

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
August 15, 2012**

Mr. Francy called the meeting to order at 7:07 p.m.

Mrs. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Work Shop/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

Absent: Ms. Kane, Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Steve Pfeffer, Chief Financial Officer

Bruce Padula, Labor Attorney

Dale Leubner, Borough Engineer - arrived at 7:50 p.m.

Executive Session Resolution

Mrs. Cummins read the following Resolution for approval:

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

**R-12-176
RESOLUTION
EXECUTIVE SESSION**

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

1.Litigation: Captains Cove Marina

2.Contract: PBA Contract, Borough Administrators Contract

3.Real Estate:

4. Personnel Matters: Seasonal Employment

5. Attorney-Client Privilege:

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

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

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

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. **Deals with collective bargaining, including negotiation positions.**
5. Deals with purchase, lease or acquisition of real property with public funds.
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.**

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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. Redmond and approved on the following roll call vote:

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:17 p.m.

Mr. Francy asked all to stand for the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Redmond, Mr. O'Neil, Mr. Francy
Absent: Ms. Kane, Mayor Nolan
Also Present: Carolyn Cummins, Borough Clerk
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer

Consent Agenda:

Mrs. Cummins asked if there were any items any one wished to pull.

Mr. Pfeffer asked to pull Resolution R-12-174 because it needs four votes.

Mr. Padula recommended that we change Resolutions R-12-185 and R-12-186 to authorize Mr. Hill to sign in lieu of Mayor Nolan.

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

**R-12-193
RESOLUTION
RENEWING 2012-2013 LIQUOR LICENSE**

WHEREAS, Liquor License Renewal Applications were filed for the year 2012-2013 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2012 to June 30, 2013:

1317-33-024-012 Was Two, LLC 128 Bay Avenue
t/a Twin Light Tap House

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-12-177

TEMPORARY CAPITAL BUDGET

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

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

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

Temporary Capital Budget Borough of Highlands County of Monmouth, New Jersey				
Projects Scheduled for TY 2012				
Project	Estimated Costs	Capital Improvement Fund	Other Funds	Debt Authorized

Acquisition of Fire Truck And Equipment Project # E-TY12-01	\$ 1,215,000	\$27,500	\$665,000	\$522,500

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

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

ROLL CALL:

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

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

**R-12-179
RESOLUTION
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES**

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2012 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor have previously appointed Bruce Padula, Esq. of the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC, 5 Ravine Drive, P.O. Box 533, Matawan, NJ 07747 and it is so recognized;

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

WHEREAS, the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC., has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC has not made any reportable contributions to a political or candidate

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committee in the Borough of Highlands in the previous one year, and that the contract will provide prohibit the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Cleary, Giacobbe, Alfieri, Jacobs has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 for an amount not to exceed \$31,500 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of July 1, 2012 through December 31, 2012 at rate of a monthly retainer in the amount of \$5,250.00 and an hourly rate of \$115.00 per hour for services outside of contract.

WHEREAS, certification of the availability of funds is hereby provided by the Chief Financial Officer contingent upon the adoption of the Transitional Budget for the period of July 1, 2012 through December 31, 2012.

Legal Other Expenses
Sewer Utility Other expenses

Stephen Pfeffer, CFO

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 of Highlands Governing Body as follows:

1. Bruce Padula Esq. of the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC is awarded a professional legal service contract for the period of July 1, 2012 through December 31, 2012 for an amount not to exceed \$31,500 for professional legal services provided for the period of July 1, 2012 through December 31, 2012.
- 2.. This contract is awarded without competitive bidding as "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.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-12-180
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

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WHEREAS, this contract is to be awarded for an amount not to exceed \$7,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2012 through December 31, 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 contingent upon the Governing Body adopting the TY 2012 July 1, 2012 – December 31, 2012 budget.

Legal
Sewer Utility
Various Bond Ordinances

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 \$7,000 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. .
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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

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

**R-12-181
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

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 \$15,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2012 through December 31, 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

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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 contingent upon the adoption of the TY 2012 (July 1, 2012 – December 31, 2012) budget.

Current Fund Legal = \$15,000

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:

5. That Bruce Padula, 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 \$15,000 plus reimbursable expenses.
6. 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.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.
Seconded by Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-12-182
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 at an hourly rate of \$115.00 per hour for the period July 1, 2012 through December 31, 2012 in an amount not to exceed \$7,500 plus reimbursable expenses for

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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 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 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 contingent upon the adoption of the TY 2012 (July 1, 2012 – Dec. 31, 2012) budget.

Current Fund Legal = \$7,500

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 for the period of July 1, 2012 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 July 1, 2012 through December 31, 2012, in an amount not to exceed \$7,500 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.
- 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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

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R-12-183

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

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

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$71,500 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period July 1, 2012 through December 31, 2012; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates 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 T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates 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 contingent upon the adoption of the TY 2012 (July 1, 2012-Dec. 31, 2012) budget:

I hereby certify funds are available as follows:

Current Fund: General Engineering and Stormwater Management
Sewer Utility Fund: Other Expenses and
Grant Fund: Stormwater Management Grant

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. T&M Associates is hereby retained to provide professional engineering services as described above for an amount not to exceed \$71,500 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.
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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

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NAYES: None
ABSENT: Ms. Kane, Mayor Nolan
ABSTAIN: None

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

**R-12-184
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

WHEREAS, such professional auditing services can only be provided by licensed professionals and 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 \$39,900 plus reimbursable expenses for professional auditing services for the Borough of Highlands for the TY 2012 (July 1, 2012 – December 31, 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 contingent upon the adoption of the TY 2012 budget:

Account # Current Fund – Audit \$27,580
Sewer Fund - Audit \$14,320

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 \$39,900.00 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 a recognized profession.
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 Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-12-185
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
RESOLUTION APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE
NEGOTIATIONS AGREEMENT WITH UFCW LOCAL 152**

WHEREAS, the Borough of Highlands ("Borough") and the United Food & Commercial Workers Union Local 152, CLC ("Union") are engaged in negotiations for successor Collective Negotiations Agreement ("Agreement"); and

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement ("MOA"); and

WHEREAS, the Union has ratified the terms contained in the MOA; **WHEREAS**, the Borough previously approved the terms contained in the MOA; and

WHEREAS, the parties have prepared a draft of a successor collective negotiations agreement; and

WHEREAS, the Borough wishes to approve the form of the successor collective negotiations agreement.

