

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

Meeting Location: Highlands Elementary School, 360 Navesink Ave., Highlands 07732

Mayor Nolan called the meeting to order at 7:02 p.m.

Ms. 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 Administrator

Tim Hill, Borough Administrator

Steve Pfeffer, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-213
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: Capt's Cove Marina, Possible Ethics Violation

**2.Contracts: Tim Hill, DeBlasio CFO Proposal, Baymens Lease, Shared Services
For Municipal Court,**

3.Real Estate:

4. Personnel Matters: Code Enforcement Position, Police Dept. Staffing Needs

**5. Attorney-Client Privilege: Redevelopment on Miller St from Bay to Shore,
Bayside Drive/Exxon Mobile, Engineer Bills for North
Street Pump Station**

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 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.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective 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 public's 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 Ms. Kane and approved 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 and Council entered Executive Session.

Mayor Nolan called the meeting back to order at 8:33 p.m.

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

ROLL CALL:

Present: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
Also Present: Carolyn Cummins, Borough Administrator
Tim Hill, Borough Administrator
Steve Pfeffer, Borough CFO
Bruce Padula, Borough Attorney

Consent Agenda:

Mayor Nolan asked if anyone had any questions or concerns on any resolutions.

Ms. Kane stated that she spoke with Mr. Leubner with regard to R-13-204 that the design will be in the winter and construction in the spring.

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-204
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
WALL RECONSTRUCTION
T & M ASSOCIATES

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

WHEREAS, the Borough of Highlands has a need for professional engineering services for the design and construction of the wall reconstruction along 8 Bay Street as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$60,763 plus reimbursable expenses per T & M Associates proposal dated June 19, 2013 for Professional Engineering Services for the survey, design and inspection of the wall reconstruction along 8 Bay Street provided to the Borough of Highlands for the period of one year; and

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

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

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

I hereby certify funds are available from: Bond Ordinance 13-17 contingent upon expiration of 20 day estoppels period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced:

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$60,763 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 hereby authorized to execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

Mayor Nolan stated that with regard to R-13-210, it has been two years in the making and that everything is in place from FEMA and is being awarded to ARCADIS to oversee the house-lifting of approximately eleven houses.

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

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

R-13-205

**RESOLUTION ACCEPTING AND AWARDING CONTRACT TO ARCADIS US, INC. AS AN
“EXTRAORDINARY UNSPECIFIABLE SERVICE” PURSUANT TO N.J.S.A. 40A:11-5 TO
MANAGE THE DISASTER RECOVERY OPERATIONS FOR PRIVATE PROPERTY DEBRIS
REMOVAL/DEMOLITION IN THE BOROUGH OF HIGHLANDS**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a municipality to award a contract for “Extraordinary Unspecifiable Services” without public advertising for bids; and

WHEREAS, Department of Community Affairs regulations, N.J.A.C. 5:34-2.2 provide that municipalities may award a contract without public bidding when the “expertise, extensive training and proven reputation in the field of endeavor” is “critical and essential to the project;” and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-12 permits a municipality “to purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury”; and

WHEREAS, the Borough has a need for a Private Property Debris Removal/Demolition Consultant as a result of damage caused by Superstorm Sandy; and

WHEREAS, the Borough requires expert assistance in drafting scope of work for debris removal, which will adhere to FEMA regulations and further expert assistance to review submitted proposals for the work identified in the scope of work in order to assure compliance with the scope of work and FEMA regulations; and

WHEREAS, the Borough requires consultants with the knowledge and expertise to draft letters to the Federal Coordination Officer and to obtain Rights-of-Entry and Hold Harmless Agreements from property owners to seek approval for Private Property Debris Removal/Demolition activities; and

WHEREAS, the Borough requires consultation and management to oversee and monitor Private Property Debris Removal/Demolition activities performed by a contractor to assure compliance and adequate job performance as well as a consultant to provide the Borough with the documentation necessary to ensure maximum reimbursement for all eligible work; and

WHEREAS, Arcadis US, Inc. (“Arcadis”) is a 115-year-old environmental engineering and consulting firm which provides Private Property Debris Removal/Demolition Consultation Services to municipalities; and

WHEREAS, Arcadis has been awarded a contract for Private Property Debris Removal/Demolition Consultation Services by the Division of Purchase and Property Contract Waiver AG065; and

WHEREAS, Arcadis has extensive knowledge of FEMA, United States Army Corp of Engineers, United States Environmental Protection Agency, United States Department of Transportation and state disaster management programs; as such Arcadis has successfully managed operations and completed documentation required by governmental agencies for reimbursement of pre- and post-disaster cleanup, which has amounted to their clients receiving over \$1 billion in reimbursement funding; and

WHEREAS, Arcadis has provided services to monitor debris removal, seek reimbursement from governmental agencies for pre- and post-disaster cleanup and other services for Hurricanes Frances, Jeanne, Wilma, Katrina, Rita, Ike, and Irene as well as providing similar services during the aftermaths of tornados and winter storms; and

WHEREAS, the services contemplated by this contract include drafting scope of work for debris removal, consistent with FEMA and which the Borough may use to incorporate into proposals submitted to debris removal contractors for consideration and pricing; communicating with FEMA for reimbursement of Private Property Debris Removal/Demolition expenditures and obtaining agreements and Rights-of-Entry and Hold Harmless Agreements from property owners; and

WHEREAS, Arcadis will monitor the debris removal contractor to ensure that work is performed properly and so that reimbursement of work is maximized consistent with FEMA regulations; work performed by Arcadis may include the drafting of project worksheets that identify site-specific scopes of work and cost estimates for each property eligible for Private Property Debris Removal and Demolition activities; and

