

**Borough of Highlands
Mayor & Council
Work Shop/Regular Meeting
December 7, 2011**

Mayor Nolan called the meeting to order at 7:05 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 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. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

Absent: Mr. O'Neil

Also Present: Debby Dailey, Deputy Clerk

Tim Hill, Borough Administrator

Stephen Pfeffer, Chief Financial Officer

Dale Leubner, Engineers Office

Michael Halfacre, Esq., Borough Attorney

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: Ferry Landing, Hilltop Condo & Hillside Village vs. Borough,
Captains Cove Marina vs. Borough, BPA vs. Borough,
M & R Mechanical – Possible Litigation**
- 2.Contract: Animal Control Services Contract, Branin Contracting Contract**
- 3.Real Estate: Pomesan – 1 Miller Street, Sugar Shack Property on Borough
Right-of-Way**
- 4. Personnel Matters: Tim Hill – Riced, W. Armenti – Riced, P/T Cashier Position,
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.

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4. Deals with collective bargaining, including negotiation positions.
- 5. Deals with purchase, lease or acquisition of real property with public funds.**
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
8. Related to investigation of violations or possible violations of the law.
- 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
- 10. Falls within the attorney-client privilege and confidentiality is required.**
- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

BE IT FURTHER RESOLVED that action may be taken after the executive session.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:10 p.m.

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

ROLL CALL:

Present: Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

Absent: Mr. O'Neil

Also Present: Debby Dailey, Deputy Clerk

Tim Hill, Borough Administrator

Stephen Pfeffer, Chief Financial Officer

Michael Halfacre, Esq., Borough Attorney

Dale Leubner, Engineers Office

Resolution R-11-227A

Ms. Dailey read the title of the following Resolution for approval:

Mayor Nolan spoke favorably about appointing Mr. Hill as Borough Administrator.

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

**R-11-227A
RESOLUTION APPOINTING
BOROUGH ADMINISTRATOR**

Whereas the Borough Council believes that there is a need for a Borough Administrator;
and

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Whereas the Borough Council has determined that Tim Hill is qualified for the position of Borough Administrator and will be able to perform the duties of Borough Administrator; and

Now, Therefore, be it resolved that Tim Hill is hereby appointed Borough Administrator for a two year term to expire on December 6, 2013 and will serve in that capacity for an annual salary in the amount of \$90,000.00.

BE IT FURTHER RESOLVED, that the attached employment contract for said position is hereby approved and the Mayor is hereby authorized to execute agreement.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Committee Reports:

Mayor Nolan stated that we will be bypassing with Committee Reports this evening.

Highlands Business Partnership

Carla Cefalo-Braswell of the HBP gave the following report:

HBP Council Report for December 7, 2011

The HBP held a board meeting on November 22, 2011 at the Original Oyster Restaurant. Our 2012 Budget, Goals & Objectives and Calendar of Events have been submitted to the Council. While they have been submitted in prior years, it was suggested at the NJSLOM "Taking care of Bid-ness" session that it was more transparent to have the council acknowledge receipt of the Goals and Objectives with a resolution. The report gives a summary of what the assessment dollars will be used for. As always, all reports, agendas, minutes and goals are posted on www.highlandsnj.com/hbp in the meeting archives.

Marketing and Events Committee - Thank you letters and holiday cards went out to the sponsors and volunteers. HBP prepared the 2012 calendar for consideration and we are in the process of preparing our destination marketing advertisements for the county tourism office. The Annual Beef & Brew fundraising dinner for the 2012 St. Patrick's Day parade will be held on Sunday January 29, 2012 from 4-8PM at Off the Hook Restaurant. Tickets are \$30 and can be purchased at Borough Hall, Laura's Pancakes, and Off the Hook. All proceeds will pay the pipers for 10th Annual St. Patrick's Day Parade on Saturday March 24, 2012. The 2012 Grand Marshall is Helen Sokya of the Andy Shore Bar and there will be a deputy grand marshal, Mary Ann Soyka. The sashes will be presented at the fundraiser. Once approved by the Council, the 2012 event forms will be posted online.

Visual Improvement Committee - In preparation for the tree lighting and Holidays, the VIC proceeded with their plans for the 2011 Holiday decorations in partnership with the borough. The HBP paid for the containers to be decorated and the Borough paid for the public areas such as Huddy, Veterans, Borough Hall etc. The committee has plans to expand the 2012 budget to include a seasonal maintenance program either with a landscaper or a part time person who will focus on Bay Avenue and provide maintenance services such as weeding, sweeping, power washing for the general appearance of Bay Avenue during the peak season. While Bay Avenue is largely residential unlike other Main Streets, HBP feels it is imperative to change the image of Bay Avenue in order to attract viable walking traffic. HBP has included \$15,000 in the budget for this program and will work directly with the borough officials for a successful program.

