

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

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

Mayor Nolan called the meeting to order at 1:06 p.m.

Mayor Nolan asked the Sheriff of Monmouth County to lead the Pledge of Allegiance.

The Sheriff asked all to rise and recite 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  
Debby Dailey, Deputy Clerk  
Tim Hill, Borough Administrator  
Bruce Padula, Borough Attorney  
Dale Leubner, T& M Engineers**

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**Oaths of Office:**

Mayor Nolan introduced Lt. Governor Kim Guadagno.

Lt. Governor Kim Guadagno gave a brief speech acknowledging the struggles of the town and the Mayor since Superstorm Sandy.

Mayor Nolan was sworn in by Lt. Governor Kim Guadagno

**Mayor's Message to Residents:**

Mayor Nolan thanked all for attending. He spoke of the hardships of the last year. He spoke of the recovery. We have gained a lot of experience from this. We will build a better Highlands.

Mayor Nolan asked Reverend Marty McGrail to bless the town.

Reverend McGrail gave a brief speech about the strength of the town. He then said a prayer for the town.

Mayor Nolan asked the new Fire Chief, Billy Caizza to come forward. He thanked Bill Kane for a great year.

**Oath of Office – Fire Chief – Billy Caizza**

Mayor Nolan swears in Fire Chief Billy Caizza.

**Oath of Office – Nicholas Riker – Police Officer**

Mayor Nolan swears in Police Officer Nicholas Parker

**Oath of Office – Todd Gardner – Police Officer**

Mayor Nolan swears in Police Officer Todd Gardner.

Mayor Nolan called for a break at 1:25 p.m.

Mayor Nolan called meeting back to order at 1:40 p.m.

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

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**Resolutions:**

**R-14-01 – Resolution Appointing Borough Attorney**

Mrs. Cummins read the title of R-14-01.

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

**R-14-01  
RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR  
YEAR 2014 &  
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 2014 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 Ravine Drive, P.O. Box 433, Matawan, NJ 07747 and it is so recognized;

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

**WHEREAS**, the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will provide prohibit the 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 \$63,000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2014 through December 31, 2014 at rate of a monthly retainer in the amount of \$5,250.00 and an hourly rate of \$115.00 per hour for services outside of contract.

**WHEREAS**, Bruce Padula , Esq., has submitted the attached contract for Professional legal services for the calendar year 2014; and

**WHEREAS**, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2014; and

**WHEREAS**, certification of the availability of funds is hereby provided contingent upon the adoption of the 2014 Budget by the Chief Financial Officer.

Legal Other Expenses  
Sewer Utility Other expenses

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

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Stephen Pfeffer, CFO

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

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

1. Bruce Padula Esq., of the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC is hereby appointed as Borough Attorney for the calendar 2014 and is awarded a professional service contract for an amount not to exceed \$63,000 for professional legal services provided for the period of January 1, 2014 through December 31, 2014.
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 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  
**ABSTAIN:** None  
**ABSENT:** None

**R-14-02 – Resolution Appointing Council President**

Mrs. Cummins read the title of R-14-02.

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-02  
RESOLUTION  
APPOINTING COUNCIL PRESIDENT**

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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**R-14-03 – Resolution Appointing Borough Prosecutor**

Mrs. Cummins read the title of R-14-03.

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

**R-14-03  
RESOLUTION  
APPOINTING BOROUGH PROSECUTOR  
AS A NONFAIR AND OPEN CONTRACT**

**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, 2014.

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.

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

**R-14-04 – Resolution Appointing Alternate Borough Prosecutor**

Mrs. Cummins read the title of R-14-04.

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-04  
RESOLUTION  
APPOINTING ALTERNATE BOROUGH PROSECUTOR  
AS A NONFAIR AND OPEN CONTRACT**

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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**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, 2014; 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. 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

**R-14-05 – Resolution Authorizing Appointment of Municipal Public Defender**

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-05**

**RESOLUTION**

**AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

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

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

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

**WHEREAS**, Local Public Contracts Law, 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 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 III, Esq. is hereby appointed Public Defender for the (1) one year term to expire December 31, 2014.
2. The appointment is made 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 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.

