

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
August 17, 2011**

Mayor Nolan called the meeting to order at 7:06 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. O'Neil, Mr. Francy Ms. Kane, Mayor Nolan

Absent: None

**Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Interim Borough Administrator
Steve Pfeffer, Chief Financial Officer
Mike Halfacre, Esq., Borough Attorney
Bruce Padula, Labor Attorney
Debby Dailey, Deputy Clerk**

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: Hilling vs. Borough of Highlands, Hanley vs. Borough of Highlands, AHHRSA Litigation&Rates, 2 Private Rd., Baymen's Assoc-L. Colby**
- 2.Contract: Seastreak Ferry License negotiations**
- 3.Real Estate:**
- 4. Personnel Matters: Reg Robertson, Diane Alvator, William Armenti
-All Retirement
& DPW Staffing-Wayne Occhipinti -all RICED**
- 5. Attorney-Client Privilege:**

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

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

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

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
5. Deals with purchase, lease or acquisition of real property with public funds.

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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. 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

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:24 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, Chief Financial Officer
Mike Halfacre, Esq., Borough Attorney
Dale Luebner, T&M Engineers

****Girl Scout Presentation RE: Huddy Park Gazebo****

Karina Kurta of 20 Second Street explained that she is a Senior in High School and is working on her Girl Scout Award, similar to Eagle Scout Award, It is one of the highest honors. She is asking for approval to reconstruct the gazebo at Huddy Park. She showed pictures of the areas that she would like to fix; loose shingles, changing design of spindles, and cementing down rocks in the garden. She spoke with contractors about solar lighting and about placement of lights. She is seeking donations from different companies and would like to have the council's approval.

Mayor Nolan approved and asked her to coordinate with Mr. Hill, Borough Administrator regarding plans and permits.

All were in favor.

Consent Agenda:

Mayor Nolan asked if there were any questions or concerns.

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Mayor Nolan asked Chief Blewett about the Crackdown on DWI resolution.

Chief Blewett explained that they received a grant from the Division of Highway and Traffic Safety for \$4400.00.

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-178

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

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

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, NJ 07932 is so recognized; and

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

WHEREAS, this contract is to be awarded at an hourly rate of \$145.00 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2011 through December 31, 2011. All rates based on the services utilized are provided for in the contract between Cleary Giacobbe Alfieri Jacobs, LLC and the Borough of Highlands; and

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

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

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 = \$20,000

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:

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1. That Matthew J. Giacobbe, Esq. of the firm of Cleary Giacobbe Alfieri Jacobs, LLC. is hereby retained to provide professional labor counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Connelly 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-11-179
RESOLUTION SUPPORTING THE OVER THE LIMIT
UNDER ARREST 2011 STATWIDE CRACKDOWN**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2011 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19th through September 5, 2011; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands declares its support for the Over the Limit Under Arrest 2011 Statewide Crackdown from August 19 through September 5, 2011 and pledges to increase awareness of the dangers of drinking and driving.

Seconded by Mr. Connelly 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

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

**R-11-180
RESOLUTION
APPROVING RAFFLE LICENSE**

WHEREAS, the Highlands Fire Department has submitted a Raffle License Application Number RA#1317-11-15; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Raffle License for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on licenses

Seconded by Mr. Connelly 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-11-181
RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT
FOR THE AMERICAN LEGION**

WHEREAS, the American Legion has filed an application for a Social Affairs Permit for an event to be held on September 10, 2011 with a rain date of September 11, 2011; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the American Legion for an event to be held on September 10, 2011 with a rain date of September 11, 2011.

Seconded by Mr. Connelly 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 List and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
08/17/11**

CURRENT:		\$	39,396.93
Payroll	(08/15/11)	\$	191,596.04
Manual Checks		\$	81,744.23
Voided Checks		\$	
SEWER ACCOUNT:		\$	561.19
Payroll	(08/15/11)	\$	6,459.41
Manual Checks		\$	3,007.02
Voided Checks		\$	
CAPITAL/GENERAL		\$	8,175.67
CAPITAL-MANUAL CHECKS		\$	35,002.25
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	614.50
Payroll	(08/15/11)	\$	1,600.00
Manual Checks		\$	1,753.51
Voided Checks		\$	

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UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	1,274.40
GRANT FUND		\$	59,314.32
Payroll	(08/15/11)	\$	3,195.97
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

