

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
September 21, 2011**

Mayor Nolan called the meeting to order at 7:10 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 – arrived at 7:26 P.M.  
Mike Halfacre, Esq., Borough Attorney  
Dale Leubner, T&M Engineers

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**Executive Session Resolution:**

Mrs. Cummins read the following Resolution for approval:

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

**RESOLUTION  
EXECUTIVE SESSION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

1. **Litigation:** Landslide Shore Drive Condos (Possible Litigation)  
Captains Cove Marina (Possible Litigation)
2. **Contracts:** Seastreak Ferry License Negotiations  
Non Union Employment Contracts
3. **Real Estate:**
4. **Personnel Matters:**
5. **Attorney-Client Privilege:**

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

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

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

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
5. Deals with purchase, lease or acquisition of real property with public funds.
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.

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

Seconded by Mr. 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

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:23 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  
Mike Halfacre, Esq., Borough Attorney  
Dale Leubner, T&M Engineers

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**Consent Agenda:**

Mrs. Cummins asked the council if there were any items they wished to remove.

Ms. Kane asked to remove R-11-184 and abstain for last meeting minutes.

Mayor Nolan will also abstain from meeting minutes.

**INSERT R-11-185**

Mr. Francy offered the following resolution and offered the following resolution and moved for its adoption:

Borough of Highlands  
County of Monmouth

R-11-185

**Resolution - SFY 2012 Emergency Temporary Appropriations #1**

WHEREAS, an emergent condition has arisen due to the anticipated delay of the adoption of the SFY 2012 budget and no adequate provision has been made in the SFY 2012 temporary appropriations for the aforesaid purposes, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the fiscal year 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total:

Current Fund Appropriations:	1,382,800.00
Sewer Utility Appropriations:	550,000.00

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the following appropriation:

Current Fund Appropriations:	1,382,800.00
Sewer Utility Appropriations:	550,000.00

2. That said emergency temporary appropriation will be provided in the SFY 2012 budget under the following titles:

Current Fund Appropriations:	1,382,800.00
Sewer Utility Appropriations:	550,000.00

See Attached Sheets

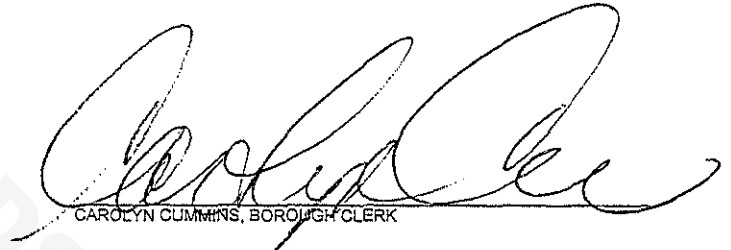
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

ROLL CALL:

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

Date: September 21, 2011



CAROLYN CUMMINS, BOROUGH CLERK

I hereby certify the above resolution to have been duly adopted by  
Governing Body at a regular meeting held on September 21, 2011

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Borough Clerk/Deputy Borough Clerk

SFY 2012 EMERGENCY TEMPORARY APPROPRIATIONS: # 1

MUNICIPAL BUDGET

Department	Salaries	Other Expenses	Total
<b>"IN CAPS"</b>			
Borough Council	2,500.00	3,500.00	6,000.00
Borough Clerk	18,000.00	3,000.00	21,000.00
Borough Administrator	15,000.00	500.00	15,500.00
Central Services	4,200.00	5,000.00	9,200.00
Financial Administration	20,000.00	13,000.00	33,000.00
Audit		34,000.00	34,000.00
Assessment of Taxes	4,000.00	2,000.00	6,000.00
Collection of Taxes	10,000.00	2,000.00	12,000.00
Legal Services & Costs			0.00
Municipal Prosecutor	3,000.00		3,000.00
Engineering Services		10,000.00	10,000.00
Public Building & Grounds		10,000.00	10,000.00
Shade Tree Commission			0.00
Planning Board	1,000.00	5,000.00	6,000.00
Zoning Board	1,000.00	8,000.00	9,000.00
Insurance:			
Group		375,000.00	375,000.00
Other			0.00
Workmen's Compensation			0.00
Unemployment		50,000.00	50,000.00
Uniform Fire Safety	5,000.00	200.00	5,200.00
Fire		15,000.00	15,000.00
Police	250,000.00	7,000.00	257,000.00
Dispatch	26,000.00		26,000.00
Municipal Court	13,000.00	1,000.00	14,000.00
First Aid		3,000.00	3,000.00
Public Defender	600.00		600.00
Emergency Management	700.00	8,000.00	8,700.00
Streets & Roads	35,000.00	5,000.00	40,000.00
Snow Removal	20,000.00	33,500.00	53,500.00
Monmouth County Regional Health Commission		18,000.00	18,000.00
Environmental Commission		200.00	200.00

