

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Mayor Nolan called the meeting to order at 7:01 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/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, Ms. Kane

Absent: Mayor Nolan

Late: None

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

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 on Shore Drive
Captains Cove Marina
BPA Litigation**
- 2. Contracts:**
- 3. Real Estate: Pomasan – 1 Miller Street**
- 4. Personnel Matters: Tim Hill - Riced
Wayne Occhipinti – Riced
Police Staffing**
- 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.**

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mr. O'Neil called the Regular Meeting back to order at 8:20 P.M.

Mr. O'Neil asked all to stand for the Pledge of Allegiance.

ROLL CALL:

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

Absent: Mayor Nolan

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

Consent Agenda:

Mrs. Cummins asked if there were any items anyone would like to remove from the consent agenda.

Mr. O'Neil asked to remove the line item for Branin Contracting 150 Navesink Avenue under Payment of Bills, remove the extra.

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

**R-11-202
RESOLUTION – CHANGE ORDER #1
FIORE PAVING COMPANY
NO CHANGE IN CONTRACT AMOUNT
HIGHLAND AVENUE AREA ROAD IMPROVEMENTS**

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

R-11-176 July 20, 2011 \$1,186,325.00

WHEREAS, change order # 1 dated October 13, 2011 prepared by T & M Associates, professional engineers, sets forth reasons for said change order,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 reflecting no change to the original contract amount is hereby authorized for the North Street Drainage Project. The contract is hereby remains at \$1,186,325.00.

Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 10-14.

NO CERTIFICATION NECESSARY

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-11-203

RESOLUTION - CANCELING GRANT FUND RECEIVABLES

WHEREAS, various receivable balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the receivable balances and has determined that these receivables should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following grant receivable balances in the amount of \$23.10 be and the same are hereby canceled:

Monmouth County Recycling Grant	\$23.10
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Seconded by Mr. Connelly and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-11-204

RESOLUTION - CANCELING VARIOUS GRANT FUND RESERVES

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

WHEREAS, various reserve balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the reserve balances and has determined that these reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following reserves in the amount of \$23.10 be and the same are hereby canceled:

Monmouth County Recycling Grant \$ 23.10

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

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

R-11-205

RESOLUTION APPROVING FIRE DEPARTMENT MEMBERSHIP APPLICATION

WHEREAS, Robert J. Capano has submitted a Fire Department Membership Application to the Borough of Highlands Fire Department; and

WHEREAS, the Fire Chief has reviewed said application and finds that Mr. Capano meets all requirements and recommends the approval of membership application.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Fire Department Membership Application of Robert J. Capano is hereby approved.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

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

R-11-206

**RESOLUTION AUTHORIZING ADVANCE
FOR EXPENSES FOR BOROUGH OFFICIALS**

WHEREAS, NJSA 40A:5-16.1 provides for the lawful advancement of funds to officials and employees of the Borough for their expenses for authorized travel and incidents thereto; and

WHEREAS, the following officials of the Borough of Highlands will be traveling to the New Jersey League of Municipalities Convention during the third week in November 2011.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following officials be given an advance in the amount (\$100 a day) set forth next to their names and positions **and said officials are required to submit their receipts for expenses and/or return any unused moneys:**

Chris Francy – Councilman	\$400.00
Rebecca Kane – Councilwoman	\$400.00
Frank Nolan – Mayor	\$400.00

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Richard O'Neil, Councilman	\$200.00
Kevin Connelly, Councilman	\$400.00

BE IT FURTHER RESOVLED that other Borough Official and Employees will be reimbursed for such expenses up to \$100.00 a day with a maximum of 4 –days \$400.00 for the convention upon submission of receipts to the Borough.

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

ROLL CALL:

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

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

**R-11-207
RESOLUTION AUTHORIZING
SEASONAL EMPLOYEE EXTENSION**

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

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

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

WHEREAS, the Borough Administrator had interviewed and recommended appointments; and

WHEREAS, due to Hurricane Irene and the additional workload due to a full-time employee being out on leave, the DPW Supervisor requested such help; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the extension of the aforementioned seasonal temporary employment for Barry McKellar, Jr., not to exceed 24 hours per week at rate of \$11 per hour until Dec. 31, 2011.

BE IT FURTHER RESOLVED that said appointment may continue on an on call basis at the request of the DPW Supervisor but only with approval by the Borough Administrator.