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

- 1) That the Borough hereby accepts and approves the form of the successor collective negotiations agreement with the Union;
- 2) The Borough Administrator is authorized to execute the successor collective negotiations agreement on behalf of the Borough;
- 3) This Resolution shall take effect immediately.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-12-186
RESOLUTION APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE
NEGOTIATIONS AGREEMENT WITH CWA LOCAL 1032**

WHEREAS, the Borough of Highlands ("Borough") and the Communications Workers of America, Local 1032 ("Union") are engaged in negotiations for successor Collective Negotiations Agreement ("Agreement"); and

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement ("MOA"); and

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WHEREAS, the Union has ratified the terms contained in the MOA;

WHEREAS, the Borough previously approved the terms contained in the MOA; and

WHEREAS, the parties have prepared a draft of a successor collective negotiations agreement which clarified certain terms in accordance with civil service rules and the parties agreement pertaining to certain individuals laid-off and returning to work; and

WHEREAS, the Borough wishes to approve the form of the successor collective negotiations agreement.

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

- 4) That the Borough hereby accepts and approves the form of the successor collective negotiations agreement with the Union;
- 5) The Borough Administrator is authorized to execute the successor collective negotiations agreement on behalf of the Borough;
- 6) This Resolution shall take effect immediately.

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

ROLL CALL:

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

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

**R-12-188
AUTHORIZING REFUND OF OVERPAYMENT**

WHEREAS, the Borough Clerk 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 resident as a result of an overpayment of a garage sale fee in the amount of \$5.00 where no fee is required; and

WHEREAS, the Borough Clerk recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands.

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 Chief Financial Officer is hereby authorized to immediately refund and pay the overpayment of \$5.00 to Anne Marie Scaccone.

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

ROLL CALL:

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

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

**R-12-190
Resolution Approving lease of municipally-owned property located
at Block 56, Lot 3 to DanRob Associates d/b/a Windansea
Restaurant for a term of five (5) years**

Whereas, by Resolution R-12-107, the Borough authorized public notice and bid for a lease of property it owns, known as Block 56, Lot 3;

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Whereas, on June 6th and June 22, 2012, the Borough published notice of the bid solicitation in Asbury Park Press.

Whereas, the Borough received one response to its public notice, submitted by DanRob Associates d/b/a Windansea Restaurant; and

Whereas, the Borough accepted the proposal via Resolution R-12-168, which exceeded the minimum bid requirements contained in the public notice, and award a lease to DanRob Associates d/b/a Windansea Restaurant.

Now, therefore, be it Resolved by the Borough of Highlands as follows:

1. The Borough hereby approve the attached lease agreement for the lease of to DanRob Associates d/b/a Windansea Restaurant for a lease of Block 56, Lot 3 for an amount of \$1,300.00 per month for the months of May, June, July and August and for \$100 per day on an "as needed" basis during the months of January, February, March, April, September, October, November and December; and

2. The Borough Administrator is hereby authorized to execute the attached lease agreement.

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

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

**R-12-191
RESOLUTION APPOINTING
PROVISIONAL PART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, Kyle McCartney will be resigning from his current position of P/T Police Communications Operator effective August 21, 2012; and

WHEREAS, this resignation creates a need within the Police Department to appoint part-time Police Communications Operator to fill open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Ronald Osadacz, of Morganville, NJ be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Ronald Osadacz, Jr. is hereby appointed as a part-time provisional Police Communications Operator effective August 21, 2012.

BE IT FURTHER RESOLVED that said provisional appointments be compensated at an hourly rate of \$9.50 per hour.

BE IT FURTHER RESOLVED that Mr. Osadacz, Jr. is currently employed by the Borough as a Special Class II Police Officer and will be limited to not exceed to work 24 hours per week between both positions.

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

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ROLL CALL:

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

Mr. Franczy offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
08/15/2012**

CURRENT:		\$	387,648.11
Payroll	(07/30/2012)	\$	121,379.81
Manual Checks		\$	389,696.62
Voided Checks		\$	
SEWER ACCOUNT:		\$	104,234.00
Payroll	(07/30/2012)	\$	6,862.12
Manual Checks		\$	3,835.47
Voided Checks		\$	
CAPITAL/GENERAL		\$	231,490.04
CAPITAL-MANUAL CHECKS		\$	82,600.01
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	27,022.15
Payroll	(07/30/2012)	\$	5,222.75
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	7,420.72
Payroll	(07/30/2012)	\$	2,357.45
Manual Checks		\$	2,208.51
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
August 15, 2012**

CURRENT FUND

Arnette Law Firm	Tax Appeals July 2012	517.70
Future Sanitation	Solid Waste/Recycling 8/16/12-8/31/12	8,408.34
Future Sanitation	Tipping Fees 7/17/12-7/31/12	6,491.52
	Alliance Program Support	5,245.00

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Henry Hudson Regional H.S.		
J.C.P. & L.	Traffic Lights TY #12-1	2,368.58
J.C.P. & L.	Electric TY #12-2	3,017.02
N.J. Natural Gas	Natural Gas TY #12-1	319.66
T & M Associates	General Services	4,164.68
Total Current Fund		<hr/> 30,532.50 <hr/>
CAPITAL FUND		
Total Capital Fund		<hr/> 0.00 <hr/>
GRANT FUND		
Total Grant Fund		<hr/> 0.00 <hr/>
SEWER UTILITY FUND		
J.C.P. & L.	Electric TY #12-1	449.08
Total Sewer Utility Fund		<hr/> 449.08 <hr/>
TRUST FUND		
Total Trust Fund		<hr/> 0.00 <hr/>
Total Supplemental Bill List		<hr/> 30,981.58 <hr/>

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Minutes Approved on Consent Agenda:

Mr. Francy offered a motion for the approval of the July 18th, 2012 Regular Minutes and Executive Session Minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Other Resolutions:

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R-12-173

Mrs. Cummins read the title of R-12-173 Resolution Appointing Municipal Clerk.