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

WHEREAS, the Borough has not previously publicly bid Private Property Debris Removal/Demolition Services or similar services; and

WHEREAS, Arcadis has not previously supplied Private Property Debris Removal/Demolition Services to the Borough; and

WHEREAS, the Borough has determined Private Property Debris Removal/Demolition Services are "Extraordinary Unspecifiable Services" because they require services which are specialized and qualitative in nature and require expertise, extensive training and proven reputation in the field of Private Property Debris Removal/Demolition Services following a natural disaster; and

WHEREAS, Arcadis has expertise, extensive training and a proven reputation in managing disaster recovery operations and assembling documentation and records as required by governmental agencies for reimbursement associated with private property debris removal and the demolition of private structures; and

WHEREAS, the Borough acknowledges that Arcadis has been awarded a contract for Private Property Debris Removal/Demolition Consultation Services by the Division of Purchase and Property Contract Waiver AG065; and

WHEREAS, the Chief Financial Officer certified funds in the amount of \$560,000.00 are available from Bond Ordinance 13-23, as follows:

I hereby certify funds are available from: Bond Ordinance 13-23 contingent upon expiration of the 20-day estoppel period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced:

Stephen Pfeffer, Chief Financial Officer

Date

and

WHEREAS, Arcadis will perform all necessary services described herein in order to provide Private Property Debris Removal/Demolition Services to the Borough as a result of damage caused by Superstorm Sandy; and

WHEREAS, Arcadis shall provide the Borough with political contribution disclosure forms, including, but not limited to those required by c. 271.

NOW, THEREFORE, IT IS RESOLVED by the governing body of the Borough of Highlands, as follows:

1. Subject to the expiration of the 20-day estoppel period for Bond Ordinance 13-23, the Borough approves a contract with Arcadis for Private Property Debris Removal/Demolition Services as an Extraordinary Unspecifiable Service and as a State Contract awarded by the Division of Purchase and Property; and
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$560,000.00 and any other necessary documents with Arcadis for Private Property Debris Removal/Demolition Services; and
3. The Borough Attorney shall review and approve the form of the contract between the Borough and Arcadis.

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-13-206

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE BOND
FOR L & L PAVING FOR WASHINGTON AVENUE ROAD REPAIR PROJECT

WHEREAS, the Borough of Highlands adopted Resolution R-12-255 awarding a contract to L & L Paving for an amount of \$46,150 for the Washington Avenue Road Repair Project on December 5, 2013; and

WHEREAS, L & L provided a Performance Bond to the Borough in the amount of \$46,150.000 for the Washington Avenue Road Repair Project; and

WHEREAS, the Borough Engineer has stated that the work is complete and satisfactory; and

WHEREAS, L & L Paving have posted a two year Maintenance Bond in the amount of \$33,369 which has been reviewed and approved by the Borough Attorney.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Borough Clerk is hereby directed to release Performance Bond #RNS127631 in the amount of \$46,150.00 for L & L Paving for the Washington Avenue Road Repair Project.

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 a motion and moved on the adoption of the following Resolution:

R-13-207
RESOLUTION REIMBURSING
ANNEMARIE TIERNEY FOR VEHICLE TOWING FEE

WHEREAS, in November of 2012 Annemarie Tierney's vehicle was towed from a parking lot on Shore Drive where it had been parked since Hurricane Sandy; and

WHEREAS, the Highlands Police Department requested that M & M Towing tow and remove Ms. Tierney's vehicle from parking lot on Shore Drive; and

WHEREAS, Ms. Tierney has requested that the Borough reimburse for the costs she incurred for the towing of her vehicle in the amount of \$624.30.

NOW, THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that the CFO is hereby authorized to process reimbursement to Annemarie Tierney in the amount of \$624.30.

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-13-208
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR QUICK CHEK FOR
DEVELOPMENT OF BLOCK 108 LOTS 1 & 2.01

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

WHEREAS, Quick Chek posted performance guarantees in the form of a Performance Bond No. CMS0265050 in the amount of \$668,349 for on Block 108 Lots 1 & 2.01 located on Highway 35 in the Borough of Highlands; and

WHEREAS, the Borough Engineers office inspected the project; and

WHEREAS, a Maintenance Bond for this project has been posted in the amount of \$111,391.50 which is in effect for a two year period expiring on July 15, 2015.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Borough Clerk is hereby directed to release and the Performance Guarantee Bond No. CMS0265050 for Quick Chek for Block 108 Lots 1 & 2.01.

BE IT FURTHER RESOLVED that the CFO is hereby authorized to refund the 10% cash portion of the performance Guarantees in the amount of \$74,454.68 plus accrued interest.

Seconded by 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-13-209
RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT & RAFFLE LICENSE
FOR HIGHLANDS FIRE DEPARTMENT

WHEREAS, the Highlands Fire Department has filed an application for a Social Affairs Permit & Raffle License for an event to be held on October 12, 2013 with no rain date; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid; and

WHEREAS, all applications have been 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 application & Raffle License for Highlands Fire Department for an event to be held on October 12, 2013 with no rain date.