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

ROLL CALL:

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

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

**R-11-212
RESOLUTION – CHANGE ORDERS #4 FINAL
FIORE PAVING COMPANY
DECREASE OF \$5,605.30
RESURFACING OF WATERWITCH AVENUE**

WHEREAS, a contract was awarded to Fiore Paving Company as follows:

R-10-164 August 9, 2010	\$163,637.50
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**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

R-10-200	October 6, 2010	\$ 33,625.00	Change Order #1 Increase
R-11-42	January 19, 2011	\$ (4,253.00)	Change Order #2 Decrease
R-11-177	July 20, 2011	\$ (6,841.96)	Change Order #3 Decrease

WHEREAS, change order #4 dated October 20, 2011 prepared by T & M Associates, Borough engineers, sets forth reasons for said change order,

Change Order #4 Final - Decrease of \$5,605.30

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #4 final decreasing the original contract amount by \$5,605.30 is hereby authorized for the resurfacing of Waterwitch Avenue. The final amended contract amount is \$180,562.24

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

ROLL CALL:

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

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

R-11-213

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY FOR
COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT
PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT**

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title 1 of the Housing and Community Development Act of 1974, as amended, Commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Borough of Highlands, NJ and the County of Monmouth will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of Highlands to enter such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Highlands, NJ that the agreement entitled "**Agreement Between the County of Monmouth And Certain Municipalities Located Herein For the Establishment of a Cooperative Means of Conducting Certain Community Development Activities**", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take place immediately upon its enactment.

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

ROLL CALL:

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

Mr. O'Neil offered the following Payment of Bills and moved on its approval for payment condition upon the removal of the following item:

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Payment to Branin Contracting in the amount of \$ 4,080.00

**RECAP OF PAYMENT OF BILLS
11/02/11**

CURRENT:		\$ 1,113,607.47
Payroll	(10/30/11)	\$ 256,578.79
Manual Checks		\$ 14,424.28
Voided Checks		\$
SEWER ACCOUNT:		\$ 11,931.48
Payroll	(10/30/11)	\$ 12,821.26
Manual Checks		\$ 82.43
Voided Checks		\$
CAPITAL/GENERAL		\$ 18,093.68
CAPITAL-MANUAL CHECKS		\$ 176,394.12
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 1,550.83
Payroll	(10/30/11)	\$ 8,744.13
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$ 830.00
GRANT FUND		\$ 7,255.14
Payroll	(10/30/11)	\$
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
November 2, 2011**

CURRENT FUND

Division of Pensions & Benefits	November Health Benefits	65,139.84
Future Sanitation	Tipping Fees 10/14/11-10/31/11	7,503.72
Future Sanitation	Solid Waste/Recycling 10/16/11-10/31/11	8,366.67
NJ Department of Community Affairs	Life Hazard Registration Fee - Public Works	596.50
Total Current Fund		81,606.73

CAPITAL FUND

Fiore Paving	Resurfacing Waterwitch Avenue	4,258.04
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**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Total Capital Fund	<u>4,258.04</u>
GRANT FUND	
Total Grant Fund	<u>0.00</u>
SEWER UTILITY FUND	
Division of Pensions & Benefits	
November Health Benefits	3,339.32
Total Sewer Utility Fund	
TRUST FUND	<u>3,339.32</u>
Total Trust Fund	
Total Supplemental Bill List	<u>0.00</u>
	<u>89,204.09</u>

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

ROLL CALL:

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

Minutes Approved on Consent Agenda:

Mr. O'Neil offered a motion for the approval of the October 19th, 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, Ms. Kane
NAYES: None
ABSENT: Mayor Nolan
ABSTAIN: None

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Other Resolutions:

Mr. O'Neil offered that Mayor Nolan requested the removal of Resolutions R-11-195 and R-11-208, and seconded by Mr. Francy and approved of the following roll call vote:

ROLL CALL:

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

Mrs. Cummins stated that these two resolutions will be tabled until the next meeting.

Resolution R-11-209 – Appointing Provisional Water/Sewer Repairer – Wayne Occhipinti

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Mrs. Cummins stated that there are changes to this resolution and it must be offered with the name of employee, Wayne Occhipinti, effective November 7th, 2011 with an annual salary of \$40,000 which includes longevity.

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

**R-11-209
RESOLUTION APPOINTING
PROVISIONAL FULL-TIME WATER/SEWER REPAIRER**

WHEREAS, the Borough of Highlands is need of hiring a full-time provisional Water/Sewer Repairer; and

WHEREAS, the Borough Administrator recommends that Wayne Occhipint, be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Wayne Occhipinti is hereby appointed to the full-time provisional Water/Sewer Repairer position effective November 7, 2011.