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Economic Development Committee – members of the committee will be meeting with Council Liaison Rebecca Kane review and comment on the engineers report provided by T&M in response to the HBP Zoning recommendations.

HBP voted to sponsorship dollars in the amount of \$500 for the TNR program for more traps in order to assist in controlling the feral cat problem. The board felt this was important to the appearance and perception of our downtown.

Thank you and on behalf of HBP we wish you a Happy Holiday Season.

Submitted by Carla Cefalo-Braswell

Ms. Kane spoke favorably about the HBP hiring a part-time person for maintenance of Bay Avenue. She also spoke about stronger code enforcement which is a very good thing for Highlands.

Mr. Francy thanked the HBP for the money for the Trap Neuter and Release Program.

SFY 2012 Municipal Budget Public Hearing & Adoption

Ms. Dailey stated that the budget was published in the November 11th edition of the Two River Times and that the Borough has received a verbal approval for the DLGS. So the public hearing may be open at this time.

Mr. Pfeffer spoke about the budget and how the tax rate is calculated and our taxes are up 6.29%. He spoke about our accomplishments in getting control of our expenses but not so much with are revenues.

Mr. Francy commented on the budget and FEMA moneys.

Council continued budget discussion with Mr. Pfeffer.

Mayor Nolan opened up the public hearing on the SFY 2012 Municipal Budget.

Carol Bucco of 330 Shore Drive questioned the dollar amount of the taxes going up.

Mr. Pfeffer - \$356,00.

There were no further questions from the public; therefore Mayor Nolan closed the public hearing.

Mr. Pfeffer then read Resolution R-11-233 in its entirety for adoption.

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INSERT RESOLUTION R-11-233 HERE.

HIGHLANDSNJ.COM

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Consent Agenda:

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

**R-11-215
RESOLUTION SUPPORTING THE EXTENSION OF TIME TO AWARD CONTRACT
FOR THE RECONSTRUCTION OF BAY AVENUE
TO DECEMBER 15, 2011**

WHEREAS, the Reconstruction of Bay Avenue is being funded by NJDOT and by the Monmouth County Community Development Block Grant Program and the NJDOT has a requirement that the Borough award a contract for the Reconstruction of Bay Avenue by August 16, 2011 however, this deadline was not feasible due to the funding allocated by the Monmouth County Community Development Block Grant Program, as the County did not authorize the project to be advertised until recently.

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan offered the following and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-11-216
RESOLUTION – COMPENSATED ABSENCE-RETIREMENT**

WHEREAS, Sergeant Christopher Creighton has been employed by the Borough of Highlands as a Police Officer since August 1, 1986; and

WHEREAS, Sergeant Christopher Creighton retired on October 31, 2011; and

WHEREAS, Sergeant Christopher Creighton is entitled to compensated absence benefits for his accrued sick time of 1,728 hours equating to \$20,769 (amount subject to minor changes including rounding); said benefits are in accordance with Article 16: Sick Time of the collective bargaining agreement between the Borough of Highlands and the New Jersey Policemen's Benevolent Association, Sandy Hook, Local 48 effective July 1, 2008-June 30, 2012 as authorized by Resolution 09-37 and Resolution 10-235; and

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

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

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands that subject to the certification of funds availability by the Chief Financial Officer, that Sergeant Christopher Creighton receive the aforementioned compensated absence benefits.

Certification of Funds: SFY 2012 Municipal Budget contingent upon adoption.

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-11-217
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

| <u>BLOCK</u> | <u>LOT</u> | <u>YEAR</u> | <u>AMOUNT</u> | <u>NAME</u> |
|--------------|------------|-------------|---------------|--|
| 77 | 5 | 2011 | \$1,286.21 | Claudetter D'Arrigo 12 Sea Drift Ave Highlands, NJ 07732 |
| 1.01 | 14 | 2011 | \$1,489.17 | Wells Fargo 1 Home Campus Des Moines, IA 503288 |
| 100 | 26 | 2011 | \$142.46 | Olivia DeCellio 51 Gravelly Point Road Highlands, NJ 07732 |

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-11-218
RESOLUTION CHANGING JOB TITLE**

WHEREAS, the Borough of Highlands implemented layoffs as of January 1, 2011 for reasons of economy and efficiency which resulted in the layoff of one full-time position of Police Records Clerk held by Diane Alvator; and

WHEREAS, the Civil Service Commission recognizes seniority and lateral displacement and or special reemployment rights lateral move in job titles and salary; and

WHEREAS, Diane Alvator exercised her rights of seniority and lateral move in job title from full-time Records Clerk to full-time Public Safety Telecommunicator.

