

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
July 20, 2011**

Mayor Nolan called the meeting to order at 7:02 P.M.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the 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. Francy, Ms. Kane, Mayor Nolan
Absent: Ms. Kane-left room –returned at 7:03
Late: Mr. O’Neil – arrived at 7:15
Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Acting Administrator
Steve Pfeffer, Borough CFO
Mike Halfacre, Esq., Borough Attorney

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: TOMSA**
Baymen’s Protection Association,
2 Private Road – Possible Litigation
- 2.Contract: SeaStreak,**
226 Navesink Ave Tree Removal
- 3.Real Estate:**
- 4. Personnel Matters: Reg Robertson-Riced**
DPW Staffing-Wayne Occhipinti-Riced
Dispatcher Staffing-Diane Alvator-Riced
Mandi Velezquez-Riced
Special Officer Staffing
William Armenti, Police Dept. – Riced
Seasonal Office Help

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.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:25 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

Tim Hill, Acting Administrator

Steve Pfeffer, Borough CFO

Mike Halfacre, Esq., Borough Attorney

Consent Agenda:

Mayor Nolan offered a for motion to remove R-11-158 and also R-11-176 for discussion later

Mr. Pfeffer also asked to add a payment to Fiore Paving to the supplemental bill list.

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

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

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

**R-11-146
RESOLUTION APPROVING PERSON-TO-PERSON
TRANSFER OF LIQUOR LICENSE**

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1317-32-018-004**

WHEREAS, an application has been filed for a Person-to-Person transfer of Liquor License Number 1317-32-018-004 from Wunderbar t/a Driftwood Liquors to D.D.S. Enterprises t/a Driftwood Liquors; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve, effective July 21, 2011, the Person to Person transfer of the Liquor License Number 1317-32-018-004 from Wunderbar t/a Driftwood Liquors to D.D.S. Enterprises, LLC t/a Driftwood Liquors.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOTH**

R-11-154

Mayor Nolan offered the following Resolution and moved its adoption:

RESOLUTION PERMITTING PRE-PAYMENT OF CERTAIN ITEMS

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the Governing Body, debt service, governmental fees and other statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body including sanitation and recycling collection contracts and associated tipping fees.
4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.
10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$10,000.
11. Third Party Tax Lien and Premium Redemptions.

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-11-155

RESOLUTION – APPROPRIATION RESERVE TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (four affirmative votes) that transfers between SFY 2011 Budget Appropriations Reserves be made as follows:

CURRENT FUND -----	FROM -----	TO -----
Borough Clerk Salaries & Wages Police Department:	\$ 2,000	

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Salaries & Wages	3,000	
Borough Clerk:		
Other Expenses		2,000
Fire Department:		
Other Expenses		1,000
Police:		
Other Expenses		2,000
	-----	-----
	\$ 5,000	\$ 5,000
	=====	=====

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-11-156
RESOLUTION – COMPENSATED ABSENCE-RETIREMENT**

WHEREAS, Krisida Burton has been employed by the Borough of Highlands as a Public Safety Telecommunicator since February 16, 2000; and

WHEREAS, on June 30, 2011 Krisida Burton retired; and

WHEREAS, Krisida Burton is entitled to compensated absence benefits for her accrued vacation time of 44 hours, sick time of 995.50 hours, personal time of 12 hours and compensatory time of .25 hours equating to \$15,103 (amount subject to minor changes including rounding); said benefits are in accordance with Borough Ordinance 95-29, Personnel Policy Manual and the collective bargaining agreement between the Borough of Highlands and the Communications Workers of America Local 1032 effective July 1, 2008-December 31, 2011 as authorized by Resolution 09-111 and Resolution 10-162; and

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

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

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands that subject to the certification of funds availability by the Chief Financial Officer, that Krisida Burton receive the aforementioned compensated absence benefits as described as follows:

Krisida Burton has requested in a letter dated April 21, 2011 that the payment of the sick time be paid in equal payments, the first payment in July 2011 and the second payment on January 15, 2012. All other accrued time will be paid in July 2011.

Certification of Funds: Trust Fund – Reserve for Accumulated Leave

Stephen Pfeffer
Chief Financial Officer

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

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Insert resolution R-11-157

HIGHLANDSNJ.COM

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

**R-11-159
RESOLUTION
SUPPORTING 2012 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, the Municipal Alliance Program has provided a wide range of services to the people of the Borough of Highlands and Borough of Atlantic Highlands, supporting programs such as D.A.R.E., parent education programs, drug free recreational programs such as Project Graduation and Project Prom, senior citizens programs and other services to all student and residents in need;

WHEREAS, for 2012, with contribution of 25% matching funds from the Borough of Highlands and Borough of Atlantic Highlands, this program is eligible for a 75% Municipal Alliance Grant for most costs; and

WHEREAS, this contribution has been split evenly, 12.5% from each Borough, and will be used for programs that directly benefit students and residents with no portion of these funds being used for the compensation of any staff; and

WHEREAS, Heather DeBlasi, Municipal Alliance Coordinator, requests an amount of funding and approval to file the Municipal Alliance Grant Application for 2011 which is now underway and due; and

WHEREAS, the Borough had contributed an additional \$5246.00 last year for continued support of this Program.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the request for matching funds of \$3,410.00 and additional funds of \$5,246.00 totaling \$8,656.00 for 2012 is approved.