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**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

**R-14-06 – Resolution Appointing Members of the Zoning Board**

Mrs. Cummins read the title of R-14-06.

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

**R-14-06  
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF  
ADJUSTMENT**

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

- |                      |   |
|----------------------|---|
| 1. Ken Braswell      | Regular Member for a 4 Year Term to<br>Expire December 31, 2017 |
| 2. Danielle Cherence | Alternate #2 Member for a 2Year Term<br>to Expire 12/31/2015    |

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-14-07 – Resolution Appointing Council Representative to Planning Board**

Mrs. Cummins read the title of R-14-07.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-07  
RESOLUTION APPOINTING COUNCIL REPRESENTATIVE  
TO THE HIGHLANDS PLANNING BOARD**

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

- |                  |  |
|------------------|--|
| 1. Kevin Redmond | Borough Council Representative for<br>a (1) year term to expire 12/31/2013 |
|------------------|--|

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

**R-14-08 – Resolution Appointing Community Development Representatives**

Mrs. Cummins read the title of R-14-08.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-08  
RESOLUTION APPOINTING  
COMMUNITY DEVELOPMENT REPRESENTATIVES**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Mr. Hill be appointed Community Development Representative for the Borough of Highlands for the term to expire December 31, 2014.

**BE IT FURTHER RESOLVED**, that Mayor Nolan be appointed Alternate Community Development Representative for the Borough of Highlands for a one year term to expire on December 31, 2014.

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**

**R-14-09 – Resolution Appointing Juvenile Officer**

Mrs. Cummins read the title of R-14-09.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-09  
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, 2014.

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

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**





**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014  
RESOLUTION APPOINTING  
FINANCE CHAIRMAN**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Mayor Nolan and Rebecca Kane be and is appointed Finance Committee Cochairman's for a one year term to expire on December 31, 2014.

Seconded by Ms. Ryan 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

**R-14-13 – Resolution Appointing Tax Search & Assessment Search Officers**

Mrs. Cummins read the title of R-14-13.

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-13  
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, 2014:

Tax Search Officer - Debby Dailey  
Assessment Search Officer - Carolyn Cummins

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

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

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

**ROLL CALL:**

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

**R-14-14 – Resolution Appointing Members of the HBP**

Mrs. Cummins read the title of R-14-14.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-14  
RESOLUTION APPOINTING MEMBERS  
OF THE HIGHLANDS BUSINESS PARTNERSHIP**

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

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

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

**WHEREAS**, the appointing authority (Governing Body) desires to make new appointments at this time;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following persons shall and hereby are appointed to the Highlands Business Partnership:

Rebecca Kane	Governing Body Representative:
Kevin Redmond	Planning Board Member Representative:

; and

**BE IT FURTHER RESOLVED** that the above appointments shall be effective immediately and shall serve until replaced by the Governing Body of the Borough of Highlands.

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

**R-14-15 – Resolution Appointing Fire Police**

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

**R-14-15  
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 2014:

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

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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**R-14-16 – Resolution Environmental Commission**

Mrs. Cummins read the title of R-14-16.

**Mayors Appointments w/ Consent of Council**

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-16  
APPOINTING ENVIRONMENTAL COMMISSION**

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

Barbara Ianucci	- Regular Member 3 year term to expire 12/31/2016
Doug Card	- Regular Member for Unexpired 3 year term to expire to expire 12/31/2014

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-14-17 – Resolution Appointing Members to the Shade Tree Commission**

**Mayors Appointments with Consent of Council**

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-17  
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:

Suzanne Eckhardt	Member
Arnie Fuog	Member
Mike Kovic	Member
Joseph Hawley	Member
Tony Sloan	Member

**BE IT FURTHER RESOLVED** that all appointments shall be for the term of 1 year with an expiration date of December 31, 2014.

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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**ABSENT:** None  
**ABSTAIN:** None

**R-14-18 – Resolution Appointing Members to the Open Space Committee**

Mrs. Cummins read the title of R-14-18.

