

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
October 17, 2012**

Mayor Nolan called the meeting to order at 7:12 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, Ms. Kane, Mayor Nolan

Absent: Mr. Francy

Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney

Mayor Nolan offered the following Resolution and moved its adoption:

R-12-223

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: Chief Blewetts Contract - Riced
- 3.Real Estate:
4. Personnel Matters: Police Staffing, G. Roxby Accrued Vacation/Comp Time - Riced
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. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or

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condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.

5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law

7. Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the publics interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).

9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

The Governing Body then entered into Executive Session.

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Comments From Young People of Highlands:

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Jacob Boyle of 5 Locust Street was sent by Officer George Ruth to ask the council to address the skate park insurance problems. He wants to see that changed.

Mr. Hill explained that it is an insurance issue.

Ms. Ryan stated that Kranky Bicycles will help to make a bike club.

Mayor Nolan said we will need two weeks.

Mike Mullin – RICED RE: Elimination of Zoning Officer Position:

Mr. Padula spoke the position.

Mayor Nolan stated that we are looking for combined positions.

Grala, LLC t/a Chubby Pickle – Hearing of Liquor License Violations:

Mr. Padula spoke with Chief Blewett and they reached an amicable resolution. We will do a resolution at the next meeting.

Open Space Grant Public Hearing for Snug Harbor Beach Improvements:

Mr. Hill stated that we applied for beach access. The public hearing notice block number was incorrect. We had to re-notice and re-do the public hearing.

Mayor Nolan opened the public hearing.

Tara Ryan of 17 Ocean Street asked what the improvements would be.

Mr. Hill explained the beach access points and we will replace the moby mat that is there. We will install more of a walkway to the beach.

There were no more questions.

Mayor Nolan closed the public hearing.

Consent Agenda:

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

R-12-224

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF FOURTH QUARTER MUNICIPAL TAXES WITHOUT
INTEREST TO NOVEMBER 19, 2012**

WHEREAS, the Borough of Highlands will be mailing out the fourth quarter Municipal tax bills to all property owners in late October 2012; and

WHEREAS, the delay of the mailing of the Municipal tax bills will result in the imposition of interest payments if a further extension of time for the payment of the bills is not granted to the residents of the Borough of Highlands.

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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 Mayor and Council hereby authorize the extension of time for payment of the fourth quarter Municipal tax bills to November 19, 2012.

2. In the event that the tax bills are not paid by a resident on November 19, 2012 interest shall be retroactive to the November 1, 2012 due date.

3. That the Borough Clerk shall forward certified copies of this resolution to the following:

A. Director
Division of Local Government Services
Department of Community Affairs

B. Tax Collector

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

ROLL CALL:

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

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

R-12-225

**RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT
FOR THE AMERICAN LEGION**

WHEREAS, the American Legion has filed an application for a Social Affairs Permit for an event to be held on November 3, 2012 with no rain date; and

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WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the American Legion for an event to be held on November 3, 2012 with no rain date.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

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

R-12-226

**RESOLUTION APPROVING LIST OF VOLUNTEER FIRST AID MEMBERS WHO QUALIFY
FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD PROGRAM
(LOSAP) FOR THE YEAR 2011**

WHEREAS, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer Fire Department company and first aid squad; and

WHEREAS, the Highlands Fire Department and the Highlands First Aid Squad are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

WHEREAS, the Highlands First Aide Squad have submitted certified lists of qualified volunteers for the year 2011; and

WHEREAS, the First Aide Squad list has been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the list and found it to be accurate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands First Aide Squad of qualified volunteers for the year 2011 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

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

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ROLL CALL:

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

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

R-12-227

**RESOLUTION OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY, TO SUPPORT THE PASSAGE OF S108/A291
BY THE LEGISLATURE**

WHEREAS, Bills S108/A291, introduced in the Legislature in 2010 proposes to amend Megan's Law to require the County Prosecutors to determine the risk of re-offense of sex offender's under Megan's Law prior to release of a sex offender from incarceration; and

WHEREAS, currently, many sex offenders are not tiered until they have been released into the community; and

WHEREAS, the Borough of Highlands believes it is in the best interests of the citizens of the Borough of Highlands and all of New Jersey to require the Prosecutor's Office to determine a sex offender's risk of re-offense prior to release.