Seconded 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 Payment of Bills List and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS
10/02/2013

CURRENT:		\$	574,676.72
Payroll	(09/30/2013)	\$	
Manual Checks		\$	23,959.96
Voided Checks		\$	
SEWER ACCOUNT:		\$	1,080.44
Payroll	(09/30/2013)	\$	
Manual Checks		\$	213.03
Voided Checks		\$	

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

CAPITAL/GENERAL	\$	27,741.28
CAPITAL-MANUAL CHECKS	\$	
Voided Checks	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	14,290.99
Payroll (09/30/2013)	\$	
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	170.00
Payroll (09/30/2013)	\$	
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	
Voided Checks	\$	

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

SUPPLEMENTAL BILL LIST
October 2, 2013

CURRENT FUND

Future Sanitation	Tipping Fees 9/14-9/20	2,850.61
T & M Associates	Hurricane Irene Flooding & Damage	292.00
T & M Associates	Hurricane Sandy Damage	5,986.00
Verizon Wireless	Cell Phones 8/10-9/09	2,106.31

Total Current Fund	11,234.92
---------------------------	-----------

CAPITAL FUND

T & M Associates	Bayside Drive Improvements	1,681.50
T & M Associates	Washington Ave Repairs	2,545.88

Total Capital Fund	4,227.38
---------------------------	----------

GRANT FUND

Total Grant Fund	0.00
-------------------------	------

SEWER UTILITY FUND

Total Sewer Utility Fund	0.00
---------------------------------	------

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

TRUST FUND

Total Trust Fund	<u>0.00</u>
Total Supplemental Bill List	<u>15,462.30</u>

Seconded by 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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the September 4th, 2013 & September 18th, 2013 Executive and Regular Meeting minutes, 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

Other Resolutions:

R-13-210-Awarding Contract to Arcadis for Irene House Lifting

Mrs. Cummins read the title of R-13-210.

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

R-13-210

**RESOLUTION ACCEPTING AND AWARDING CONTRACT TO ARCADIS US, INC. AS AN
“EXTRAORDINARY UNSPECIFIABLE SERVICE” PURSUANT TO N.J.S.A. 40A:11-5 TO
ADMINISTER FEMA HAZARD MITIGATION GRANT (IRENE HOUSE LIFTING) IN THE
BOROUGH OF HIGHLANDS**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a municipality to award a contract for “Extraordinary Unspecifiable Services” without public advertising for bids; and

WHEREAS, Department of Community Affairs regulations, N.J.A.C. 5:34-2.2 provide that municipalities may award a contract without public bidding when the “expertise, extensive training and proven reputation in the field of endeavor” is “critical and essential to the project;” and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-12 permits a municipality “to purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury”; and

WHEREAS, the Borough has a need for Administration of the FEMA Hazard Mitigation Grant (Irene House Lifting Grant); and

WHEREAS, the Borough requires consultation and management to oversee and administer the FEMA Hazard Mitigation Grant (Irene House Lifting) activities performed by a contractor to assure

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

compliance and adequate job performance as well as a consultant to provide the Borough with the documentation necessary to ensure maximum reimbursement for all eligible work; and

WHEREAS, Arcadis US, Inc. (“Arcadis”) is a 115-year-old environmental engineering and consulting firm which provides Consultation Services to municipalities; and

WHEREAS, Arcadis has been awarded a contract for Private Property Debris Removal/Demolition Consultation Services by the Division of Purchase and Property Contract Waiver AG065; and

WHEREAS, Arcadis has extensive knowledge of FEMA, United States Army Corp of Engineers, United States Environmental Protection Agency, United States Department of Transportation and state disaster management programs; as such Arcadis has successfully managed operations and completed documentation required by governmental agencies for reimbursement of pre- and post-disaster cleanup, which has amounted to their clients receiving over \$1 billion in reimbursement funding; and

WHEREAS, Arcadis has provided services to monitor debris removal, seek reimbursement from governmental agencies for pre- and post-disaster cleanup and other services for Hurricanes Frances, Jeanne, Wilma, Katrina, Rita, Ike, and Irene as well as providing similar services during the aftermaths of tornados and winter storms; and

WHEREAS, the services contemplated by this contract include FEMA Programs Hazard Mitigation Grant Administration expenditures and obtaining agreements and Rights-of-Entry and Hold Harmless Agreements from property owners; and

WHEREAS, the Borough has not previously publicly bid for services or similar services; and

WHEREAS, the Borough has determined FEMA Programs Hazard Mitigation Grant Administration is “Extraordinary Unspecifiable Services” because it require services which are specialized and qualitative in nature.; and

WHEREAS, Arcadis has expertise, extensive training and a proven reputation in managing disaster recovery operations and assembling documentation and records as required by governmental agencies for reimbursement associated with private property debris removal and the demolition of private structures; and

WHEREAS, the Chief Financial Officer certified funds in the amount of \$125,000.00 are available from Bond Ordinance O-13-19.

I hereby certify funds are available from Bond Ordinance O-13-19:

Stephen Pfeffer, Chief Financial Officer

Date

and

WHEREAS, Arcadis will perform all necessary services described herein in order to provide Administration Services for the FEMA Hazard Mitigation Grant; and

WHEREAS, Arcadis shall provide the Borough with political contribution disclosure forms, including, but not limited to those required by c. 271.

NOW, THEREFORE, IT IS RESOLVED by the governing body of the Borough of Highlands, as follows:

4. Subject to the expiration of the 20-day estoppel period for Bond Ordinance 13-19, the Borough approves a contract with Arcadis for the Administration of the FEMA Flood Mitigation Grant as an Extraordinary Unspecifiable Service and as a State Contract awarded by the Division of Purchase and Property; and
5. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$125,000.00 and any other necessary documents with Arcadis; and
6. The Borough Attorney shall review and approve the form of the contract between the Borough and Arcadis.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 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

R-13-211-Authorizing Emergency Appropriations for Comm Ctr Repairs

Mrs. Cummins read the title of R-13-211.

