

**Borough of Highlands
Mayor & Council
Work Shop/Regular Meeting
December 21, 2011**

Mayor Nolan called the meeting to order at 7:10 p.m.

Mrs. Cummins read thru 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, Ms. Kane, Mayor Nolan

Absent: Mr. Francy

Late Arrival Mr. O’Niel – arrived at 7:14 p.m.

**Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Dale Leubner, Engineers Office
Michael Halfacre, Esq., Borough Attorney**

Executive Session Resolution

Mrs. Cummins read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

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

1.Litigation: Ferry Landing, Hilltop Condo & Hillside Village vs. Borough,

Captains Cove Marina

**2.Contract: Prof. Legal Serv. For Dissolution of AHHRSA
Prof. Auditing Services for SFY 2012
Prof. Auditing Services for Dissolution of AHHRSA
Professional Labor Counsel Services for CY2012
Professional Legal Serv for Substandard Housing
Professional Special Legal Services Tax Appeals
CWA & UFCW Union Contract Negotiations
Branin Contracting Contract
Animal Control Service**

3.Real Estate:

**4. Personnel Matters: Diane Alvator, Riced
Recycling Yard Attendant
Animal Control Service Contract**

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

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

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy, Mr. O'Neil

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:09 p.m.

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

Mayor Nolan asked for a moment of silence for Debby Dailey, Deputy Clerk. Her son passed away. She is in our prayers.

Mr. Hill stated that Ms Dailey sincerely expressed her thanks for the support from the community and the Borough Officials.

ROLL CALL:

Present: Mr. Redmond, Mr. O'Neil, Ms. Kane, Mayor Nolan

Absent: Mr. Francy

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Stephen Pfeffer, Chief Financial Officer

Michael Halfacre, Esq., Borough Attorney

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Dale Leubner, Engineers Office**

Consent Agenda:

Mrs. Cummins asked if there were any items to be removed.

Ms. Kane asked to remove R-11-242 and R-11- 244.

Ms. Kane offered the following Resolution and moved its adoption:

R-11-235

RESOLUTION ACCEPTING SFY 2011 AUDIT

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ended June 30, 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

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as evidenced by the group affidavit form of the governing body: and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O’Neil, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

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Ms. Kane offered the following resolution and moved for its adoption:

R-11-236

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR
SFY 2011**

WHEREAS, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

WHEREAS, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the State Fiscal Year 2011

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Ms. Kane offered the following resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-11-237

**RESOLUTION - AUTHORIZING THE AWARD OF A
PROPRIETARY CONTRACT FOR
FINANCIAL/PURCHASING/UTILITY BILLING AND TAX
COLLECTION APPLICATION SOFTWARE & SERVICES**

WHEREAS, the Borough of Highlands has a need to purchase new Application Software and Services for the Finance, Purchasing, Tax and Sewer Departments; and

WHEREAS, in accordance with NJSA 40A:11-5(1)(dd), the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software may be awarded by the governing body without public advertising for bids; and

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WHEREAS, Edmunds and Associates, Inc. has submitted a proposal in the amount of \$44,185.00 for the Finance, Purchasing, Tax and Sewer software and services as described on attached proposal dated August 11, 2011; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$44,185.00 for such services;

NOW, THEREFORE BE IT RESOLVED that Edmunds & Associates, Inc., 301A Tilton Road, Northfield, New Jersey 08225 be awarded a contract in the amount of \$44,185.00 for MCSJ Financial Accounting I; MCSJ E-Purchase Requisitions I, MCSJ Utility Billing, MCSJ Tax Collection I; and additional services described on the attached proposal.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Highlands as specified herein above.

