that the council can only act during a meeting. There wasn't a meeting between the time of the Appellate Division decision and the time to appeal. He further explained the motion of reconsideration.

Carol Bucco of 330 Shore Drive commented on Mr. Manrodt's question about the evaluation. She said they sent a letter out telling what your assessment is and also a postcard from the county was sent out. She also wanted to comment of the Highland Avenue situation. South Peak Street has a stop sign. The only traffic problem is after school. She further explained. Calming devices may not be the solution.

Mr. Francy explained the traffic calming tables. They would limit noise.

Mayor Nolan said we do not have a consensus and we are working on it.

Larry Thorner of 88 Highland Avenue said we are for whatever the right solution may be.

Mayor Nolan agreed that something has to be done.

Arnie Fuog – passed.

Jim Parla of 16 Portland Road spoke of the bridge damage claims. He spoke with his neighbor who processed claims through their insurance and the claim was denied.

Peter Mullin of 11 Marine Place asked if there will be a resolution by the council to authorize the motions that were made in court .

Mr. Halfacre said no resolution is required. There is no action for the Borough to take right now.

Mr. Connelly stated the action was due diligence to say the town has to have its options open. It was not an opinion, just that you have a choice to keep your options open.

Mr. Halfacre explained the procedural steps taken to protect the Borough interest.

There were no further questions or comments from the public.

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

The Meeting adjourned at 10:18 P.M.

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**Debby Dailey, Deputy Clerk**