Dog Control		2,000.00	2,000.00
Beachfront Maintenance			0.00
Parks & Playgrounds			0.00
Celebration of Public Events			0.00
Community Center	50,000.00	3,000.00	53,000.00
Code Enforcement	6,000.00		6,000.00
Code Enforcement - Substandard Housing		5,000.00	5,000.00
Sanitation	0.00	1,000.00	1,000.00
Sanitation-Contractual		40,000.00	40,000.00
Monmouth County Reclamation Center		40,000.00	40,000.00
Construction Code Official	10,000.00	500.00	10,500.00
Mechanical Garage			0.00
Condo Services		6,000.00	6,000.00
Accumulated Leave			0.00
UTILITIES:			
Electricity		15,000.00	15,000.00
Street Lighting		7,000.00	7,000.00
Telephone		6,000.00	6,000.00
Water		2,000.00	2,000.00
Natural Gas		5,000.00	5,000.00
Telecommunications			0.00
Gasoline & Diesel		10,000.00	10,000.00
Fire Hydrants		15,000.00	15,000.00
Deferred Charges:			
Social Security System		30,000.00	30,000.00
DCRP		1,000.00	1,000.00
TOTAL INSIDE "CAP"	<u>495,000.00</u>	<u>800,400.00</u>	<u>1,295,400.00</u>
"OUTSIDE CAPS"			
Recycling Tax		3,000.00	3,000.00
Hurricane irene	10,000.00	50,000.00	60,000.00
Stormwater Management		10,000.00	10,000.00
Interjocal:			
Atlantic Highlands Garage		10,000.00	10,000.00
PFRS			0.00
GRANTS:			
Over the Limit Under Arrest		4,400.00	4,400.00
D.D.E.F.			0.00
TOTAL OUTSIDE "CAP"	<u>10,000.00</u>	<u>77,400.00</u>	<u>87,400.00</u>
SUB-TOTAL APPROPRIATIONS			
Statutory Additions:			
Capital Improvement Fund			0.00
SUB-TOTAL STATUTORY ADDITIONS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL TEMPORARY MUNICIPAL BUDGET	<u>505,000.00</u>	<u>877,800.00</u>	<u>1,382,800.00</u>

SEWER UTILITY:

Operating:	20,000.00	500,000.00	520,000.00
Insurance:			
Group		25,000.00	25,000.00
Other			0.00
Workmen's Compensation			0.00
Capital Improvements:			
Improvements to Sewer System			0.00
Statutory Expenditures:			
PERS			0.00
Social Security System		5,000.00	5,000.00
Unemployment Compensation			0.00
Insurance			0.00
Total Water Sewer Utility	<u>20,000.00</u>	<u>530,000.00</u>	<u>550,000.00</u>

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

**R-11-190  
RESOLUTION AUTHORIZING  
SHARED SERVICE AGREEMENT FOR PUBLIC HEALTH SERVICES  
WITH THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1**

**WHEREAS**, the Borough of Highlands has a need for providing public health services for the Borough of Highlands for the period of September 1, 2011 through August 31, 2013; and

**WHEREAS**, the Borough currently uses the Monmouth County Regional Health Commission No. 1 to provide public health services; and

**WHEREAS**, the Borough's current service agreement has expired and must be renewed.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Shared Service Agreement with the Monmouth County Regional Health Commission No. 1 for the period of September 1, 2011 through August 31, 2011 is hereby approved and the Borough Clerk and Borough Administrator are hereby authorized to execute contract. Certification of funds will be provided at a later date

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

Mr. Francy offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS  
09/21/11**

<b>CURRENT:</b>		\$ 12,611.99
Payroll	(09/15/11)	\$ 176,783.72
Manual Checks		\$ 23,633.33
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 5,816.44
Payroll	(09/15/11)	\$ 4,170.90
Manual Checks		\$ 7,150.73
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$
<b>CAPITAL-MANUAL CHECKS</b>		\$
Voided Checks		\$
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 828.00
Payroll	(09/15/11)	\$ 800.00
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$ 150.00
<b>GRANT FUND</b>		\$ 10,447.79
Payroll	(09/15/11)	\$ 4,278.48
Manual Checks		\$

