

**Borough of Highlands  
Mayor & Council Meeting  
Regular/Workshop Meeting  
October 19, 2011**

Mayor Nolan called the meeting to order at 7:11 P.M.

Ms. Dailey read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular/Workshop 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, Mayor Nolan

**Absent:** Ms. Kane

**Late:** None

**Also Present:** Debby Dailey, Deputy Clerk  
Tim Hill, Interim Borough Administrator  
Mike Halfacre, Esq., Borough Attorney  
Steve Pfeffer, Borough CFO  
Rob Keady, T&M Engineers  
Dale Leubner, T&M Engineers

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**Executive Session Resolution:**

Ms. Dailey 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:** Captains Cove Marina (Possible Litigation)  
Slope Failure on Shore Dr (Possible Litigation)  
AHHRSA (Possible Litigation)  
East Manor Square  
Fleming Sewer Hook Up
- 2. Contracts:**
- 3. Real Estate:**
- 4. Personnel Matters:** Police Department Staffing  
William Armenti - 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

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**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.
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, Mayor Nolan**

**NAYES: None**

**ABSENT: Ms. Kane**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:24 P.M.

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

**ROLL CALL:**

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

**Absent:** Ms. Kane

**Also Present:** Debby Dailey, Deputy Clerk

Tim Hill, Interim Administrator

Mike Halfacre, Esq., Borough Attorney

Steve Pfeffer, Borough CFO

Dale Leubner, T&M Engineers

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Ms. Dailey stated that the CFO has requested to add an item under other business; he would like to give the council a budget update. He would also like to add to the supplemental bill list.

Mayor Nolan asked Mr. Pfeffer to give his report.

**BUDGET UPDATE – CFO:**

Mr. Pfeffer stated that the State has directed the Governing Body to introduce the budget by October 24<sup>th</sup>, 2011. He referred to a letter dated October 11<sup>th</sup> that he just saw today. He will do his best to allow us to extend to November 1<sup>st</sup>. He will notify the council if he can not get the extension. He also said that we gained \$73,000 in the Police Pension. The hurricane expenses are close to \$100,000 on the hurricane. The tax increase is \$355,000 and we still have items open for discussion that will impact that number.

Mr. Pfeffer asked to add to the supplemental bill –

- 1) \$5,000 payment to the HBP- 3<sup>rd</sup> qtr. Taxes.
- 2) \$2,800 for August Interlocal – Mechanic
- 3) \$1,800 for September Interlocal-Mechanic
- 4) \$176,394.12 for Fiore Paving Cert. #1

He also stated that there is a change order reflecting a reduction that we can do at the next meeting. We will do a resolution.

Mayor Nolan asked Mr. Hill if some storm cost will be recaptured from FEMA.

Mr. Hill said the deadline is December 6<sup>th</sup>, and working on getting all the numbers together. Everything will be submitted to FEMA for reimbursement.

Mayor Nolan stated that he received a few calls from Congressman Pallone asking if the Borough needed help.

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**Consent Agenda:**

Mayor Nolan asked if there were any items anyone would like to take off the consent agenda.

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Mr. Francy asked to remove R-11-201 unless we can amend it to include the work on the North Street Pump.

Mr. Leubner stated that this resolution is required by the State for the grant application we submitted. It has nothing to do with the other work.

Mr. O'Neil asked if the Bike Route Project if it was a matching number.

Mr. Leubner said it's another portion of the DOT Grant. It all requires a resolution.

Mayor Nolan offered the following and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-197**

**TEMPORARY CAPITAL BUDGET**

**WHEREAS**, the Borough of Highlands desires to constitute the SFY 2012 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

**NOW, THEREFORE, BE IT RESOLVED** the Governing Body of the Borough of Highlands as follows:

Section 1. The SFY 2012 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget Borough of Highlands County of Monmouth, New Jersey				
Projects Scheduled for SFY 2012				
Capital				
Project	Estimated Costs	Improvement Fund	Other Funds	Debt Authorized
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Acquisition of Computers And Software Project # E-12-01	\$ 68,000	\$ 3,400	\$ -0-	\$ 64,600

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the SFY 2012 Temporary Capital Budget, to be included in the SFY 2012 Permanent Capital Budget as adopted.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Date: October 19, 2011

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**CAROLYN CUMMINS, BOROUGH CLERK**

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held October 19, 2011.