BE IT FURTHER RESOLVED that the request to prepare and file the Municipal Alliance Grant Application for 2012 is approved and the Mayor and Borough Administrator and Municipal Clerk are hereby authorized to sign the Statement of Assurances concerning the Municipal Alliance Grant.

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-11-160

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Mayor Nolan offered the following Resolution and moved its adoption:

R-11-161

**RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES
GIBBONS P.C.**

WHEREAS, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Gibbons P.C., One Gateway Center, Newark, New Jersey 07102 – 5310 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2011 through December 31, 2011. All rates based on the services utilized are provided for in the contract between Gibbons P.C. and the Borough of Highlands; and

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

Contingent upon adoption of the SFY 2012 Municipal budget:

Legal

Sewer Utility

Various Bond Ordinances

Stephen Pfeffer, Chief Financial Officer

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

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

1. The firm of Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$8,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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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-11-162
RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT
FOR HIGHLANDS VFW POST 6902**

WHEREAS, an application has been filed an application for a Social Affairs Permit has been filed from the Highlands VFW for the period of August 4, 2011 through August 7, 2011; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed by the Chief of Police and he has not objections to the issuance of said permit.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the Highlands VFW for the period of August 4, 2011 through August 7, 2011.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-11-163

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES**

MICHAEL HALFACRE, ATTORNEY AT LAW

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

WHEREAS, such professional engineering services can only be provided by licensed professionals and the Law Office of Michael Halfacre, P.O. Box 299, Little Silver, N.J. 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 \$35,000.00 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period July 1, 2011 through December 31, 2011 per the attached contract:

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

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

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

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

I hereby certify funds are available as follows contingent upon adoption of the SFY 2012 municipal budget:

Legal Other Expenses
Sewer Utility Other Expenses

Stephen Pfeffer, Chief Financial Officer

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

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

5. The Law Office of Michael Halfacre is hereby retained to provide professional legal services as described above for an amount not to exceed \$35,000 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 authorized to sign the contract.
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:

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R-11-164
RESOLUTION
RENEWING 2011-2012 LIQUOR LICENSES**

WHEREAS, Liquor License Renewal Applications were filed for the year 2011-2012 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2011 to June 30, 2012:

1317-33-010-010	JWALKERBLACK, LLC t/a Havana Tropical Café	409 Bay Ave
1317-33-017-002	L & P Tavern, Inc. t/a Ye Ole Cork & Bottle	Bayside Plaza
1317-33-024-012	Waz Two, LLC t/a Twin Light Taphouse	128 Bay Ave

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

ABSTAIN: None

ABSENT: None

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

**R-11-165
RESOLUTION AUTHORIZING
SEASONAL TEMPORARY EMPLOYEES FOR SUMMER MONTHS**

WHEREAS, the Borough of Highlands has a need for seasonal temporary employees during the summer months; and

WHEREAS, the municipal budget makes provisions for such hires; and

WHEREAS, the Mayor and Council authorized the Interim Borough Administrator to hire seasonal temporary employees as soon as possible at their June 15, 2011 meeting ;and

WHEREAS, the Borough Administrator has interviewed and recommends the appointments as listed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the Hiring of DPW seasonal temporary employees Barry McKellar, Jr., at a rate of \$11 per hour, Wallace Hartsgrove at a rate of \$12 per hour and the hiring of Elyse Parker, Life Guard at a rate of \$8 per hour and Bridget Rafter, Clerical Help at a rate of \$9.00 per hour.

BE IT FURTHER RESOLVED that said appointments are effective June 27, 2011 through September 2, 2011.

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 Resolution and moved on its adoption:

**R-11-166
RESOLUTION SUPPORTING THE EXTENSION OF TIME TO AWARD
CONTRACT FOR THE RECONSTRUCTION OF BAY AVENUE
TO OCTOBER 15, 2011**

WHEREAS, the Reconstruction of Bay Avenue is being funded by NJDOT and by the Monmouth County Community Development Block Grant Program and the NJDOT has a requirement that the Borough award a contract for the Reconstruction of Bay Avenue by August 16, 2011 however, this deadline does not appear to be feasible at this time due to the funding allocated by the Monmouth County Community Development Block Grant Program, as the County does not support advertising funded project prior to Federal HUD Program dollars being encumbered by the County; and

WHEREAS, the Community Development Office has indicated that funds will not be encumbered until approximately the end of July or early August 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that the Borough respectfully requests an extension of time by the NJDOT for the deadline of awarding a contract for the Reconstruction of Bay Ave. The Borough requests an extension of time to award said project to a deadline of October 15, 2011.

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

ROLL CALL:

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

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

**R-11-167
RESOLUTION APPOINTING FIRE POLICE**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following persons be and hereby are appointed Fire Police for the year 2011:

Robert Capano

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:

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R-11-168

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO SEPTEMBER 1, 2011**

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

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

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

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

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-11-169

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR SPECIAL COUNSEL SERVICES SCARINCI
& HOLLENBECK, LLC**

WHEREAS, the Borough of Highlands has a need for special counsel services to perform any and all legal services in redevelopment, taxation, land use and

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environmental matters regarding the disposition of various properties in the Borough of Highlands including litigation if necessary; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 is so recognized; and

WHEREAS, this contract is to be awarded at an hourly rate of \$135 for an amount not to exceed \$24,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2011 through December 31, 2011; and

I hereby certify funds are available as follows contingent upon adoption of the SFY 2012 municipal budget:

Current Fund: Legal \$24,000

Stephen Pfeffer, Chief Financial Officer

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

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck, LLC has not made any reportable contributions to a political candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

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

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

9. Scarinci & Hollenbeck, LLC are hereby retained to provide special counsel services as described above for an amount not to exceed \$24,000 plus reimbursable expenses.
10. 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.
11. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
12. 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 on its adoption:

**R-11-170
RESOLUTION APPOINTING TEMPORARY PART-TIME
POLICE COMMUNICATIONS OPERATOR**

WHEREAS, the Borough of Highlands Police Department has the need for a part-time Police Communications Operator due to the leave of absence of a P/T Police Communications Operator; and

WHEREAS, the Chief of Police has recommended that Philip Paone be appointed to the position part/time Police Communications Dispatcher; and

WHEREAS, the Governing Body concurs with the Chief of Police recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Philip Paone be hired and hereby is appointed as a temporary part time Police Communications Operator;

BE IT FURTHER RESOLVED that said appointment be effective immediately and the salary be set at \$9.50 per hour.

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-11-171

**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 July 1, 2011 through December 31, 2011; and

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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 2012 municipal budget:

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

Stephen Pfeffer, Chief Financial Officer

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

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

13. 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.
14. 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. .
15. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
16. 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:

R-11-172

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

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

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

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

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

WHEREAS, the firm The Arnette Law Firm, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the Arnette Law Firm, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Arnette Law Firm, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the SFY 2012 Municipal Budget.

Current Fund Legal = \$15,000

Stephen Pfeffer, Chief Financial Officer

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

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

1. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby appointed and retained to provide professional legal counsel services as described above for the period of July 1, 2011 through December 31, 2011.
2. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby retained at an hourly rate of \$115.00 per hour for the period February 1, 2011 through June 30, 2011, in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.

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

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

ROLL CALL:

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

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

**R-11-173
RESOLUTION APPROVING UNPAID LEAVE OF ABSENCE**

WHEREAS, Mandi Valazquez, part/time Police Communications Operator has requested a six-month personal leave of absence from her permanent part-time dispatcher position effective August 14, 2011; and

WHEREAS, Chief Blewett has reviewed the said leave of absence request and has recommended to the Governing Body that this request be granted.

NOW, THEREFORE, BE IT RESOVLED by the Mayor and Council of the Borough of Highlands that the request for a six-month unpaid personal leave of absence of Mandi Valazquez is hereby approved effective August 14, 2011.

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

ROLL CALL:

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

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

**R-11-174
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
ELECTRICAL REPAIR AND MAINTENANCE**

WHEREAS, bids were received on July 19, 2011; and

WHEREAS, one (1) bid was picked up by a vendor, and one (1)

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
1. SODON ELECTRIC P.O. BOX 408 ATLANTIC HIGHLANDS, N.J. 07716	\$ 98.00 PER HOUR

Bids were advertised as per N.J. State Statutes and affidavit of publication is

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on file in the Office of the Borough Clerk.

SODON ELECTRIC, P.O. BOX 408, ATLANTIC HIGHLANDS, N.J. 07716

shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated July 19, 2011, said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

PROVIDE ALL INCLUSIVE ELECTRICAL REPAIR AND MAINTENANCE FOR THE BOROUGH'S FACILITIES AND PARKS FOR A TWENTY FOUR MONTH PERIOD

**SODON ELECTRIC
P.O. BOX 408
ATLANTIC HIGHLANDS
N.J. 07716**

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to SODON ELECTRIC, P.O. BOX 408, ATLANTIC HIGHLANDS, N.J. 07716, in the amount of: \$ 98.00 per hour.

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

1. It hereby awards the contract for "Electrical Repair and Maintenance" to Sodon Electric, P.O. Box 408, Atlantic Highlands, N.J. 07716 at a rate of \$ 98.00 per hour.
2. BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open in accordance with N.J.S.A. 19:44A-20-5 et seq.
3. This contract is open-ended pursuant to N.J.A.C. 5:34-5-2(B) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service.
4. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A) Chief Financial Officer
- B) Purchasing Agent
- C) Administrator
- D) All Vendors

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:

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**R-11-175
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
PLUMBING REPAIR AND MAINTENANCE**

WHEREAS, bids were received on July 19, 2011, and;

WHEREAS, one (1) bid was picked up by a vendor, and one (1)

Responsive Bid was received as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
GEORGE TREVETT PLUMBING & HEATING LLC 336 HIGHWAY 36 PORT MONMOUTH, N.J. 07753	\$ 90.00 PER HOUR

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

GEORGE TREVETT PLUMBING & HEATING LLC., 336 HIGHWAY 36, PORT MONMOUTH, N.J. 07753, shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated July 19, 2011, said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
PROVIDE ALL INCLUSIVE PLUMBING REPAIR AND MAINTENANCE FOR THE BOROUGH'S FACILITIES AND PARKS FOR A TWENTY FOUR (24) MONTH PERIOD	GEORGE TREVETT PLUMBING & HEATING 336 HIGHWAY 36 PORT MONMOUTH, N.J. 07753

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to GEORGE TREVETT PLUMBING & HEATING LLC. in the amount of: \$ 90.00Per Hour.

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

1. It hereby awards the contract for "Plumbing Repair and Maintenance to George Trevett Plumbing & Heating LLC in the amount of \$ 90.00 per hour.
2. **BE IT FURTHER RESOLVED,** this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5 et seq.