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Voided Checks	\$
<b>DEVELOPER'S TRUST</b>	\$
Manual Checks	\$
Voided Checks	\$

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

**SUPPLEMENTAL BILL LIST  
September 21, 2011**

**CURRENT FUND**

Batty, Michael	Refund of Discovery Fee	5.00
Future Sanitation	Tipping Fees 9/1/11-9/16/11	10,122.16
Future Sanitation	Solid Waste/Recycling 9/1/11-9/15/11	8,366.67
Bayview Condominium Association	Street Lighting 9/8/11	394.57
J.C.P. & L.	Electric Bills #12-03	2,710.94
Monmouth Conty Regional Health Comm.	Hepatitis B Vaccination	32.00
Naylors Auto Parts Store	Auto & Generator Parts Supplies	1,465.17
Scarinci & Hollenbeck	150 Navesink Ave	216.00
Swanton Fuel	Diesel 8/29/11	803.38
Swanton Fuel	Diesel - Generators 8/31/11	911.09
Diesel 8/29/11	Bottled Water	192.42

<b>Total Current Fund</b>	25,224.40
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**CAPITAL FUND**

<b>Total Capital Fund</b>	0.00
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**SEWER UTILITY FUND**

<b>Total Sewer Utility Fund</b>	0.00
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**TRUST FUND**

<b>Total Trust Fund</b>	0.00
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Total Supplemental Bill List

25,224.40

**Minutes Approved on Consent Agenda:**

Mr. Francy offered a motion for the approval of the September 7, 2011 Regular & Executive Minutes, and seconded by Mr. Connelly on the following roll call vote:

**ROLL CALL:**

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

**R-11-184**

Ms. Kane asked if the stipend was a merit or contractual requirement.

Mr. Hill said it was a stipend that was agreed to in the past, not contractual

Council discussed further.

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

**R-11-184  
RESOLUTION APPROVING STIPEND FOR ACTING  
DPW SUPERVISOR  
FOR THE PERIOD OF JULY 1, 2011 THROUGH SEPTEMBER 30, 2011**

**WHEREAS**, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties for the period of July 1, 2011 through September 30, 2011; and

**WHEREAS**, the Borough of has a genuine need for Reg Robertson to continue duties of Acting DPW Supervisor for the period of July 1, 2011 through September 30, 2011; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Reggie Robertson be paid a stipend in the amount of \$625.00 for his services as Acting DPW Supervisor for the period of July 1, 2011 through September 30, 2011.

Seconded by Mr. O'Neil 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  
**ASTAIN:** None

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**Ordinances: 2<sup>nd</sup> Reading & Public Hearing, Adoption:**

**Ordinance O-11-17**

Mrs. Cummins read the title of Ordinance O-11-17 for the second reading and public hearing and stated that this ordinance was published in its entirety in the August 26<sup>th</sup> edition of the Two River Times.

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Mayor Nolan opened the public hearing and there were no comments or questions.

Mayor Nolan closed the public hearing on Ordinance O-11-17.

Mr. Cummins read the title of Ordinance O-11-17 for the third and final reading and adoption.

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption and 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.
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. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Connelly, Mr. O'Neil, Mr. Franczy, 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 the second reading and public hearing and stated that this ordinance was published in its entirety in the August 26<sup>th</sup> edition of the Two River Times.

Mayor Nolan opened the public hearing.

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Carol Bucco of 330 Shore Drive asked why we are passing this through. The State has a regulation.

Mrs. Cummins stated that professionals do file disclosure forms.

Carol Bucco said that the council does not file.

Mayor Nolan would like to have more in place than less.

Ms. Kane stated that putting this on the books will give us more points for State aide.

Mayor Nolan closed the public hearing on O-11-18.

Mr. Cummins read the title of Ordinance O-11-18 for the third and final reading and adoption.

Mayor Nolan offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

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.

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(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.

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.

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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.

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 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**

**Ordinance O-11-19**

Mrs. Cummins read the title of Ordinance O-11-19 for the second reading and public hearing and stated that this ordinance was published in its entirety in the August 26<sup>th</sup> edition of the Two River Times.

Mayor Nolan opened the public hearing and there were no comments or questions.

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Mayor Nolan closed the public hearing on Ordinance O-11-19.

Mr. Cummins read the title of Ordinance O-11-19 for the third and final reading and adoption.