NOW, THEREFORE, BE IT RESOLVED that employment title of Diane Alvator is hereby changed from full-time Police Records Clerk to full-time Public Safety Telecommunicator effective January 1, 2011.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan the following Resolution and moved on its adoption:

**R-11-219
RESOLUTION AMENDING RESOLUTION R-11-156
FOR COMPENSATED ABSENCE – RETIREMENT**

WHEREAS, the Governing Body of the Borough of Highlands adopted Resolution R-11-156 at a meeting held on July 20, 2011 approving compensation of absence benefits for Krisida Burton to be paid in two equal payments with the first payment paid in July 2011 and the second payment was to be made on January 15, 2012; and

WHEREAS, Krisida Burton has submitted a written request to have the second payment to be made prior to January 15, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the second and final payment to Krisida Burton is hereby approved to be paid on December 7, 2011 in the amount of \$7,551.50.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-11-220
RESOLUTION EXENDING AUTHORIZING
FOR SITE ACCESS TO BOROUGH PROPERTIES
TO THE DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS**

WHEREAS, on October 20, 2010 the Borough of Highlands granted authorization to the Department of the Army New York District, Corps of Engineers by adoption of Resolution R-10-207. This approval granted authorization for site access to several Borough Properties in connection with the Raritan Bay and Sandy Hook, New Jersey – Highlands Hurricane and Storm Damage Reduction Project; and

WHEREAS, the properties that the Department of the Army, New York District, Corps of Engineers are requesting access to are Block 39 Lots 1 & 1.01, Block 97 Lots 1 & 10, Block 101 Lot 3, a portion of a public thoroughfare known as Bay Street (adjacent to Block 39 Lot 12 & also adjacent to Block 38.01, Lot 11.01 and a portion of a public thoroughfare known as Locust Street (adjacent to Block 102, Lots 3.01, 4,5 and also adjacent to block 102, lots 6 & 7)..

NOW, THEREFORE, BE IT RESOVLED by the Mayor and Council of the Borough of Highlands that access to the above referenced borough properties is hereby granted for a 12 month period from today's date and the Borough Administrator is hereby authorized to execute attached access agreements for the above referenced properties.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-11-221
RESOLUTION APPROVING DISABLED PARKING SPACE**

WHEREAS, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Joyce Robertson of 29 Cornwall Street; and

WHEREAS, the Chief of Police has reviewed the application and recommends the approval of said Disabled Parking Designation;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the following is hereby approved:

1. Joyce Robertson, 29 Cornwall Street. A designated handicap parking space be erected fifty (50) feet east of the south intersection of Cornwall Street & Center Street.

BE IT FURTHER RESOLVED that the Borough of Highlands DPW install Disabled Parking Designation Sign at said locations:

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-11-222
RESOLUTION AUTHORIZING AGREEMENT
FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)
BETWEEN THE BOROUGH OF HIGHLANDS AND
THE BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Borough of Highlands has a need for eligible residents to have transportation to and from local food markets; and

WHEREAS, the Monmouth County Board of Chosen Freeholders has established the Special Citizens Area Transportation System (referred to as SCAT) which provides such transportation services at a rate of \$155.00 per half day.; and

WHEREAS, the Borough of Highlands has reviewed an agreement for said services for the period of January 1, 2012 through December 31, 2012 and finds it to be acceptable; and

WHEREAS, certification of availability of funds here hereby made contingent upon the adoption of the SFY 2012 Municipal Budget.

Account 1262 – 3805

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for the period of January 1, 2012 through December 31, 2012 at a rate of \$155 per half day for the purpose of providing transportation to eligible residents.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-11-223
RESOLUTION ACKNOWLEDGING RECEIPT
OF THE HIGHLANDS BUSINESS PARTNERSHIPS
ANNUAL GOALS & OBJECTIVES REPORT**

WHEREAS, the Highlands Business Partnership has submitted their 2012 Annual Goals & Objectives Report to the Borough of Highlands; and

WHEREAS, the Highlands Business Partnership has requested that the Governing Body formally acknowledge the report.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands formally acknowledges receipt of the attached Highlands Business Partnerships 2012 Annual Goals & Objectives Report.