Mr. Francy feels that Mrs. Cummins is very supportive to the council and has earned this appointment.

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

R-12-173

RESOLUTION APPOINTING MUNICIPAL CLERK

WHEREAS, the term of the Borough Clerk Carolyn Cummins will expire on August 31, 2012;
and

WHEREAS, N.J.S.A. 40A:9-133(a) requires that the Borough employ a Certified Municipal Clerk; and

WHEREAS, Carolyn Cummins is currently serving as Borough Clerk and has been since September 1, 2009;

NOW, THEREFORE, BE IT RESOLVED that Carolyn Cummins, RMC C-1248 be and is hereby re-appointed as Borough Clerk of the Borough of Highlands for a three year term effective September 1, 2012.

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

R-12-175

Mrs. Cummins read the title of R-12-175 Resolution Authorizing Non-Binding Referendum.

Mr. Francy stated this is a resolution for referendum on flood control. It was decided tonight to table this motion. We will move ahead with a bond recommendation at the next meeting.

Mr. Francy offered a motion to table, seconded by Mr. O'Neil and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

R-12-178

Mrs. Cummins read the title of R-12-178 Resolution Approving Borough Administrators Contract.

Mr. Padula explained the contract period is a two year term.

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

R-12-178

**Resolution approving an employment agreement with Tim Hill to
serve as Administrator for the term of December 7, 2011 through
December 6, 2013**

Whereas, the Borough previously approved the appointment of Tim Hill as Administrator for a term of December 7, 2011 through December 6, 2013 pursuant to N.J.S.A. 40A:9-137 and Borough Code § 2-6.2; and

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Whereas, since that time, Hill and the Borough have negotiated the terms of an employment agreement; and

Whereas, of specific concern was Hill's accumulated sick and vacation leave, earned during his employment with the Borough as Recreation Director; and

Whereas, the Borough and Hill have agreed upon terms which ensure that Hill does not unnecessarily lose any time accrued as Recreation Director as a result of his appointment to the position of Administrator.

Now, therefore, be it RESOLVED that the Mayor and Council approve the terms of an employment agreement with Tim Hill for the term of December 7, 2011 through December 6, 2013 in substantially to form attached hereto; and

Be it further RESOLVED that the Mayor is authorized to sign the agreement on behalf of the Borough.

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

R-12-187

Mrs. Cummins read the title of R-12-187 Resolution Introduction of TY 2012 Municipal Budget.

Mr. Pfeffer had an additional sheet to be inserted into the budget, additional disclosure on how the CAP works. He explained the six month budget and conversion to calendar year budget as of January 1, 2013 and read the following resolution in to the record.

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INSERT Resolution R-12-187

HIGHLANDSNJ.COM

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R-12-189

Mrs. Cummins read the title of R-12-189 Resolution Authorizing Site Access to Army Corp of Engineers.

Mr. Francy explained that this resolution is a request from the Army Corp of Engineers to access to various Borough properties for the purpose of collecting soil samples.

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

**R-12-189
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 additional properties that the Department of the Army, New York District, Corps of Engineers is requesting access to are Block 39 Lots 1 & 1.01n (Exhibit "A"), Block 97 Lots 1 & 1.01 (Exhibit "B"), Block 101 Lot 3 Exhibit "C"), a portion of a public thoroughfare known as Bay Avenue 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 (Exhibit "E"), a portion of a public thoroughfare known as Fifth Street adjacent to Block 102, Lots (Exhibit "F"), a portion of a public thoroughfare known as Fifth Street adjacent to Block 66 Lots 7,6.01 & 4.01 (Exhibit "G") and a portion of public thoroughfare known as Shrewsbury Street adjacent to Block 43 Lots 1, 8 * 9 (Exhibit "H").

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

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

R-12-192

Mrs. Cummins read the title of R-12-192 Resolution Approving PBA Memorandum of Agreement.

Mr. Padula explained the new agreement with the PBA. They commenced negotiations for a new contract. The terms are a 3 ½ year agreement from July 1st, 2012 to December 31, 2015. For the remainder of 2012, the PBA will get a 0% increase, after that, it is 2% increase in 2013 and 2014. In 2015 it will be a 1% increase and additional 1 ¼ % on July 1st, 2015. They agreed to add three new steps to the salary guide. They previously had six steps. It will now be nine steps to reach the top salary. The new starting salary will be \$36,000.00. He further explained the agreement.

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

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**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-12-192**

**RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF
AGREEMENT WITH PBA LOCAL NO. 48 FOR A SUCCESSOR
COLLECTIVE NEGOTIATIONS AGREEMENT FOR THE TERM JULY
1, 2012 THROUGH DECEMBER 31, 2015**

WHEREAS, the Borough of Highlands (“Borough”) and PBA Local No. 48 (“Union”) are engaged in negotiations for successor Collective Negotiations Agreement (“Agreement”); and

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement (“MOA”); and

WHEREAS, the Borough and the Union have had further negotiations concerning the procedure to approve vacation subsequent to the execution of the MOA; and

WHEREAS, based on those subsequent negotiations, the parties have agreed to a vacation approval procedure different than that contained in the MOA; and

WHEREAS, the vacation approval procedure contained in the MOA shall not be included in the successor collective negotiations agreement;

WHEREAS, the parties agreed, generally, that union members will submit vacation requests on April 1 for the period of July 1 through December 31 and submit vacation requests on October 1 for the period of January 1 through June 30; and

WHEREAS, the parties agreed that the Police Department will provide a response to the vacation requests by April 15 or October 15, respectively; and

WHEREAS, this procedure for approving vacation shall also be incorporated into a successor collective negotiations agreement; and

WHEREAS, the Union has ratified the terms contained in the MOA;

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

- 7) That the Borough hereby accepts and agrees to the terms and conditions of the Memorandum of Agreement and approves incorporating those terms into a successor collective negotiations agreement, except the vacation approval procedure contained in the MOA;
- 8) The vacation approval procedure described herein shall be incorporated into the successor collective negotiations agreement;
- 9) The Borough directs labor counsel to incorporate the changes contained in the MOA and this Resolution into a successor collective negotiations agreement;
- 10) That this Resolution shall take effect immediately.