Ms. Cummins stated that this resolution is not needed. We need to do a Bond Ordinance.

Mr. Pfeffer explained that this was authorizing the down payment. He needs the description of the work and a dollar amount. He will prepare for the bond ordinance for the next meeting. We will never need this resolution.

This resolution is removed for good.

R-13-212- Use of Huddy Park for Concert

Mrs. Cummins read the title R-13-212.

Mr. Padula read the resolution into the record:

R-13-212
USE OF HUDDY PARK
OCTOBER 12, 2013 FROM 2:00 TO 4:00 P.M.
FOR A CONCERT BY THE MENNONITE BLUEGRASS
ACAPELLA TRIBUTE TO HIGHLANDS

WHEREAS, Highlands Business Partnership has requested approval to use Huddy Park for the Mennonite Bluegrass and Acapella Tribute to Highlands concert to be held October 12th, 2013 from 2:00 to 4:00 p.m.;

BE IT RESOLVED that the governing body approves the use of Huddy Park by the Highlands Business Partnership for the aforementioned concert subject to conditions previously imposed on park use by Highlands Business Partnership.

Offered by Mayor Nolan and seconded by Ms. Kane and approved 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

Ordinances: 2nd Reading, Public Hearing & Adoption

O-13-26 - Bond Ordinance Flood Mitigation \$800,000

Mrs. Cummins read the title of Ordinance O-13-26 Bond Ordinance Providing Highlands Flood Mitigation Project in and by the Borough of Highlands Appropriating \$800,000 and therefore Establishing A Preference for Borough Residents Seeking Employment with the Borough on for the second reading and public hearing. She stated that this was published in its entirety in the June 28th, 2013 edition of the Two River Times and may now be open for public hearing.

O-13-26 – Bond Ordinance:

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

Ms. Cummins read the title of Ordinance O-13-26 for 2nd Reading, Public Hearing. This was published in the September 13th edition of the Two River Times and may now be open for public hearing.

Mayor Nolan asked Mr. Leubner to explain the scope of this project.

Mr. Leubner explained this Ordinance refers to silt and debris in the Monmouth Hills area. He stated that this is a solid pipe from Highway 36 down Waterwitch to the creek. A second pipe runs from Highway 36 down Linden, ties into the first pipe and they come down together. He further explained the structure and maintenance. This will prevent clogging and additional flooding.

Mr. Francy asked how far down the creek will the pipe go.

Mr. Leubner stated that it will tie into the upper end.

Mr. Francy asked if this will tie in on the water side of Bay Avenue.

Mr. Leubner stated yes.

Mayor Nolan opened the public hearing.

Mr. Manrodt of 268 Bayside Dr. asked Mr. Leubner about the pipe and connection location.

Mr. Leubner stated that it will go straight across Bay Ave., not through the elbow pipe that goes into the creek now. He further explained boring underneath Bay Ave. and redoing the chamber.

Kim Skorka of 315 Shore Drive asked if this is going to be emptying into Jones Creek and if we will to constantly dredge Joe's Creek?

Mr. Leubner stated that the sediment chamber captures the silt. He further explained how the chambers work.

Discussion continued regarding the project.

Barbara Iannucci of Shrewsbury Avenue asked what part of this will be reimbursed?

Mayor Nolan said they were hoping for 75%.

Public hearing was closed.

Mrs. Cummins read the title of Ordinance O-13-26 for final reading and adoption.

Mayor Nolan offered the following ordinance pass final reading and moved its final adoption:

Mayor Nolan offered the following Bond Ordinance pass final reading and moved on its adoption:

O-13-26

**BOND ORDINANCE PROVIDING FOR THE HIGHLANDS
FLOOD MITIGATION PROJECT IN AND BY THE BOROUGH
OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, APPROPRIATING \$800,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE COST
THEREOF.**

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") desires to undertake the improvement described in Section 3(a) of this bond ordinance (the "Flood Mitigation Project"); and

WHEREAS, the Borough applied for and received a loan from the Department of Community Affairs Business Improvement Loan Fund to fund a portion of the cost of the Flood Mitigation Project; and

WHEREAS, pursuant to N.J.S.A. 40:56-71.5, N.J.S.A. 40:56-72 and N.J.S.A. 40:56-13, the Borough is permitted to provide for all or a portion of the cost of a local improvement, including the Flood Mitigation Project; and

WHEREAS, the Borough has determined that the Flood Mitigation Project will benefit the entire Borough, and not just the owners of certain properties located within the Borough; and

WHEREAS, accordingly, the Borough has determined to provide for the cost of the entire Flood Mitigation Project, including the repayment of the State Loan.

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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$800,000, including a \$530,000 loan expected to be received from the State of New Jersey Department of Community Affairs (the "State Loan"), and further including the sum of \$40,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$760,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Highlands Flood Mitigation Project, consisting of the installation of a dedicated drainage system from Route 36 to Jones Creek, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures necessary therefor and incidental thereto.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, 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 Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the 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 \$760,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$225,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the 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 real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Seconded by Mr. Redmond and 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

Ordinances: Introduction & Setting of a Public Hearing Date:

O-13-27 – Ordinance Establishing House Lifting Regulations

Mrs. Cummins read the title of Ordinance O-13-27 for introduction and setting of a Public Hearing date.

Mayor Nolan asked Mr. Padula to explain the ordinance.

