

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 10, 2011**

Mr. Stockton called the meeting to order at 7:46 p.m.

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

Mr. Stockton made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Planning Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present: Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Stockton,  
Ms. Ruby**

**Absent: Mr. O'Neil, Mr. Schoellner, Mr. Roberts, Mr. Shields**

**Also Present: Carolyn Cummins, Board Secretary  
Jack Serpico, Esq. Board Attorney**

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**Approval of Resolutions:**

**Board Attorney Contract**

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

**RESOLUTION AWARDING CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES  
TO JACK SERPICO, ESQ.**

**WHEREAS**, there exists the need for Professional Legal Services to be provided to the Planning Board for the period of January 1, 2011 through June 30, 2011; and

**WHEREAS**, such Professional Engineering Services can only be provided by licensed professionals and Jack Serpico, Esq. of the firm of Jack Serpico, Esq. is so recognized; and

**WHEREAS**, Jack Serpico, Esq. of the law office Jack Serpico, Esq., was appointed as Planning Board Attorney for the calendar year 2011 on January 11, 2011; and

**WHEREAS**, Jack Serpico, Esq. of Jack Serpico, Esq. has submitted the attached 2011 contract for approval; and

**WHEREAS**, the Planning Board has reviewed and hereby approves of the attached contract.

**WHEREAS**, the determination of value has been placed on file with this resolution with the Board Secretary; and

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

**WHEREAS**, certification of the availability of funds is hereby made as follows:

Account #1141 -3755           \$ \$4,000.00  
For Legal Services for the Period of January 1, 2011 through June 30, 2011.

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Stephen Pfeffer, CFO

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**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Highlands of the following:

1. Jack Serpico, Esq., of the law office of Jack Serpico, Esq., is hereby awarded a contract for professional legal services to be provided to the Planning Board for the period of January 1, 2011 through June 30, 2011 for an amount not to exceed \$\$4,000.00 and that the attached contract for 2011 is hereby approved and the Board Chairman and Secretary are hereby authorized to sign contact.
2. This 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 person 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 Board Secretary of the Borough of Highlands.
4. The Board Secretary is hereby directed to publish notice of this award as required by law. Seconded by Mayor Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Ms. Ruby,  
Mr. Stockton**  
**NAYES: None**  
**ABSTAIN: None**

**Board Engineer Contract**

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

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

**WHEREAS**, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract to be provided to the Planning Board for the calendar year 2011 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and **Robert Keady, P.E.** of the firm of **T & M Associates, 11 Tindall Road, Middletown, NJ** is so recognized;

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

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

**WHEREAS**, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

**WHEREAS**, T & M Associates has submitted that attached contract for Professional Engineering services for the calendar year 2010; and

**WHEREAS**, the Planning Board has reviewed attached contract for Professional Engineering Services for 2011; and

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

Planning Board Budget  
Account #1141-3757 - \$2,200.00  
For the Period of January 1, 2011 through June 30, 2011

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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 of Highlands Planning Board as follows:

1. Robert Keady, P.E. of T & M Associates is hereby appointed as Planning Board Engineer for the calendar 2011 and is awarded a professional service contract for an amount not to exceed \$2,200 for professional engineering services provided for the period of January 1, 2011 through June 30, 2011.
2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary 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 Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Ms. Ruby,  
Mr. Stockton  
**NAYES:** None  
**ABSTAIN:** None

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**Approval of Minutes:**

Mr. Mullen offered the approval of the January 13, 2011 Planning Board Meeting Minutes with a correction on page 4 (remove his name from abstaining on a vote), seconded by Mr. Nolan and approved with correction on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Stockton  
**NAYES:** None  
**ABSTAIN:** None

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**Communications:**

Letter from Freehold Soil RE: 89 Seadrift Avenue – no action required.

Letter from Highlands Garden Club RE: Proposed Improvements to Ederle Park – board briefly reviewed.

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Dodie Bower of the Highlands Garden Club stated that they want to move forward with the improvements to Ederle Park. She stated that they have submitted an application to NJDEP.

Mayor Nolan offered a motion to authorize the Board Secretary to send a letter of support for the Garden Clubs improvements to Ederle Park, seconded by Mr. Parla and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Ms. Ruby, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

Mayor Nolan presented Mr. Mullen with an award for his service on the Zoning Board.

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

The Meeting adjourned at 7:55 P.M.

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**Carolyn Cummins, Board Secretary**