**SUPPLEMENTAL BILL LIST
August 17, 2011**

CURRENT FUND

Cleary Giacobbe Alferi & Jacobs	Labor Counsel - July 2011	1,063.14
Future Sanitation	Tipping Fees 8/1/11-8/16/11	9,035.16

Total Current Fund	<u>10,098.30</u>
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CAPITAL FUND

T & M Associates	Emergency Generators	590.80
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Total Capital Fund	<u>590.80</u>
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SEWER UTILITY FUND

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Total Sewer Utility Fund	<u>0.00</u>
TRUST FUND	
Total Trust Fund	<u>0.00</u>
Total Supplemental Bill List	<u>10,689.10</u>

Seconded by Mr. Connelly 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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the July 20, 2011 Regular and Executive Session minutes, and seconded by Mr. Connelly 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

Ordinances: Introduction & Set P.H. Date for September 21, 2011

Ordinance O-11-17

Mrs. Cummins read the title of Ordinance O-11-17 for introduction and setting of a public hearing date for September 21, 2011. She stated that this was introduced last month but we did not put in a dollar amount. It needs to be reintroduced with that included.

Mr. Halfacre explained that this could be a set amount and have an additional amount set at the discretion of the engineers. It is a permit fee that we may never have to use.

Council continued to discuss.

Mayor Nolan authorized \$1000.00 plus total cost of repairs.

Mr. Halfacre said the additional fees shall be the sum of \$1000.00 plus the total cost of the repair as set by the Borough Engineer.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for September 21, 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)

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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.
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 \$1,000.00 dollars plus total cost of repair as set forth by the Borough Engineer.
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 Mr. Connelly and introduced on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinance O-11-18

Mrs. Cummins read the title of Ordinance O-11-18 for introduction and setting of a public hearing date for September 21, 2011.

Mr. Halfacre explained that there is a revision. The form that we follow is from the State model ordinance which allows us to set a dollar amount threshold. He further explained the three kinds of controls in New Jersey on campaign contributions and appointments. They are: fair and open, non-fair and open and pay to play ordinance. The Borough has always done non-fair and open. This is the most restrictive.

Council continued to discuss.

Mr. Francy questioned the return of excess contributions section.

Mr. Pfeffer said there needs to be a cure if a donation inadvertently occurs.

Mr. Halfacre explained that the State model allows up to \$300.00 contributions. If you are given \$500.00, you can cure the problem by giving back \$200.00. This ordinance is written for zero contributions. Section 5 can be removed. Section 6 will now become Section 5.

Mayor Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for September 21, 2011 at 8:00 P.M. and authorized its publication according to law:

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O-11-18

AN ORDINANCE ESTABLISHING RESTRICTIONS ON POLITICAL
CAMPAIGN DONATIONS BY PERSONS OR ENTITIES CONTRACTING
WITH THE BOROUGH OF HIGHLANDS

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

(NEW SECTION)

2-7.5 PUBLIC CONTRACTING REFORM.

(1) Findings.

Certain business entities are exempt from public bidding requirements; and it has become common for business entities to make substantial political contributions to the election campaigns of the local government elected officers who are ultimately responsible for awarding contracts to these business entities. Substantial local political contributions from business entities receiving discretionary contracts from the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received. Pursuant to N.J.S.A. 40A:11-51, municipalities have the right to establish limitations on political contributions when such business entities seek non-bid public contracts. The Borough seeks to eliminate a business entity's ability to make political contributions and receive a professional contract with the Borough local official, candidates for local office, or to any political action committee that is organized for the purpose of promoting or supporting local Borough candidates or Borough officeholders and political contributions by immediate family members of the business entity.

The policy of the Borough of Highlands will prohibit political contributions as hereinafter defined to local candidates, local officials or political action committees organized for the purpose of promoting or supporting local Borough candidates or local Borough officeholders by business entities seeking the award of non-bid contracts from the Borough of Highlands.

(2) Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provisions of law to the contrary notwithstanding, the Borough of Highlands, its agents or assigns, or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any business entity if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to (i) a campaign committee of any Borough of Highlands candidate or holder of the public office within the Borough having ultimate responsibility for the award of the contract, or to (ii) any Highlands Party Committee, or to (iii) any political action committee that is organized for the purpose of promoting or supporting Borough candidates or Borough officeholders ("hereinafter referred to as "PAC"), within one calendar year immediately preceding the date of the contract or agreement.