Mr. Padula explained that this is similar to the bill being done by the State Legislation. It requires home elevation contractors to be registered with the State as a specific type of contractor. It also requires the use of a unified jacking machine and a certain level of insurance. We are adding a pre-lift walk through.

Mayor Nolan asked if this is required at the State level.

Mr. Padula stated that it is not yet, but that it is proposed at the State level, except for the walk through.

Mayor Nolan asked that if this is made law tonight, can someone appeal it because it is not required at the State level.

Mr. Padula stated that it is possible.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for October 16, 2013 at 8:00 pm and authorized its publication according to law:

O-13-27
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**AN ORDINANCE SUPPLEMENTING AND AMENDING SECTION 10-3 OF
THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS REGULATING
HOME ELEVATION CONTRACTORS WITHIN THE BOROUGH**

WHEREAS, as a result of Superstorm Sandy and implementation of new base flood elevation calculations within the Borough, an unprecedented number of homes within the Borough will be raised; and

WHEREAS, the Borough recently experienced two homes collapsing while in the process of being raised; and

WHEREAS, the Borough finds that establishing minimum standards and procedures for home raising is in the best interest of the safety, health and welfare of the people of the Borough of Highlands.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE: Section 10-3.1, "Definitions," of the Borough Code shall be supplemented with the addition of the following definitions:

"Home elevation" means any home improvement that involves raising an entire residential or non-commercial structure to a higher level above ground in order to avoid flood damage.

"Home elevation contractor" means a contractor or subcontractor who engages in the practice of home elevation.

"Unified jacking machine" means a machine used to raise a structure that is capable of lifting each corner and the entire bulk of the structure in a synchronized manner.

SECTION TWO: There shall be added to the Borough Code, a new section, Section 10-3.8, entitled "Home Elevation Contractors," which shall read:

10-3.8 Home Elevation Contractors

a. All home elevation contractors engaging in home elevation in the Borough shall be registered with the Division of Consumer Affairs in the Department of Law of Public Safety.

b. All home elevation contractors engaging in home elevation in the Borough shall comply with the provisions of the "Contractors' Registration Act," P.L. 2004, c. 16.

c. Home elevation contractors shall utilize a unified jacking machine for any home elevation.

d. Prior to commencing any home elevation in the Borough, the home elevation contractor and subcontractor, if any shall have an in-person pre-elevation meeting and site walk-through with the Construction Code Official.

e. **Insurance.** All home elevation contractors engaged in home elevation in the Borough shall secure, maintain, and file with the Borough proof of a certificate of commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence; and shall additionally carry insurance in the minimum amount of \$500,000 per occurrence to cover the contents of the premises for any peril not covered in the homeowner's insurance policy that could result from elevating the home.

f. **Bond.** No permit shall be issued for a home elevation project until the home elevation contractor has filed a bond in an amount determined to be sufficient by the Borough Engineer. The bond shall be executed by the home elevation contractor as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

1. To indemnify and hold harmless the borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation, arising out of injury to any person or property resulting from any work done by the home elevation contractor.

2. To indemnify the borough for any expense incurred in enforcing any of the provisions of this section.

3. To indemnify any person who shall sustain personal injuries or damage to his/her property as a result of any act or omission of the home elevation contractor, his/her agents, employees or subcontractors done in the course of any work under the permit.

One bond may be accepted to cover a number of home elevation projects by the same home elevation contractor. Bonds shall remain in force for a period to be determined by the Borough Engineer.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

g. **Violations.** Any person who is found to be in violation of this section shall be subject to a fine in accordance with Section 1-5 of the Borough Code and not less than \$1,000.00. Additionally, any person who is found to be in violation of this section shall be barred from engaging in home elevation in the Borough for a period of two (2) years.

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

SECTION FOUR: REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan and introduced 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

Committee Reports

Finance:

Mr. Pfeffer gave his report.

From the Monmouth County Improvement Authority in connection with the lease purchase entered into with the County:

In connection with the pricing of the Monmouth County Improvement Authority 2013 capital lease, equipment lease, attached please find Highlands final maturity schedule for police car borrowing and final maturity schedule for our other equipment borrowing. Also attached is a summary detailing your financing results through the program.

As you are aware, closing for this transaction is scheduled for October 9th.

He stated that he has already received the closing documents; they just need to be signed by the mayor.

He then read a recap put together regarding the financing:

The Borough of Highlands has joined with 15 other Monmouth County local governments to acquire capital equipment through lease financing with the Monmouth County Improvement Authority, MCIA. MCIA has offered the Capital Equipment Lease Revenue Program every two years since 1991. The totals of \$169.5 million in bonds have been issued on behalf of 38 municipalities and school districts, one local authority and two fire districts. Highlands previously participated in this program in 1999, 2001, 2003, 2005 and 2007. The MCIA bonds were priced today as summary of the sale results as follows:

Through Highlands' participation in this financing, equipment including two police cars, a street sweeper and a dump truck with plow, will be acquired by the MCIA and leased by Highlands. Each piece of equipment is financed to match its approved average useful life, allowing for substitution of equipment with the same or longer useful lives.

The tax exempt municipal market has experienced higher rates over the past four months, but rates are at or below historical averages. Low rates coupled with the advantages with participating in

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

this pool of financing, helped Highlands achieve an extremely attractive 2.084 percent cost of funds for its ten year financing.

Highlands benefits from the transaction because lease obligations are not counted as part of the municipalities debt limit. Lease financing avoids the need to appropriate a 5% down payment in the budget with the exception of the three year useful life equipment such as police cars and passenger vehicles. This provided Highlands with a budget relief of \$16,500.