NOW, THERE, BE IT RESOLVED, that the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey hereby supports the passage of New Jersey Legislature Bill S108/A291 which amends Megan's Law in order to require the County Prosecutors to determine a sex offender's risk of re-offense prior to release from incarceration and urges the enactment of such legislation as soon as possible.

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

ROLL CALL:

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

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

R-12-228

**RESOLUTION
RENEWING 2012-2013 LIQUOR LICENSE NO. 1317-33-017-002
L & P TAVERN, INC.**

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WHEREAS, the Liquor License Renewal Application was filed for the year 2012-2013 by L & P Tavern, Inc. on June 7, 2012; and

WHEREAS, no objections were filed against the renewal of said license; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Liquor License for L & P Tavern, Inn., t/a Ye Ole Cork & Bottle License No. 1317-33-017-002 is hereby renewed for the period of July 1, 2012 through June 30, 2013.

Seconded by Ms. Kane and adopted on the following Roll Call Vote:

ROLL CALL:

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

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

**R-12-229
RESOLUTION APPROVING PARTICIPATION IN
"PAINT THE TOWN PINK"**

WHEREAS, Meridian Health gave a presentation of "Paint the Town Pink" at the October 3, 2012 Council Meeting; and

WHEREAS, the Governing Body wishes to participate in the "Paint the Town Pink" during the month of May of 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough of Highlands hereby approves of participating in the "Paint the Town Pink" during the month of May of 2013.

BE IT FURTHER RESOLVED that Mary Margaret Kurta is hereby designated as the Head Volunteer in the organizing of the Borough's participation in this event.

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

ROLL CALL:

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

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

**R-12-233
RESOLUTION**

**AUTHORIZING APPLICATION OF FUNDING
FROM THE MONMOUTH COUNTY MUNICIPAL
OPEN SPACE GRANT PROGRAM**

Whereas, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation development and maintenance purposes; and

Whereas, the Governing Body of the Borough of Highlands desire to obtain County Open Space Trust Funds in the amount of \$23,000 to fund Snug Harbor Beach Access, located at 22 Snug Harbor Ave, Highlands, Block 97 Lot 1;

Whereas, the total cost of the project including all matching funds is \$ \$46,000; and

Whereas, the Borough of Highlands will be holder of any interest acquired with County Open Space Trust Funds.

Whereas, the Borough of Highlands is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Governing Body of the Borough of Highlands THAT:

1. Timothy Hill, Borough Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Highlands is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such polices and procedures, and applicable federal, states, and local government rules, regulations and statutes thereto; and
4. Timothy Hill, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

ROLL CALL:

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

Mayor Nolan offered the following payment of bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
10/17/2012**

CURRENT:		\$ 1,115,051.84
Payroll	(10/15/2012)	\$ 106,638.89
Manual Checks		\$ 106,692.04
Voided Checks		\$
SEWER ACCOUNT:		\$ 106,702.66
Payroll	(10/15/2012)	\$ 5,725.47
Manual Checks		\$ 3,572.58
Voided Checks		\$
CAPITAL/GENERAL		\$ 4,662.61
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 89,105.61
Payroll	(10/15/2012)	\$ 8,164.45
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$

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GRANT FUND		\$ 6,403.50
Payroll	(10/15/2012)	\$
Manual Checks		\$
Voided Checks		\$
DEVELOPER'S TRUST		\$
Manual Checks		\$
Voided Checks		\$

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

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

ROLL CALL:

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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the October 3, 2012 Regular and Executive Session Minutes, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

Other Resolutions:

Resolution R-12-230:

R-12-230 Resolution – Capital Budget Amendment:

Mr. Leubner spoke of Bayside Drive. They are looking at spring construction. He wants a survey done.

Mr. Pfeffer said that the Bond Ordinance is only being introduced tonight.

Insert Resolution R-12-230

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Resolution R-12-231:

Resolution R-12-231 – Awarding Purchase Contract for Fire Truck:

Melissa Macaleer questioned the cost of the truck.

Mayor Nolan explained.

Dave Parker stated that the grant is for \$665,000.00. The cost of the truck is \$1,096,000.00.

Mr. O’Neil asked what the type of truck they were getting.

Mr. Parker explained.