I hereby certify funds are available from Bond Ordinance #11-22 \$44,185.00

STEPHEN PFEFFER, CHIEF FINANCIAL OFFICER

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

COUNTY OF MONMOUTH

R-11-238

**RESOLUTION
FOR ADOPTING CHANGES TO AN EXISTING DEFERRED
COMPENSATION PLAN
PURSUANT TO THE FINAL INTERNAL REVENUE CODE SECTION
415 REGULATIONS,**

PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS
ASSISSTANCE AND RELIEF ACT OF 2008 AND THE WORKER,
RETIREE AND EMPLOYER RECOVERY ACT OF 2008

WHEREAS, the Borough of Highlands (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective March 18, 1998, for the purpose of making available to eligible employees the accrual of tax benefits under Section 457 Deferred Compensation Plan; and

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WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company (“VALIC”) as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code (“Code”) Section 415 regulations, Pension Protection Act of 2006 (“PPA”), the Heroes Earnings Assistance and Relief Act of 2008 (the “HEART Act”) and the Worker, Retiree and Employer Recovery Act of 2008 (“WRERA”) amended Section 457 of the Code; and

WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year;

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O’Neil, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Ms. Kane offered the following Resolution and moved on its adoption:

R-11-239

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL AUDITING SERVICES**

FALLON & LARSEN, LLP

WHEREAS, the Borough of Highlands has a need for professional auditing services; and

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WHEREAS, such professional auditing services can only be provided by licensed professionals and of the firm of Fallon & Larsen, LLC, 1390 Route 36, Suite 102, Hazlet, N.J. 07730-1716 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$49,900 plus reimbursable expenses for professional auditing services for the Borough of Highlands for the SFY 2012 audit; and

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

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

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands in the SFY 2012 Municipal Budget:

Account # 1030A-3551 \$31,900

3008-4000 \$18,000

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:1101 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

1. The firm of Fallon & Larsen is hereby retained to provide professional auditing services as described above for an amount not to exceed \$49,900.00

plus reimbursable expenses.

2. The contract is awarded without competitive bidding as a "Professional Service"

in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)

because it is for services performed by persons authorized by law to practice

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a recognized profession. The Mayor and Borough Clerk are hereby authorized to

sign the contract.

3. A copy of this Resolution as well as the contract shall be placed on file with

the Borough Clerk of the Borough of Highlands.

4. The Borough Clerk is hereby directed to publish notice of this award as

required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Ms. Kane offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-11-240

**RESOLUTION – AUTHORIZING PAYMENT OF ACCUMULATED
SICK LEAVE**

WHEREAS, Carolyn Cummins was a member of CWA local 1032 and subject to the terms and conditions of the collective bargaining agreement between the Union and the Borough prior to her appointment as Borough Clerk; and

WHEREAS, when Carolyn Cummins was promoted to the position of Borough Clerk she was advised that the terms and conditions of her employment regarding the sell back of up to 5 unused sick days would remain available to her; and

WHEREAS, Carolyn Cummins now wishes to sell back 5 sick days to the Borough consistent with the provisions made available to here and the terms and conditions of her employment with the Borough; and

WHEREAS, the Borough Council of the Borough of Highlands hereby authorizes the Chief Financial Officer to allow Carolyn Cummins, Borough Clerk, the opportunity to cash out up to five (5) sick days for calendar year 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized to pay Carolyn Cummins, Borough Clerk, for five (5) sick days for calendar year 2011.

Said paid sick days will be deducted from Carolyn Cummins accumulated sick leave balance.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Ms. Kane offered the following Resolution and moved on its adoption:

R-11-241

**RESOLUTION AUTHORIZING EXTENSION OF HOURS OF
OPERATION FOR SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, the Windansea Restaurant and the Driftwood Liquors have both submitted written requests to the Borough of Highlands for approval to extend the hours of operation for the sale of alcoholic beverages. Driftwood Liquors from 2AM to 5AM and Windansea from 2AM to 4AM for the New Year's Eve Holiday.

WHEREAS, the Borough of Highlands retains the right pursuant to its Police Powers to regulate the times permitted for the sale and service of alcoholic beverages within the Borough; and

WHEREAS, New Year's Day extended hours is permitted in the Borough of Highlands General Ordinance 6-4.3.

