

Borough of Highlands  
Reorganization/Regular Meeting  
January 1, 2012  
Meeting Location: Robert D. Wilson Memorial Center

Mayor Nolan called the meeting to order at 1:05 p.m.

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

Mrs. Cummins made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Reorganization/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. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

Absent: None

Also Present: Carolyn Cummins, Borough Clerk  
Debbie Dailey, Deputy Clerk  
Tim Hill, Borough Administrator  
Bruce Padula, Esq.,  
Michael Halfacre arrived late  
Dale Leubner, Borough Engineers Office

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Oath of Office for Elected Officials

**Rebecca Kane, Councilwoman**

Mayor Nolan administered the Oath of Office to Councilwoman Kane.

**Chris Francy, Councilman**

Mayor Nolan administered the Oath of Office to Councilman Francy.

**Kevin Redmond, Councilman**

Mayor Nolan administered the Oath of Office to Councilman Redmond.

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**Governing Body Present Award of Appreciation to former Councilman Kevin Connelly**

Mayor Nolan presented award to Mr. Connelly and thanked him for his service to the community.

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Oaths of Office

**Fire Chief: Rudy Trivett**

Mayor Nolan administered the Oath of Office to Rudy Trivett, Fire Chief.

**Captain of First Aide Squad: Raymond Vargas**

Mayor Nolan administered the Oath of Office to Raymond Vargas, Captain of First Aide Squad.

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**Resolutions:**

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**Resolution R-12-01 Appointing Municipal Attorney**

Mayor Nolan offered a motion to table this Resolution, seconded by Ms. Kane and approved on the following roll call vote:

**ROLL CALL:**

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

**Resolution R-12-02**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-02  
RESOLUTION  
APPOINTING COUNCIL PRESIDENT**

**BE IT RESOLVED** that Rebecca Kane be appointed Council President for the one (1) year term to expire December 31, 2012.

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

**ROLL CALL:**

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

**Resolution R-12-03**

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

**R-12-03  
RESOLUTION  
APPOINTING BOROUGH PROSECUTOR**

**WHEREAS**, there exists the need for professional legal services for the Borough of Highlands; and

**WHEREAS**, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands as follows:

1. James Butler, Esq. is hereby appointed Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2012.

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2. The appointment is made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.

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

**BE IT FURTHER RESOLVED** that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-04**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-04**

**RESOLUTION**

**APPOINTING ALTERNATE BOROUGH PROSECUTOR**

**WHEREAS**, there exists the need for professional services for the Borough of Highlands; and

**WHEREAS**, Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) requires that the resolution awarding the contract state the supporting reasons and be printed in a newspaper of general circulation not more than ten (10) days after passage of the resolution;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Steve Rubin Esq. be appointed Alternate Borough Prosecutor for the one (1) year term to expire December 31, 2012; and.

**BE IT FURTHER RESOLVED** that a copy of this resolution be published in the Courier within ten (10) days of its passage.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Resolution R-12-05**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-05  
RESOLUTION  
AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, the Borough of Highlands is in need of a Municipal Public Defender pursuant to Public Law 1997 C.256; and

**WHEREAS**, pursuant to Ordinance 98-02 the Municipal Public Defender shall be paid an annual salary of not less than \$1,500.00, which shall be apportioned pro rata for the portion of the year in which the Public Defender serves; and

**WHEREAS**, the Municipal Public Defender shall only be required to attend Court when his clients are listed on the calendar; and

**WHEREAS**, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands as follows:

1. Thomas Smith, Esq. is hereby appointed Public Defender for the (1) one year term to expire December 31, 2012.
2. The appointment is made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

**BE IT FURTHER RESOLVED** that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Resolution R-12-06A**

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

**R-12-06A  
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF  
ADJUSTMENT**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

1. Bruce Kutosh Regular Member for a 4 year term to  
expire December 31, 2015

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

**ROLL CALL:**

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

**Resolution R-12-06B**

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

**R-12-06B  
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF  
ADJUSTMENT**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