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

R-12-231

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
CUSTOM CHASSIS, MID-MOUNT PLATFORM FIRE APPARATUS

WHEREAS, bids were received on October 2, 2012; and

WHEREAS, four (4) bids were picked up by vendors and one (1)

Responsive Bid was received as follows:

VENDOR	AMOUNT
KOVATCH MOBILE EQUIPMENT CORP. ONE INDUSTRIAL COMPLEX NESQUEHONING, PA. 18240	\$ 1,098,495.00

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

KOVATCH MOBILE EQUIPMENT CORP., ONE INDUSTRIAL COMPLEX, NESQUEHONING, PA., 18240. shall Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated October 2, 2012 said bidder being the Lowest Responsible Bidder.

DESCRIPTION	VENDOR
FURNISH AND DELIVER ONE (1) NEW UNUSED CUSTOM CHASSIS	KOVATCH MOBILE EQUIPMENT CORP. ONE INDUSTRIAL COMPLEX NESQUEHONING, PA. 18240

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MID-MOUNT QUINT

PLATFORM FIRE APPARATUS

WHEREAS, bids have been reviewed by the Purchasing Agent and Fire Marshall, Dave Parker and it is their recommendation that the contract be awarded to KOVATCH MOBILE EQUIPMENT CORP., ONE INDUSTRIAL COMPLEX, NESQUEHONING, PA. 18240. in the amount of: \$ 1,098,495.00; and

WHEREAS, certification of availability of funds is hereby made by the Chief Financial Officer .
Bond Ordinance O-12-17 - \$1,098,495.00 (Subject to 20 day Estoppel)

Stephen Pfeffer, Chief Financial Officer

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. It hereby awards the contract for "Custom Chassis" to Kovatch Mobile Equipment Corp., One Industrial Complex, Nesquehoning, PA. 18240 in the amount of: \$ 1,098,495.00
2. **BE IT FURTHER RESOLVED**, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.
3. **WHEREAS**, the Chief Financial Officer of the Borough of Highlands has certified that adequate funds for such contract are available, and are designated to line item appropriations of the official budget stated below.
A copy of the within resolution and certification shall be certified by the Borough Clerk. The Borough Attorney is satisfied that the certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.
4. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A) Purchasing Agent
- B) Comptroller
- C) Administrator
- D) All of the above bidders

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

ROLL CALL:

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

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Resolution R-12-232:

Resolution R-12-232 – Approving Lay Off Plan:

Mr. Padula stated this position is for a one year term and he will submit a lay off plan.

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

R-12-232

RESOLUTION NON-RENEWING THE APPOINTMENT OF THE ZONING OFFICER AND
APPROVING SUBMISSION OF A LAYOFF PLAN TO THE CIVIL SERVICE COMMISSION
ELIMINATING THE POSITION OF ZONING OFFICER

Whereas, pursuant to Borough Code § 2-12A, the Borough employs a zoning officer; and

Whereas, the position of zoning officer is not a statutorily-required position; and

Whereas, Borough Code § 2-12A.2 provides that the zoning officer shall be appointed annually, for a calendar year; and

Whereas, for reasons of economy and efficiency, the Borough has determined that it shall eliminate the position of zoning officer.

Now, therefore, be it Resolved by the governing body of the Borough of Highlands, New Jersey as follows:

1. The Borough's Labor Attorney is authorized and directed to submit a layoff plan to the Civil Service Commission eliminating the position of Zoning Officer; and
2. The position of Zoning Officer is hereby eliminated and vacated upon expiration of the current term (12/31/12) or receipt of approval from the Civil Service Commission, whichever is later; and
3. Pursuant to Borough Code § 2-12A.2, the current Zoning Officer shall not be reappointed at the conclusion of the current term (12/31/12); and
4. The Borough Clerk is directed to provide a copy of this Resolution to the Zoning Officer.

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

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ROLL CALL:

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

Resolution R-12-234:

R-12-234 – Appointing P/T Dispatcher:

Chief Blewett explained that they lost one dispatcher, another one will be leaving.

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

R-12-234

**RESOLUTION APPOINTING
PERMANENT (REGULAR APPOINTMENT) PART-TIME POLICE COMMUNICATIONS
OPERATOR**

WHEREAS, Mandi Valazquez will be resigning from her current position of P/T Police Communications Operator effective November 11, 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 Jason David Zito be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Jason David Zito is hereby appointed as a part-time permanent (regular appointment) Police Communications Operator effective October 18, 2012.