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption and 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:

<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	<b><u>Entire Length</u></b>
<b><u>Twinlight Terrace</u></b>	<b><u>10</u></b>	<b><u>Entire length</u></b>

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

**ROLL CALL:**

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

**Ordinance O-11-20**

Mrs. Cummins read the title of Ordinance O-11-20 for the second reading and public hearing and stated that this ordinance was published in its entirety in the August 26<sup>th</sup> edition of the Two River Times.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive asked what was changed.

Mrs. Cummins explained the changes were made to the communication operators salaries.

Mayor Nolan closed the public hearing on Ordinance O-11-20.

Mr. Cummins read the title of Ordinance O-11-20 for the third and final reading and adoption.

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-11- 20**

**AN ORDINANCE AMENDING ORDINANCE 0-11-4 ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF**

**Borough of Highlands  
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Regular/Workshop Meeting  
September 21, 2011  
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.

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

**Ordinance O-11-21**

Mrs. Cummins read the title of Ordinance O-11-21 for the second reading and public hearing and stated that this ordinance was published in its entirety in the August 26<sup>th</sup> edition of the Two River Times.

Mayor Nolan opened the public hearing.

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Carol Bucco of 330 Shore Drive expressed concern with LOSAP points.

Mr. Connelly explained that you can not double LOSAP points for the same call.

Mayor Nolan stated that the points are earned per town not call.

Mayor Nolan closed the public hearing on Ordinance O-11-21.

Mr. Cummins read the title of Ordinance O-11-21 for the third and final reading and adoption.

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption 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 Mr. O'Neil 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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**Other Business:**

Mr. Leubner read thru the following engineer's report.

**Engineer's Report**

HGHL-G1101

September 16, 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**



**Borough of Highlands  
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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 have prepared and submitted a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center. A presentation will be held on September 20, 2011 to present the anticipated improvements of the overall project.

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. Oswald Enterprises has performed video inspection work of the sanitary sewer system within the project area and we are reviewing the information.

Plans have been sent to NJDOT for review.

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

- A preconstruction meeting was held on August 23, 2011.
- Contractor has mobilized and has begun drainage improvements.

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

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to design and inspect the overall project. The plans are currently under review by NJDOT and the Monmouth County Community Development Office. Once approved by the County, the project will be advertised for bidding.

**Grants and Loans**

1. **FEMA Hazardous Mitigation Assistance Grant Application:** The Letter of Intent 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 and will submit the grant application on behalf of the Borough. The application is due October 2011.
2. **NJDOT Local Aid Grant Application:** As requested by the Borough, we are preparing and submitting an application for the Reconstruction of Valley Street from Shore Drive to Fifth Street. The project will include replacement of the storm sewer as well.
3. **NJDOT Bikeways Application:** As requested by the Borough, we are preparing and submitting an application to implement the bikeway improvements planned and approved under the ANJEC grant.

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

Mayor Nolan asked about the Marina area and mudslide area recommendations.

Mr. Leubner spoke about the marina area. There is interim measure that will be installed to protect the sewer and prevent further wash out. He will provide a material list tomorrow to Mr. Hill for the sink holes that are occurring on the Rogers Street side.

Mr. Hill stated when we get all the material needed; he would like to start the project Monday or Tuesday of next week.

Mr. Leubner said that he had a Geo-Tech engineer expert go to the mudslide sight to visually inspect the hillside. He gave the Borough a written report. Mr. Leubner explained some on the recommendations of the Geo-Tech report.

Mr. Halfacre stated that we will supply a copy of the report all effected property owners. We will also have copies available at Borough Hall tomorrow.

**Monmouth County Open Space Grant Program**

Mr. Hill explained that there is an opportunity to apply for funds. He described the various grants that could be applied for. It was due in September but the County has extended the deadline. It is a 50/50 matching program. The maximum we could apply for is \$250,000.00. He recommends looking at beach access on Snug Harbor. We can have a public hearing on October 5<sup>th</sup>. The estimated cost is \$60,000.00. This would be to create handicap access.

**Review of Planning Board Comments on HBP Zoning Amd Recommendations**

Mrs. Cummins explained that the Planning Board adopted a resolution with an attached report of their findings.

Mayor Nolan recommends that Becky and he meet with the BID sub committee to discuss. He wants this put back on the agenda for the October 19<sup>th</sup> meeting.

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**Cat License Ordinance Removal Discussion**

Mrs. Cummins said there has been past discussions about doing away with the cat license fee.

Mr. Francy feels that we should do away with the cat licensing fee.

Discussion continued.

Mayor Nolan said to put this on for the October 5<sup>th</sup> meeting for more information and further discussion.