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BE IT FURTHER RESOLVED, this contract is open-ended pursuant to

N.J.A.C. 5:34-5.2 (B) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A) Purchasing Agent
- B) Comptroller
- C) All of the above bidders

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-177

**RESOLUTION – CHANGE ORDER #3
FIORE PAVING COMPANY, INC.
DECREASE OF \$6,841.96
RESURFACING OF WATERWITCH AVENUE**

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

R-10-164	August 9, 2010	\$163,637.50	
R-10-200	October 6, 2010	\$ 33,625.00	Change Order #1 Increase
R-11-42	January 19, 2011	\$ 4,253.00	Change Order #2 Decrease

WHEREAS, change order # 3 dated July 20, 2011 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (Reflection of as-built quantities),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #3 decreasing the original contract amount by \$6,841.96 is hereby authorized for the Resurfacing of Waterwitch Avenue Project. The total contract amount is hereby amended to \$186,167.54.

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

ROLL CALL:

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

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

RECAP OF PAYMENT OF BILLS

07/20/11

CURRENT:		\$1,186,022.00
Payroll	(07/15/11)	\$ 178,225.32

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Manual Checks				\$ 655,841.05
Voided Checks				\$
SEWER ACCOUNT:				\$ 92,523.05
Payroll	(07/15/11)			\$ 5,409.82
Manual Checks				\$ 94,911.47
Voided Checks				\$
CAPITAL/GENERAL				\$
CAPITAL-MANUAL CHECKS				\$ 16,541.54
Voided Checks				\$
WATER CAPITAL ACCOUNT				\$
TRUST FUND				\$ 600.00
Payroll	(07/15/11)			\$ 4,175.00
Manual Checks				\$ 88,591.23
Voided Checks				\$
UNEMPLOYMENT ACCT-MANUALS				\$
DOG FUND				\$ 1,190.00
Manual Checks				\$ 12.00
GRANT FUND				\$ 10,040.14
Payroll	(07/15/11)			\$ 4,021.19
Manual Checks				\$
Voided Checks				\$
DEVELOPER'S TRUST				\$ 500.00
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
July 20, 2011**

CURRENT FUND

Comcast	Internet Service #1	180.00
Future Sanitation	Garbage & Recycling Collection	8,366.67
Future Sanitation	Tipping Fees 7/7/11-7/14/11	5,201.80
Jack Serpico	Planning Board Services 6/2011	580.00

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Total Current Fund	<u>14,328.47</u>
CAPITAL FUND	
Total Capital Fund	<u>0.00</u>
SEWER UTILITY FUND	
Total Sewer Utility Fund	<u>0.00</u>
TRUST FUND	
N.J. Department of Labor	Unemployment Charges 2nd Quarter 2011
	57,055.34
Total Trust Fund	<u>57,055.34</u>
Total Supplemental Bill List	<u>71,383.81</u>

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

Approval of Minutes:

Mayor Nolan offered a motion for the approval of the June 15, 2011 Regular & Executive Session Meeting Minutes, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

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

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NAYES: None
ABSENT: None
ABSTAIN: None

Approval of Fire Dept Membership Application – Martin Hawley, Jr.

Mayor Nolan offered a motion for the approval of Fire Department Membership Application, seconded by Mr. Francy 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

Resolution R-11-158

Mayor Nolan offered a motion to remove R-11-158 and it was seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

Resolution R-11-176

Mrs. Cummins read the title of R-11-176 Awarding Contract for Highland Ave. Project to Fiore Paving.

Mr. Francy asked what would be included in the alternates.

Mr. Leubner explained that it’s the two speed humps that were previously discussed.

Council continued to discuss.

Mr. Francy wants to understand where the speed humps are going to be located. He would like to meet with Mr. Leubner next week to discuss.

Mr. Leubner stated that we can award the contract with speed humps in, and can remove them if we choose to.

Mr. Connelly asked what if we decide not to add them after authorizing them.

Mr. Leubner explained that it would be a reduction in the contract. We would do a change order to lower it.

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

**R-11-176
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
HIGHLAND AVENUE AREA ROAD IMPROVEMENTS**

WHEREAS, the Borough of Highlands has advertised for bids for the Highland Avenue Area Road Improvement Project in accordance with the Local Public Contracts Law; and

WHEREAS, the following one (1) bid was received and reviewed by the Borough Engineer and the Borough Attorney:

Name	Base Bid	Alt#1	Total
-------------	-----------------	--------------	--------------

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Fiore Paving Co., Inc \$1,180,865.00 \$5,640.00 \$1,186,325
; and

WHEREAS, the Fiore Paving Co., Inc. is the lowest responsible bid ; and

WHEREAS, certification of funds is hereby made by the Chief Financial Officer that funds are available in the municipal bond ordinance adopted for said purpose:

Bond Ordinance#O-10-14 \$1,186,325.00

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the Highland Avenue Area Road Improvements Project is hereby awarded to Fiore Paving Company, Inc.4 Fiore Court, Oceanport, NJ 07757 in the sum of \$1,186,325.00 subject to the approval of the Borough Attorney, NJDOT Municipal Aid and NJ Department of Labor, Office of Wage and Hour Compliance

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

ROLL CALL:

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

Ordinances: Introduction and set Public Hearing Date for August 17th:

Ordinance O-11-17

Mrs. Cummins read the title of Ordinance O-11-13 Ordinance Amending Excavation in the Public Street for introduction.