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

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

ROLL CALL:

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

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Ordinances: 3rd & Final Reading and Adoption:

Ordinance O-12-20 Bond Ordinance for Stormwater Improvements

Mrs. Cummins read the title of Ordinance O-12-20 for 3rd & Final Reading and Adoption. She stated that the public hearing on this ordinance was held at the October 3rd meeting.

Mayor Nolan offered the following pass third and final reading and adoption and authorized its publication according to law:

O-12-20

BOND ORDINANCE PROVIDING APPROPRIATION OF \$1,200,000 FOR THE CONSTRUCTION OF THE STORMWATER PUMP STATION AND OTHER STORMWATER SYSTEM AND DRAINAGE IMPROVEMENTS BY AND FOR THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,200,000 IN 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 a general improvement. For the said Improvements there is hereby appropriated the amount of \$1,200,000. This Bond Ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A: 2-7(d). No down payment is 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") as the purpose authorized herein is described in N.J.S.A. 40A:2-7(d), as more fully described in Section 6(e) of this Bond Ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,200,000 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 \$1,200,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for the construction of the Snug Harbor Stormwater Pump Station and other stormwater system improvements, including drainage improvements to its Waterwitch Avenue, Valley Avenue and North

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Street drainage sub-basins, replacement of an existing outfall and replacement of existing and installation of new drainage piping throughout the Borough, including all work and materials necessary therefor or incidental thereto, which Improvements are anticipated to be financed as part of the 2013 New Jersey Environmental Infrastructure Trust Financing Program.

(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 \$1,200,000.

(c) The estimated cost of the Improvements is \$1,200,000, which amount represents the initial appropriation made by the Borough.

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 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 governing body 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:

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(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 average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 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 \$1,200,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 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.

(e) This bond ordinance authorizes obligations of the Borough for a purpose described in N.J.S.A. 40A:2-7(d) except for that portion of the Improvements related to the acquisition of the easements. This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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 (including funds to be received in connection with the New Jersey Environmental Infrastructure Trust Financing Program) 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.

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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 \$1,200,000.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Ordinance: On for Introduction & Setting of a P.H. Date for November 7th

O-12-22

Ordinance O-12-22 Capital Ordinance Funding Bayside Drive Project:

Mrs. Cummins read the title of Ordinance O-12-22 for introduction and setting of a public hearing date of November 7th, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for November 7, 2012 at 8:00 P.M. and authorized its publication according to law:

ORDINANCE NO. O-12-22

BOROUGH OF HIGHLANDS

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AN ORDINANCE PROVIDING FUNDING FOR THE RECONSTRUCTION AND REPAVING OF BAYSIDE DRIVE FROM MARIE AVENUE TO MATTHEWS STREET FOR THE BOROUGH OF HIGHLANDS AND APPROPRIATING \$137,000 FOR SUCH PURPOSE.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Highlands, in the County of Monmouth, New Jersey, authorizes the reconstruction and repaving of Bayside Drive from Marie Avenue to Mathews Street for the Borough of Highlands to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$137,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from a settlement with Exxon Mobile Corporation in the amount of \$137,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Highlands may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

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

ROLL CALL:

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

Other Business:

Borough Engineer's Status Report:

Mr. Keady read thru his report.

HGHL-G1201 October 12, 2012

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

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Re: Engineer's Status Report

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

Capital Improvement Projects

1. Flood Reduction Program: Permit applications were submitted to the various agencies on March 4, 2011 and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. 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

- Preconstruction meeting held on May 4, 2012
- Minor concrete work remains on Valley Avenue
- Utility delay on Woodland Street due to concerns over leaning utility pole. JCP&L has presented a solution to hold the existing pole.
- Letter sent to Contractor requesting him to resume work on October 15, 2012.
- Valley Avenue and Bay View Street have been final paved.

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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.
- Project has been substantially completed.
- Traffic calming measures have been installed.
- Railings on individual stairways to be installed by November 1, 2012.

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.