**Original Oyster Change of Corp Structure Application**

Mr. Halfacre spoke with Chief Blewett and one of the principals of the liquor license. He explained the problems with the paperwork and advised him to get an attorney to help him with it. He also told him that he is advising this council to give him two more weeks to file the correct paperwork. He has until the October 5<sup>th</sup> meeting. He was told that he will be shut down if this is not done. Mr. Halfacre will follow up with the applicant's attorney tomorrow.

Mayor Nolan stated if it's not done, we will shut him down on October 6<sup>th</sup>.

**Request for Reprieve of Sewer Charges – J. Rich**

Mrs. Cummins explained that this is from a property owner involved in the mudslide.

Mayor Nolan stated that is we do this for one then we do for all.

Kim Skorka of 315 Shore Drive said that this unit has structural damage. Of the three units effected, only one is habitable.

Mr. Halfacre explained his legal advice is to be very careful, could affect paying property taxes. He doesn't feel that we should do it.

Mr. Francy said that if there is a sewer connection, there is a bill generated.

Mayor Nolan offered a motion to prepare a resolution for the next meeting to reprieve the two affected units of sewer charges for the next quarter and 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

**FEMA Loss Service Consultant Discussion**

Mr. Francy feels we should get representation by a consultant to deal with FEMA. He is offering this as a discussion.

Mayor Nolan stated that we should get price quotes.

Mr. Francy is concerned with report deadlines. We should look in to the prices.

Mr. Hill will get information for the October 5<sup>th</sup> meeting. He will get prices from a few consultants. Mr. Hill spoke of experiences with a consultant.

Mr. Francy explained that we have private and public interest. They may have an expert that deals with this and to help us out.

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Mayor Nolan asked Mr. Hill to get the information and will discuss at the next meeting.

Mr. Hill attended the County Emergency Management Office Meeting with FEMA. There is a \$30 million dollar pot of money that we would be competing for. September 30<sup>th</sup> is the deadline to file. Mr. Hill thanked Dave Parker for all of his work.

Mrs. Cummins stated that there is information for filing in the office.

**Computer Software Funding**

Mrs. Cummins explained the CFO, Mr. Pfeffer, provided the council with a price quote of \$45,000.00 for the financing program software. Are we going to bond it or budget it?

Mayor Nolan said that we have not made a decision on a system. We will talk about it at the October 5<sup>th</sup> meeting.

=====  
**Public Portion:**

Tara Ryan of 17 Ocean Street spoke about Teen Night and Movie Night at the Community Center. We need more things for young people. We should open the center at night. The volunteer library staff are willing to volunteer to help staff any events.

Mr. Hill responded spoke of the events at the Community Center. He explained the process for licensing for movies. He will take her suggestions in to consideration. He may need help for this Friday Movie Night. The volunteers will need to file volunteer form at the Community Center.

Carol Bucco of 330 Shore Drive asked if the hurricane clean up has ended, if we are still paying day laborers.

Mr. O'Neil answered that it has ended.

Mr. Hill stated that we kept them on to help catch up. We are still doing storm efforts. He further explained. The day laborers are not working now

Carol Bucco asked why Woodland Street would get DOT help and not Highland Avenue.

Mr. Leubner answered that Highland Avenue was a discretionary aide grant that the Borough received from the State. Woodland Street is attached to Highland Avenue. The drainage coming down Woodland will tie in to Highland Avenue. The Borough received a grant for the reconstruction of Woodland Street.

Carol Bucco feels that our attorney gave the council good advice tonight, and the council did not take it in regard to granting sewer reprieve.

John Basor of 15 Huddy Avenue said that his house borders the marina and Roger Avenue. There are sink holes. He wanted to know what the temporary fix is.

Mr. Leubner explained on the Washington Avenue side is an interim measure by using sand and filter fabric with stone on top. Hopefully it will be fixed by the winter.

John Basor feels that no indication of what engineering is going on to address this. It is a hazard. What is the engineering plan with the bulkhead and road?

Mayor Nolan stated that we do not own the marina. Our attorney is speaking with their attorney.

Kim Skorka – passed.

Patty Peterson – passed.

John Basor asked if we are considering condemning the marina.

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Mayor Nolan said that it is a consideration. We are trying to get it repaired.

Robert Keavey – passed.

Roger Clemente of 164 Linden Avenue asked Mr. Leubner about the mudslide. Does the engineer report have a time line for clean up?

Mr. Halfacre answered that the engineers report makes recommendations. The town is advising the property owners of what the town expert thinks the steps should be.