The economies of scale of the joint financing reduce financing costs and the County guarantees these MCIA bonds creating a triple A credit with lower debt service costs. The total interest costs savings attributable to Highlands' participation in this transaction are \$16,554.09.

Mr. Pfeffer stated that the closing should take place on October 9th, and receiving the paperwork shortly thereafter.

Public Safety:

Chief Blewett read thru his report.

POLICE DEPARTMENT
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



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

Report to Council
October 2013

- * Brian Kelly, 23 years of age, North Street, Highlands was arrested on August 24, 2013. Mr. Kelly was charged with burglary, enticing or luring a child, aggravated assault, possession of burglar tools and possession of a controlled dangerous substance. An investigation revealed that Mr. Kelly entered a home through the back door and began making sexual comments to the babysitter and the children. He then tried to grab one of the children and force her into the bathroom. The babysitter placed herself between the children and the suspect while ordering him out of the house. Mr. Kelly left the residence after the babysitter said she was calling the police. Mr. Kelly was later arrested at the corner of Shrewsbury Avenue and North Street. Bail was set at \$50,000.00 and he was subsequently transported to the Monmouth County Correctional Institution, Freehold.
- * Sgt. Robert Burton and Ptl. George Roxby arrested Gary D. Grieser, Jr, 19 years of age, Navesink Avenue, Highlands on September 25, 2013. Mr. Grieser was charged with burglary and criminal mischief as the result of an investigation into a residential burglary on Gravelly Point Road. Mr. Grieser was subsequently transported to the Monmouth County Correctional Institution, Freehold in lieu of \$102,000.00 bail.
- * The Highlands Police Department in cooperation with the Sandy Fraud Task Force is investigating several cases of trespassing by companies reporting to be working for the mortgage company. In all instances the residences were vacant or appeared to be vacant and had not yet been or were in the process of being remediated after Hurricane Sandy.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

These companies have been leaving literature implying that they are working for the mortgage company and changing locks on the residences. All residents are urged to contact the Highlands Police Department should they observe any suspicious person(s) or activity.

- * In May 2013 the Highlands Police Department submitted an application under the US Department of Justice, Community Oriented Policing, COPS Hiring Program Grant. The grant amount was for up to \$125,000.00 for 3 years to cover salary and benefits for an additional officer in an effort to create and preserve jobs while increasing community policing and crime prevention efforts. This department was 1 of 117 New Jersey towns which applied for the grant and although Highlands scored very high on the need the grant was awarded to Asbury Park, Patterson, Camden, Bridgeton and Westampton.

- * **Administration:**

- Police Department –New Facilities
 - Working with Councilman Redmond, Borough Administrator Hill and OEM to establish direct line capabilities for police department to remediate ongoing issues and re-establish duplicate lines at the firehouse for emergency purposes.
 - Cleaning Service – I'd like to commend Chic Roemmelle for the excellent job he is doing keeping the facility clean.
- Manpower
 - Work Comp – officer out of work since 09-06-2013
- Hiring
 - SLEO II – Matthew Gajewski resigned for full-time position in Union Beach
 - Anticipate hiring (3) SLEO II's for spring
 - Advertising & hiring process needs to be started now
- Homeland Security
 - Emergency Notification System installed
 - Evacuation Drill conducted in cooperation with AHPD
- Grants
 - The Highlands Police Department participated in the Bayshore DWI Saturation Patrol Grant. The State Division of Highway Traffic and Safety awarded the department funds that covered the cost of hiring off-duty officers for the enforcement of driving while intoxicated laws.
 - Program: October 1, 2012 to September 30, 2013
 - Hours Worked: 170
 - Total Motor Vehicle Stops: 197
 - Total Summons Issued: 110
 - Reckless: 12
 - Suspended: 4
 - Uninsured: 5
 - Seatbelt: 4
 - Child Restraint: 1
 - Other: 84
 - Arrests: 18
 - DWI: 11
 - Drug Arrests: 6
 - Other: 1
- Council Reports

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

- In the future reports will cover from the 15th of a given month until the 15th of the previous month to allow reports to be distributed with the council agendas. This will make gathering statistic easier, more accurate and will allow the council/public to review the report and ask questions.

* **Investigations:**

- Sandy Fraud Task Force – residents that feel they are being defrauded by contractors are urged to contact the Highlands Police Department.
 - HPD can refer the case to the task force.
- Monmouth County Crime Stoppers
 - Program
 - Tips for crimes that already occurred
 - Allows people to remain anonymous
 - Offers rewards when information leads to an arrest
 - Contact
 - www.monmouthcountycrimestoppers.com
 - website currently under construction
 - Text: 274637

Note: This program is for non-emergency information and tips. To report a crime or emergency residents must call the Highlands Police Department (732) 872-1158 or 9-1-1.

* **Community Policing:**

- Explorers –
 - Applications – received 2 new applicants
 - Events
 - Highlands Police Explorer Post 1900 participants assisted by directing vehicles where to park during the following events within the Borough.
 - September 8, 2013 – Sandy Ground Benefit Concert
 - September 29, 2013 – Bike NY: Twin Lights Bike Ride
 - Training
 - Fire Extinguisher Safety and Use
 - Thank you to Paul Murphy, Highlands Fire Department for his time and presentation.
 - Explorer Challenge
 - November 2, 2013 – Cancelled due to conflict with SAT Exam.