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**BOROUGH CLERK/DEPUTY CLERK**

**Insert R-11-198**

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

**R-11-199**

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME  
FOR PAYMENT OF CAT LICENSE RENEWALS WITHOUT  
INTEREST TO DECEMBER 31, 2011**

**WHEREAS**, the Governing Body has had ongoing discussions about possibly doing away with the requirement of the licensing cats in the borough; and

**WHEREAS**, the ongoing discussions resulted in the delay of mailing out the cat license renewal bills to October 2011.

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

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

1. That the Mayor and Council hereby authorize the extension of time for payment of cat licenses to December 31, 2011.
2. In the event that the license is not renewed by December 31, 2011 the \$2.00 late fee will be charged.

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

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**ROLL CALL:**

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

Mayor Nolan offered the following Resolution and moved on its adoption

Borough of Highlands  
Resolution No. 200

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Highlands Intra-Borough Bike Route project.

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Highlands formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Governing Body and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2012-Highlands Borough-00019 to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

**BE IT FURTHER RESOLVED** that Governing Body and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 19<sup>th</sup> day of October, 2011.

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

**ROLL CALL:**

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

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

**R-11-201  
Resolution**

**Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Valley Street Project**

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**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Highlands formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Governing Body and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Highlands Borough-00732 to New Jersey Department of Transportation on behalf of the Borough of Highlands.

**BE IT FURTHER RESOLVED** that the Governing Body and Clerk are hereby authorized to sign grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**ROLL CALL:**

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

**Mayor Nolan offered the following Payment of Bills List and moved on its adoption:**

**RECAP OF PAYMENT OF BILLS  
10/19/11**

<b>CURRENT:</b>		\$ 55,552.80	
<b>Payroll</b>	(09/30/11)	\$ 109,331.30	
<b>Manual Checks</b>		\$ 72,647.83	
<b>Voided Checks</b>		\$	
<b>SEWER ACCOUNT:</b>		\$ 93,578.80	
<b>Payroll</b>	(09/30/11)	\$ 4,583.74	
<b>Manual Checks</b>		\$ 95,848.85	
<b>Voided Checks</b>		\$	
<b>CAPITAL/GENERAL</b>		\$ 12,145.15	
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$ 1,382.75	
<b>Payroll</b>	(09/30/11)	\$ 4,200.00	
<b>Manual Checks</b>		\$	
<b>Voided Checks</b>		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	



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<b>DOG FUND</b>		\$ 7.20
<b>GRANT FUND</b>		\$ 1,200.00
Payroll	(09/30/11)	\$ 1,700.00
Manual Checks		\$
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  
October 19, 2011**

**CURRENT FUND**

Ceridian	Cobra Administration Fees 9/2011	43.87
Comcast	Internet Fees	180.00
Future Sanitation	Tipping Fees 10/1/11-10/13/11	5,521.97
Future Sanitation	Solid Waste/Recycling 10/1/11-10/15/11	8,366.67
JCP & L	Electric	2,543.90
JCP & L	Traffic Lights	344.94
Nextel Communications	Cell Phones - Emergency Mgt/Fire	233.45
NJ Department of Community Affairs	3rd Quarter State Training Fees	395.00
Red Bank Recycling	Container Fees	600.00
Red Bank Recycling	Container Fees - Hurricane Irene	4,400.00
Scarinci & Hollenback	Legal - Substandard Housing	162.00
Jack Serpico	Planning Board Legal	637.50
T & M Associates	HBP Zoning Recommendations	2,357.54
T & M Associates	Response to Hurricane Irene	2,875.50
T & M Associates	Drainage Improvement Designs	309.56
Watchung Water	Bottled Water	157.97

<b>Total Current Fund</b>	29,129.87
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**CAPITAL FUND**