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

ROLL CALL

AYES: Mr. Redmond, Mr. O’Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Ordinances: Introduction & Setting of Public Hearing Date for September 5, 2012:

Ordinance O-12-17 Bond Ordinance for Fire Truck Purchase

Mr. Francy briefly explained the bond ordinance.

Mr. Francy offered the following Bond Ordinance and moved on its introduction and setting of a public hearing date for September 5, 2012 at 8:00 P.M. and authorized its publication according to law

**O-12-17
BOND ORDINANCE PROVIDING AN APPROPRIATION OF
\$1,215,000 FOR ACQUISITION OF A FIRE TRUCK AND
VARIOUS EQUIPMENT FOR AND BY THE BOROUGH OF**

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**HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW
JERSEY AND, AUTHORIZING THE ISSUANCE OF \$522,500
BONDS OR NOTES OF THE BOROUGH FOR FINANCING
PART OF THE APPROPRIATION**

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,215,000, such sum includes the sum of (a) \$665,000 to be received from the Federal Emergency Management Agency and (b) \$27,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$522,500 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$522,500 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

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

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Acquisition of a fire truck and various equipment related thereto.	\$1,215,000	\$522,500	10 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$522,500.

(c) The estimated cost of the Improvements is \$1,215,000 which amount represents the initial appropriation made by the Borough.

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SECTION 4:

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

SECTION 5:

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

SECTION 6:

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

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$522,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$522,500.

SECTION 10:

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

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

ROLL CALL:

AYES: Mr. Redmond, Mr. Francy

NAYES: Mr. O'Neil

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Ordinance O-12-18 Amending Licensing Chapter IV

Mrs. Cummins read the title of Ordinance O-12-18 Amending Licensing Chapter IV.

Mr. Francy briefly explained the ordinance.

Mr. Redmond offered the following Ordinance and moved on its introduction, set a public hearing date of September 5, 2012 at 8:00 p.m . and authorized its publication:

**Borough of Highlands
County of Monmouth
O-12-18**

An Ordinance amending Chapter I, "General," and Chapter IV, "Licensing—General" to provide for certain penalties for violations of provisions Revised General Ordinances of the Borough of Highlands

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Whereas, the Mayor and Council have determined that there is a need to specify for certain penalties for violations of sections of the Revised General Ordinances of the Borough of Highlands (“Borough Code”); and

Whereas, N.J.S.A. 40:49-5 authorizes the imposition of penalties for violations of ordinances.

Now, therefore, be it ORDAINED by the Mayor and Council of the Borough of Highlands as follows:

Section One

The Borough Code shall be supplemented with the addition of a section 1-5, “Penalties; General,” which shall read as follows:

1-5 PENALTIES; GENERAL

Except as hereinafter provided, whenever in this Code or in any other ordinance of the Borough or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the Borough any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or in such other Borough ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the Borough or of any rule, regulation or order promulgated pursuant to such Code or other Borough ordinance shall be punished by a fine not exceeding two thousand (\$2,000.00) dollars, or by imprisonment for a period not exceeding ninety days; or a period of community service not exceeding ninety days; or by both such fine and imprisonment or community service.

Any person who is convicted of violating this Code or any other ordinance of the Borough or any other rule, regulation or order promulgated pursuant to this Code or other Borough ordinance within one year of the date of a previous violation of the same provision, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Whenever any provision of the New Jersey revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Code or other Borough ordinance, rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other Borough ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine, imprisonment or community service so authorized or by both such fine or imprisonment.

The maximum penalty stated in the general penalty clause of this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.

The Mayor and Council may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred dollars. Each day any violation of this Code or any other Borough ordinance, rule, regulation or order

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promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

Any person convicted of violating this Code or any other ordinance of the Borough or any other rule, regulation or order promulgated pursuant to this Code or other Borough ordinance, and who is in default of the payment of any fine imposed for the violation, may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days. Whenever any fine is imposed upon any corporation, such fine and any costs and charges incident thereof may be collected in an action of debt or in such other manner as may be provided by law.

Section Two

Section 4-1, "General Provisions," shall be amended by the addition of a section 4-1.15, "Penalties; General," which shall read as follows:

4-1.15 Penalties; General

Except as otherwise provided within this Chapter, whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision shall be punished by a fine of at least one hundred dollars (\$100.00) and not exceeding two thousand (\$2,000.00) dollars, or by imprisonment for a period not exceeding ninety days; or a period of community service not exceeding ninety days; or by both such fine and imprisonment or community service. Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same provision, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Whenever any provision of the New Jersey revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Chapter to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Chapter shall be punished by the imposition of not more than the maximum fine, imprisonment or community service so authorized or by both such fine or imprisonment.

Any person convicted of violating this Chapter, and who is in default of the payment of any fine imposed for the violation, may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days. Whenever any fine is imposed upon any corporation, such fine and any costs and charges incident thereof may be collected in an action of debt or in such other manner as may be provided by law.