BE IT FURTHER RESOLVED, that the Governing Body does not approve nor disapprove of said report but will use the information when considering the budget.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

2012 Objectives & 2011 Accomplishments

Highlands Business Partnership - Business Improvement District

Borough of Highlands, Monmouth County

MARKETING/EVENTS & COMMUNICATION

Co-Chairs

Carla Cefalo-Braswell – ShoreGrafx, Inc. and Jay Cosgrove – Bahrs Restaurant

2012 Objectives

- Develop, implement and expand regional image of Destination Highlands.
- Seek and apply for marketing Grants.
- Expand St. Pat's budget with fundraising dinner and other activities.
- Create new 2012 – 2013 Visitor Guide embellishing on local resources.
- Develop a comprehensive marketing campaign/media buy for winter.

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- Advertise with NJ Shore Guide monthly and solicit other affordable ads.
- Expand sponsorship opportunities with local corporations.
- Maintain event calendar to include St. Pat's Parade, Seaport Craft Show, Clam Fest, Twin Light Bike Ride, Oktoberfest, and Holiday event.
- Add a taste of Highlands event in coordination with HPD.
- Attend other Annual regional for marketing opportunities to promote Highlands.
- Seek advertising and/or barter with Seastreak.

2011 Accomplishments

- HBP obtained 3 direct sponsors and 4 Barter Agreements for 2011 event calendar.
- Solicited sponsors for the implementation of the National Monument – Memoria Project at Veterans Park. Services and material providers in excess of \$100,000 were solicited directly by HBP in conjunction with Memoria Project for an additional \$150,000 in donated goods and services including new lighting for Veterans Park.
- New businesses were contacted and welcomed by HBP. HBP met with new business owners and provided welcome folders/packages. Additional information and training was provided for use of free website and marketing opportunities.
- Organized and implemented the celebration of new Highlands Bridge with local, regional and state officials. Invitations were sent to all local businesses.
- Coordinated Ribbon Cutting ceremonies with local officials.
- Appeared on two (2) Comcast Newsmaker broadcast promoting Highlands's events and the Memoria Project.
- Appeared on Channel 2 news promoting grass roots efforts of the Memoria Project.
- Press releases were created for each event and distributed to Media list by the HBP
- Attended the NJSCB Grape Adventure event with HBP member, Chilangos and won the Battle of the Chefs. Great advertising opportunity for Chilangos, Highlands NJ.
- Continue Highland's destination marketing theme – Where the Jersey Shore Begins
- Continued to maintain Barter relationships with Foodtown, Hufnagel Tree Experts. WRAT Radio and Frank Rahm Landscaping.
- Donated Foodtown Barter value to Borough Recreation Department to assist them with budget constraints.
- Assisted local groups with their fundraising efforts such as Police Explorers.
- Print Collateral materials were produced on a timely schedule and distributed.
- Worked with local newspapers to support events and local businesses in Highlands.
- Web site updates to promote Highlands events, transportation, history, HBP news, media, agendas, reports, minutes, meetings, and photo album files.

VISUAL IMPROVEMENT COMMITTEE

Nancy Burton – In the Garden Flowers & Plants

2012 Objectives

- Complete Miller Hill Phase III plantings.
- Implement a part time seasonal maintenance program between Memorial & Labor Day with a focus on Bay Avenue.
- Expand the Holiday and Fall Decorations.
- Continue to partner with the Borough officials to clean up Bay Avenue.
- Seek Arts funding to Implement Murals/Art throughout the community.

2011 Accomplishments

- Completed the Miller Hill Irrigation installation with barter project with Rahm Landscaping and Hufnagel tree.
- Purchased sod to complete Phase II of the Memoria project installation.
- HBP collaborated with Town officials and Memorial Project for the successful installation of the National 911 Monument.

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- Used Hufnagel Tree Barter to remove dead trees after Hurricane in public spaces that were potential life safety hazards.
- Implemented spring flowers in planters for parade.
- Supplied buntings and decorations for South Bay Beach area for Bridge celebration through the Fourth of July.
- Decorated Veterans Park for Oktoberfest and 911 Ceremonies.
- Implemented wintergreens and decorations in street containers.
- Worked with Borough to facilitate and complete the Clean Communities Program.
- Purchased and maintained existing signs for Highlands Welcome Areas.
- Updated and maintained Way Finding System including new sign at Jughandle.
- Completed Holiday Decoration Program 2011.

ECONOMIC DEVELOPMENT

Chairmen – Jim Bollerman, Sandy Hook Bay Marina, Co-Chair Jim Filip, Doris & Ed's

2012 Objectives

- Complete zoning recommendations with the borough to use as recruitment tool.
- Seek loan/grant programs for existing and new business for façade and building improvements.
- Encourage a fast track process with Borough Officials to attract investment.
- Implement placement of a business directory kiosk for visitors.
- Dust Off Complete Business Friendly How to Guide and incorporate into an Investors Tool Kit.