T & M Associates	Emergency Generators	6,857.50
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<b>Total Capital Fund</b>		6,857.50
<b>GRANT FUND</b>		
Red Bank Recycling	Container Fees	600.00
<b>Total Grant Fund</b>		600.00
<b>SEWER UTILITY FUND</b>		
JCP & L	Electric - Pump Stations	506.80
<b>Total Sewer Utility Fund</b>		506.80
<b>TRUST FUND</b>		
Jack Serpico	Fleming Escrow	28.75
<b>Total Trust Fund</b>		28.75
<b>Total Supplemental Bill List</b>		37,122.92
Highlands Business Partnership – 3 <sup>rd</sup> Qtr taxes	\$5,000	
Atlantic Highlands – Interlocal Services, August	\$2,800	
Atlantic Highlands – Interlocal Services, September	\$1,800	
Fiore Paving – Cert #1	\$176,394.12	
<b>TOTAL SUPPLEMENTAL BILL LIST</b>	<b>\$223,117.04</b>	

Seconded by Mr. Francy and approved for payment on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

**Minutes Approved on Consent Agenda:**

Mayor Nolan offered a motion for the approval of the October 5th, 2011 Regular & Executive Minutes, with correction of date on the agenda from October 19<sup>th</sup>, 200 to October 5<sup>th</sup>, 2011 and seconded by Mr. Connelly on the following roll call vote:

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**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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**Other Resolutions:**

**Resolution R-11-195- Appointing Member to Depuration Commission:**

Mayor Nolan asked for Resolution R-11-195 to be pulled due to receiving late applications. We need to review them all.

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**Ordinances: 1<sup>st</sup> Reading, Introduction & Set of P.H. Date for November 2, 2011**

**O-11-22**

Ms. Dailey read the title of Ordinance O-11-22 for introduction & Setting of a Public Hearing Date of November 2, 2011.

Mr. Pfeffer explained that the first part is \$45,000 to cover software for finance, taxes and sewer and \$21,000 to cover proposal from United Computer to upgrade the Borough's computer systems unrelated to the software purchase.

Mr. Connelly asked if he could put something together outlining why this is required.

Mr. Pfeffer said that he has a whole package from the company who is the standard in the State of New Jersey. The system we now have is over twenty years old. He further explained the Edmunds software.

Discussion continued.

Mr. Pfeffer recommends going on the internet to look at their website.

Mayor Nolan offered the following Bond Ordinance and moved on its adoption on first reading introduction & setting of a public hearing date for November 2, 2011 at 8:00 P.M. and authorized the Municipal Clerk to post the ordinance on the public bulletin board and publish in the October 23<sup>rd</sup> edition of the Asbury Park Press.

**O-11-22**

**Borough of Highlands  
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**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$68,000 FOR ACQUISITION OF COMPUTERS AND SOFTWARE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$64,600 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$68,000, such sum includes the sum of \$3,400 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$64,600 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$64,600 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

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

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness

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Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Acquisition of Computers and Software for the Borough.	\$68,000	\$64,600	5 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$64,600.

(c) The estimated cost of the Improvements is \$68,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

**SECTION 4:**

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

**SECTION 5:**

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

**SECTION 6:**

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

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$64,600 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

**SECTION 7:**

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

**SECTION 8:**

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

**SECTION 9:**

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$64,600.

**SECTION 10:**

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Mr. Pfeffer said this needs to get to the State by tomorrow for time to review. He offered to deliver it.

**O-11-23**

Mr. Nolan read the title of Ordinance O-11-23 for introduction & Setting of a Public Hearing Date of November 2, 2011.

Mr. Halfacre said that he was asked to amend this at the last meeting, from \$120 to \$140 per quarter.

Mr. Pfeffer said we have to ask for an increase in order to balance the sewer budget.

Council further discussed.

Mr. Pfeffer said that with out this, we have a budget that can not be introduced.

Mr. Francy asked where the \$93,000 is coming from.

Mr. Pfeffer said this had to do with an employee situation and increase debt service that they did not budget for.

Mr. Francy asked if the flow was part of it.

Mr. Pfeffer said it was not impacted by the flow.

Council discussed further.

Mr. Francy said more information is needed. He questioned where the \$93,000 expense came from.

Mr. Pfeffer said the \$93,000 should not happen again. We need to build surplus.

**Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for November 2, 2011 at 8:00 P.M. and authorized its publication according to law:**

**O-11-23**

**AN ORDINANCE AMENDING CHAPTER 9, SECTION 9-8.1 ENTITLED "FEE" of the  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS,  
1975, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**9-8 FEES.**

**9-8.1 Sewer Rates and Charges.**

Sewer service charges shall be as follows:

*User Classification Quarterly Rate*

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Nonresidential (including schools) Quarterly sewer charges herein imposed shall be based upon water consumption of the property served, as hereinafter set forth. The charges for each quarter shall be a minimum charge of \$120.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on 1/01/11–6/30/11 \$.004424 7/1/11 and thereafter \$.003792 per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter.

Houses of worship \$35.00  
(including but

not limited to churches, rectories and convents):

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

**ROLLCALL:**

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

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

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**Other Business:**

**Engineer's Report:**

Mr. Keady read thru the following report:

**HGHL-G1101**

**October 13, 2011**

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

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

**Re: Engineer's Status Report**

Dear Mr. Hill:

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

**Capital Improvement Projects**



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Council meeting. The agreements must be executed for the Borough to remain in the current funding cycle.

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. Plans for Woodland Street 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.
- Concrete work is expected to commence the week of October 24, 2011.

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. The plans have been approved by the NJDOT and are currently under review by the Monmouth County Community Development Office. Once approved by the County, the project will be advertised for bidding. We will be sending a letter to the NJDOT requesting an additional extension of time due to the delay from the County.

**Grants and Loans**

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3. **NJDOT Local Aid Grant Application:** As requested by the Borough, we have submitted an application for the Reconstruction of Valley Street from Shore Drive to Fifth Street. The project will include replacement of the storm sewer system as well.
  
4. **NJDOT Bikeways Application:** As requested by the Borough, we have submitted 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

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

RRK:DRL

Mr. Keady spoke about deadlines, ready to go to bid. He would like to know when council would like to bid and schedule it with council meetings. He further explained the bid process. The work would start in the spring.

Council further discussed the drainage projects with Mr. Keady and Mr. Leubner.

**Accept Letter of Resignation from Kim Karaman**

Mr. Hill spoke that Mrs. Karaman has been a long time employee for 26 years in a part time capacity. She has been offered another position and has resigned as a Recreation Leader. Hard to accept her resignation but we wish her well. She was a great employee. We have advertised for a replacement.

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

Mayor Nolan asked for this item to be pulled from the agenda. Mr. Connelly and Mr. Francy are going to head a sub-committee and bring the recommendations to the table.

**NJDOT Aide Safe Routes to School Program**

Mr. Hill stated that we have an opportunity to apply for SRTS Program funding. It is very competitive. We are limited in scope on what we can do. We have applied in the past, unsuccessfully.

Mr. Francy asked if this had been sent to the Board of Education.

Mr. Hill stated this was just received today and he will submit it to the Board of Education.

Mr. Francy stated that they may have suggestions.

**Windansea – Request for Extended Hours**

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Kim Skorka asked who would have issued permits for the houses and condos.

Mayor Nolan said our Building Official would have issued permits and he asked her to submit an OPRA request for further information.

Mr. Francy stated that there is an extensive OPRA request in the office regarding this matter that has not been picked up. Maybe she could do a duplicate request.

Mr. Halfacre said that request did not ask for building permits.

Kim Skorka asked if the hill is being monitored.

Mr. Halfacre said there has been no response from his letter from the upslope owners. Council has authorized the Borough Engineer and GEO Tech Expert with the Code Enforcement Officer to inspect the sight. If necessary, start issuing summonses.

Kim Skorka asked if pictures have been taken and monitored for changes. What are the plans for the hill long term?

Mayor Nolan explained that we were waiting for a response from the people involved. They have not, so we are taking the next step which is sending our people up there. We want the people involved to come up with a plan. If there is a long term plan done by us, it will be at the property owners cost.

Tara Ryan of 17 Ocean Street stated that she is the resident who instituted the complaint against East Manor Square regarding the site lines on Ocean Street. The situation is that the HOA has trimmed the trees along the street; accept the tree in front of the home of the President of the HOA. That does affect her view. Additional time was requested by the HOA to trim the trees due to the hurricane. Nothing has happened since then.