Section Three

Section 4-9, "Mercantile Licenses," shall be amended by the addition of a section 4-9.8, "Penalties," which shall read as follows:

4-9.8 Penalties

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Any person, corporation or other entity which engages in any activity outlined in Section 4-9.1 requiring a mercantile license who conducts such activity without a mercantile license shall be subject to a fine not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2000.00). Each day any violation of this Code or any other Borough ordinance, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense. Any person who is convicted of violating this Section within one year of the date of a previous violation, and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the provision, but shall be calculated separately from the fine imposed by the violation of the provision.

Section Four. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section Five. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section Six. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Ordinance O-12-19 Amending Noise Ordinance Sections 3-2.2, 3-2.3

Mrs. Cummins read the title of Ordinance O-12-19 Amending Noise Ordinance Sections 3-2.2, 3-2.3.

Chief Blewett gave a brief explanation.

Mr. O'Neil questioned asked if this means you can't play music in your backyard but you can at a bar. He stated that this does not sound right.

Council continued to discuss.

Mr. Francy offered a motion to table Ordinance O-12-19, seconded by Mr. O'Neil and all were in favor on the following roll call vote:

ROLL CALL

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing and Adoption:

Ordinance O-12-15 – Repealing Section 7-3.8 to Eliminate Parking Permits

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Mrs. Cummins read the title of Ordinance O-12-15 Repealing Section 7-3.8 to Eliminate Parking Permits for the second reading and public hearing. She stated that this ordinance was published in its entirety in the July 27th, 2012 edition of the Two River Times and may now be open to public hearing.

Mr. Francy asked if there were any questions, there were none. Public hearing was closed.

Mrs. Cummins read the title of Ordinance O-12-15 for the third and final reading and adoption.

Mr. Francy offered the following Ordinance and moved on its third, final reading, adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
ORDINANCE NO. O-12-15**

AN ORDINANCE REPEALING BOROUGH ORDINANCE 7-3.8 SO AS TO ELIMINATE THE PERMIT PARKING REQUIREMENT

WHEREAS, the Borough of Highlands, desires to supplement Chapter 7 of the Revised General Ordinances of the Borough of Highlands, specifically Section 7-3.8, entitled: "Permit Parking for Residents;" and

WHEREAS, the Chief of Police has recommended elimination of the requirement that parking be allowed only by permit on each of the following streets: Willow Street, Locust Street, Marie Avenue, King Street and Shore Drive.

WHEREAS, Section 7-3.8, entitled: "Permit Parking for Residents" provides, in pertinent part:

7-3.8 Permit Parking for Residents.

a. Parking on the following streets or portions of said streets shall be restricted at all times to vehicles of residents, their family members and guests displaying a proper permit or placard issued by the borough clerk pursuant to this subsection.

- 1. Willow Street—entire paved portion on both sides of street no parking any time; Willow Street residents may park on Locust Street.*
- 2. Locust Street—entire length on both sides of street to intersection with Willow Street.*
- 3. Shore Drive from intersection of Marie Avenue west to Willow Street on both sides of street and on the north side only west of Willow to its terminus for residents that do not have off street parking with the exception of placards for guests.*
- 4. Marie Street—entire paved portion on both sides of street.*
- 5. King Street—entire paved portion on both sides of street.*

WHEREAS, the remaining sections of 7-3.8, that is, subsections (b)-(g) presently set forth the various requirements of application for parking permits and conditions to be fulfilled by permit applicants and permit holders; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH OF HIGHLANDS as follows:

- (1) The provisions of Section 7-3.8, titled "Permit Parking for Residents" is repealed in its entirety;
- (2) SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.
- (3) REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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(4) EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Ordinance O-12-16 – Supplementing Chapter 7-3.4 Prohibit Parking

Mrs. Cummins read the title of Ordinance O-12-16 Supplementing Chapter 7-3.4 Prohibit Parking for the second reading and public hearing. She stated that this ordinance was published in its entirety in the July 27th, 2012 edition of the Two River Times and may now be open to public hearing.

Mr. Francy asked if there were any questions, there were none. Public hearing was closed.

Mrs. Cummins read the title of Ordinance O-12-16 for the third and final reading and adoption.

Mr. Redmond offered the following Ordinance pass third, final reading, adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
ORDINANCE NO. O-12-16**

AN ORDINANCE SUPPLEMENTING SCHEDULE I OF CHAPTER 7-3.4 “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS TO PROHIBIT PARKING AT ALL TIMES ON A CERTAIN PORTION OF BAYVIEW STREET

WHEREAS, the Borough of Highlands, desires to supplement Chapter 7 of the Revised General Ordinances of the Borough of Highlands, specifically Section 7-3.4, entitled: “Parking Prohibited at All Times on Certain Streets;” and

WHEREAS, the Fire Marshall has recommended that in order to provide proper access for emergency vehicles, a portion of Bayview Street, ten (10) feet in each direction from the ninety and east sides, shall be an area of no parking at all times; and

WHEREAS, Section 7-3.4, entitled: “Parking Prohibited at All Times on Certain Streets” provides, in pertinent part:

7-3.4 Parking Prohibited at All Times on Certain Streets.

No person shall park a vehicle at any time upon any of the streets or parts of streets described in Schedule I attached to and made a part of this chapter.

NOW, THEREFORE, BE IT ORDRAINED BY THE BOROUGH OF HIGHLANDS as follows:

(1) Schedule I of Section 7-3.4, “Parking Prohibited at All Times on Certain Streets,” shall be supplemented to include the following:

SCHEDULE I

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<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Bayview Street	North and East	Ten (10) feet in each direction from the middle of the corner of the North and East sides

(2) SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

(3) REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

(4) EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided 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

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Committee Reports:

Finance:

Mr. Pfeffer did not have a report. Everything was discussed already.

Public Safety:

Chief Blewett read thru his report. He said his report will also be available on the website.