BE IT FURTHER RESOLVED that said appointment is to be compensated at an annual rate of \$40,000.00 which includes longevity.

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

ROLL CALL:

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

Resolution R-11-210 – Appointing Interim Borough Administrator

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

**R-11-210
RESOLUTION RE-APPOINTING INTERIM
BOROUGH ADMINISTRATOR**

Whereas the Borough Council believes that there continues to be a need for an Interim Borough Administrator while they are engaged in a search for a permanent Borough Administrator; and

Whereas the Borough Council has determined that Tim Hill is qualified for the position of Interim Borough Administrator and will be able to perform the duties of Interim Borough Administrator while also continuing to supervise the duties of his current position; and

Whereas the search for a permanent replacement continues, as does the need for an Interim Borough Administrator, and the initial Interim Appointment is set to expire,

Now, Therefore, be it resolved that Tim Hill is hereby re-appointed Interim Borough Administrator and will serve in that capacity with additional pay in the amount of \$150.00 per week from November 3, 2011 until midnight on December 7, 2011, at which time this appointment will expire if not extended by the Borough Council.

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

ROLL CALL:

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

Resolution R-11-211 – Intro. SFY 2012 Budget and PHD for Dec. 7th, 2011

Mr. Pfeffer read the resolution in to the record.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

INSERT R-11-211

Ordinances: 2nd Reading & Public Hearing and Adoption:

Ordinance 0-11-22

Mrs. Cummins read the title of Ordinance 0-11-22 for the second reading and public hearing and stated that this ordinance was published in its entirety in the October 22nd edition of the Asbury Park Press and was sent to the Division of Local Government Services and may now be open for a public hearing.

Mr. O'Neil opened the public hearing and there were no comments or questions.

Mr. O'Neil asked Mr. Pfeffer to explain the ordinance.

Mr. O'Neil closed the public portion.

Mrs. Cummins read the title of Ordinance O-11-22 for the third and final reading and adoption.

Mr. Connelly offered the following Bond Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law and posting on bulletin board:

O-11-22

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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

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
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:

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

(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.

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 9:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Ordinance 0-11-23

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Mrs. Cummins read the title of Ordinance 0-11-23 for the second reading and public hearing and stated that this ordinance was published in its entirety in the October 22nd edition of the Asbury Park Press and stated that there is an amendment to be added to the ordinance tonight under the commercial rate. It will be changed from \$120.00 to \$140.00 to match the change in the residential rate.

Mr. Halfacre also explained there is no need to further notice.

Mr. Pfeffer explained that the effective date of the entire ordinance is 1/1/2012. This was driven by increase in Sewer Authority budget after they adopted their budget. This added approximately \$93,000.00 additional expenses to our budget.

Mr. O'Neil opened the public hearing and there were no comments or questions.

Mr. O'Neil closed the public portion.

Mrs. Cummins read the title of Ordinance O-11-23 for the third and final reading and adoption.

Mr. O'Neil offered the following ordinance pass third and final reading and moved on its adoption as amended and authorized its publication according to law:

O-11-23

Mr. O'Neil offered the following ordinance pass third and final reading and moved on its adoption as amended 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:

<i>User Classification</i>	<i>Quarterly Rate</i>
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Residential Effective 1/01/12	\$140.00
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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 \$140.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on \$.004424 per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter. Effective 1/01/12.
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Houses of worship (including but	\$35.00
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**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

not limited to churches, rectories and convents):

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

Committee Reports:

Finance:

No report at this time.

DPW:

Mr. Hill read thru his report.

Calls are still being handled regarding storm / flood damaged contents

Lift stations checked daily

Brush Pick for all four zones done throughout October, will continue into November as scheduled

Removed beach cans, equipment and benches

Bayside Drive catch basin

Responded to 3 sewer clogs

Checked plow and sanders schedule for repair

Street sweeper – used -

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
November 2011**

- * The Highlands Police Department has been awarded funds as part of the Bayshore Saturation Patrol Grant to enforce drinking and driving laws. Each year the department participates by increasing driving while intoxicated patrols within the Borough. This year these extra patrols will be conducted over Thanksgiving weekend and will continue throughout 2012. As always, the members of the Highlands Police Department urges anyone who observes erratic driving behavior to contact the department.
- * The Highlands Police Department in cooperation with the administration of Henry Hudson Regional School will be holding a parental forum at Henry Hudson Regional School on

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

November 14, 2011 starting at 7:00 p.m. The focus of the forum will be to discuss the continuing juvenile issues, specifically, in the Huddy Park area.