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b. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the Borough of Highlands or any department or agency thereof or of its independent authorities for the rendition of professional services shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any (i) Borough of Highlands candidate or holder of the public office having ultimate responsibility for the award of the contract, or to (ii) any Borough of Highlands Party Committee, or to (iii) any PAC between the time of first communications between that business entity and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

c. For purposes of this section, a "business entity" seeking a public contract means an individual including the individual's spouse, if any, and any child living at home; person; firm; limited liability company; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own ten (10%) percent or more of the equity in the corporation or business trust, partners, officers in the aggregate employed by the entity as well as any employees and any subsidiaries directly controlled by the business entity.

(3) Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any Borough of Highlands candidate for Commissioner, or Borough of Highlands Party Committee or PAC shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby if that contribution was made by the business entity prior to the effective date of this section.

(4) Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offeror has not made a contribution in violation of Section 2. This form shall be in the form as provided under N.J.S.A. 19:44A-20.26.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any other provision of law.

(5) Penalty.

a. All Borough of Highlands agreements subject to the provisions of this section shall provide that it shall be a breach of the terms of the government contract for a business entity as defined in subsection 2(c) to violate subsection 2 (b) or to knowingly conceal or misrepresent contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

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b. Any professional business entity as defined in subsection 2(c) who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Borough of Highlands contracts for a period of four (4) calendar years from the date of the violation.

(6) Severability.

If any provision of this law, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

(7) Effective Date.

This section shall take effect upon passage and publication in accordance with applicable law and filing with the Secretary of State.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinance O-11-19

Mrs. Cummins read the title of Ordinance O-11-19 for introduction and setting of a public hearing date for September 21, 2011.

Chief Blewett said he does not have a problem with this. It's largely symbolic.

Mr. Francy questioned why we are doing an ordinance that we can't enforce.

Council further discussed.

Chief Blewett said we would post a sign up.

Mr. O'Neil offered the following Ordinance and moved on its introduction and setting of a public hearing date for September 21, 2011 at 8:00 P.M. authorized its publication according to law:

O-11-19

AN ORDINANCE AMENDING BOROUGH OF HIGHLANDS ORDINANCE 7-10 AND ADDING TWINLIGHT TERRACE TO STREETS WITH SPEEDS OF LESS THAN 25 MILES PER HOUR

All additions shown in **bold with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~.

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

SECTION 7-10 "SPEED LIMITS" IS HEREBY AMENDED AS FOLLOWS:

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<i>Name of Street</i>	<i>MPH</i>	<i>Location</i>
Atlantic Street terminus	15	From shore Drive to its at the water
Bay Street	10	<u>Entire Length</u>
<u>Twinlight Terrace</u>	10	<u>Entire length</u>

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

ROLL CALL:

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

NAYES: Mr. Connelly, Mr. Francy

ABSENT: None

ABSTAIN: None

Ordinance O-11-20

Mrs. Cummins read the title of Ordinance O-11-20 for introduction and setting of a public hearing date for September 21, 2011.

Mr. Halfacre stated that this was to correct dispatcher starting salary.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of September 21, 2011 at 8:00 P.M. and authorized its publication according to law:

O-11- 20

AN ORDINANCE AMENDING ORDINANCE 0-11-4 ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF HIGHLANDS FOR SFY 2011

All additions shown in **bold with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~.

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

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

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

Section 2. OTHER POSITIONS AND DUTIES

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

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

Section 3. LONGEVITY BENEFITS.

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

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Section 4. EFFECTIVE DATE:

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

Section 5. REPEALED

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

Section 6. IMPLEMENTATION

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

Seconded by Mr. Connelly 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**

HIGHLANDSNJ.COM

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ATTACH REST OF SALARY ORDINANCE HERE

HIGHLANDSNJ.COM

Ordinance O-11-21

Mrs. Cummins read the title of Ordinance O-11-21 for introduction and setting of a public hearing date for September 21, 2011.

Chief Blewett spoke of the need for volunteers.

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Ms. Kane offered the following Ordinance and moved on its introduction and setting of a public hearing date for September 21, 2011 at 8:00 P.M. and authorized its publication according to law:

**O-11-21
AN ORDINANCE AMENDING BOROUGH OF HIGHLANDS ORDINANCE 2-11 "FIRE
DEPARTMENT" AND SPECIFICALLY 2-11.4 "MEMBERS"**

All additions shown in **bold with underlines**. The deletions are shown as *strikeovers in bold italics*.

