

**Borough of Highlands
Mayor & Council
Reorganization/Regular Meeting
January 1, 2013**

Meeting Location: Henry Hudson Regional High School, 1 Grand Tour, Highlands, NJ

Mayor Nolan called the meeting to order at 12:06 p.m.

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

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

**Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Bruce Padula, Labor Attorney
Rick O'Neil, Former Councilman
Dale Leubner, T& M Engineers**

Oath of Office:

Mayor Nolan swore in Councilwoman Tara Ryan.

Mayor Nolan swore in Councilman Kevin Redmond.

Mayor Nolan thanked Rick O'Neil.

Rick O'Neil gave a farewell speech.

Councilwoman Becky Kane swore in Fire Chief Bill Kane.

Mayor Nolan swore in First Aide Captain Ray Vargas.

Mayor's Message to Residents:

Mayor Nolan spoke about the hurricane recovery. He thanked the first responders; police, fire, O.E.M., and the first aid departments. He also thanked local restaurants, schools, volunteers and the people of Highlands.

Consent Agenda:

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

R-13-01

**RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR YEAR 2013 &
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT**

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2013 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 has offered the name of Bruce Padula, Esq. of the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC, 5 Raving Drive, P.O. Box 533, Matawan, NJ 07747 and it is so recognized;

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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 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, LLC 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 \$88,000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2013 through December 31, 2013 at rate of a monthly retainer in the amount of \$5,250.00 and an hourly rate of \$115 per hour for services outside of contract.

WHEREAS, Bruce Padula , Esq., has submitted the attached contract for Professional legal services for the calendar year 2013; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2012; and

WHEREAS, certification of the availability of funds is hereby provided in the SFY 2013 Budget by the Chief Financial Officer.

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;

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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 hereby appointed as Borough Attorney for the calendar 2013 and is awarded a professional service contract for an amount not to exceed \$88,000.00 for professional legal services provided for the period of January 1, 2013 through December 31, 2013.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. 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.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
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: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: None

Mayor Nolan offered the following resolution and moved its adoption:

**R-13-02
RESOLUTION
APPOINTING COUNCIL PRESIDENT**

BE IT RESOLVED that Rebecca Kane be appointed Council President for the one (1) year term to expire December 31, 2013.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

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R-13-03**

RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Honorable Pete Locasio, Esq. be and hereby is appointed Municipal Court Judge for the 3-year term to expire December 31, 2015.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

R-13-04

RESOLUTION

APPOINTING BOROUGH PROSECUTOR

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

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

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

1. James Butler, Esq. is hereby appointed Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2013.
2. The appointment is made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Franczy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

**R-13-05
RESOLUTION
APPOINTING ALTERNATE BOROUGH PROSECUTOR**

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

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and
Council of the Borough of Highlands that Steve Rubin Esq. be appointed Alternate Borough Prosecutor for the one (1) year term to expire December 31, 2013; and.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper within ten (10) days of its passage.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Franczy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-06
RESOLUTION
AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

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

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

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

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

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

- 1. Thomas Smith, Esq. is hereby appointed Public Defender for the (1) one year term to expire December 31, 2013.**
- 2. The appointment is made without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.**
- 3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.**
- 4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.**

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

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

ROLL CALL:

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

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

**R-13-07
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF ADJUSTMENT**

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

- | | |
|-----------------------------|---|
| 1. Richard O'Neil | Regular Member for a 4 year term to
expire December 31, 2016 |
| 2. Peter Mullen | Regular Member for a 4 Year Term to
Expire December 31, 2016 |
| 3. Michelle Pezzullo | Alternate #1 Member for a 2Year Term
to Expire 12/31/2014 |

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-08
RESOLUTION APPOINTING COUNCIL REPRESENTATIVE
TO THE HIGHLANDS PLANNING BOARD**

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

- | | |
|-------------------------|---|
| 1. Kevin Redmond | Borough Council Representative for

a (1) year term to expire 12/31/2013 |
|-------------------------|---|

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

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R-13-09

**RESOLUTION APPOINTING
COMMUNITY DEVELOPMENT REPRESENTATIVES**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Tim Hill be appointed Community Development Representative for the Borough of Highlands for a one year term to expire December 31, 2013.