**POLICE DEPARTMENT
BOROUGH OF HIGHLANDS**



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1156
FAX: 732-872-9240

**Report to Council
August 2012**

* Once again the department provided a heightened police presence at the Clam Festival and the

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event went well with no arrests over the four day period. The Police Explorers also attended and

were posted at entrances to the Festival Area to advise attendees with skateboards, bikes and dogs

that they were not permitted in the Clam Festival Areas.

* On July 7, 2012, officers responded to the intersection of Bay Avenue and Huddy Avenue regarding

a male threatening to kill unidentified person(s). As a result of the initial investigation it was determined that a 21 year old Bay Avenue resident while intoxicated was yelling out his second story window that he had a gun and he was going to kill everyone. The individual was placed under arrest and charged with disorderly conduct.

* Duty officers on July 22, 2012 were approached at the corner of Shrewsbury Avenue and Jackson Street for a head injury. The investigation revealed that the victim was struck in the head with a 2x4 piece of wood and suffered a large laceration. The victim was treated at Monmouth Medical Center where he received 24 stitches. The actor fled the scene but was identified as Ronald Tefteller, 35 years of age, Tinton Falls, New Jersey. Officers prepared criminal complaints for Mr. Tefteller's arrest charging him with aggravated assault with a weapon, using a weapon during a crime and unlawful possession of a weapon. On July 24, 2012 the accused turned himself in to this department, bail was set at \$25,000.00 which the accused posted through a bail bondsman pending his court appearance.

* On July 31, 2012, officers responded to a Bay Avenue business in response to a reported medical emergency. Upon arrival officers observed a 21 year old Highlands man slumped over the counter

and unresponsive. Officers were able to wake the man who was disorientated, sweating profusely and

admitted to taking oxycodone pills. The individual was placed under arrest and found to be in possession of thirty-three (33) oxycodone pills. He was transported to the Highlands Police Department

and issued complaints for possession of a controlled dangerous substance, under the influence of a

controlled dangerous substance and disorderly conduct. The individual was transported to Monmouth

Medical Center, Long Branch for treatment by the Highlands First Aid Squad.

* **Administration:**

- Traffic
 - Shore Drive & Miller Street (south) closed due to sink hole.
 - Bay Avenue Project: completed.
 - Highland Avenue Project– the road work is continuing along with the use of officers.

- Homeland Security
 - Safe Schools Initiative – planning drills at both schools with MOCERT

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- Hiring
 - Part-Time Dispatcher – recommendation made to appoint current SLEO II as a part-time dispatcher to cover vacancy due to Mr. Kyle McCartney leaving in order

to continue his education.

- Grants
 - The Highlands Police Department will be participating in the 2012 Drive Sober or Get Pulled Over Campaign. This is a State Division of Highway Traffic and Safety initiative.
Although, the department has not received additional funds for this campaign we can utilize DDEF monies to cover the cost of hiring off-duty officers.
Departments participating in the campaign will be given preference in future campaigns.
 - Program: August 17, 2012 through September 3, 2012

* **Community Policing:**

- Explorers –
 - Raffle – raised approximately \$6800.00
 - Donation Received - \$2,000.00
- The funds are used to support the program and will help to purchase equipment, uniforms, training and activities for the participants.

* **Training:**

- Firearms – all officers attended mandatory range qualifications with the AR rifles and UMP sub machine guns.

* **Investigations:**

During the month of July this department handled a total of **17** initial investigations which included motor vehicle thefts, harassment, criminal mischief, assaults (aggravated with a weapon/simple), sexual assaults, endangering the welfare of child and thefts that required additional follow up by the detective division.

- Total Investigations - 17
 - Closed -12
 - Arrests – 4
 - Warrants – 3 (issued/pending arrests)
 - Grand Jury – 1 (direct presentment)
 - Open Investigations – 5

* **Patrol:**

- Outlaw Motorcycle Gangs
 - Presence in Highlands (08-03-12)(08-05-12)
 - Hells Angels (25)
 - Pagans (15-20)
 - Working on Law Enforcement Strategies to control conflicts
 - Working with NJ State Police and FBI

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- Juveniles
 - Total Calls – (7)
 - Complaints – (7) for the month
 - Arrests – (3) curfew violations

- Domestic Violence Complaints
 - Simple Assault – (2)
 - Harassment – (6)
 - Restraining Orders - (3) issued

- Criminal Mischief
 - Total Complaints – (6)
 - Vehicles – (3)
 - Other Property – (3)

- Disorderly Persons
 - Complaints (10)
 - Arrests (6)
 - Under the Influence (4)
 - Alcohol (3)
 - CDS (1)

* Total Calls for Service: 648

* Arrests: Adults: 32 (5 for possession of CDS)
JV: 5

* Summons: Total: 181
Moving Violations: 77
Non-Moving: 59
DWI: 8
Borough Ordinance: 37

(Statistical Information is from July 1 – 31, 2012)

Chief Blewett would like to work on an ordinance with Mr. Padula regarding cars driving thru water on Bay Avenue when road is flooded.

Administration:

Mr. Hill read thru his report.

BOROUGH ADMINISTRATOR'S REPORT - August 15, 2012

1DPW:

No report submitted: LISTED ITEMS general maintenance / repair:

(1) Made all rounds of Parks and Beaches (2) Checked Waterwitch and South Bay ave Lift stations (3) Cut Grass and weed wacked all green areas

(4) Cleaned Storm drains of debris (ongoing throughout recent rain events)

(5) Street Sweeper – repairs ongoing – back in use (6) Removal of dirt from Jones creek (Huddy Park

culvert) (7) Repair of stormwater damaged area (Miller Street & Shore Drive), (8) Clamfest --- general set up & clean up of equipment as required for park area, street closing, garbage truck, etc.

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2BUILDING & HOUSING:

CO Inspections: 27 completed in July – all passed. Property Maintenance – continuing to address and cite as inspected or reported.