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

SECTION 2-11.4 "MEMBERS" OF SECTION 2-11 "FIRE DEPARTMENT" IS HEREBY AMENDED AS FOLLOWS:

2-11.4 Members

Candidates for membership must not be less than 18 or more than 46 years of age (unless they have served as a volunteer firefighter previous to his/her 46th birthday), and must be of good moral character, pass a satisfactory physical examination by a designated physician, and must have been a resident of the Borough of Highlands not less than one year prior to submission of application **either: a resident of the Borough of Highlands not less than one year prior to submission of the application, or work in the Borough of Highlands, or have otherwise shown an ability or circumstances allowing the prospective member to respond to emergencies within the Borough of Highlands.**

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Committee Reports:

Finance:

Mr. Pfeffer spoke of health benefits and pension regulations. Pension takes effect October 1st and health benefit regulations provision is up to the town. He thinks the best date to start health benefits is October 1st. This will affect two employees and then affect the rest of the employees at the end of their contracts. CWA will be 1/1/2012 and PBA will be 7/1/2012.

Council continued to discuss.

Mr. Pfeffer explained we will not see any savings until 2013.

DPW:

Mr. Hill went over his report. Three catch basins have been rebuilt. The Clamfest was set up. Waterwitch and South Bay Avenue Lift Stations were cleaned. There was a lot of grease in the lift station. We had Oswald clean it out. Brush is being picked up during storm related incidents.

Mr. Connelly asked what the status was on grease trap monitoring.

Mr. Halfacre spoke of the grease trap ordinance.

Mayor Nolan asked Mr. Hill to establish who inspects it and report back to the council.

Mr. Hill spoke of 150 Navesink Avenue in Sub-Standard Housing. It was demolished today and liens will be placed on the property. We are working on other houses on the list.

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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

**Report to Council
August 2011**

- * Once again the department provided a heightened police presence at the Clam Festival and the event went well with no arrests over the four day period. The Police Explorers also attended and were posted at entrances to the Festival Area to advise attendees with skateboards, bikes and dogs that they were not permitted in the Clam Festival Areas.
- * On behalf of the Highlands Police Department Explorer Post I would like to thank Carla Cefalo and the Highlands Business Partnership for helping to raise over \$7,000.00 in funds for the program. The money raised will help to purchase equipment, uniforms and activities for the participants.
- * The Highlands Police Department has been awarded a \$4400.00 grant from the State of New Jersey, Division of Highway Traffic Safety for our participation in the Over the Limit Under Arrest 2011 Statewide Crackdown. The grant money will pay for 11 (8) hour shifts dedicated to impaired driving enforcement between August 19 and September 5, 2011.
- * With the school season starting officers will be stationed at both schools throughout the year during the arrival and dismissal times as part of the Statewide Narcotic Action Plan and ensuring traffic safety for both the pedestrians and vehicles.

* Total Calls for Service: 615

* Arrests: Adults: 30 (2 for possession of CDS)
 JV: 2 (1 for possession of CDS)

* Summons: Total: 187

 Moving Violations: 81
 Non-Moving: 42
 DWI: 8
 Boro Ordinance: 56

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

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Building/Housing:

Mr. Hill stated that we are working with the Construction and Code Officials regarding complaints. We are trying to be more aggressive on property maintenance.

Parks/Recreation:

Mr. Hill went over his report. Summer Kidfest ends August 19th. Over 3,000 meals were served. They are doing a Teen Night with the Municipal Alliance on August 19th at the Community Center. Movie on the beach is scheduled for Friday, August 26th. They had their annual fishing trip with the Boys and Girls Club. The kids had a great time. It was a great success. Coastal monitoring has been in the normal ranges.

Ms. Kane added that on Saturday, August 20th is the Kavookjian Fundraiser at the Shore Casino.

HBP:

Ms. Kane said that Mrs. Braswell could not make it tonight, she will defer to September.

Mr. Hill said that a check was received today for the Police Explorers from the HBP.

Public Relations:

Ms. Kane is getting ready to do a newsletter. If any council member would like to add to it, let her know via email.

Environmental/Shade Tree:

No report at this time.

AHHRSA:

Mr. O'Neil spoke of dissolving the Sewerage Authority. It's a slow effort but it is moving along.

Administration-including Sub-standard Housing:

Mr. Hill read thru some items on his report. They are working on the Memoria Project hoping to have it done by September 10th. Various electric repairs were done to the Municipal Building. The Kavookjian Group has made arrangements for grass cutting of the field and he also has made arrangements for grass cutting of the monument area and slope.