WHEREAS, the Mayor and Council of the Borough of Highlands has determined that this extension of hours for the sales and service of alcoholic beverages is consistent within its authority as the Local Liquor Board for regulation of hours.

WHEREAS, it is the desire of the Governing Body of the Borough of Highlands to grant such a time extension to both the Driftwood Liquors and the Windansea Restaurant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that request for extension of hours of operation for the sale of alcoholic beverages from 2AM to 5AM on the morning of January 1, 2012 is hereby granted to the following:

**Dan-Rob Restaurant Associations Liquor License 1317-33-012-005t/a
Windansea Restaurant, 56 Shrewsbury Avenue**

**DDS Enterprise Liquor License 1317-32-018-
005**

t/a Driftwood Liquors, 300 Bay Avenue

BE IT FURTHER RESOLVED, that the establishments listed above who have sought extended hours shall be required to reimburse the Borough in advance for one Police Officer that shall be dedicated to be at or around the licensed premises between the hours of 1:30 AM and 5:30 AM..

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

ROLL CALL:

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

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NAYES: None
ABSENT: Mr. Francy
ABSTAIN: None

Ms. Kane offered the following Resolution and moved on its adoption:

R-11-243

**RESOLUTION AWARDING PROFESSIONAL LEGAL SERVICES
CONTRACT TO ARTHUR SORENSEN, ESQ., PERTAINING TO THE
DISSOLUTION OF THE ATLANTIC HIGHLANDS/HIGHLANDS
REGIONAL SEWERAGE AUTHORITY**

WHEREAS, the Borough of Highlands has a need to obtain professional legal counsel services in the Dissolution of the Atlantic Highlands/Highlands Regional Sewerage Authority {AHHRSA}; and

WHEREAS, the anticipated term of this contract is one year and may be extended by the governing body; and

WHEREAS, Arthur Sorensen, Attorney at Law has submitted a proposal dated October 12, 2011 indicating he will provide legal services to assist the Borough with the dissolution of the AHHRSA for an hourly rate of \$115.00 with the aggregate amount not to exceed \$9,000; and

WHEREAS, certification of funds is hereby certified by the Chief Financial Officer that funds are available in the SFY 2012 Municipal Budget.

Account # _____ - _____ \$9,000.000

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, in the County of Monmouth, State of New Jersey that the Borough Administrator is hereby authorized to enter into a contract with Arthur Sorensen, Attorney at Law as described above.

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Highlands as follows:

1. The Law Office of Arthur Sorensen is hereby retained to provide professional legal services as described above for an amount not to exceed \$9,000.00 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by person authorized by law to practice a recognized profession. The Borough Administrator and Borough Clerk are hereby authorized to sign contract.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.

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4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Ms. Kane offered the following Payment of Bills and moved on its authorization for payment:

RECAP OF PAYMENT OF BILLS

12/21/11		
CURRENT:		\$ 34,779.06
Payroll	(12/15/11)	\$ 168,991.30
Manual Checks		\$ 21,877.81
Voided Checks		\$
SEWER ACCOUNT:		\$ 122.65
Payroll	(12/15/11)	\$ 8,961.52
Manual Checks		\$ 121.28
Voided Checks		\$
CAPITAL/GENERAL		\$ 173,874.65
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 635.27
Payroll	(12/15/11)	\$ 2,825.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$

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GRANT FUND	\$	1800.00
Payroll	\$	
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

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CURRENT FUND

Future Sanitation	Tipping Fees 12/1/11-12/19/11	8,624.34
Future Sanitation	Garbage & Recycling Collection 12/1/11-12/15/11	8,366.67
Future Sanitation	Garbage & Recycling Collection 12/16/11-12/31/11	8,366.67

Total Current Fund	25,357.68
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CAPITAL FUND