2011 Accomplishments

- ED committee met extensively to provide the HBP zoning recommendations report to Mayor and Council. This was a comprehensive report that described Highlands, yesterday, today and tomorrow. The report included recommendations that we feel necessary to attract investors into the community as we presently have a reputation for being a difficult place to do business. The report also includes a map overlay and photography.
- HBP ED committee members Larry Colby, Carla Cefalo and Jim Filip attended the planning board meetings when report was discussed.

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

**R-11-224
Resolution Approving Highlands Business Partnerships
2012 Calendar of Events**

Whereas, the Highlands Business Partnership has submitted their 2012 Calendar of Events to the Borough of Highlands Mayor & Council and have requested that this be approved.

Now, Therefore, Be It Resolved by the Mayor & Council of the Borough of Highlands that the attached 2012 Highlands Business Partnerships 2012 Calendar of Events is here approved.

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

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. O'Neil
ABSTAIN: None

**Highlands Business Partnership
2012 Events Calendar**

| | | |
|-----------|----------------|---|
| Saturday | March 24 | St. Patrick's Day Parade Bay Avenue 2PM |
| Sunday | May 27 | Seaport Craft Show Huddy Park 10AM-5PM |
| Saturdays | July - October | Farmer's Market 9AM Huddy Park |
| Thurs-Sun | Aug 2 – Aug 5 | Clamfest Huddy Park Thursday 6-11PM Friday 6-11PM Saturday 12-11PM Sunday 12-8PM |
| Sunday | September 30 | Twin Lights Bike Ride 7AM Huddy Park-Shore Drive |
| Saturday | October 6 | Oktoberfest 2-10PM |
| Sunday | October 7 | Rain date- Veterans Park |
| Friday | November 30 | Tree Lighting 6pm |
| Saturday | December 1 | Rain date Huddy Park |

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

**R-11-226
RESOLUTION APPOINTING
TEMPORARY
PART-TIME CASHIER, TYPIST**

WHEREAS, the Borough has a vacancy due to the recent resignation of Allison Worthington and the Borough is in need of a part-time cashier/typist in the Main Office at Borough Hall; and

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WHEREAS, it is the recommendation of the Borough Administrator that **Donna Conrad** be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that **Donna Conrad** is hereby appointed temporarily as a part-time Cashier/Typist for the Borough of Highlands.

BE IT FURTHER RESOLVED that said appointment will be compensated at an hourly rate of \$15.00 per hour for four and one half (4 1/2) hours per day Monday through Friday effective December 5, 2011 to February 29, 2012.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-11-229
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
BAY AVENUE ROAD IMPROVEMENTS PROJECT**

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

WHEREAS, the following one (7) bids was received and reviewed by the Borough Engineer and the Borough Attorney:

| <u>Name</u> | <u>Base Bid</u> | <u>Alt#1</u> | <u>Total</u> |
|------------------------|-----------------|---------------|--------------|
| Mixalla Enterprise LLC | \$400,000.00 | Corrected Amt | \$360,000.00 |
| L & L Paving Co. | \$387,842.40 | None | \$387,842.40 |
| Z Brothers | \$398,652.40 | None | \$398,652.40 |
| Fiore Paving | \$420,617.75 | None | \$420,617.75 |
| GSP Construction, Inc. | \$441,035.00 | None | \$441,035.00 |
| Lucas Construction | \$449,220.00 | None | \$449,220.00 |
| Black Rock Enterprises | \$524,954.09 | None | \$524,954.09 |

; and

WHEREAS, the Mixall Enterprises, LLC appeared to be the lowest responsible bid with their corrected bid dollar amount of \$360,000.00 and Mixalia Enterprises, Inc. has agreed to accept the corrected reduced amount of \$360,000; and

WHEREAS, the next lowest responsible bid would be LL Paving Co. for the amount of \$387,872.40 but a Z Brothers Concrete Contractors, Inc. submitted a letter requesting that the L & L Paving Bid be disqualified because the bid bond supplied by them for the project was not signed or witnessed in the necessary places and the corporate seal was not affixed where it as required; and

WHEREAS, the Borough Attorney has reviewed all bids and letter requesting disqualification and has determined that the lowest responsible bidder is Mixalla Enterprises, LLC.