Construction:

18 Permit fees generated in July for various applications. High level of activity and construction inspections. July = \$4,821 in fees Total Value of Construction Activity: \$143,210.00

Zoning:

Reviewed 22 Zoning Permit Applications. Continue to Review additional items regarding site plan and steep slope issues –Mr. Mullin reports a high volume of walk-ins on Thursday evenings, mostly realtors w/prospective tenants for vacant businesses on Bay Avenue

Fire Safety:

Fire Prevention – Working on the upgrades to the fire prevention forms and new fire code. Emergency Software Products will be coming in soon to do the upgrades to meet the State requirements.

OEM – Working on the Shrewsbury Flood Warning system with other municipalities and County OEM.

Fire Dept – The fire truck specification is complete and ready to be turned over to Mr. Herbek.

3PARKS & RECREATION:

July Usage: (22 group uses) Condos / Homeowners Assoc. 1, Girl Scouts 3, FOB 1, Tae Kwon Do 5, SET 4-H Club, Garden Club 2, Historical Society - Picnic, Boating Safety Class 2, KFRC Mtg., One private event.

Special Events: Teen Night 7/13/12 - 8 participants, Teen Movie Night 7/27/12 - 19 participants, Summer Kidfest Field Trips: Freedom Fest Fair, Lakewood Blue Claws Game, 1st Avenue Puppet Theatre, Pirates on the Manasquan, and Hole in One Mini Golf. **Other:** Summer Kidfest started 7/2/12 - 137 participants registered so far, Kids Connection Program started 7/9/12 - 50 participants registered so far, Senior Farmer's Market Voucher Distribution 7/2/12 - Serviced 32 Seniors so far. **Other Upcoming Events:** Teen Nights 8/10/12 & 8/31/12 from 7:00 pm to 9:30 pm.

Administration –

- Monmouth JIF Renewal for borough assets
- Monmouth County Open Space Grant
- Working JA Montgomery for Risk Assessment / Reduction measures
- Initiating review of departmental reviews for future implementation
- Short Term Rental Review

Attendance at Clam Dep, Planning Board, CDBG, and other meetings representing the borough.

Library:

No report at this time.

Highlands Business Partnership:

No report at this time.

Shared Services:

No Report at this time

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Other Business:

Borough Engineer's Status Report:

Mr. Leubner read thru his report.

HGHL-G1201

August 15, 2012

Timothy Hill

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

Re: Engineer's Status Report

Dear Mr. Hill:

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

Capital Improvement Projects

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 the Borough right-of-way. The permits for the project have 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 Council meeting, 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. **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 (NJDOT Local Aid funding: \$160,000)
 - **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity east of Woodland Street (NJAW funding: \$38,800)
 - **Bay View Street Rehabilitation:** The entire length
 - Bid Date: February 29, 2012

 - Award Date: March 7, 2012

 - Contractor: Black Rock Enterprises, L.L.C., Old Bridge, NJ

 - Amount: \$399,345.28

- reconstruction meeting held on May 4, 2012

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- Minor concrete work remains on Valley Avenue
 - Utility delay on Woodland Street due to concerns over leaning utility pole. JCP&L devising a solution to rectify the situation.
 - Base repairs and base pavement installation completed on Valley Avenue and Bay View Street.
 - Valley Avenue and Bay View Street to be top course paved on August 16, 2012.
3. **The Reconstruction of Highland Avenue:** The NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue.

Bid Date: July 19, 2011

Award Date: July 20, 2011

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

Amount: \$1,186,325.00

- A preconstruction meeting was held on August 23, 2011.
 - Contractor has mobilized and has begun drainage improvements. Gas main relocation by NJNG on Miller Street by Route 36 has been completed.
 - Water main break on March 16, 2012 has delayed the completion of the drainage installation. Storm sewer has been redesigned to avoid conflicts with the waterman in its current location which differs from the information originally provided to our office during design.
 - Meeting held with NJAW on April 11, 2012 to review proposed drainage changes. Follow up meeting to be held on April 13, 2012 due to NJAW's uncertainty distinguishing between live and inactive mains.
 - Drainage installation is complete.
 - Concrete work has been completed.
 - Paving operations have commenced and will continue to completion.
 - Paving has been completed on Valley Avenue and Miller Street within the project area.
 - Potential revisions to speed hump locations within the contract.
4. **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: February 15, 2012

Contractor: L&L Paving Company Inc., Tinton Falls NJ

Amount: \$387,842.40

- Concurrence of award has been received by the NJDOT and Monmouth County Community Development.
- A pre-construction meeting was held on March 21, 2012.
- Project has been substantially completed.
- Punchlist items are being addressed.
- Need direction from the Borough if the Contractor is to proceed with sod installation at Huddy Park.

Grants and Loans

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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. The Borough has been notified that the project ranks third and fourth on the State funding list.
2. **FEMA House Lifting Program:** A meeting was held with Borough Officials and the affected residents on July 24, 2012 and again on July 30, 2012 with FEMA and State officials. Conflicting information was provided on July 30, 2012 and we are currently attempting to obtain a clear directive from the State on how to proceed.
3. **Monmouth County Community Development Block Grant:** As requested, we have prepared and submitted a grant application for the improvements to the North Street Pumpstation and the North Street inflow pipe between Bay Avenue and the pumpstation. The presentation is scheduled for August 22, 2012 at 11:15am.
4. **FY 2013 NJDOT Local Aid Applications:** The NJDOT has recently announced they are soliciting projects for Municipal Aid, Transit Village, Bikeways and Safe Streets to Transit grants. Applications are due October 16, 2012.

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

Very truly yours,

T&M ASSOCIATES

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

Mr. Francy offered a motion to change the location of speed humps to closest to "s" curve, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy

NAYES: None

ABSENT: Ms. Kane, Mayor Nolan

ABSTAIN: None

Review of Engineers Cost Estimate for Bayside Drive:

Mr. Hill stated that we are in discussion with Exxon and working on an agreement.

Review of ADP Payroll Services:

Mr. Francy recommended this to be tabled to the September 5th, 2012 meeting.