Library Committee:

No report at this time.

Other Business:

Engineers Status Report

Mr. Leubner read the following engineers report:

HGHL-G1101

August 11, 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

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Re: Engineer's Status Report

Dear Mr. Hill:

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

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 and the NJDEP issued CAFRA and Waterfront Development Permits on July 27, 2011. As requested, we are currently preparing a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center.

2. **The Resurfacing of Waterwitch Avenue:** The Borough received funding for this project in the amount of \$192,000.00.

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

The project is completed. We are currently preparing Contract closeout documentation for the Borough and the NJDOT.

3. **2011 Roadway Improvements Project:** T&M Associates has been authorized to design and provide 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

Design is currently underway. The Borough has also authorized Oswald Enterprises to perform video inspection work of the sanitary sewer system within the project area based upon our recommendation.

4. **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.

Bid Date: July 19, 2011
Award Date: July 20, 2011
Contractor: Fiore Paving Company, Inc., Oceanport, NJ
Amount: \$1,186,325.00

The NJDOT has concurred with the Borough's award of the project to Fiore Paving. Contracts are currently being prepared and the Contractor is compiling submittals. A pre-construction meeting will be scheduled in the near future.

5. **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 October 15, 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 have initially been reviewed by the NJDOT and their comments are

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currently being addressed. The plans have also been sent to the Monmouth County Community Development Office for review.

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. FEMA has reacted favorably to the Borough's flood reduction project as described in the letter of intent. T&M Associates is preparing a proposal to prepare and submit the grant application. The application is due September 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

Council discussed start dates on Highland Avenue.

Mr. Leubner has a pre-construction meeting on Tuesday and will notify the Council with start dates. He stated that all residents will be notified, also.

Mr. O'Neil stated that we need to notify the school.

Mr. Hill will invite a representative from the High School to attend the pre-construction meeting.

Mr. Leubner would like authorization tonight to move forward with FEMA Grant application for the drainage project.

Mr. Hill will call the Army Corp of Engineers to get status on the list of properties affected.

Council discussed the cost of moving pump house at Jones Creek.

Mr. Leubner will get the cost to move the pump house; it will not be an easy move.

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-11-182

**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 to prepare and submit an application to the FEMA Flood Mitigation Program for the proposed Flood Mitigation Improvements and the Snug Harbor Pump Station Construction 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

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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 **\$11,800** as per T & M Associates proposal dated August 16, 2011 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period August 17, 2011 through June 30, 2012; and

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

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

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

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

Current Fund: General Engineering and Stormwater Management
Stormwater Management Grant

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 **\$11,800** 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. .
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

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Mr. Leubner discussed the Bikeway Grant and a local Street Grant. They are due September 20th and asked for councils thoughts.

Mayor Nolan said we would have a decision by the next meeting.

Mr. Francy asked about the Valley Street drain line.

Mr. Leubner said he will have the cost tomorrow and email it to all.

Mr. Connelly spoke of the Waterwitch pump overheated and North Street didn't work.

Mr. Leubner will check both.

Ms. Kane left the meeting at 9:30 pm.

Discussion continued about the pumps.

Ms. Kane returned at 9:33 pm.

Mr. Leubner spoke of cleaning catch basins.

Mr. Pfeffer stated that we have funding in place for cleaning.

Mayor Nolan left meeting at 9:34 pm and returned at 9:35 pm.

Resident's Request for "No Parking" on portion of Locust Street:

Chief Blewett explained that Mary Jane Tyson needs to access her property. He suggested that we do a survey of the road to establish where the real street line is.

Mary Jane Tyson explained to the council how her property is blocked.

Mayor Nolan authorized Mr. Halfacre to prepare an ordinance to make the section of Locust Street a "No Parking" zone.

Mr. Halfacre stated that he and Mr. Hill will look at the property to determine the area that is impacted.

Mayor Nolan explained to Mrs. Tyson that they will have something put together for the next meeting.

Best Practice Review:

Mr. Pfeffer said he put this on the agenda. He would like for council to read all the questions on the certification form. Some questions concern the governing body, requirements for courses and absence from meetings.

Mr. Halfacre commented that there is a State statute for attendance. We can adopt a policy that mirrors the State Statute.

Mr. Pfeffer and Mrs. Cummins will work on this but will need the Council to do some, also.

Council further discussed.

Mr. O'Neil left the meeting at 9:49 pm.