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

Bond Ordinance#O-11-07 \$360,000.00

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the Bay Avenue Road Improvements Project is hereby awarded to Mixalia Enterprises, LLC, 420 Sycamore Ave, Shrewsbury, NJ 07732 in the sum of \$360,000 subject to the approval of NJDOT Municipal Aid and NJ Department of Labor, Office of Wage and Hour Compliance and Monmouth County Community Development Block Grant.

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

ROLL CALL:

AYES: **Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan**

NAYES: **None**

ABSENT: **Mr. O'Neil**

ABSTAIN: **None**

Mayor Nolan offered the following and moved its adoption:

**R-11-231
RESOLUTION – CHANGE ORDER #2
FIORE PAVING COMPANY
DECREASE OF \$1.99
HIGHLAND AVENUE AREA ROAD IMPROVEMENTS**

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

| | | | |
|----------|------------------|----------------|---------------------------|
| R-11-176 | July 20, 2011 | \$1,186,325.00 | |
| R-11-202 | November 2, 2011 | \$ -0- | Change Order #1 No Change |

WHEREAS, change order # 2 dated December 2, 2011 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (adjustments of the original bid quantities to reflect as built quantities and the addition of supplementary items),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 decreasing the original contract amount by \$1.99 is hereby authorized for the Highland Avenue Area Road Improvements Project. The contract amount is hereby amended to \$1,186,323.01.

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

ROLL CALL:

AYES:

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**NAYES:
 ABSENT:
 ABSTAIN:**

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

**RECAP OF PAYMENT OF BILLS
 12/07/11**

| | | |
|----------------------------------|------------|---------------------|
| CURRENT: | | \$ 636,843.25 |
| Payroll | (11/30/11) | \$ 310,841.02 |
| Manual Checks | | \$ 54,306.97 |
| Voided Checks | | \$ |
| | | |
| SEWER ACCOUNT: | | \$ 4,096.82 |
| Payroll | (11/30/11) | \$ 14,505.11 |
| Manual Checks | | \$ 97,953.43 |
| Voided Checks | | \$ |
| | | |
| CAPITAL/GENERAL | | \$ 20,477.28 |
| CAPITAL-MANUAL CHECKS | | \$ 4,283.04 |
| Voided Checks | | \$ |
| WATER CAPITAL ACCOUNT | | \$ |
| | | |
| TRUST FUND | | \$ 7,942.40 |
| Payroll | (11/30/11) | \$ 5,525.00 |
| Manual Checks | | \$ 18,131.83 |
| Voided Checks | | \$ |
| | | |
| UNEMPLOYMENT ACCT-MANUALS | | \$ |
| | | |
| DOG FUND | | \$ 6.00 |
| | | |
| GRANT FUND | | \$ 2,066.72 |
| Payroll | (11/30/11) | \$ |
| Manual Checks | | \$ |
| Voided Checks | | \$ |

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| | |
|--------------------------|----|
| 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

December 7, 2011

CURRENT FUND

| | | |
|---------------------------------|----------------------------------|-----------|
| Borough of Atlantic Highlands | October Mechanic Services | 2,775.00 |
| Borough of Atlantic Highlands | November Mechanic Services | 3,250.00 |
| | | |
| Division of Pensions & Benefits | December Health Benefits | 63,382.31 |
| Fallon & Larsen | Review of LOSAP Program for 2011 | 2,000.00 |
| Fallon & Larsen | SFY 2011 Audit - Final Payment | 15,900.00 |
| Future Sanitation | Tipping Fees 11/15/11-11/30/11 | 7,106.78 |
| Horizon | Dental Insurance 12/2011 | 458.24 |

| | |
|---------------------------|------------------|
| Total Current Fund | <u>92,097.33</u> |
|---------------------------|------------------|

CAPITAL FUND

| | | |
|--------------|----------------------------|------------|
| Fiore Paving | Highland Avenue Payment #2 | 145,307.15 |
|--------------|----------------------------|------------|

| | |
|---------------------------|-------------------|
| Total Capital Fund | <u>145,307.15</u> |
|---------------------------|-------------------|

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GRANT FUND

| | |
|-------------------------|------|
| Total Grant Fund | 0.00 |
|-------------------------|------|

SEWER UTILITY FUND

| | | |
|---------------------------------|--------------------------------|----------|
| Division of Pensions & Benefits | December Health Benefits | 3,339.32 |
| Fallon & Larsen | SFY 2011 Audit - Final Payment | 9,000.00 |

| | |
|---------------------------------|-----------|
| Total Sewer Utility Fund | 12,339.32 |
|---------------------------------|-----------|