BE IT FURTHER RESOLVED, that Frank Nolan be appointed Alternate Community Development Representative for the Borough of Highlands for a one year term to expire on December 31, 2013.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-10

**RESOLUTION
APPOINTING JUVENILE OFFICER**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that George Ruth is hereby appointed Juvenile Officer for the one (1) year term to expire December 31, 2013.

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

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R-13-11**

**RESOLUTION
APPOINTING CLEAN COMMUNITIES COORDINATOR**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that Rosemary Ryan be and hereby is appointed Clean Communities Coordinator for the one (1) year term to expire December 31, 2013.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-12
RESOLUTION APPOINTING
SPECIAL POLICE OFFICERS**

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following persons be and hereby are appointed Special Officers of the Borough of Highlands for a one year term to expire December 31, 2013:

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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Mayor Nolan offered the following Resolution and moved on its appointment

**R-13-13
RESOLUTION APPOINTING
FINANCE COMMITTEE OF COUNCIL**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that Councilwoman Kane, Mayor Nolan, Melissa Pedereson & Joe McFadden be and is appointed Finance Committee of Council Member for a one year term to expire on December 31, 2013.

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

ROLL CALL VOTE:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

**R-13-14
RESOLUTION APPOINTING
TAX SEARCH AND ASSESSMENT SEARCH OFFICERS**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made for the terms to expire December 31, 2013:

Tax Search Officer - Debby Dailey

Assessment Search Officer - Carolyn Cummins

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

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

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ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-16
RESOLUTION APPOINTING FIRE POLICE**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following persons be and hereby are appointed Fire Police for the year 2013:

Chief – Edward Sulkowski
Howard Paronto
Tom Snow
Charles Roemmele
Christopher Creighton
John McKay
Robert Copano
Ozzie Sickles
William S. Paper
Patrick Mason

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-17
APPOINTING ENVIRONMENTAL COMMISSION**

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

Rosemary Ryan	- Regular Member 3 year term to expire 12/31/2015
Steve Szulecki	- Regular Member 3 year term to expire 12/31/2015
_____	-Regular Member Unexpired 3 year term to expire 12/31/2014

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-18
RESOLUTION APPOINTING MEMBERS
OF THE SHADE TREE COMMISSION**

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

Arnie Fuog	Member
Mike Kovic	Member
Joe Hawley	Member
Tony Sloan	Member
Suzanne Eckhart	Member

BE IT FURTHER RESOLVED that all appointments shall be for the term of 1 year with an expiration date of December 31, 2013.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

**R-13-19
RESOLUTION APPOINTING MEMBERS
OF THE OPEN SPACE COMMITTEE**

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

1. Rebecca Kane Council Representative Member
1 year term expiring 12/31/13
2. Doug Widman Regular Member 3 year term
to expire 12/31/15
3. _____ Regular Member 3 year term
to expire 12/31/15
4. _____ Regular Member Unexpired 3 year term
to expire 12/31/14

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

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R-13-20

RESOLUTION APPROVING PROFESSIONAL BOND COUNSEL SERVICES

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 McManimon, Scotland & Baumann, LLC is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2013 through December 31, 2013. All rates based on the services utilized are provided for in the contract between McManimon, Scotland & Baumann, LLC and the Borough of Highlands; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2013 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 McManimon, Scotland & Bauman, LLC is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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Mayor Nolan offered the following Resolution and moved its adoption:

R-13-21

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

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

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Bruce Padula, Esq., of the law firm of Cleary, Giacobbe, Alfieri, Jacobs, LLC is so recognized; and

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

WHEREAS, this contract is to be awarded at an hourly rate of \$145.00 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2013 through December 31, 2013. All rates based on the services utilized are provided for in the contract between Cleary, Giacobbe, Alfieri, Jacobs, LLC and the Borough of Highlands; and

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

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

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

Current Fund Legal = \$20,000

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 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 \$20,000 plus reimbursable expense for the period of January 1, 2013 through December 31, 2013.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.