Mr. O’Neil offered the following Ordinance and moved on its introduction and setting of a public hearing date for August 17, 2011 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO. O-11-17
AN ORDINANCE AMENDING CHAPTER 8-2.3 “EXCAVATIONS IN THE PUBLIC
STREETS” “DENIAL OF PERMIT; APPEAL” OF THE REVISED GENERAL
ORDINANCE OF THE BOROUGH OF HIGHLANDS**

Section 8.23 shall be designated 8.23(A)

THE FOLLOWING SECTION WILL BE ADDED AS 8-2.3 (B)

B. *Additional Requirements for Excavations on Paved Streets Less than Seven (7) Years Old.*

1. No permit shall be issued by the director which would allow an excavation or opening of a paved or improved street surface less than seven (7) years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

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2. If by special permission of the director a permit is issued to open any paved or improved street surface less than seven (7) years old, an additional fee shall be charged for the opening, except that the additional fee shall be waived in the event the work is of an emergency nature. The additional fee shall be equal to the sum of _____ (\$ _____) dollars for the first two (2) years and _____ (\$ _____) dollars for years three (3) through five (5).

3. Appeals from this section may be had in the same manner as those set forth in Section 8-2.3 (A) above.

Seconded by Mayor Nolan for introduction on the following roll call vote:

ROLL CALL:

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

=====

Committee Reports:

Finance:

Mr. Pfeffer requested permission to do a bill list in early August.

Council approved.

Mr. Pfeffer reported on the financial condition of the Borough. He completed the annual financial statement. We closed the year with cash surplus of \$651, 608.00 down \$330,000.00 from the prior year. We are down \$589,000.00 from 2009. He explained percentages for 2008 to 2011. Tax appeals were a big part of the problem for 2011. He described the collection of delinquent taxes. He stated that the unemployment bill is very high. The sewer has stabilized. The sewer budget depends on what we get charged from the Sewerage Authority. We have built some surplus.

DPW:

Mr. Hill stated that we have three full time and two seasonal employees. They are keeping up with grass cutting, cleaning of Jones Creek, removal of brush, and bulk pick up in June and by permit. They have replaced some equipment.

Public Safety:

Chief Blewett read thru his report.

**POLICE DEPARTMENT
BOROUGH OF HIGHLANDS**



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

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**Report to Council
July 2011**

- * While I understand the budgetary constraints of the Borough I can't stress enough the importance of our officers having reliable patrol vehicles. Patrol units 1703 and 1704 which are now six years old and have 118,000 and 109,000 miles respectively. In addition to the high mileage and since January 2011 both vehicles have been out of service for numerous repairs and maintenance costs on these vehicles are quickly rising.

- * The Highlands Police Department recently received over \$7200.00 in forfeiture funds from the Monmouth County Prosecutor's Office. These funds are the proceeds of confiscated property from narcotics cases investigated by the Highlands Police Department.

- * The Highlands Police Department recently sponsored a trip to Gateway National Recreation Area Sandy Hook for the Explorer Post. Participants received a guided tour of the Missile Bases and barracks. The Highlands First Aid Squad also held a basic first aid lecture and bandaging demonstration for the explorers. The explorer post with the help of the Highlands Business Partnership also started a fundraising raffle in order to raise funds for the purchase of equipment and trips for the post participants. To date the explorers have dedicated themselves to the sale of raffle tickets logging over 120 hours spent selling tickets at various events.

* Total Calls for Service:	665
* Arrests:	Adults: 34 (8 for possession of CDS)
	JV: 1
* Summons:	Total: 141
	Moving Violations: 46
	Non-Moving: 46
	DWI: 10
	Boro Ordinance: 39

(Statistical Information is from June 1 – 30, 2011)

JRB/dla

Mr. Francy asked the Chief about noise complaints at Windansea and if any summonses were issued,

Chief Blewett explained that five noise complaints have been received from there since January. They have two guilty pleas and fines were paid.

Mr. Francy stated that other complaints are that people are leaving the bar with drinks.

Chief Blewett said that they have issued a lot of borough ordinances for that. The problem is that they can't prove that they actually walked out of the bar with it unless we have an officer at the door.

Council continued to discuss.

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Mayor Nolan requested Chief Blewett to keep the council updated via email on the impact of having an officer there.

Building/Housing:

No report at this time.

Parks/Recreation:

See report under Administration.

HBP:

Carla Cefalo-Braswell read thru her report.

HBP Council Report for July 20, 2011

For the Marketing and Events Committee, HBP will go on newsmakers August 3, 2011 and we will plug fall events including the Memoria Project. HBP will be celebrating the 10th Annual Twin Light Ride and will be meeting on July 25th. We facilitated a preliminary resource meeting for the installation of the Memoria Project and Andrew Stockton of Civil Engineering will be donating the surveying and engineering services, Kudos Construction will donate excavation, Frank Rahm will donate Landscaping and possible Irrigation. We are still soliciting a concrete donor. Anyone wishing to donate to the Memorial can call us for info at 732-291-4713 and will soon be available on www.highlandsnj.com

The HBP Economic Development Committee has prepared a zoning recommendation report for Mayor & Council for efforts in business recruitment and retentions as well as to encourage home ownership and reduce the amount of absentee landlords. We made a formal presentation to the Planning Board on July 15th and the HBP Zoning Recommendation Report is available on HBP 2011 Meeting archives section of www.highlandsnj.com/hbp.