* Total Calls for Service: 434

* Arrests: Adults: 14

JV: 2 (2 for possession of CDS)

* Summons: Total: 90

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

Moving Violations: 41
Non-Moving: 14
DWI: 5
Boro Ordinance: 30

(Statistical Information is from September 1 – 30, 2013)

JRB/dla

Mayor Nolan spoke of outside bars having the most problems.

Chief Blewett stated that when people leave the bars is also a problem.

Discussion continued.

Mayor Nolan directed Chief Blewett to look into change in mercantile license for Tiki bars.

Discussion continued.

Council discussed bars hiring private security.

Chief Blewett will research.

Administrator's Report

Mr. Hill read thru the following report.

1. Various Recovery Related items:

- a. FEMA: Continue working with FEMA and Arcadis for Reimbursements – total of 17 PA's being considered for 90%. Rec'd 640,000 in payments.
- b. FEMA Disaster Recovery Coordination Team – Long Term Recovery Plan will be in place for October 23rd.
- c. WorkForce Development Program – Positions that are filled: Volunteer Coordinator, 2 Clerical, 2 Bldg. Maint. Inspectors.

WFD reorganized Distribution Center, Conducting visual inspections by Zones, reaching out to participating non-profits and charitable organizations to re-establish contacts and additional services to residents.

2. Department of Public Works

- a. Bulk & Brush Pick-ups completed in September.
- b. Have been tending to grass cutting, debris removal rounds and other projects as assigned.
- c. Continued rounds of garbage removal, storm drains and park maintenance.
- d. Set up / breakdown for various events.

3. Building and Housing:

- a. Construction Office: Building Official Report August 20-Sept 30, 2013 No. Applications Received: 48 No. Permits Issued: 91 Total Construction Fees Received: 71,949
- b. Inspection Details: Building: 133 Electric: 138 Plumbing: 66 Fire: 10
- c. Total Value of Construction Performed: 2,170,388
- d. Code Enforcement (9/1-10/1) 45 Inspections completed, - 9 Summonses outstanding for property maint. / other.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

- e. Zoning: From Feb 1: Zoning: 4 Stop-work requests for no permits, 83 approvals (75 various, 6 mercantile, 2 signs), 16 Formal Denials (3 bulk, 3 setbacks, 6 use, 1 mercantile, 1 stairs, 1 fence, 1 for site plan approval needed) 2 reviews halted for insufficient funds (Jerome Homes)

- 4. Recreation Department:** Atlantic Highlands / Highlands Fall Soccer Program - 29 registered from Highlands; Teen Night, September 13th - 29 participants; Men's Basketball League, Started September 17th - 11 participants so far; Teen Night, September 20th - 31 participants; Kids on the Move Program started September 23rd - 22 registered so far; Teen Night, September 27th - 28 participants.

Upcoming Recreation Events / Programs

- a. . Teen Nights (pending BOE approval) - October 4th & 18th at HES gymnasium from 7:00 pm - 9:30 pm for ages 14-18. Pizza & soda will be served.
- b. Kids on the Move Program ongoing at the Highlands Elementary School Gym, Mondays through Wednesdays, 3:00 pm - 5:00 pm, for ages 8-14. Registration forms are available at the Borough Hall Trailer at 42 Shore Drive or in the HES gym on Mondays - Wednesdays from 3:00 pm -5:00 pm.
- c. Men's Basketball League (ages 18 & older) September 17 - October 31, Tuesday & Thursday evenings at HRS Gym from 7:00 pm - 9:00 pm.
- d. Halloween Costume Contest - Sunday, October 27th at 1:00 pm at the Community Center Basketball & Tennis Court areas. Age Groups are: Ages 3 & under;
- e. Ages 4, 5, & 6; Ages 7, 8, & 9; Ages 10 & up; and Themed Group (3 or more). The rain date will be Thursday, October 31st at 3:45 pm at the Court Areas.
- f. Twinlights Fall Basketball Camp for Boys & Girls in grades 5 - 8, November 4 - November 8 at HRS Gym from 6:30 pm - 8:30 pm, \$60 per participant.

5. Administration

- a. Fort Hancock 21st Century Advisory Committee meeting held Sept. 20th – (Draft Request for Expressions of Interest are going to go out, but work of NPS Staff has been halted due to Federal Gov't shutdown. See web site forthancock21stcentury.org for complete info
- b. RFP going out for Strategic Recovery Planning Report.
- c. Community Center Building --- working with Insurance agency and FEMA for rehab and Flood Insurance needs.
- d. Bayside Drive – Meeting with JCP&L and officials of Atlantic Highlands to discuss short-term plan for failed areas and the impacts on residents of both towns for emergency services.
- e. Met with new Area Manager of JCP&L – working on various projects for input.
- f. Community Development Block Grant Meeting held Committee recommendations to Freeholders were made – (town not eligible to apply this year, Housing Authority did, but their project was not selected.

Ms. Kane spoke of the part time code enforcement position.

Mr. Hill explained we have sent out notices to applicants on the Civil Service list. We are hoping that we will have someone by October 16th.

Library:

Ms. Ryan said that once the Community Center is open, the library will re-open. She thanked all who have contributed to the little library.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

HBP:

Carla Cefalo-Braswell spoke of the flood mitigation being a good project. They will file for funding. She further explained various upcoming events in the Borough. She thanked the explores for their help with past events.

Shared Services:

Mr. Hill stated that we are entering approval of the shared services with the Atlantic Highlands Municipal Court. The target date is November 30th for full transition. He said that the Sewerage Authority dissolution is still ongoing.