- * The Swift9-1-1 Emergency Notification System was instrumental in delivering emergency notifications to residents during Hurricane Irene. In preparation of the winter months and weather related emergencies, the Highlands Police Department once again strongly urges residents to register through the Borough website.

* Total Calls for Service: 544

* Arrests: Adults: 14 (3 for possession of CDS)
 JV: 5

* Summons: Total: 70

 Moving Violations: 24
 Non-Moving: 26
 DWI: 5
 Boro Ordinance: 15

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

Ms. Kane asked Chief Blewett about a house across the street from Huddy Park that is a part of the sub-standard housing. It needs to be boarded up.

The Chief said they are aware of it and the owner does comply.

Mr. Hill said that the property owner will be notified again of this issue. The Police Department notified us and we are following it up with the Code Enforcer.

Building/Housing:

Mr. Hill read thru his report.

Continue to work with residents and business owners to address concerns -
Activity in building department has increased due to storm related damages / repairs.

Parks/Recreation:

Mr. Hill read thru his report.

Group usage of building for October:

- Condos: 5
- Girl Scouts: 5
- Garden Club
- Historical Society Halloween Party
- Neighborhood Watch (No Show)
- Tae Kwon Do: 4
- FOB: 4
- Variety 4H Club: 2
- SET 4H Club
- Senior Citizens (Business Mtg., Bingo / Lunch, Halloween Party)
- Boating Safety
- Fellowship of Christian Athletes
- Teen Nights: 2

Also:

- Flu Shots: 14 given
- Beach Sweep

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Halloween Parade & Costume Contest
Senior Programs Set up for November:

11/3 - Exec Mtg.
11/10 - Business Mtg
11/17 - Bingo / Lunch
11/18 - Thanksgiving Luncheon

Other items to Mention:

11/1 ~ 11/22 - Basketball Mini Clinics at HHRS for grades 4-8; Tues. & Thurs. evenings, 6-8 pm
11/4 - NBA / WNBA FIT Dribble, Dish, & Swish Basketball Competition at HHRS for ages 7-12, 3:30 pm
11/9 & 11/19 - TEEN Nights @ Community Center with Municipal Alliance
12/1 - Adult Open Gym Programs: Basketball, Indoor Soccer, & Volleyball
12/3 - Holiday Helpers for ages 4-11, 9 am - 3 pm
12/10 - Breakfast with Santa 9 am - 11 am

HBP:

No Report at this time.

Public Relations:

No Report at this time.

Environmental/Shade Tree:

No Report at this time.

AAHRSA:

No Report at this time

Administration – including Sub-Standard Housing:

Mr. Hill read thru his report.

FEMA HMGP LOI's submitted for various projects. Additional info. submitted to T& M regarding FMA program grant.
Contact made to County, FEMA, MEL/JIF with regards to information needed for residents, businesses and borough property.
Mr. Parker continues to forward updates relative to timelines for disaster assistance

Report on Washington Ave - Continue to work with attorney, engineer and property owner
Attended Shared Services Meeting hosted by Monmouth County – overview of new initiatives through use of services – will explore as program moves forward
Bayside Drive – Exxon Mobil – see letter
Web site – Repairs by provider are ongoing with some links back up and running.
Hutchinson Mechanical – Replacement of Borough heating / ac units being scheduled as per grant.

Library Committee:

HIGHLANDS LIBRARY COMMITTEE
Wed. Nov. 3, 2011

- The Library hours will continue to be Mon. 2-4, Thurs. 2-4 and Sat. 10-12 noon. Additional hours are being considered; it depends upon availability of volunteers.
- The Tuesday Afternoon Story Hour/Craft has finished its' run. The staff is discussing new programs for the children.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

- Several dozen books have been donated to the Childrens and Young Adults collections by the Genevieve Hawley Foundation . We are very grateful for their help.
- The volunteer staff is working on culling and cleaning the collection, to make room for these new donations.
- This past summer the library coordinated a summer reading program with Highlands Elementary School. The volunteer staff members donated the funds to purchase the books on the list provided by HES. During the summer we worked with many students regarding their books. A child could read any book, then do a project about it. The projects were quite diverse—traditional book reports, dia-ramas, paintings, decorated T-Shirts. An **ASTOUNDING** 45 students participated in the project. Considering the population of HES is 196, this number is amazing and encouraging. One quarter of the students participated in the reading/creative arts project. The Highlands Library staff is very pleased to have been a part of this great success.