The Farmers Market is in full swing and we have a full line of organic produce. The market is every Saturday at 9AM. The Clam Fest is in the final planning stages. The ride vendor pulled out but we will have 8-10 kiddy rides for ages up to 14. There will be a couple of rides that an adult can on as well. As always, please volunteer.

On Thursday, June 30th, the Highlands business community donated for the PTAK 25th Anniversary celebration. Bahrs, Chilangos, Certified Clam, Francesco's, Grimaldi's, Lusty Lobster and the Original Oyster graciously donated a taste of Highlands; Additional Sponsors were Care One for the Band and Super Foodtown. Foodtown. Other Highlands merchants donated gift baskets such as Classic Boat Rides, Endless Treasures, ShoreGrafx, Seascape Manor B&B, Valley National Bank, In the Garden and also William Caizza donated salads. A great time was had and the food was delicious. Councilwoman Rebecca Kane and HBP did a tremendous job organizing and working the event. Thanks to all!

We are patiently waiting for the irrigation to be installed at Miller Hill for our barter project with Frank Rahm Landscaping and Hufnagel Treet Experts. The DOT finished replacing way fare signs and all new signs will be installed over the next week.

Thank You, submitted by Carla Cefalo-Braswell

Public Relations:

Ms. Kane stated that all verbal records are available on line.

Environmental/Shade Tree:

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Mr. Francy said the commission has been meeting weekly with Exxon on remedial action on the Bayside seep. This should be completed in 2-3 weeks. The goal is to eliminate odors. This is a multi year plan

AHHRSA:

Mr. O'Neil did not have a report at this time.

Mr. Francy added that the Authority has reached an agreement with TOMSA which will have a minimal impact on us. He further explained.

Mr. Francy continued that we will be able to dissolve the authority and move on our own.

Administration including Sub-Standard Housing:

Mr. Hill read thru his report.

Borough Administrator's Report July 20, 2011

Letter to DOT with Regards to Bridge Memo – sent and reviewed by DOT

Bayside Drive (Exxon remediation project has begun –)

Memoria Project moving forward – lighting / electric needs of park being discussed.

Girl Scout Project – rehabilitation / repair of Huddy Park gazebo and flower bed area
Project to be presented in August to M/C

Community Center / Facility Fee update – Use agreement for review and implementation.

Fire Hydrant relocation with NJAW on Portland Rd completed.

In the process of updating MEL/JIF Renewal Data for fund year 2012

L. Parker – request to plant memorial tree ---

Contacted Freehold Soil Conservation with regards to Monmouth Hills.

Borough recognized at 7/14/11 Monmouth County Board of Freeholders Meeting for Open Space project completion – (Snug Harbor Park area of community center)

Kavookjian Field – non-profit corp would like to have field, monument, parking lot and front grass along Rt 36 maintained by private contractor during growing season.

Monmouth County Open Space Grant – application due 9/21/11 –

Seasonal DPW, LG, Office clerical hired

Meetings: Clam Depuration, Monmouth County Board of Freeholders, MEL/JIF, Memoria Project,

Special event meeting set for July 21 for Clam Fest,

Public Safety – see Chief's Report (not attached)

During heavy rainfall events of 7/7 residents at various locations called with concerns. Property maintenance, Fire officials, Police Dept. and others responded. Follow up still ongoing.

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DPW

- **see attached list**
- 2 seasonal employees hired
- Preparing for Clam Fest

Bldg and Housing

Parks and Recreation

Summer Kidfest Program 144 enrolled – Daily program with USDA Summer Food Service Program component – Daily activities – arts / crafts, games, etc :Special events included: Basketball Hot Shot Tournament, Sand Art Contest, Frisbee Golf, Pool Tournament

Summer Kids Connection – (afternoon drop-in) 35 enrolled

Beach Cleaning has been done on weekly basis

Beach Activity – (Includes July 4th weekend)

Snug Harbor – weekend close to 200, weekday 78

Miller Street – weekend 70, weekday 35

Coastal Monitoring Reports – June 13 high count @ SH 1day event, June 14 normal all other reports (June 6 – July 18th) all within normal ranges for public bathing.

Choose Your Cover Cancer Sun Screening held late June

Annual Senior Citizen Calendar Party held on June 23rd

Annual Senior Citizen Picnic held on June 30th

Farmer's Market Voucher Program 41 registered for program, still have vouchers available for eligible residents.

Movie on the Beach "Kung Fu Panda" held on July 15th over 100 attended

Mayor Nolan asked that Mr. Hill and Ms. Kane to move forward on the Monmouth County Open Space Grant application and report back to the Council.

Mr. Francy questioned the grass cutting on the hill by the side of the Bridge. We should add it to our schedule.

Mr. Hill said he will put it on the schedule.

Library Committee:

Mrs. Ryan read thru her report.

**HIGHLANDS BORO LIBRARY
JULY 2011 COMMITTEE REPORT**

- The Library membership has continued to grow. Twenty-two new cards have been issued since May 1, 2011.
- There has also been an up-swing in the number of computer and printer users.
- The Monmouth County Library System has continued to support the Boro Library, even though we are not a listed branch. They continue to send us support materials, and include Highlands in notifications and flyers for all County Library Programs. These include classes for children and adults, film series, lectures and

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demonstrations. The information is available at the Highlands Library.