Mr. Halfacre said that Mr. Mercado issued a warning post hurricane. The HOA attorney wrote a letter demanding justification for the tree trimming which Mr. Mercado gave to him. All information has been forward to the HOA attorney. He told the attorney to review it, trim the trees or a summons will be issued.

Don Manrodt of 268 Bayside Drive had information regarding the hill. Condos up top were built before the Planning Board as well as the condos below. He was on the planning board and there was on study done on the hill, there was a cave in there. He mentioned that the ditch on Bayside Drive needs to be cleaned out.

Mr. Hill will have DPW do it this week.

Jeanne Rich of 319B Shore Drive asked what the procedure is to have the sewer charge abatement reconsidered.

Mayor Nolan said it was a majority vote of no at the last meeting. He recommended that she should put it in writing again and send to Mr. Hill. He will bring it back to the table.

Brian Wioncek of 317C Shore Drive, President of the Condo Association, asked about the Borough Engineer and Code Officials to examine the properties. Thought this was set up.

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Mr. Halfacre said that if imminent danger, you can trim the top of the tree. Have the Code Enforcement Officer look at it.

Mayor Nolan asked Mr. Hill to have the Code Enforcement Officer make the determination.

Brian Wioncek spoke of removal of debris. They were not able to remove anything. Dumpsters were provided after the storm. Will they get assistance also?

Mr. Francy said to put the branches in the municipal lot.

Mr. O'Neil said to separate the branches and the dirt. The dirt needs to be tested.

Mayor Nolan asked Brian Wioncek to coordinate with Mr. Hill regarding the debris.

Mr. Wioncek asked about the status of FEMA.

Mr. Hill stated that all applications have been submitted. There are no guarantees.

Mayor Nolan said we may not hear until December.

Roger Clemente of 164 Linden Avenue asked who owns the creek easement.

Mr. Connelly stated that there isn't an easement.

Roger Clemente asked about the drainage ditch, does it come under federal inspections and should be monitored for certain maintenance.

Lori Dibble of 32 Paradise Park questioned the review of the Planning Board comments for the HBP zone, what have we charged Councilmen Francy and Connelly to do.

Mayor Nolan said that a report came from the HBP, they asked for consideration for certain parts of the town. It went to the Planning Board, they had a sub-committee respond. A lot of information came back. Mr. Francy and Mr. Connelly will tweak the recommendations and bring it back to the table.

Jim Parla of 16 Portland Road spoke of eliminating the AHHRSA.

Mayor Nolan explained the litigation is on going.

Tom Westhoven, President of Hilltop Condo Association. He gives permission for removal of trees on his property. He said that he had two Geo-Tech Engineers look at the problem. They said putting the dirt back was an excellent idea.

Mayor Nolan asked him to forward his report to the our attorney and engineer.

Larry Thorner of Highland Avenue asked what constitutes a hazzard regarding trees.

Mr. Halfacre asked whose trees are they.

Mr. Francy said if it's a steep hill, its not an easy answer.

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Jennifer Presti of 313B Shore Drive asked who owns the easement.

Mr. Halfacre said that we never determined that there was an easement. The property was vacated by the Borough. The Borough no longer owns it.

Jennifer Presti said she has a copy of it and it reserves an easement for water and sewer.

Mr. Francy said that is a standard clause for town installed infrastructure. We reserve the right to do that in case we have to go in there. It has nothing to do with the natural occurrence stream that is at the base of the hill and rear of your property.

Mr. Halfacre stated that if the town wanted to go in and install water and sewer lines, the town has that right.

Mr. O'Neil said that where the storm water pipe is, use to be an open ditch. A contractor probably installed a pipe.

Don Manrodt said that the property was filled in during past construction phases.

Kathleen Murray of 19A Shore Drive asked for clarification of the dirt removal. How much can be removed.

Mayor Nolan said we need to get the reports from Mr. Westhoven.

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

The Meeting adjourned at 9:31 P.M.

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**Debby Dailey, Deputy Borough Clerk**