TRUST FUND

| | |
|------------------|------|
| Total Trust Fund | 0.00 |
|------------------|------|

| | |
|-------------------------------------|------------|
| Total Supplemental Bill List | 249,974.38 |
|-------------------------------------|------------|

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

- ROLL CALL:
AYES: Mr. Redmond, Mr. Francy, Ms. Kane,
Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: Mr. O'Neil

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Minutes:

Mayor Nolan offered a motion to approve the November 2, 2011 Regular & Executive Session Minutes, seconded by Ms. Kane and approved on the following roll call vote

ROLL CALL:

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

NAYES: None

Absent: Mr. O'Neil

ABSTAIN: Mr. Redmond

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Other Resolutions:

Resolution R-11-234

Mr. Halfacre read the following Resolution for approval:

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

Resolution R-11-234

**Authorizing Administrator and Mayor to enter into a license or easement relating to Lot
15.01 Block 38.01 on the Borough of Highlands Tax Map**

Whereas, the property known and designated as Block 38.01 Lot 15.01 and located at 23 Bay Avenue consists of a one story frame building and other physical improvements that encroach over the property line and in the Borough of Highlands Right of Way on both Bay Avenue and Shore Drive, in varying degrees, and

Whereas, these encroachments have pre-existed for a number of years, and pre-date the existing owner; and

Whereas, the property is being transferred and the pre-existing encroachments are considered a defect in title that prevent the transfer; and

Whereas, the Borough Council desires to alleviate the potential hardship on the owner and purchaser;

Now, therefore, be it resolved that the Borough Administrator and Mayor are hereby authorized to prepare and enter into a license or easement with the property owner allowing the encroachments to remain until such time as the Borough determines the area affected by the license or easement is required by the Borough for road widening or other public purpose.

Seconded by Mr. Redmond and adopted on the following Roll vote:

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Roll Call Vote:

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

R-11-195 Resolution Appointing Member to Depuration Commission

R-11-208

Governing Body Appointment

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-208

**RESOLUTION APPOINTING RESIDENT MEMBER OF THE HIGHLANDS
HOUSING AUTHORITY**

WHEREAS, the term of Housing Authority Resident Member Ida Tkoch expired on November 30, 2011; and

BE IT RESOLVED that the following appointment be and hereby is made effective December 7, 2011:

Ida Ktoch for the 5 year term to expire 11/30/2016

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

ROLL CALL:

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

Mayor's Appointment to Housing Authority

Mayor Nolan tabled this item to the January 1st meeting.

Resolution R-11-225

Ms. Kane offered the following Resolution and setting of a public hearing date of January 18, 2011 at 8:00 P.M. and authorized its publication according to law:

R-11-225

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2012– December 31, 2012**

**Borough of Highlands
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COMMERCIAL DISTRICT
PROGRAM BUDGET

2012

EXPENSE

Visual Improvement.....15,000.00

- Beautification
- Maintenance
- Holiday & Seasonal
- Street Banners

Special Events Calendar..... \$45,000.00

- Creation of events

Marketing & Communications.....\$20,000.00

- Ad campaigns
- Tourism
- Public Relations
- Image Building
- Publish and print 25,000 copies of a 2012 -2013 Visitor Guide
- Maintain and expand website
- Audio & Video Media

Economic Development.....\$5000.00

- Business Recruitment/Retention & Redevelopment

Administrative Budget

Personnel.....15,000.00

Miscellaneous.....10,000.00

- Legal
- Audit
- Insurance
- Office Supplies

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Utilities – Telephone, fax & electric

License & fees

TOTAL Expenses.....\$110,000.00

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2012 – December 31, 2012**

COMMERCIAL DISTRICT
PROGRAM BUDGET

2012

Income

Special Events Income.....70,000.00

- Vendor Fees Income
- Event Income (Social Affairs & Raffle Permit income)

**Marketing &
Communications.....5,000.00**

- Sponsorship Income
- Barter Goods & Services (approx. \$12k)

TOTAL Income\$75,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$35,000.00

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O’Neil

ABSTAIN: None

Resolution R-11-228

Mr. Hill recommended to the Council that Melissa Festa be appointed.

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

**R-11-228
RESOLUTION APPOINTING PROVISIONAL
PART-TIME RECREATION LEADER**

WHEREAS, due to the recent resignation of Kim Karaman the Borough of Highlands is need of hiring a part/time Recreation Leader to assist Recreation Department; and

WHEREAS, the Interim Borough Administrator Tim Hill has interviewed applicants for said position and had recommended that Melissa Festa be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that is hereby appointed to the provisional part/time position of Recreation Leader effective Melissa Festa.