- Two of our original volunteers, Wendy Sidowski and Debbie Strom have set up a Book Sale at the Farmers Market. Donated materials that the Library cannot use, such as duplicate volumes, are on sale each Saturday morning at extremely nominal prices. In addition to raising funds for Library supplies, the volunteer staff informs the public about our Library and programs.
- Summer resident and Library volunteer Christine Mihock raised money from her Gravely Point friends and neighbors specifically for the HES and HHRS Summer Reading Program. The donations allowed us to purchase books for each grade in both schools.
- We want to remind the students (and parents) to take out their Summer Program Books NOW!! to avoid the Labor Day Weekend rush.
- Joan Brink and Nina Flannery continue to volunteer at the Library each Monday processing donated materials. We appreciate donations, but ask that you please talk to a staff member before bringing boxes of your books and VCR tapes to the Rec. Center. We have extremely limited space and simply cannot shelve all materials donated to us. However, we thank all residents for their support.

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Other Business:

Engineer's Status Report, NJNG Street Opening, Mon Hills Temp Flow Metering:

Mr. Keady read thru his report.

HGHL-G1101

July 15, 2011

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

Timothy Hill

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

Re: Engineer's Status Report

Dear Mr. Hill:

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

General

1. **Sanitary Sewer Flow Metering - Monmouth Hills:** As requested by the Borough, we have solicited a quotation to monitor the sanitary sewer flow from Monmouth Hills that is collected within the Borough's sanitary sewer system. We have identified three (3) locations at which the meters will be installed. We have been authorized by the Borough to have the metering completed, interpret the data and

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prepare a summary report outlining the metering results. The meters have been removed and the data was received by T&M Associates. We have evaluated the data and have requested the water usage for each property. We have received the water data and have evaluated it to derive a flow comparison. A final letter report has been issued for the Borough's use.

Capital Improvement Projects

1. **Flood Reduction Program:** Permit applications were submitted to the various agencies on March 4, 2011 and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. We have been receiving sporadic comments/questions from various areas of the NJDEP and have issued responses to each of them. Further, a Tidelands License application has been submitted to the NJDEP to relocate the Valley Street Pumpstation outfall line to Borough right-of-way. The permit for the project has been issued by the Army Corps of Engineers on July 7, 2011.
2. **The Resurfacing of Waterwitch Avenue:** The Borough received funding for this project in the amount of \$192,000.00. On March 27, 2009, we notified the NJDOT in writing that the Borough is requesting to reduce the limits of this project to the area between N.J.S.H. Route 36 and Linden Avenue and are currently preparing the NJDOT requested paperwork. At the May 20, 2009 meeting, Mayor and Council requested that the sanitary sewer improvements be added into the request. The paperwork was submitted to the NJDOT on June 19, 2009 for consideration. On July 16, 2009, the NJDOT sent a letter to our office stating that they approve the request to reduce the project limits. The Borough authorized T&M Associates to design and inspect the project on December 16, 2009. The Borough has adopted a Bond Ordinance to cover costs above the NJDOT award amount. The design of the project has been completed. The project was advertised for bidding on July 21, 2010 and bids were received on August 3, 2010.
3. Bid Date: August 3, 2010
Contractor: Fiore Paving Company, Inc., Oceanport, NJ
Amount: \$163,637.50

The Contractor has substantially completed the project. A punchlist is currently being prepared to be submitted to the Contractor for his action.

4. **2011 Roadway Improvements Project:** T&M Associates has prepared and submitted a revised proposal for design and contract administration services for the following roadways:
 - **Valley Avenue Resurfacing:** from Highland Ave. to the western terminus
 - **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street
 - **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity east of Woodland Street
 - **Bay View Street Rehabilitation:** The entire length

The Borough recently authorized T&M Associates to design and provide contract administration services for the above project. Design is currently underway.

5. **The Reconstruction of Highland Avenue:** The NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue. At the August 18, 2010 Council meeting, the Borough authorized T&M Associates to design the project. T&M Associates and representatives from the Borough Council held a pre-design walkthrough with the residents on Highland Avenue on May 8, 2010. All comments have been reviewed and incorporated into the design as appropriate. Field survey has been completed and the project design is underway. A meeting was held with the Borough and various residents on February 12, 2011 to review the design and further discuss resident concerns. A traffic calming plan was prepared and submitted to the Borough as well as the description of the proposed measures and the pros/cons of each. The plan was presented to the Borough at the March 16, 2011 Council meeting. On March 21, 2011 we were requested to further research the guidelines to determine the maximum amount of speed humps that can be

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installed along the roadway. We determined a maximum of four speed humps can be installed per the guidelines. We received final direction from the Mayor and Council regarding the proposed traffic calming measures at the April 20, 2011 Council meeting and have revised the plans accordingly. The NJDOT has authorized the Borough to advertise the project for bidding.

6. **The Reconstruction of Bay Avenue:** The NJDOT awarded the Borough \$250,000.00 for the reconstruction of Bay Avenue between Waterwitch Avenue and Central Avenue. The Monmouth County Community Development Block Committee awarded the Borough \$183,603.00 for the reconstruction of Bay Avenue between Central Avenue and Gravelly Point. This project will also include drainage improvements to the northern portion of Huddy Park. A construction contract must be awarded by August 16, 2011 to avoid jeopardizing the allotted NJDOT funding. We have authorized by the Mayor and Council to design and inspect the overall project. Topographic survey and project design has commenced. Plans are currently under review by the NJDOT. On behalf of the Borough, T&M Associates has also requested an extension of time to award the project due to funding timeline constraints by Monmouth County Community Development.