**Mayors Appointments with Consent of Council**

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-18  
RESOLUTION APPOINTING MEMBERS  
OF THE OPEN SPACE COMMITTEE**

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

- |                 |  |
|-----------------|--|
| 1. Rebecca Kane | Council Representative Member<br>1 year term expiring 12/31/14 |
| 2. Kim Skorka   | Regular Member 3 year term<br>to expire 12/31/16               |
| 3. Jeremy Gully | Regular Member 3 year term<br>to expire 12/31/16               |

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

**R-14-19 – Resolution Appointing Bond Counsel & Approving Contract**

Mrs. Cummins read the title of R-14-19.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-19  
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 Archer and Griener, PC 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, 2014 through December 31, 2014. All rates based on the services utilized are provided for in the contract between Archer and Griener, PC 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 2014 budget.

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Legal  
Sewer Utility

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014  
Various Bond Ordinances**

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Stephen Pfeffer, Chief Financial Officer

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

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

1. The firm of Archer and Griener, PC 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 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-14-20 – Resolution Appointing Labor Attorney & Approving Contract**

Mrs. Cummins read the title of R-14-20.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-20**

**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 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 \$115 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, 2014 through December 31, 2014. 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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**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 contingent upon adequate funding being provided in the 2014 adopted budget.

Current Fund Legal = \$20,000

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Stephen Pfeffer, Chief Financial Officer

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

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

5. That Bruce Padula, Esq. of the firm of Cleary, Giacobbe, Alfieri, Jacobs, LLC. is hereby retained to provide professional labor counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expense for the period of January 1, 2014 through December 31, 2014.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.
9. 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**

**R-14-21 – Resolution Appointing Professional Legal Services for Tax Appeals**

Mrs. Cummins read the title of R-14-21.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-21**

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014  
RESOLUTION APPOINTING THE ARNETT 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 of Arnette Law Firm, LLC of 830 Broad Street, Shrewsbury, NJ 07702 is so recognized; and

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

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

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

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

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

Current Fund Legal = \$15,000

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Stephen Pfeffer, Chief Financial Officer

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

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

1. That Scott Arnette, Esq., of Arnette Law Firm, LLC is hereby appointed and retained to provide professional legal counsel services as described above through December 31, 2014.
2. That Scott Arnette, Esq., of Arnette Law Firm, LLC is hereby retained 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.
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.

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

- 4 A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
- 5 The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**R-14-22 – Resolution Appointing Code Enforcement Officers**

Mrs. Cummins read the title of R-14-22.

**Mayors Appointment with Council Consent**

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

**R-14-22  
RESTOLUTION APPOINTING CODE ENFORCEMENT OFFICERS**

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, 2014 through December 31, 2014; 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, 2014 through December 31, 2014.

Be It further resolved that Elaine Broyles be appointment as an additional Code Enforcement Officer.

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

**R-14-23 – Resolution Authorizing Cash Management Plan**

Mrs. Cummins read the title of R-14-23.

Mayor Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**



**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**R-14-23  
RESOLUTION AMENDING R-98-42, R-09-50  
AUTHORIZING CASH MANAGEMENT PLAN**

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

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

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

TD Bank, National Association  
Two River Community Bank

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

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

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**R-14-24 – Resolution Authorizing Award of Professional Auditing Contract**

Mrs. Cummins read the title of R-14-24.

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

**R-14-24**

**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 of 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 2014 calendar year audit; and

**WHEREAS**, Fallon & Larsen, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Fallon & Larsen, LLP 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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**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 2014 budget:

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

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:1101 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

1. The firm of Fallon & Larsen, 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-14-25 – Resolution Designating Official Newspapers**

Mrs. Cummins read the title of R-14-25.

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-25  
RESOLUTION DESIGNATING OFFICIAL  
NEWSPAPERS OF THE BOROUGH OF HIGHLANDS**

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

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**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, 2014 as follows:

THE ASBURY PARK PRESS  
THE TWO RIVER TIMES

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

**ROLL CALL:**

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

**R-14-26 – Resolution Setting 2014 Meeting Schedule**

Mrs. Cummins read the title of R-14-26.