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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.
5. The attached contract is hereby approved and the Mayor and Borough Clerk area hereby authorized to execute contract.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-22
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES AND APPOINTING
BOROUGH ENGINEER**

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 Robert Keady, P.E. of the firm T & M Associates, 11 Tindal Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, the Municipal Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; 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, 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. Robert Keady, P.E. of T & M Associates is hereby retained to provide professional engineering services as described above for a three year term to expire on 12/31/15.
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 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 Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

R-13-23

RESOLUTION APPOINTING MEMBER OF THE HOUSING AUTHORITY MEMBER

WHEREAS, Ronald Dowling five year appointment to the Highlands Housing Authority expired on November 30, 2012; and

WHEREAS, it is the Governing Body's desire to appoint Delores Francy to a five year term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Delores Francy is hereby appointed as a member of the Highlands Housing Authority for a five year term which expires on November 30, 2017

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following resolution and moved its adoption:

R-13-24

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

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

NOW, THEREFORE, BE IT RESOLVED that the official newspapers of the Borough shall be and hereby are designated for a one year term to expire on December 31, 2013 as follows:

**THE ASBURY PARK PRESS
THE TWO RIVER TIMES**

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-25
RESOLUTION SETTING THE SCHEDULE FOR
MEETINGS OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2013**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following schedule is hereby designed as the official Meeting Calendar of the Governing Body for the year 2013. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where official action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

DATE

WORKSHOP/REGULAR MEEETINGS

No 1st Wednesday Meeting
February 6, 2013
March 6, 2013
April 3, 2013
No 1st Wednesday Meeting(Labor Day)
June 5, 2013
No 1st Wednesday Meeting
No1st Wednesday Meeting
September 4, 2013
October 2, 2013
November 6, 2013
December 4, 2013

REGULAR MEETINGS

January 16, 2013
February 20, 2013
March 20, 2013
April 17, 2013
May 15, 2013
June 19, 2013
July 17, 2013
August 21, 2013
September 18, 2013
October 16, 2013
No 3rd Wednesday Meeting
December 18, 2013

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Elementary School located at 360 Navesink, Highlands, NJ at 7:00 p.m. for Executive Session and at 8:00 p.m. for Business Meetings; and

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-13-26

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

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

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

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

TD Bank, National Association
Two River Community Bank

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

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

R-13-27

**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, LLP, 1390 Route 36, Suite 102, Hazlet, NJ 07730 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$49,900 plus reimbursable expenses for professional auditing services for the Borough of Highlands for the 2013 calendar year audit; and

WHEREAS, Fallon & Larsen, LLP 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, LLP from making any reportable contributions through the term of the contract, and

WHEREAS, Fallon & Larsen, LLP 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 2013 budget:

Account # Current Fund – Audit \$31,900
Sewer Fund - Audit \$18,000

**Borough of Highlands
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January 1, 2013**

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 Fasllon & Larsen, LLP is hereby retained to provide professional auditing services as described above for an amount not to exceed \$49,900.00 plus reimbursable expenses.**
- 2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice 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.**
- 4. The Borough Clerk is hereby directed to publish notice of this award as required by law.**

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

ROLL CALL:

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

**R-12-28
Resolution Appointing Recycling Coordinator**

Mayor Nolan offered a motion to table R-12-28, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-29

**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

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

WHEREAS, this contract is to be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 through December 31, 2013 at an hourly rate of \$115.00 per hour for the period January 1, 2013 through June 30, 2013 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands. All rates based on the services utilized are provided for in the contract between the Arnette Law Firm, 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 said firm has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the the Arnette Law Firm, LLC from making any reportable contributions through the term of the contract; and

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2013 Municipal 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:

1. That Scott Arnette, Esq. is hereby appointed and the Arnette Law Firm, LLC is hereby retained to provide professional legal counsel services as described above through December 31, 2013.
2. That Scott Arnette, of Law Firm of the Arnette Law Firm, LLC is hereby retained at an hourly rate of \$115.00 per hour for the period January 1, 2013 through December 31, 2013, in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.
6. The attached contract is hereby approved and the Mayor and Clerk are hereby authorized to execute agreement.