1. Leo Cervantes Alt #1 Member for Unexpired Term  
To expire December 31, 2012
2. Kevin Connelly Alternate #2 2 year term to  
expire 12/31/13

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

**ROLL CALL:**

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

**Resolution R-12-07**

Mayor Nolan offered the following Resolution and moved its adoption:

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**R-12-07**  
**RESOLUTION APPOINTING COUNCIL REPRESENTATIVE  
TO THE HIGHLANDS PLANNING BOARD**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following appointment be and is hereby confirmed to the Highlands Planning Board:

1. Kevin Redmond                      Borough Council Representative for  
a (1) year term to expire 12/31/2012

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

**ROLL CALL:**

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

**NAYES:**       **None**

**ABSENT:**     **None**

**ABSTAIN:**    **None**

**Resolution R-11-08**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-08**  
**RESOLUTION APPOINTING  
COMMUNITY DEVELOPMENT REPRESENTATIVES**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Tim Hill be appointed Community Development Representative for the Borough of Highlands for the term to expire December 31, 2012.

**BE IT FURTHER RESOLVED**, that Frank Nolan, Mayor be appointed Alternate Community Development Representative for the Borough of Highlands for a one year term to expire on December 31, 2012.

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

**ROLL CALL:**

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

**NAYES:**       **None**

**ABSENT:**     **None**

**ABSTAIN:**    **None**

**Resolution R-12-09**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-09**  
**RESOLUTION  
APPOINTING JUVENILE OFFICER**

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**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Robert Burton is hereby appointed Juvenile Officer for the one (1) year term to expire December 31, 2012.

**BE IT FURTHER RESOLVED** that compensation for said position shall be as set forth in the Municipal Salary Ordinance.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-10**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-10**

**RESOLUTION APPOINTING PART-TIME PROVISIONAL  
DEPUTY COURT ADMINISTRATOR**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Kate Chieffo be appointed as a Provisional Part-time Deputy Court Administrator for the one (1) year term to expire December 31, 2012.

**BE IT FURTHER RESOLVED** that said position shall be compensated at the rate of \$20.00/hour.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-11**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-11**

**RESOLUTION  
APPOINTING CLEAN COMMUNITIES COORDINATOR**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Nancy Burton be and hereby is appointed Clean Communities Coordinator for the one (1) year term to expire December 31, 2012.

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

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**ROLL CALL:**

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

**Resolution R-11-12**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-12  
RESOLUTION APPOINTING  
SPECIAL POLICE OFFICERS**

**WHEREAS**, the Borough of Highlands, being a resort community, from time-to-time has the need to employ Special Police Officers; and

**WHEREAS**, the Chief of Police has made recommendations to the Governing Body regarding appointment of said officers;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following persons be and hereby are appointed Special Officers of the Borough of Highlands for a one year term to expire December 31, 2012:

Diane Alvator, Highlands	-	Special Officer Class I
Todd R. Gardiner, Tinton Falls	-	Special Officer Class II

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

**ROLL CALL:**

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

**Resolution R-12-13**

Mayor Nolan offered the following Resolution and moved on its appointment

**R-12-13  
RESOLUTION APPOINTING  
FINANCE COMMITTEE MEMBERS**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Joseph McFadden, Sherry Ruby and Melissa Penderson be and is appointed Finance Committee Members for a one year term to expire on December 31, 2012.



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Seconded by Mr. Francy and adopted on the following Roll Call Vote:

**ROLL CALL VOTE:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Resolution R-12-14**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-14  
RESOLUTION APPOINTING  
TAX SEARCH AND ASSESSMENT SEARCH OFFICERS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be made for the terms to expire December 31, 2012:

Tax Search Officer - Debby Dailey

Assessment Search Officer - Carolyn Cummins

**BE IT FURTHER RESOLVED** that compensation for said position be as set forth in the annual salary ordinance.

**BE IT FURTHER RESOLVED** that Debby Daily, Deputy Borough Clerk be appointed Alternate Assessment Search Officer (at no additional salary) and that Carolyn Cummins be appointed alternate Tax Search Officer (at no additional salary).