Mayor Nolan offered the following Resolution and moved its adoption:

**R-14-26  
RESOLUTION SETTING THE SCHEDULE FOR  
MEETINGS OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2014**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following schedule is hereby designated as the official Meeting Calendar of the Governing Body for the year 2014. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where official action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

**DATE**

**WORKSHOP/REGULAR MEEETINGS**

No 1<sup>st</sup> Wednesday Meeting  
February 5, 2014  
March 5, 2014  
April 2, 2014  
May 7, 2014  
June 4, 2014  
No 1<sup>st</sup> Wednesday Meeting  
No 1st Wednesday Meeting  
September 3, 2014  
October 1, 2014  
November 5, 2014  
December 3, 2014

**REGULAR MEETINGS**

January 15, 2014  
February 19, 2014  
March 19, 2014  
April 16, 2014  
May 21, 2014  
June 18, 2014  
July 16, 2014  
August 20, 2014  
September 17, 2014  
October 22, 2014 (4<sup>th</sup> Wednesday)  
No 3<sup>rd</sup> Wednesday Meeting  
December 10, 2014 (2<sup>nd</sup> Wednesday)

**BE IT FURTHER RESOLVED** that all meetings will be held at the Highlands Elementary School except for the July 16, 2014 Meeting which will be held at the Henry Hudson Regional High School. The Highlands Elementary School is located at 360 Navesink Ave, Highlands, NJ and the Henry Hudson Regional High School is located at 1 Grand Tour, Highlands, NJ. Meetings start 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 Ms. Kane and adopted on the following roll call vote:

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**R-14-27 – Resolution Appointing Animal Control**

Mrs. Cummins read the title of R-14-27.

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

**R-14-27**

**RESOLUTION APPROVING ANIMAL CONTROL SERVICES CONTRACT  
FOR THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2014**

**WHEREAS**, the Borough of Highlands has a need to provide Animal Control Services to the Borough; and

**WHEREAS**, Kerry Gowan, a Licensed Animal Control Officer is so qualified to provided Animal Control Services to the Borough of Highlands; and

**WHEREAS**, Kerry Gowan will provide Animal Control Services to the Borough at a rate of \$30.00 per animal control response.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Mayor & Council that Kerry Gowan is hereby awarded a contract to provide Professional Animal Control Services to the Borough of Highlands for the period of January 1, 2014 through December 31, 2014 and the Borough Administrator is hereby authorized to execute attached agreement.

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

**R-14-28 – Resolution Appointing Registrar and Deputy Registrar**

Mrs. Cummins read the title of R-14-28.

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

**R-14-28**

**RESOLUTION APPOINTING  
REGISTRAR**

**WHEREAS**, the Borough of Highlands is required to have a Certified Municipal Registrar and a Certified Deputy; and

**WHEREAS**, Debby Dailey and Carolyn Cummins are both Certified by the State of New Jersey;

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Debby Dailey is hereby reappointed for a three year term at rate of \$500.00 per year.

**BE IT FURTHER RESOLVED** by the Mayor and Council that Carolyn Cummins is hereby appointed as Deputy for a three year period at salary of zero dollars.

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-14-29 – Resolution Appointing Depuration Commission Member**

Mrs. Cummins read the title of R-14-29.

Mayor Nolan offered the following resolution and moved its adoption:

**R-14-29  
APPOINTING DEPURATION COMMISSION MEMBER**

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

Richard O’Neil	Regular Member Unexpired 3 year term to expire 05/31/14
Chris Francy	Council Representative Member

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-14-30 – Resolution Appointing Advisory Committee Members**

Mrs. Cummins read the title of R-14-30.

Mayor Nolan offered the following resolution and moved its adoption

**R-14-30  
RESOLUTION APPOINTING ADVISORY COMMITTEE**

**WHEREAS**, the Borough Council of Borough of Highlands, County of Monmouth, State of New Jersey, has previously requested the Federal Emergency Management Agency (“FEMA”) provide assistance to the Borough through the FEMA Federal Disaster Recovery Program by adopting Resolution R-13-160; and

**WHEREAS**, the Borough, in cooperation with the FEMA, has completed a Community Recovery Plan – the Highlands Community Recovery Plan (“Plan”) as part of the FEMA Federal Disaster Recovery Program; and