Review of Zoning Officers Recommendations:

Mr. Francy recommended this to be tabled to the September 5th, 2012 meeting.

Request for Use of Huddy Park:

Mr. Hill stated that a request was received for use of Huddy Park on Sunday, September 9th for a concert. It's a non-profit group that wishes to use the park. It would be in the afternoon, early evening. It would be for a Christian concert.

Mr. Hill was directed to notify the group of their approval for use of the park.

Short Term Rentals:

Mr. Redmond stated that he and Mr. Hill met last Thursday to discuss short term rentals. He spoke of items they discussed and would like to discuss with the council. Things are moving forward. He would like to carry this to the September 5th meeting.

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Open Space Grant:

Mr. Hill spoke of an opportunity to apply for a grant for various projects. He has been working with Mayor Nolan and Councilwoman Kane on different scenarios. The deadline is September 19th. They have not decided on what project to apply for yet. They will have a decision made by the September 5th meeting. You have to specify be specific regarding the project you are applying for with the Monmouth County Open Space Grant. It is a dollar for dollar match grant.

Review of Draft Tax Abatement Ordinance:

Mr. Francy recommended that this be tabled to the September 5th meeting.

Public Portion:

Bridget Hogan of 92 Highland Avenue spoke about the possible limiting parking on Highland Avenue. She feels this will create more issues. Requesting not to take away parking.

Mr. Francy stated that no decisions have been made. The only areas affected now are by the two garages where Twinlights comes down. We will have future discussions with the residents.

Karol Domagala of 90 Highland Avenue spoke of the no parking. He feels that no parking will make people speed; it would open up the street. He also stated that parking is needed on the street.

Chief Blewett explained his no parking recommendations.

Mr. Francy said they are still talking and considering recommendations.

Kim Skorka of 315 Shore Drive spoke against the noise ordinance. This is unacceptable. She has complained about commercial noise from bands in the past.

Alessandra Giunta of 197 Bay Avenue spoke of pipes on Valley Street being clogged. She asked if the Chief had the road blocked off due to the flooding from the rain.

Chief Blewett stated that he blocked off a portion of Bay Avenue and the Captain was blocking off the highway.

Mr. Francy directed Mr. Hill to have the pipes vacuumed out.

Tara Ryan – passed.

Mr. Pfeffer left the meeting at 9:19 p.m.

Michele Pezzullo of 115 Highland Avenue spoke of the Highland Avenue Project. It's been a year, wonders why it is taking so long. She spoke against the no parking on Highland Avenue, she urged the council to think about how they are going to deal with that. She asked if we are looking at all options to prevent flooding. She spoke of short term rentals and that there is a lot of code enforcement for this to take place.

Mr. Leubner responded to delays on Highland Avenue Project. He said it will be completed in approximately two weeks. He explained the work that will be done and the problems encountered.

Mr. Hill spoke on short term rentals. We are looking for a resolution. We are still fact finding. We are looking for a balance. What is best for the town.

Rich Wikander of 21 Snug Harbor expressed his frustration with the flooding.

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Mr. Leubner described the Bay Avenue Project piping sizes.

Mr. Redmond explained that the water comes from the upland hills.

Discussion continued about the flooding today.

Terrence King of 11 Seadrift Avenue said he has a short term rental and code enforcement told him his is cooperating with him. He knows there are issues to be worked out.

Mr. Redmond stated that we will be setting up another meeting.

Mona McCluskey of 17 Marine Place had picture to show the council regarding the flooding. She stated that this has never flooding has never happened. Something is very wrong and needs to be done.

Mr. Redmond responded that the creek needs to be dug out.

Dorothy Devaney of 28 Waterwitch Avenue spoke about the flooding today. The creek was empty. Questioned why the water did not go into the creek.

John Devaney of 28 Watewitch Avenue stated that the flooding has gotten worse. He feels that the Bay Avenue project caused all the new flooding issues.

Mr. O'Neil will have Mr. Leubner check the sediment chamber on Linden Avenue intersection, to see if it's full or clogged.

Brian Cobb of 11 Recreation spoke about the flooding issues. He feels they have gotten worse over the past five years.

Don Manrodt of 268 Bayside Drive spoke of Jones Creek and the need for it to be cleaned out. He further commented on paving on Bayside Drive paving from Marie Avenue to Matthew Street, Exxon damaged the street. They should pave it and pay for it.

Mr. Leubner will take a look at it.

Kelly Donegan of 94 Highland Avenue is concerned with the no parking on Highland Avenue. She said if this had been brought up at the beginning of the project, she would have asked for a double apron. She lost three feet of her property because of the curve. It did not fix the problem with the curve. She is asking for public notice before a final decision is made on the no parking issue. She also asked if painted lines could be tried to see how it works.

Mr. Francy stated that we have not committed to anything yet.

Chief Blewett said these recommendations were made four years ago.

Kelly Donegan would like a Saturday walk around.

Mr. Francy said the residents will be notified of that.

Paul Oliveira of 14 Seadrift Avenue spoke about the biker gangs in town. The police should stop them when they see them in town. It will deter them from coming to town with their colors. He spoke of Captains Cove bulkhead. He feels it will not be high enough. Also, he is opposed to short term rentals, parking is an issue. Maybe we can do parking permits for the town.

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Kevin Armington of 330 Shore Drive spoke about the noise ordinance and has complained about the outdoor music at LaPlaya. It is intolerable.

Claude Meyer of 330 Shore Drive commented on the noise ordinance. He offered we should ban outdoor music that is ongoing, day after day.

Thomas (last name unknown) of 32 Waterwitch Avenue thanked the police for cleaning the drains. This is the first time the water came down Bay Avenue to Waterwitch Avenue. He feels that something is clogged.

Mr. Leubner will look at the drain.

Mike Galvin of 68 Highland Avenue – left.

Lori Dibble of Paradise Park - left

There were no further questions.

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

The Meeting adjourned at 10:20 p.m.

Debby Dailey, Deputy Clerk