Ms. Kane expressed concern with the cost of school courses.

Mr. Halfacres stated that we can invite the school to a council meeting.

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Mr. Hill will help Mr. Pfeffer and Mrs. Cummins in filling out the form.

Mr. Pfeffer said he will update the council as they go along.

Transitional Aide Application:

Mr. Pfeffer explained that last year we did not apply because council did not want to and we did not meet the tax increase criteria. If you apply for it and get it, there are strict rules.

Further discussion continued.

Mr. Francy said we plan on a zero tax increase, we will not qualify.

Computer Systems:

Mr. Pfeffer explained the death of Tom Walsh who maintained the finance computer system for over 20 years. We now do not have anyone to maintain the system. He contacted Edmunds and Associates for a cost estimate. He recommends hiring Edmunds. It will cost \$21,000.00 to get us up and running and \$4,000.00 maintenance fee per year. He explained the various capabilities of this program.

Council discussed further.

Mr. O'Neil returned to the meeting at 9:57 pm.

Mayor Nolan would like an inventory program, tracking program to track gasoline and vehicle repair maintenance.

Further discussion continued.

Mr. Pfeffer will get prices on every modular they have.

Mr. Francy stated that we should have Mr. Hill look at the packages to be sure it does everything we want it to do.

Mr. Pfeffer spoke of all the programs having to meet certain criteria of the DGLS. He also spoke of NJ Accounting regulations. He explained various financing options and the training.

Mr. Francy stated that we should Bond this.

Mr. Pfeffer said he will move forward with bond council and prepare bond ordinance. He would also like input from the council on the tax and utility programs.

Mr. Francy feels the tax program is antiquated.

Mr. Pfeffer spoke about automatic payment systems that are free and credit card payment that charge the tax payer a fee.

Mayor and Council will email comments to Mr. Pfeffer.

Mr. Pfeffer explained the disadvantage of bonding in paying the interest. The advantage is spreading the cost over a number of years. He also said it would need four votes to bond.

Mrs. Cummins will get a price for a server for the office from United Computers.

Zoning Ordinance Amendment (Shadow Lawn Area) Review of PB Comments:

Mrs. Cummins said the Planning Board has adopted their recommendations and submitted a resolution to the Council for their review.

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Mr. Francy stated that we need to change the number of stories on the mid-rise options. It doesn't force parking to go underground. The mid-rise should be modified to show a maximum of 6 to 8 stories above grade and that parking is included in the 6 to 8 stories. That would limit the number of residential stories.

Mr. Halfacre stated that the next step is to incorporate your ideas and the Planning Boards ideas, into an ordinance. If we chose to adopt an ordinance, we still need to send it back to the Planning Board for comments.

Mayor Nolan offered that we draft an ordinance with both the Planning Board and Mr. Francy's recommendations.

Mr. Halfacre suggested that two council members sit with him to come up with what we want to do and have it reviewed by the entire council for comments.

Mayor Nolan and Mr. Connelly will meet with Mr. Halfacre.

Councilman Connelly's Memo RE: Development in Highlands:

Mr. Francy wants to table this, feels this is related to campaign literature.

Mr. Connelly offered a motion to remove this item.

Cat License Ordinance Removal Discussion:

Mr. Francy offered a motion to remove this item.

Original Oyster Liquor License Change of Corp Structure App:

Chief Blewett stated that nothing has happened since the last meeting.

Detective Dobens said he went to Doug Lentz after the last meeting and gave him a list of every thing he needed to do. Mr. Lentz has not gotten back to him.

Mrs. Cummins stated that Doug did pick up an application but has not returned it.

Mr. Halfacre said that he has until the September 7th meeting or we have to shut him down.

Discussion continued.

Mr. Halfacre will sit down with Mrs. Cummins tomorrow and send a letter to Mr. Lentz.

=====
Public Portion:

Amy Shea of 91 Seadrift Avenue has an issue with new construction at 89 Seadrift Avenue. She feels that it is too big, and that it is not in compliance with the codes. How are they passing inspections?

Mr. Hill will go there tomorrow with one of the Code Enforcers.

Bill Shea of 91 Seadrift Avenue feels that the Zoning Officer made a mistake approving this.

Mr. O'Neil stated that all officials will be in tomorrow and Mr. Hill will go there with them tomorrow.

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

The Meeting adjourned at 10:37 P.M.

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Debby Dailey, Deputy Borough Clerk

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