Total Capital Fund	0.00
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GRANT FUND

Total Grant Fund	<u>0.00</u>
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SEWER UTILITY FUND

Total Sewer Utility Fund	<u>0.00</u>
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TRUST FUND

Total Trust Fund	<u>0.00</u>
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Total Supplemental Bill List	<u>25,357.68</u>
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Seconded by Mayor Nolan and approved for payment on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Minutes Approved on Consent Agenda:

Ms. Kane offered a motion for the approval of Ms. Kane offered a motion for the approval of the December 7th, Regular and Executive Session minutes, and seconded by Mayor Nolan on the

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following roll call vote:

ROLL CALL:

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

Resolution Awarding Professional Auditing Services Contract - R-11-242:

Mayor Nolan offered a motion to table R-11-242 to January 18th, 2012 meeting, and seconded by Mr. Redmond on the following roll call vote:

ROLL CALL:

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

Resolution Approving Stipend for Acting DPW Supervisor - R-11-244:

Failed for lack of motion. Will be on the agenda on the January 18th, 2012 meeting.

Other Resolutions:

R-11-230 – Resolution Awarding Contract for Auto Transfer Switches for Generators

Mrs. Cummins announced that there was a typo, under EDC Electric. The total bid was \$50,700, it should be \$55,700. The lowest base bid is Quality, base and alternate would be Kubiak.

Council discussed.

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

**R-11-230
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
AUTOMATIC TRANSFER SWITCHES FOR
EMERGENCY GENERATORS AT FOUR LOCATIONS**

WHEREAS, the Borough of Highlands has advertised for bids for Automatic Transfer Switches for Emergency Generators at Four Locations in accordance with the Local Public Contracts Law; and

WHEREAS, the following six (6) bids was received and reviewed by the Borough Engineer and the Borough Attorney:

<u>Name</u>	<u>Base Bid</u>	<u>Alt#A-1</u>	<u>Total</u>
Quality Electric	\$37,126.00	\$12,352.00	\$49,478.00
Sodens Electric	\$38,750.00	\$12,000.00	\$50,750.00
EDC Electric	\$40,300.00	\$15,400.00	\$55,700.00
G. Kubiak & Son Electric	\$40,478.00	\$ 8,857.00	\$49,335.00

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DN Electrical Contracting	\$42,730.00	\$16,135.00	\$58,865.00
Starlite Electrical, LLC	\$44,265.00	\$12,430.00	\$56,695.00

; and

WHEREAS, the Quality Electric Construction Company appeared to be the lowest responsible bid for the base bid in the amount of \$37,126.00; and

WHEREAS, Gary Kubiak & Son Electric appears to be the lowest responsible bid for the Base Bid & Alternate in the amount of \$49,335.00.

WHEREAS, the Borough Attorney has reviewed all bids and finds the two above referenced bids to be the lowest responsible bids.

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-08-02 \$49,335.00

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the Automatic Transfer Switches for Emergency Generators at Four Locations is hereby awarded to G. Kubiak & Son Electric in the sum of \$49,335.00 subject to the Monmouth County Community Development Block Grant.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-11-45
RESOLUTION**

WHEREAS, the local municipal budget for the fiscal year 2011 was approved on the 15th day of December, 2010 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth that the following amendments to the approved budget of fiscal year 2011 be made:

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	<u>FROM</u>	<u>TO</u>
General Revenues:		
1. Surplus Anticipated	980,000.00	953,000.00
3. Miscellaneous Revenues – Section F: Special Items of Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset with Appropriations:		
Recycling Tonnage Grant	0.00	3,869.28
County of Monmouth Recycling Grant	0.00	13,000.00
Total Section F: Revenues	49,830.16	66,699.44
3. Miscellaneous Revenues – Section G: Special Items of Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other		
Special Items:		
FEMA Reimbursement	0.00	2,728.50
Total Section G: Revenues	161,243.00	163,971.50
Summary of Revenues:		
1. Surplus Anticipated	980,000.00	953,000.00
3. Miscellaneous Revenues:		
Total Section F: Revenues	49,830.16	66,699.44
Total Section G: Revenues	161,243.00	163,971.50
Total Miscellaneous Revenues	1,021,132.16	1,040,729.94
5. Subtotal General Revenues	2,436,132.16	2,428,729.94
6. Amount to be Raised by Taxes for Support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	5,731,144.01	5,670,945.57
Total Amount to be Raised by Taxes for Support of Municipal Budget	5,731,144.01	5,670,945.57
7. Total General Revenues	8,167,276.17	8,099,675.51

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	<u>FROM</u>	<u>TO</u>
8. General Appropriations		
(A) Operations – Within “CAPS”		
Code Enforcement		
Salaries and Wages	64,200.00	49,200.00
General Liability Insurance	101,712.00	96,000.00
Workers Compensation Insurance	164,320.00	157,000.00
Employee Group Insurance	1,136,675.00	1,119,000.00
Police		
Salaries and Wages	1,610,425.00	1,589,000.00
Dispatch		
Salaries and Wages	147,510.00	160,510.00
Uniform Fire Safety		
Salaries and Wages	35,500.00	30,070.00
Road Repair and Maintenance		
Other Expenses	38,100.00	33,100.00
Snow Removal		
Other Expenses	33,500.00	68,850.00
Sanitation		
Salaries and Wages	320,470.00	202,330.00
Other Expenses	12,000.00	6,000.00
Other Expenses – Contractual Services	0.00	104,000.00
Mechanical Garage		
Salaries and Wages	28,590.00	27,090.00
Other Expenses	30,950.00	29,000.00
Community Center		
Salaries and Wages	170,935.00	162,435.00
Construction Code		
Salaries and Wages	62,775.00	53,600.00
Accumulated Sick Leave	0.00	6,100.00

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Gasoline and Diesel Fuel	69,000.00	60,000.00
Total Operations Within "CAPS"	6,229,742.00	6,156,365.00
Total Operations Including Contingent Within "CAPS"	6,229,742.00	6,156,365.00
Detail:		
Salaries and Wages	3,078,127.00	2,911,957.00
Other Expenses	3,151,615.00	3,244,408.00
Public Employees' Retirement System	127,368.00	146,022.00
Social Security System	137,865.00	134,865.00
Police and Firemen's Retirement System	274,819.00	335,817.00
Total Deferred Charges and Statutory Expenditures –		
Municipal Within "CAPS"	543,552.00	620,204.00
Total General Appropriations for Municipal Purposes		
Within "CAPS"	6,773,294.00	6,776,569.00
Operations Excluded from "CAPS"		
Public Employees' Retirement System	18,654.00	0.00
Police and Firemen's Retirement System	60,998.00	0.00
Total Other Operations – Excluded from "CAPS"	171,852.00	92,200.00
Shared Service Agreements:		
Atlantic Highlands – Maint. Of Motor Vehicles	37,000.00	31,000.00
	<u>FROM</u>	<u>TO</u>
Total Shared Service Agreements	37,000.00	31,000.00
Public and Private Programs Offset by Revenues:		
Recycling Tonnage Grant	0.00	3,869.28
County of Monmouth Recycling Grant	0.00	13,000.00
Total Public and Private Programs Offset by Revenues	55,908.16	72,777.44
Total Operations – Excluded from "CAPS"	264,760.16	195,977.44
Detail: Other Expenses	264,760.16	195,977.44
Municipal Debt Service – Excluded from "CAPS"		
Interest on Notes	14,370.00	14,685.00
Total Municipal Debt Service – Excluded from "CAPS"	491,099.00	491,414.00
(H-2) Total General Appropriations for Municipal		
Purposes Excluded from "CAPS"	782,279.16	713,811.44