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Resolution R-12-15**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-15  
RESOLUTION APPOINTING MEMBERS  
OF THE HIGHLANDS BUSINESS PARTNERSHIP**

**WHEREAS**, Borough Ordinance 17-7(a) provides that members of the Board of Directors of the Highlands Business Partnership shall include a member of the Governing Body selected by the Governing Body, a member of the Planning Board selected by the Governing Body; and

**WHEREAS**, these members serve at the pleasure of the appointing authority; and



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**Resolution R-12-17**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-17  
APPOINTING ENVIRONMENTAL COMMISSION**

**BE IT RESOLVED** that the following listed persons be appointed to the Highlands Environmental Commission:

Chris Francy	- Regular Member 3 year term to expire 12/31/2014
Amy Skillman	- Regular Member 3 year term to expire 12/31/2014
_____	- Regular Member 3 year term to expire 12/31/2014
_____	- Regular Member 3 year term to expire 12/31/14
Peter Mullen	- Planning Board Member 3year term to expire 12/31/14
_____	- Regular Member 3 year term to expire 12/31/14

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

**ROLL CALL:**

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

**Resolution R-12-18**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-18  
RESOLUTION APPOINTING MEMBERS  
OF THE SHADE TREE COMMISSION**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Shade Tree Commission:

Tony Sloan	Member
Arnie Fuog	Member
Mike Kovic	Member
Suzanne Eckhardt	Member
_____	Member

**BE IT FURTHER RESOLVED** that all appointments shall be for the term of 1 year with an expiration date of December 31, 2012.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-19**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-19  
RESOLUTION APPOINTING MEMBERS  
OF THE OPEN SPACE COMMITTEE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Open Space Committee:

- |                 |  |
|-----------------|--|
| 1. Rebecca Kane | Council Representative Member<br>1 year term expiring 12/31/12 |
| 2. Nancy Burton | Regular Member 3 year term<br>to expire 12/31/14               |
| 3. _____        | Regular Member 3 year term<br>to expire 12/31/13               |
| 4. _____        | Regular Member 3 year term<br>to expire 12/31/14               |

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-20**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-20  
RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES  
GIBBONS P.C.**

**WHEREAS**, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of Gibbons P.C., One Gateway Center, Newark, New Jersey 07102 – 5310 is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$8,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for

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the period January 1, 2012 through June 30, 2012. All rates based on the services utilized are provided for in the contract between Gibbons P.C. and the Borough of Highlands; and

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

:

Legal  
Sewer Utility  
Various Bond Ordinances

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 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** Borough Council of the Borough of Highlands as follows:

1. The firm of Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$8,000 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 a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the 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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-21**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-21  
RESOLUTION PROFESSIONAL LABOR COUNSEL SERVICES  
AS A NON-FAIR AND OPEN CONTRACT TO  
CLEARY GIACOBBE ALFIERI JACOBS, LLC**

**WHEREAS**, the Borough of Highlands has a need for professional labor counsel services as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5; and

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**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, NJ 07932 is so recognized; and

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

**WHEREAS**, this contract is to be awarded at an hourly rate of \$145.00 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2012 through June 30, 2012. All rates based on the services utilized are provided for in the contract between Cleary Giacobbe Alfieri Jacobs, LLC and the Borough of Highlands; and

**WHEREAS**, the firm of Cleary Giacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Cleary Giacobbe Alfieri Jacobs, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the firm of Cleary Giacobbe Alfieri Jacobs, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of Cleary Giacobbe Alfieri Jacobs, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands

Current Fund Legal = \$20,000

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 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 Borough Council of the Borough of Highlands as follows:

1. That Matthew J. Giacobbe, Esq. of the firm of Cleary Giacobbe Alfieri Jacobs, LLC. is hereby retained to provide professional labor counsel services as described above for an amount not to exceed \$20,000 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 a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the 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 Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Resolution R-12-22**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-22  
RESOLUTION APPOINTING THE ARNETTE LAW FIRM, LLC  
AS PROFESSIONAL LEGAL COUNSEL  
THROUGH THE NON-FAIR AND OPEN PROCESS**