**WHEREAS**, the Borough Council has adopted the Plan on November 6, 2013 (Resolution R-13-238); and

**WHEREAS**, the Plan contains numerous recommendations for actions by a variety of organizations, governments and other entities; and

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**WHEREAS**, the Borough Council desires to undertake the implementation of the projects and other recommendations in the Plan in a timely and coordinated manner;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands, County of Monmouth, State of New Jersey hereby appoints an Advisory Committee to assist in the implementation of the Plan; and

**BE IT FURTHER RESOLVED**, that the purpose of this Committee is to work closely with the Borough Council and staff in the implementation of the Plan and provide advice and support to the Borough in an on-going effort; and

**BE IT FURTHER RESOLVED**, that the membership of this Committee serve for a term not to exceed \_\_\_\_ years, starting \_\_\_\_\_, 2014; and

**BE IT FURTHER RESOLVED**, the following persons be appointed to the Advisory Committee

<u>Frank Nolan</u>	<u>Steve Sulicki</u>
<u>Rebecca Kane</u>	<u>Barbara Ianucci</u>
<u>Carla Cefalo-Braswell</u>	<u>Robert Knox</u>
<u>Tim Hill</u>	<u>Andrew Stockton</u>
<u>Lenore Kingsmore</u>	<u>Susan Compton</u>
<u>Mae Rugg</u>	<u>Ken Braswell</u>
<u>Dave Parker</u>	<u>Ed Cetron</u>

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's Committee Appointments:**

**Mayor Nolan made the following department chair appointments:**

<b>Public Safety:</b>	<b>Kevin Redmond</b>
<b>Building &amp; Housing:</b>	<b>Kevin Redmond and Rebecca Kane</b>
<b>Parks &amp; Recreation:</b>	<b>Tara Ryan</b>
<b>Public Works:</b>	<b>Rebecca Kane</b>
<b>Budget:</b>	<b>Mayor Nolan and Rebecca Kane</b>
<b>Public Relations:</b>	<b>Tara Ryan and Rebecca Kane</b>
<b>Environmental/Shade Tree:</b>	<b>Chris Francy</b>
<b>Liaison for Sewerage Auth:</b>	<b>Chris Francy</b>

**Mayor Nolan made the following Appointments to the Planning Board:**

<b>Art Gallagher</b>	<b>Regular Member of the Planning Board For a 4 Year Term to Expire 12/31/17</b>
<b>Larry Colby</b>	<b>Regular Member of the Planning Board For a 4 Year Term to Expire 12/31/17</b>
<b>Andrew Stockton</b>	<b>Regular Member of the Planning Board For a 4 Year Term to Expire 12/31/17</b>
<b>John Kovic</b>	<b>Alternate Number #1 Member of the Planning Board for a 2 Year Term to Expire on 12/31/15</b>
<b>Tim Hill</b>	<b>1 year term to expire 12/13/13 Borough Official</b>

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

**Mayor Nolan made the following Appointment to Depuration Commission Member:**

**Chris Francy**

**Council Rep Member of Depuration Commission  
Term to Expire on Council Term Expiration**

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**Public Portion:**

Kim Skorka of 315 Shore Drive thanked Mr. Hill and Chief Blewett for taking care of some problems. She also mentioned that the website is not working. We need contact information and for it to be updated. She further spoke of the State Statute regarding the noise ordinance and will contact them about enforcing it.

Mayor Nolan asked Kevin Redmond to speak with Chief Blewett about this.

Kim Skorka asked how we are planning to get ratables in the town.

Mayor Nolan stated that we are trying to get people home. We will then start the demo process. There are many people coming in and asking questions.

Kim Skorka questioned code enforcement.

Mayor Nolan stated that an additional code enforcement officer has been hired.

Kim Skorka asked about the sub-standard housing committee.

Mayor Nolan said they are working on scheduled meetings.

Rick O'Neil of 224 Navesink Avenue congratulated the Mayor on his re-election. He complimented the Mayor for a great job.

Mayor Nolan thanked all for coming out.

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 2:01 p.m.

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Debby Dailey, Deputy Clerk

**Borough of Highlands  
Mayor & Council  
Reorganization/Regular Meeting  
January 1, 2014**

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