Mr. Clemente further questioned the Geo-Tech report on the slide.

Mr. Leubner responded. The report was to identify any potential hazards.

Mr. Clemente stated that a permanent fix for the water shed problem needs to be addressed. He asked if there is an easement at the bottom of the hill.

Mr. Leubner said that he is not aware of any easement.

J.T. Nicefaro of B1 Twinlight Terrace spoke about the stop sign on Highland Avenue and Portland Road. It is a three way stop but not marked as a three way stop.

Mr. Hill will put up signs marking it as a three way stop.

Mrs. Nicefaro spoke of the marina. She supports keeping it. We need it.

Mr. Connelly left the meeting at 9:18 p.m.

Don Manrodt of 268 Bayside Drive said we need to dig out the ditch on Bayside Drive.

Mr. Hill will have the DPW look into this and will contact Mr. Mandrodt to show the exact location.

Mr. Manrodt asked Mr. Leubner about paving paperwork for Bayside Drive.

Mr. Leubner said there is a proposal submitted to Exxon on what the Borough wants to see happen and no response as yet.

Mr. Hill further explained the proposal submitted to Exxon.

Mr. Manrodt spoke of the chemicals used by Exxon.

Mr. Hill will look in to this.

Mr. Manrodt feels that what we did to Veteran's Park is a shame. The veteran's are discussing it and may pull out.

George Graham of 15 Washington Avenue is concerned with the marina. He explained his concerns. He wants the Borough Engineer to have a discussion with the Marina Engineer.

Mr. Leubner explained the two temporary measures for the marina. Everyone wants the bulkhead fixed long term, the two attorneys have to work that out.

Peter Mullen of 11 Marine Place asked if the Borough going to review design of bulkhead.

Mr. Halfacre said the town and the engineer will review the plans. The town has never denied access to the marina thru the paper street to make repairs.

Brian Cobb of 11 Recreation Place thanked Mr. Hill for putting up caution tape on the Roger Avenue side of the marina. The sink hole on Rogers Avenue is 4' deep. We are losing ground

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underneath. He then questioned the temporary fill for the marina. He is concerned that more fill will cause weakness.

Mr. Leubner stated that the bulkhead needs to be fixed. The Borough's concern is the safety of the public right away. All depends on how fast the bulkhead gets fixed. The two attorneys need to work it out.

Brian Cobb read the report on Washington Avenue and wants to know if Mr. Leubner is confident about Recreation Place sink hole.

Mr. Leubner has not seen that. He can not comment on it.

Mr. Hill will look in to this with Mr. Leubner.

Fred Rosiak of 9 Marine Place and owner of Captain's Cove Marina stated that there was an August 30<sup>th</sup> report that was withheld from him.

Mayor Nolan said that we have not withheld anything.

Fred Rosiak asked the Council how Mr. Cobb received this report on his marina and he has not.

Mrs. Cummins stated that the letter was distributed to the council.

Mr. Rosiak continued to express concerns about repairs to his marina.

Mr. O'Neil stated that the engineer is dealing with the road failure only.

Mayor Nolan explained that we will take care of the road temporarily. He has to submit plans to our engineers for approval.

Mr. Rosiak said he asked for our engineer's plans on the storm drain.

Mrs. Cummins said she received an OPRA request this morning.

Mr. Rosiak feels that the town is not responding to him. He wants to know why we would want an adversarial relationship with him.

Mayor Nolan responded that our lawyer will talk to his lawyer. The Borough will do temporary fill in the streets. Mr. Rosiak needs to do repair to the bulkhead. Have your engineer draw up a plan.

John Bentham of 39 Washington Avenue complained about the garbage collection. Some weeks they are missed.

Mr. Hill will have our DPW guys pick it up on every Monday and Thursday.

John Bentham wanted to know what would be a reasonable time for repair to the bulkhead. He further complained about the road collapse.

Mr. Halfacre explained that the property owner has to come up with a plan to fix his property. If no plan is presented to fix his private property and stop the endangerment of public property, it will be considered a code violation. He will be issued a summons daily until it is resolved. It is in the property owners' control. He has professionals who will tell him what he needs to do. If it is not done, it will become a code enforcement matter.

Mr. Bentham spoke of heavy trucks parking on the Washington Avenue side of the bulkhead.

Mr. Hill will fill the road blocks with water so they can not be moved.

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

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The Meeting adjourned at 9:42 P.M.

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**Debby Dailey, Deputy Borough Clerk**

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