Other Business:

Discussion RE: Wall Reconstruction Add Drainage System to Project

Mr. Leubner explained that he and Mr. Hill are continuing to work on this.

Drainage System for Hwy. 36

Mr. Francy stated that we need to be sure that there is a pipe on the other side of Valley that will be tied in to the Master Plan.

Request from Resident to Create Finance Committee

Mayor Nolan stated that we have a Finance Committee. We will add on Melissa Pederson and Joe McFadden. They will be appointed until the end of the year.

Building Department Computer Software

Mr. Hill stated that Mr. Vitale has strongly recommends a program that will streamline the permit process from within and allow all departments involved to have access. It is a fee based system. It is \$10 per package. It would be at a cost of \$15 - \$18,000 per year. The existing fee structure would pay for it.

Mayor Nolan asked Mr. Hill to have data by the next meeting from Mr. Vitale as to the amount of packages he feels will be needed and costs.

Best Practices Inventory

Mr. Pfeffer spoke of the Best Practices questionnaire that is required every year. As of now we are not in jeopardy of losing State Aid. He spoke of item #7 on the Best Practices Worksheet and recommends that we adopt an ordinance that establishes educational requirements for governing officials. He will have an ordinance prepared for the next meeting.

Mr. Pfeffer spoke of item #17. It speaks of procurement cards. He stated that at this time, he is not recommending it. It may be a good idea in the future. We are too small.

Council further discussed.

Mr. Pfeffer went on to discuss item #38. He would like the council to enact for new hire to not allow new hires to accumulate sick days after a certain date. He feels this is something we should look at.

Mr. Pfeffer then discussed item #45. He has a draft ordinance to eliminate longevity for new hires.

Mr. Pfeffer spoke of item #48. It has to do with Emergency Management and if we have reviewed and updated as necessary our Emergency Management Plan since Superstorm Sandy.

Mr. Hill said yes, we have. We have worked with the County.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

Public Portion:

Kim Skorka of 315 Shore Drive spoke of the broken sidewalk by the VFW and when it will be fixed.

Mr. Hill stated that it is getting close and also the sidewalk damaged on Bay Avenue.

Kim Skorka asked if we started the Master Plan review.

Mayor Nolan said no, we are going to take the long term FEMA recovery results, when they come out, and put them together with various board members and the public and do a redevelopment plan of the whole downtown.

Carla Cefalo-Braswell of Gravelly Point Road said there is a lot of data gathering for this redevelopment application.

Mayor Nolan said they want a completed application.

Mr. Hill stated that the committee that visited the town will also be the ones who will vote on the applications. They did give the Borough good guidance.

Kim Skorka asked if there will be a public meeting on the transit village plan.

Mayor Nolan said it will be released on the website after it has been discussed and approved.

Kim Skorka spoke about the Bike New York Event. There were a lot of cars and what will the plan be for next year.

Carla Cefalo-Braswell said we are going to limit the number and list parking spaces.

Council continued to discuss various solutions.

Carol Keulivish of 262 Bayside Drive spoke of the paving on Bayside Drive. Her mother's property will be effected and the property owners have not been notified. She continued to explain that fences are being taken down, shrubbery removed. She is frustrated.

Mr. Leubner will look at this in the morning.

Don Manrodt of 268 Bayside Drive said he was told the road will be 8" higher so water will run off.

Mr. Hill stated that is not what was said this morning.

Mr. Hill and Mr. Leubner will look at Bayside Drive and contact Mrs. Keulivish in the morning.

Carol Keulivish also said the road is narrower with the new curbs.

Mr. Leubner explained the curbing. He does recommend a one way road.

Carolyn Brianlan of 12 Miller Street kids doing donuts on Private Road and if a pole could be put up to prevent access.

Mr. Hill said that he is trying to get a recycled electric pole to install it there.

Mayor Nolan said they will also notify the police about this problem.

Melissa McAleer of 52 Barbarie Avenue said she emailed council topics for meeting agenda. How far in advance should she send it to get items on the agenda?

Mayor Nolan explained the process. She can ask right now.

Melissa McAleer will email the council her list of questions.

Mayor Nolan said they will try to answer her questions by Friday.

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
October 2, 2013

John McAleer of 52 Barbarie Avenue asked if Mr. Hill can ask the construction official if the software he spoke of earlier is capable of logging code violations.

Mayor Nolan stated that we will have answer by the next meeting.

Don Manrodt of 268 Bayside Drive said the road is now closer to the fence. The front end loader parked on the side of the road and no traffic could get thru.

Mr. Leubner will look at the road tomorrow.

Don Manrodt continued to express his concerns with the Bayside Drive work. He said the drainage system in spots is falling apart. They need a new pole on Bayside Drive to stop traffic.

Claudette _____ spoke of Judge Locasio being involved in lawsuit with opening Bike Trail and it being a conflict.

Mr. Padula stated that it is up to the Administration Office of Courts in Trenton.

Ms. Kane stated that we need to go to County Meetings to get the trail open.

Discussion continued.

Gabrielle Tarpey of Shore Drive asked about time frame for Bayside Drive.

Mr. Hill said the material will be ordered and we will mark out. There are public safety issues that will need to be addressed for both towns.

Arnie Fuog of 50 Valley Street spoke of parking for the Windansea. He also asked where the fire boat is. He asked if the Mayor is interested in doing a debate.

Mayor Nolan said people already know who they are voting for.

Mayor Nolan mentioned Octoberfest on October 5th at Veteran's Park.

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

The Meeting adjourned at 10:16 p.m.

Debby Dailey, Deputy Clerk