BE IT FURTHER RESOLVED that said appointment is to be compensated at an hourly rate of \$14.00 per hour.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Resolution R-11-230 Resolution Awarding Contract for Emergency Generator Switches

Dale Leubner advised the Governing Body of various options for this project.

The Council and Administrator briefly discussed this matter with Mr. Leubner.

The Governing Body decided to table this Resolution and carry to the next meeting.

Resolution R-11-232

Chief Blewett of the Highlands Police Department explained that the based on the investigation there are some issues.

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

**R-11-232
RESOLUTION APPROVING PERSON-TO-PERSON/
TRANSFER OF LIQUOR LICENSE
1317-32-009-006**

WHEREAS, an application has been filed for a Person-to-Person transfer of Liquor License Number 1317-32-009-006 located at 23 Bay Avenue; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve, effective December 7, 2011, the Person to Person transfer of the Liquor License Number 1317-32-009-006 from Sugar Shack to Grala, LLc t/a Chubby Pickle to be located at 23 Bay Avenue, Highlands, NJ 07732

Seconded by Redmond and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Other Business:

North Street Pump Station

Mr. Leubner stated that basically T & M was charged with the task of evaluating the North Street Pump Station to see what it would take to keep operational. T & M prepared a report on this and noted several deficiencies and some should be addressed short term and some ideas for long term. He then explained the needed repairs short term and long term. He will provide cost estimates for the work for the North Street Pump Station.

New Jersey Environmental Infrastructure Financing Program

Mr. Leubner – basically we have been talking and moving forward here. We are getting to the time where they want a list of projects next month for 2012. Right now we don't have a sense of the funding for the drainage project. To remain in this current cycle then need 30-day notice, which he further explained. It may be beneficial to go to the 2013 cycle.

Council authorized T & M to send a memo to ask for 2013 funding round.

Review of Planning Board Comments on the Council Zone Change RE:O-07-07

Mayor Nolan requested that this be carried to the Regular Meeting in January.

Review of Planning board Recommendations in Response to HBP Zoning Recommendations

Mayor Nolan requested that this be carried to the Regular Meeting in January.

Set Reorganization Meeting Date

Council determined that the Reorganization Meeting will be held on January 1st, 2012 at 1PM at the Community Center.

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Request for a Sewer Abatement from Jeanne Rich

Council reviewed written request for sewer abatement.

Council did not support this request.

AHHRSA

Ken Braswell of the AHHRSA spoke about bill from sewer authority that the Council spoke about a couple of months ago. He will answer any questions and spoke about a bill from the 2011 budget.

Mr. Francy – I think we had it resolved. He does not believe we have any questions.

Mr. Braswell – there may be a good chance at the next AHHRSA meeting to do a Resolution for TOMSA.

Dave Palmara of AHHRSA stated that in December they hope to be able to award a contract for the engineering services to build the alternate force main to go straight into Middletown.

Public Portion

Brian Wioncek 317-C Shore Drive of wanted to know if the report from the inspection of the upland properties for the slope slide was available.

Mr. Halfacre explained that it would be available but the application would have to file an OPRA request. He then explained that the upland property owners have until this Friday to respond to the recommendations from the report.

Brian Wioncek wanted to know if the upland property owners responses would be made available to the public.

Mr. Halfacre we can share information.

Discussions continued about this report on the upland properties.

Mayor Nolan called Congressman Pallone him today and asked for a brief synopsis of the situation and he would review it and then call the Army Corp of Engineers.

Kim Skorka of 315-F Shore Drive – questions how fast to get letter to Pallone.

Mayor Nolan will send something tomorrow.

Donald Manrodt of 268 Bayside Drive stated that Exxon paved in front of his sons house and now the neighbor is getting flooded out. When are they coming back to fix this.

Mr. Hill –it was a temporary fix only and he will contact Exxon and take a look at it tomorrow.

Donald Manrodt spoke about electric at Veterans and wanted to know who paid for it.

Mr. Francy explained that the electric was paid for by the Memoria Project.

Mr. Hill explained that the Borough is doing the pedestrian lighting.

Mr. Francy further explained the pedestrian lighting.

Tom Westhoven - passed.

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Christian Lee of 164 Linden Avenue commented that there has been no change in the wild cats.

Carol Bucco - passed

Carla Braswell – passed.

Roger Clemente 162 Linden Avenue questioned who owns VFW to creek.

Mr. Hill explained how the town maintains it.

Roger Clemente questioned where the 36 foot drainage pipe goes.

Mr. Francy responded

There were no further questions from the public.

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

The meeting adjourned at 9:08 p.m.

Carolyn Cummins, Borough Clerk

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