Grants and Loans

1. **FEMA Hazardous Mitigation Assistance Grant Program Letter of Intent:** The letter was submitted to FEMA on April 8, 2011 as required. The grant application is due in August 2011.

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

Very truly yours,

T&M ASSOCIATES

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

RRK:DRL

Enclosure

c: Honorable Frank Nolan, Mayor
Borough Council (Individually)
Carolyn Cummins, Borough Clerk
Michael Halfacre, Borough Attorney
Stephen Pfeffer, Borough CFO

Highlands Garden Club – Request for Annual Donation:

Mrs. Cummins stated that they are asking us to budget for another donation in our 2012 budget.

Mr. Pfeffer said it is in the budget for next year.

Mrs. Cummins will notify them.

Cat License Ordinance Removal Discussion:

Mr. Francy would like to table this. We have two Micro-Chipping Clinics in August. We need more information.

Letter from Residents RE: Cat TNR Program:

Mrs. Cummins received letters from residents about this program.

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Mr. Halfacre suggested that the letter should be referred to the program administrator at the ASPCA.

Mr. Francy explained the positives of the TNR program.

Mr. Connelly doesn't feel this program will work. It will not change their behavior.

Discussion continued.

Mr. O'Neil expressed concerns with people dropping cats off at colonies.

Mayor Nolan said we are trying to do something to curtail the cat problem, its going to be a 3-5 year fix.

Building Dept. Fee Ordinance Amendment Request:

Mrs. Cummins said that the Building Inspector requested that this be reintroduced.

Council discussed.

Mayor Nolan said we will revisit this next year. We will thank him for his report.

Ed Pirylys Request for Speed Limit Posting on Twin Lights Terr:

Chief Blewett said that it is a narrow street. He has not received complaints. Changing the speed to 10 mph will not change anything.

Ed Pirylys of Twin Lights Terrace said he believes there are two streets in town that are 10 mph.

Mr. O'Neil offered a motion for the approval of posting 10 mph sign and Children at Play sign on Twin Light Terrace, seconded by Mayor Nolan 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

World Trade Center Piece of Steel:

Ms. Kane stated that the Fire Department was awarded a piece of 9/11 steel. It will be an actual numbered artifact. She hopes we will receive it before the 10th Anniversary. She will keep all up to date.

Original Oyster Mercantile Lic & Liquor Lic Change of Corp Structure App:

Chief Blewett stated that the application process started in March. Mr. Lentz was given a list of items to provide to Detective Dobens. He did not have all the documents in May. There was an issue of who had interest in the license. We still have not received the requested information.

Mr. Lentz said that he believed he had given all the information requested.

Mayor Nolan asked Chief Blewett to get a report from Detective Dobens, find out what is needed and forward to him and to Mr. Lentz.

Discussion continued.

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Mayor Nolan asked Mr. Lentz to respond within 48 hrs. when the list of documents needed is provided.

Mayor Nolan offered a motion to approve an extension of the license from June 1, 2011 to the next meeting date of August 17, 2011, 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

Public Portion:

Carol Bucco of 330 Shore Drive asked about the Pension Credit Purchase Resolution.

Mayor Nolan stated that this resolution was taken off.

Mrs. Bucco questioned legal professional service contracts for the next six months.

Mr. Pfeffer said that we are renewing. There is on going litigation.

Linda McKail of 25 Huddy Avenue questioned the application for fire department membership. He is not a Highland resident.

Ms. Kane said he was a resident for 13 years. She recommended sending a letter to the Fire Chief.

Mr. Halfacre said that if the ordinance says you have to be a Highlands resident then we should amend it.

Discussion continued.

Mayor Nolan requested the Fire Chief send a letter to the Council on what direction he wants to go regarding this and we will take in under advisement.

Mr. Halfacre said the application approved tonight should be removed based on the ordinance.

Mayor Nolan offered a motion to rescind approval of the application of membership of Martin Hawley, Jr. to the Fire Department, seconded by Ms. Kane and approved 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

Don Mandrodt of 268 Bayside Drive thanked Mr. Francy and Mr. Connelly for coming up to Bayside Drive. He and the residents would like to be informed when they are meeting with the engineers.

Arnie Fuog of 50 Valley Street asked Mr. Hill if there was a report on sub-standard housing.

Mr. Hill said that two properties are in final notification to property owners.

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Mr. Fuog asked if there is any progress on the Gimpi's and Colby properties.

Mr. Hill said the Gimpi's property is Code Enforcement.

Mr. Fuog said the Colby property does not have siding.

Mayor Nolan instructed Mr. Hill to send the Code Enforcement Officer, may have to issue the owner a warning.

Carla Cefalo-Braswell said that the owner of the Colby building was issued a seven day summons and that it is being worked on.

Sean Fitzgerald of 8 Fourth Street asked about Monmouth Hills gravel that comes down to our pipe. It's been going on for years. Our creek is filled up. We need to address this.

Mr. Francy stated that he is sympathetic but we do not have the easiest solution short of taking suit against Monmouth Hills.

Mr. Hill stated that he checked with Freehold Soil. They do not get involved unless there is construction. He will call Middletown to document the expenses that we are incurring.

Sean Fitzgerald commented on the TNR program. He stated that there are two towns that tried the TNR program and stopped, Carteret and Maplewood. We should reconsider.

Mr. Francy said he will have information at the next meeting with towns that were successful.

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

The Meeting adjourned at 9:53 P.M.

Debby Dailey, Deputy Clerk