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(O) Total General Appropriations – Excluded from “CAPS”	782,279.16	713,811.44
(L) Subtotal General Appropriations	7,555,573.16	7,490,380.44
(M) Reserve for Uncollected Taxes	611,703.01	609,295.07
9. Total General Appropriations	8,167,276.17	8,099,675.51
Summary of Appropriations:		
(H-1) Total General Appropriations for Municipal		
Purposes within “CAPS”	6,773,294.00	6,776,569.00
(A) Operations – Excluded from “CAPS”		
Other Operations	171,852.00	92,200.00
Shared Service Agreements	37,000.00	31,000.00
Public and Private Programs Offset by Revenues	55,908.16	72,777.44
Total Operations – Excluded from “CAPS”	264,760.16	195,977.44
(D) Municipal Debt Service	491,099.00	491,414.00
(M) Reserve for Uncollected Taxes	611,703.01	609,295.07
Total General Appropriations	8,167,276.17	8,099,675.51

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that a summary of this amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Two River Times in the issue of January 28, 2011, and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on February 2, 2011, at 8:00 o'clock p.m.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 19th day of January, 2011.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Engineer’s Status Report:

Mr. Keady read thru his report.

HGHL-G1101

December 20, 2011

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

Timothy Hill

Borough Administrator

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Borough of Highlands

171 Bay Avenue

Highlands, New Jersey 07732-1405

Re: Engineer's Status Report

Dear Mr. Hill:

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

Capital Improvement Projects

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. A Tidelands License has been approved by the NJDEP to relocate the Valley Street Pumpstation outfall line to Borough right-of-way. The permits 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. As discussed at the December 7, 2011 Councilmeeting, the Mayor and Council have elected to delay advertisement of the project and enter the 2013 EIT funding cycle due to the timing of potential FEMA funding amounts.

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

 Bid Date: August 3, 2010

 Contractor: Fiore Paving Company, Inc., Oceanport, NJ

 Amount: \$163,637.50

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

3. **2011 Roadway Improvements Project:** T&M Associates has been authorized to design and provide contract administration services for the following roadways:
 - **Valley Avenue Resurfacing:** from Highland Ave. to the western terminus
 - **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street
 - **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity east of Woodland Street
 - **Bay View Street Rehabilitation:** The entire length

Design is currently underway. The NJDOT has authorized Woodland Street to be advertised for bidding. We are currently awaiting Borough direction regarding sanitary sewer on Bay View Street.

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

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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 underway.
- Paving operations will not commence until spring 2012 due to the onset of winter weather and seasonal closing of asphalt plants.

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 includes drainage improvements to the northern portion of Huddy Park. The plans have been approved by the NJDOT and the Monmouth County Community Development Office. The project was advertised and conditionally awarded as follows:

Bid Date: November 30, 2011

Conditional Award Date: December 7, 2011

Contractor: Mixalia Enterprises, L.L.C., Sayreville, NJ

Amount: \$360,000.00

Documents are currently being prepared to submit for concurrence from both funding agencies.

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 has prepared and submitted 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.

If you have any questions or require additional information, please do not hesitate to call.

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Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, JR. P.E., C.M.E.

HIGHLANDS BOROUGH ENGINEER

Mr. O'Neil asked if we are still in scope and budget regarding the Highland Avenue Project.

Mr. Leubner answered yes.

Mayor Nolan asked if there were any updates on the Marina.

Mr. Leubner said he wasn't sure if he was allowed to discuss it due to litigation.

Mr. Halfacre understand the Boroughs concern for the street being secured for the winter and the property owner understands that. We will do what we have to in order to protect the roadway.

Mr. Leubner said there is another planned meeting.

Mayor Nolan asked about the mud slide, if there was any information that we can share.

Mr. Hill said a letter was sent to the upslope property owners, notifying them of the SESI report. Some have responded. A stop work order was issued on a slope property. We are keeping up with it.

Brian Wiensock of 317 Shore Drive asked if severe action would be taken against upland owners.