Other Business:

Engineer's Status Report-EIT Update:

Mr. Leubner read thru his report. He stated that the EIT agreement needs to be done tonight.

Council discussed the EIT agreement and to do a resolution authorizing the execution of the agreement tonight.

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

**R-11-214
RESOLUTION AUTHORIZING THE MAYOR
AND MUNICIPAL CLERK TO EXECUTE AGREEMENT FOR PROFESSIONAL
ENGINEERING SERVICES WITH T & M ASSOCIATES
CONTINGUENT UPON PROJECT BEING ACCEPTED BY THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM**

BE IT RESOLVED that of Borough of Highlands is currently seeking New Jersey Environmental Infrastructure financing for the drainage improvement project and is required to enter into agreement with Borough Engineer, T & M Associates, 11 Tindall Road, Middletown, NJ to provide bidding and contracting and inspection services to the borough for said project.

BE IT RESOLVED that this contract is conditioned upon the borough proceeding with the drainage improvement project and financing from the New Jersey Environmental Infrastructure Financing Program at which time certification of funds will be provided by the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk are hereby authorized to execute agreement for professional engineering services with T & M Associates for the amount of \$267,000 conditioned upon the project being financed by the NJEIT.

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

ROLL CALL:

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

Mr. Leubner continued to read thru his report.

HGHL-G1101

November 1, 2011

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

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

Re: Engineer's Status Report

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 has been approved by 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 was held on September 20, 2011 to present the anticipated improvements of the overall project. Project agreements for EIT were discussed at the October 5, 2011 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. Awaiting gas main relocation by NJNG on Miller Street.
- Concrete work is expected to commence the week of November 7, 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

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

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

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 was submitted on October 28, 2011.
2. **FEMA Hazardous Mitigation Assistance Grant Application - Federal Disaster Declaration:** As requested, Letters of Intent have been prepared and submitted to FEMA on October 14, 2011.
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.

Exxon/Mobil/Bayside Drive:

Mr. Hill stated that he received a letter from Exxon regarding the reconstruction of Bayside Drive that the Borough has requested. They offered to give us \$109,300.00 which is about a third of the cost. We are meeting with them again and continue discussions. We are still in negotiations. It has to do with Bayside Drive from Marie to Matthew Street.

Vacation of unnamed alley located in Block 61:

Mr. Leubner said there is a 6' foot wide alley behind the properties on Shore Drive from unimproved section on Valley Avenue to the western property line of Ptak Towers.

Mr. Francy asked about the cost, the process could be expensive to do.

Council continued discussion.

Mrs. Cummins explained the process. A vacation ordinance would be adopted

Council agreed to table until next year.

National Recreation Trails Grant Program:

Mr. Hill stated that we have an opportunity to apply for NJDEP and DOT trails program. The deadline is February 15th, 2012. He will continue to look in to it.

Mr. Pfeffer left at 8:50.

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Public Portion:

Kevin Redmond of 7 Ocean Avenue spoke of Valley Street and Shore Drive. The pedestrian crosswalk needs a stop sign. The street is very busy.

Ms. Kane said it just may need to be repainted.

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
November 2, 2011**

Mr. Hill will look in to it.

Tara Ryan – passed.

Brian Wioncek of 317C Shore Drive asked about the hill, after engineers visited the site.

Mr. Halfacre said the engineer and the GeoTech Engineer Expert were there last week. We are waiting for the final report. Some action will be taken on the uphill homes.

Brian Wioncek asked about moving debris to the municipal lot.

Mr. Hill asked for a notice of 48 hours prior. He will send trucks to pick up. He asked them to put trash closest to the curb line and to separate trash and tree debris.

Brian Wioncek asked if we have heard from FEMA.

Mr. Halfacre said that once we have the final report, then a letter will be sent to the upper homeowners.

Roger Clemente of 164 Linden Avenue spoke about the Exxon problem on Bayside Drive and if there is water contamination on Marie Street.

Mr. Francy answered no; all the water coming down Bayside Drive has been tested.

Roger Clemente asked the engineer about the drainage problem on Shore Drive.

Mr. Leubner explained that it is a large area. He needs to be more specific.

Roger Clemente said we need to maintain the water and get rid of it.

Kim Skorka – passed.

Mr. O’Neil offered a motion to adjourn the meeting, seconded by Mr. Connelly and all were in favor.

The Meeting adjourned at 9:05 P.M.

Debby Dailey, Deputy Borough Clerk