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- Project has been substantially completed.
 - Punchlist items have been addressed.
 - Sod has been installed in Huddy Park.
 - Final NJDOT inspection and project closeout documentation are being coordinated.
5. The Dredging of Jones Creek at Snug Harbor: Permit applications and associated plans are underway.

Grants and Loans

1. FEMA Hazardous Mitigation Assistance Grant Application: The Letter of Intent was submitted to FEMA on April 8, 2011 as required. FEMA has reacted favorably to the Borough's flood reduction project as described in the Letter of Intent. T&M Associates has prepared and submitted the grant application on behalf of the Borough. The application was submitted on October 28, 2011. 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. T&M provided a formal presentation to the Committee on August 22, 2012.
4. FY 2013 NJDOT Local Aid Applications: The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street is underway as directed by the Governing Body.

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

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

HIGHLANDS BOROUGH ENGINEER

Mr. Hill spoke of the painting of the parking lines on Highland Avenue.

Mr. O'Neil will oversee the painting of the lines.

Mayor Nolan asked Mr. Keady to look into grants for a new Borough Hall.

Mr. Mullen asked about Captains Cove.

Mr. Padula stated that he has had communications with Captains Cove in the last two weeks regarding keeping street in better conditions.

Mr. Leubner said they have done spot visits in regards to issues with the inlet on Recreation Place. He received bids for road repair of \$46,000.00.

Discussion continued on repairs.

Mr. O'Neil asked Mr. Leubner to have someone check compact areas.

Municipal Alliance Program:

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Mr. Hill explained that Highlands will be the lead agency with the grant for both Highlands and Atlantic Highlands. Henry Hudson Regional High School wants us to take over the administration of grants. He further explained. He said that January 1st, 2013 is our target start date.

Review of Payroll Program Proposals:

Mayor Nolan questioned storage.

Mr. Pfeffer stated that he has received approval to destroy a lot of records. There are also a lot of records that are permanent. He spoke of the time clock situation, any time clock would work. He spoke of some problems with time clocks where no one knows how to program them.

Mayor Nolan said he has ADP and there have been no problems with time clocks, it's all computerized.

Mr. Pfeffer would like to meet with the Mayor to see what he wants.

Mayor Nolan also wants a control system for the gas pumps.

Discussion continued regarding switching to a gas station.

Review of Tax Abatement Ordinance & Committee Comments:

Mayor Nolan will meet with Mr. Francy to come up with recommendations.

Mr. Padula read thru committee recommendations.

Mr. Pfeffer will need the exact effective date of removal of delinquent taxes.

Mayor's Two (2) Appointments to the Planning Board:

Tabled to the November 7th, 2012 meeting.

Public Portion:

Bernadine Harford of Highland Avenue said that the milling machine is blocking the road on Highland Avenue and has been there for several days.

Mr. Leubner will have the machine moved.

Brian Hafner asked to have construction debris removed.

Mr. Leubner will look into also.

Don Mandrodt of 268 Bayside Drive said that Exxon impact road to King Street and it should be included in repair.

Mr. O'Neil will look at it tomorrow.

Mr. Pfeffer will need to amend the bond ordinance if there are changes in work conditions.

Paul Oliveira of 14 Seadrift Avenue received notice from his mortgage company that the entire Borough was rezoned with FEMA flood zone. His insurance more than doubled because of the marina collapse.

Mayor Nolan needs more information from him. The borough was rezoned three years ago.

Mr. Leubner stated that FEMA expanded the VE zone three years ago.

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Claudette D'Arrigo of 12 Seadrift Avenue spoke of short term rentals. She has counted 17 different cars from neighboring rental unit. She asked if we are going to get an ordinance in place regarding short term rentals and paying for parking spot in front of houses like Asbury Park.

Council continued discussion.

Mayor Nolan spoke of enforcement and costs.

Carol Bucco – no comment.

Mr. O'Neil said the dumpster wheels at Bayview Condo's look new.

Carol Bucco said the condo association probably fixed them.

Shama Kajiji of 15 Seadrift Avenue thought the driveway ordinance would be on the agenda.

Lori King of 11 Seadrift stated that Mr. Mercado is working with them. They are in complete compliance with rental requirements.

There were no further questions.

Mayor Nolan offered a motion to adjourn, seconded by Ms. Kane and all were in favor.

The Meeting adjourned at 8:53 p.m.

Debby Dailey, Deputy Clerk