Mr Halfacre said no one has committed to anything yet.

Mr. Hill said more information has been requested

Coastal Blue Acres Application

Mrs. Cummins explained that there is an application from the DEP Green Acres Program that is a 50% matching granting fund to help coastal town acquire land to help prevent flooding.

Mr. Hill further explained that this is from additional open space tax. He doesn't feel that we are looking to acquire properties at this point. It is something that we can look in to further.

New Jersey American Rate Increase:

Mr. Hill explained that a notice of a rate increase was received. The report was very detailed, but needs to look further in to how this will effect our rate payers, what the impact will be on Highlands. The Borougj will do a resolution opposing a rate increase

Public Portion:

Mayor Nolan spoke about a new program called Grow Monmouth. Its supports businesses and create jobs. There will be quarterly meetings. He feels each member of the council should try to attend a meeting.

Dan Manrodt of 268 Bayside Drive thanked the Fire Department. They had a party at the VFW for two War Veterans and the Fire Department sent the American Flag to the party. He also thanked the Borough for

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posting it on the sign board.

Mr. Manrodt agrees with the council regarding the rate increase. He also mentioned the work being done on property Linden Avenue.

Mayor Nolan said that a stop work order was issued yesterday.

Mr. Manrodt said that Exxon has not been back on Bayside Drive since they put the temporary patch down

Mr. Hill said it is a patch. They are proposing to jointly, with the Borough, a significant portion of the road. The request is a 50/50 match. We are waiting to get it in writing.

Mr. Manrodt said on the corner of Matthew Street and Bayside Drive is a crater.

Mr. Hill will look in to this and have someone take care of it.

Kim Skorka of 315 Shore Drive asked if we have heard back from Congressman Pallone and the Army Corps of Engineering.

Mayor Nolan said he did put a call in Congressman Pallone again today. He did receive a call from one of his representatives requesting more information. This information will be dropped off at his West Long Branch office tomorrow.

Mrs. Skorka asked about the SESI report recommends that 160 Linden Avenue property vacated immediately. She feels they are still living there, would like it explain the definition of vacate and immediate.

Mr. Halfacre explained that this is not an easy thing to do. We are working with owner of the property. The person in the structure is a tenant. We are trying work with the owner to relocate the tenant.

He further discussed with Council and Mrs. Skorka.

Mrs. Skorka asked if the tenant aware of the situation.

Mr. Halfacre was not sure. The notices were sent to the property owners.

Brian Wioncek of 317C Shore Drive feels that the tenant should be notified of safety issues.

Mr. Halfacre feels we are getting into areas of the litigation.

Brian Wioncek asked when will we receive a response from FEMA,

Mr. Hill said he met with them today. The only feedback received was on lifting homes. The indications are not favorable to get, they are looking for more than 50% damage to the structure.

Bernardine Harford of 168 Highland Avenue commented on the notices from Fiore Paving about the construction notice she received. It was placed in her mailbox and it's a federal offense to do that. She has issue with the wording and time frame on the notice. They never showed up, and people are trying to make arrangements to accommodate. She further express her objections to the notice being unreasonable.

Mr. Keady said that these letters are standard and further explained the process.

Mr. Leubner further explained the process. The start time of 7 a.m. is standard.

Mr. Redmond asked Mr. Leubner if there is another way she can be notified.

Mr. Leubner said yes and further explained the Holidays and the weather will slow down the work. It may not be in front of her house until the spring. You will receive another notice. He will reiterate this to Fiore Paving.

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Mayor Nolan mentioned that the next meeting is January 1st, 2012 at 1:00 p.m. at the Community Center for Reorganization. He wished all well for the upcoming holidays.

There were no further questions from the public.

Mr. O'Neil offered a motion to adjourn the meeting, seconded by Ms. Kane and all were in favor.

The meeting adjourned at 8:44 p.m.

Debby Dailey, Deputy Clerk

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