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

**Borough of Highlands
Mayor & Council
Reorganization/Regular Meeting
January 1, 2013**

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-30
RESOLUTION APPOINTING A CODE ENFORCEMENT OFFICER**

Whereas, the Code of the Borough of Highlands, Section 2-12.2 establishes the position of Code Enforcement Officer within the Department of Buildings and Housing; and

Whereas, the Code provides for appointment by the Mayor, with advice and consent of the Council for a term of one (1) year; and

Whereas, the Borough wishes to appoint a Code Enforcement Officer for the term of January 1, 2013 through December 31, 2013; and

Whereas, the Code Enforcement Officer shall be required to work 20 hours per week at an annual salary of \$20,808

Now, therefore, be it resolved by the Mayor and Council of the Borough of Highlands, that the Borough hereby appoints Dave Mercado to serve as Code Enforcement Officer from January 1, 2013 through December 31, 2013 at an annual salary of \$20,808 for 20 hours per week.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

**R-13-31
Resolution Appointing Code Enforcement Officer**

Mayor Nolan offered a motion to table R-13-31, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

**R-13-32
Resolution Appointing Public Works Road Repairer/Supervisor**

Mayor Nolan offered a motion to table R-13-32, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

**Borough of Highlands
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January 1, 2013**

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

**R-13-33
RESOLUTION ACCEPTING RESIGNATION
OF PLUMBING INSPECTOR**

WHEREAS, Al Hopping has submitted his letter of resignation dated December 17, 2012.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Al Hopping, Plumbing Inspector,

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

**R-13-34
Resolution Appointing P/T Plumbing Inspector**

Mayor Nolan offered a motion to table R-13-34, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-35
RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACT
FOR CONSULTANT SERVICES**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved.

ITEM # 1

VENDOR
ARCADIS-US, Inc.
14025 Riveredge Drive
Tampa, Fl. 33637

STATE CONTRACT # AG-065

AMOUNT - NOT TO EXCEED \$25,000

DESCRIPTION

**Borough of Highlands
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January 1, 2013**

Provide Professional Consulting Services to the Borough of Highlands to assist the Borough with the FEMA Application process.

**WHEREAS, the Chief Financial Officer does hereby certify funding:
Contingent upon the adoption of the 2013 Municipal Budget
Account: Special Emergency Appropriations for Hurricane Sandy**

Stephen Pfeffer, CFO

2. The Borough Attorney is satisfied that the 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.

3. 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. Tim Hill, Administrator**
- D. Vendor**

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor's Committees:

Mayor Nolan made the following department chair appointments:

Public Safety:	Kevin Redmond
Dept. of Public Works:	Tara Ryan
Parks & Recreation:	Rebecca Kane
Building & Housing/ Substandard Housing:	Kevin Redmond
Budget:	Tara Ryan and Rebecca Kane
Public Relations:	Tara Ryan and Rebecca Kane
Environmental/Shade Tree Comm Liaison:	Christopher Francy
Shared Service Committee:	Christopher Francy

Mayor Nolan made the following Appointments to the Planning Board:

Larry Colby	Regular Member of the Planning Board For a 4 Year Term to Expire 12/31/16
Janet Peterson	Regular Member of the Planning Board For a 4 Year Term to Expire 12/31/16
Mike Galvin	Alternate Number #1 Member of the Planning Board for a 2 Year Term to Expire on 12/31/14
Kevin Redmond	1 year term to expire 12/13/13 Borough Official

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ROLL CALL

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Minutes Approved on Consent Agenda:

Ms. Kane offered a motion for the approval of minutes for:

- November 21st, 2012 Special Meeting
- December 5th, 2012 Regular & Executive Meetings
- December 19th, 2012 Regular & Executive Meetings

Public Portion:

Carla Cefalo Braswell of Gravelly Point Road thanked Rick O'Neil.

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 12:43 p.m.

Debby Dailey, Deputy Clerk

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

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