**WHEREAS**, the Borough of Highlands has a need for professional legal counsel services for tax appeal and tax litigation matters and special litigation matters: and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm the Arnette Law Firm, LLC, P.O. Box 7366, Shrewsbury, NJ 07702 is so recognized; and

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

**WHEREAS**, this contract is to be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 through December 31, 2012 at an hourly rate of \$115.00 per hour for the period January 1, 2012 through June 30, 2012 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands. All rates based on the services utilized are provided for in the contract between The Arnette Law Firm, LLC and the Borough of Highlands; and

**WHEREAS**, the firm The Arnette Law Firm, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the The Arnette Law Firm, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the The Arnette Law Firm, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Arnette Law Firm, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands

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Current Fund Legal = \$15,000

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 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** Borough Council of the Borough of Highlands as follows:

1. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby appointed and retained to provide professional legal counsel services as described above through December 31, 2012.
2. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby retained at an hourly rate of \$115.00 per hour for the period January 1, 2012 through June 30, 2012, in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
3. 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 a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-23**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-23**

**RESOLUTION DESIGNATING OFFICIAL  
NEWSPAPERS OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough of Highlands is required to designate the official newspapers of the Borough;



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Meeting Location: Robert D. Wilson Memorial Center

**NOW, THEREFORE, BE IT RESOLVED** that the official newspapers of the Borough shall be and hereby are designated for a one year term to expire on December 31, 2012 as follows:

THE ASBURY PARK PRESS  
THE TWO RIVER TIMES

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-12-24**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-24**  
**RESOLUTION SETTING THE SCHEDULE FOR**  
**MEETINGS OF THE MAYOR AND COUNCIL OF THE**  
**BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2012**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following schedule is hereby designed as the official Meeting Calendar of the Governing Body for the year 2012. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where official action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

**DATE**

**WORKSHOP/REGULAR MEEETINGS**

No 1<sup>st</sup> Wednesday Meeting  
February 1, 2012  
March 7, 2012  
April 4, 2012  
May 2, 2012  
June 6, 2012  
No 1<sup>st</sup> Wednesday Meeting  
No 1st Wednesday Meeting  
September 5, 2012  
October 3, 2012  
November 7, 2012  
December 5, 2012

**REGULAR MEETINGS**

January 18, 2012  
February 15, 2012  
March 21, 2012  
April 18, 2012  
May 16, 2012  
June 20, 2012  
July 18, 2012  
August 15, 2012  
September 19, 2012  
October 17, 2012  
No 3<sup>rd</sup> Wednesday Meeting  
December 19, 2012

**BE IT FURTHER RESOLVED** that all meetings will be held at the Highlands Municipal Building, Council Chambers, 171 Bay Avenue, Highlands, NJ at 7:00 p.m. for Executive Session and at 8:00 p.m. for Business Meetings; and

**BE IT FURTHER RESOLVED** that all Meetings shall have a General Public Portion as required by law.

Borough of Highlands  
Reorganization/Regular Meeting  
January 1, 2012  
Meeting Location: Robert D. Wilson Memorial Center

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

**ROLL CALL:**

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

**Resolution R-12-25**

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-12-25**

**RESOLUTION AMENDING R-98-42, R-09-50  
AUTHORIZING CASH MANAGEMENT PLAN**

**WHEREAS**, R-98-42 Authorizing Cash Management Plan was adopted by the Governing Body of the Borough of Highlands on February 18, 1998, and

**WHEREAS**, the adopted Cash Management Plan included a list of designated depositories of the Borough of Highlands, and

**WHEREAS**, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

TD Bank, National Association  
Two River Community Bank

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that Resolution R-98-42 be amended as stated above.

**BE IT FURTHER RESOLVED** that said banks are hereby authorized to honor checks drawn upon said banks, signed by the Mayor, Chief Financial Officer, Administrator and/or the Borough Clerk. All checks require two signatures, one of which maybe a facsimile signature. The payroll account checks may utilize two facsimile signatures.

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

**ROLL CALL:**

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

**Resolution R-11-26 – Appointing Depuration Commission Member**

Mayor Nolan offered a motion to table this to the February Meeting, seconded by Mr. O'Neil and approved on the following roll call vote:

Borough of Highlands  
Reorganization/Regular Meeting  
January 1, 2012  
Meeting Location: Robert D. Wilson Memorial Center

**ROLL CALL:**

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

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**Mayor's Appointments**

Mayor Nolan made the following appointments:

Mayor Nolan's Department Chairmen Appointments:

Public Safety -	Mr. O'Neil & Mr. Redmond
Department of Public Works –	Mr. O'Neil
Parks and Recreation –	Ms. Kane
Building and Housing/Substandard Housing-	Mr. Redmond & Mr. Francy
Budget -	Mayor Nolan & Mr. Francy
Public Relations -	Mayor Nolan
Environmental/Shade Tree Commission Liaison	Mr. Francy
Shared Services Committee -	Mayor Nolan & Ms. Kane

Mayor Nolan appointments to the Planning Board:

These appointments require no resolution:

Roderic Schoellner	Regular Member of the Planning Board 4 Year Term to Expire 12/31/15
Tim Hill	Borough Official Rep. Member of the Planning Board – 1 Year Term to Expire 12/31/11
Arthur Gallagher	Alternate No. #2 Member 2 year term to expire on 12/31/13

**Mayor's Appointment of Member of Highlands Housing Authority**

**MEMBER OF THE HIGHLANDS  
HOUSING AUTHORITY**

**WHEREAS**, the term of Housing Authority Member Arnie Fuog expired on November 30, 2011; and

Borough of Highlands  
Reorganization/Regular Meeting  
January 1, 2012

Meeting Location: Robert D. Wilson Memorial Center

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

Ray Goddard for the 5 year term to expire 11/30/2016

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**Regular Meeting**

**Payment of Bills**

**Ms. Kane offered the following Payment of Bills and moved on their approval for payment:**

**RECAP OF PAYMENT OF BILLS  
01/01/2012**

<b>CURRENT:</b>		\$ 6,187.51
Payroll	( 12/30/2011)	\$ 95,443.45
<b>Manual Checks</b>		<b>\$ 10,001.32</b>
<b>Voided Checks</b>		<b>\$</b>
<b>SEWER ACCOUNT:</b>		\$ 538.53
Payroll	(12/30/2011)	\$ 5,622.20
Manual Checks		\$ 197,995.38
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$
<b>CAPITAL-MANUAL CHECKS</b>		\$
Voided Checks		\$
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 51,328.96
Payroll	(12/30/11)	\$ 10,169.90
Manual Checks		\$ 360.00
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$ 280.00
<b>GRANT FUND</b>		\$ 1000.00
Payroll	(12/30/11)	\$ 1500.00
Manual Checks		\$
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$
Manual Checks		\$
Voided Checks		\$

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

Seconded by Mayor Nolan and approved for payment on the following roll call vote:

Borough of Highlands  
Reorganization/Regular Meeting  
January 1, 2012  
Meeting Location: Robert D. Wilson Memorial Center

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Public Portion:**

Arnie Fuog of 50 Valley Street questioned the status of development or clean up of the Gimpi's Restaurant Property located on Bay Avenue.

Mrs. Cummins stated that there is currently an application for this site before the Zoning Board for a commercial restaurant use.

Mr. Fuog wants a deadline for property owner to improve the property. He also stated that we need to enforce the property maintenance code.

Mr. Francy – Substandard Housing will be looking into Bay Avenue.

Kim Skorka of 315 Shore Drive stated that there is a blockage in the stream on borough property.

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

The Meeting adjourned at 1:32 p.m.

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**Carolyn Cummins, Borough Clerk**

Borough of Highlands  
Reorganization/Regular Meeting  
January 1, 2012  
Meeting Location: Robert D. Wilson Memorial Center

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