

**Borough of Highlands
Planning Board
Regular Meeting
July 12, 2012**

Mr. Stockton called the Regular Meeting to order at 7:47 P.M.

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

Mr. Stockton read 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. Schoellner, Ms. Peterson, Mr. Hill, Mr. Gallagher, Mr. Colby,
Mr. Stockton

Absent: Mr. Mullen, Ms. Ruby, Mayor Nolan, Mr. Redmond, Mr. Russo

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Jaclyn Flor, P.E.

Professional Legal Services Resolution

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

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
AUTHORIZING PROFESSIONAL LEGAL SERVICES FOR THE PERIOD OF
JULY 1, 2012 THROUGH DECEMBER 31, 2012**

WHEREAS, the Borough of Highlands Planning Board has a need for Professional Legal Services; and

WHEREAS, such Professional Legal Services can only be provided by a Licensed Professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution in January of 2012 appointing Jack Serpico, Esq., from the firm of Jack Serpico, Esq., as Planning Board Attorney for a one (1) year term expiring December 31, 2012.

WHEREAS, this contract is to be awarded for an amount not to exceed \$4,000.00 for legal services provided to the Borough of Highlands Planning Board for the period of July 1, 2012 through December 31, 2012; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting a transitional six month budget for July 2012 through December 2012.

Planning Board Budget
Account #1141-3755 - \$4,000.00
July 1, 2012 – December 31, 2012

Stephen Pfeffer, CFO

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-1 et. Seq. requires that notice with respect to contract 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:

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1. That Jack Serpico, Esq., from the firm of Jack Serpico, Esq., is hereby retained to provide Professional Legal Services as described above for an amount not to exceed \$4,000.00 for the period of July 1, 2012 through December 31, 2012.
2. This contract is awarded without competitive bidding as a "Professional Services" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) 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 Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Schoellner, Ms. Peterson, Mr. Hill, Mr. Gallagher, Mr. Colby,
Mr. Stockton

NAYES: None

ABSTAIN: None

Professional Engineering Services Resolution

Mr. Gallagher commented on the Resolution and questioned the dollar amount and recommended changes to the wording regarding exceeding \$17,500.

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

RESOLUTION

**BOROUGH OF HIGHLANDS PLANNING BOARD
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2012**

WHEREAS, the Borough of Highlands Planning Board has a need for Professional Engineering Services; and

WHEREAS, such Professional Engineering services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution in January of 2012 appointing Robert Keady, P.E. of T & M Associates as Planning Board Engineers for a (1) one year term expiring December 31, 2012; and

WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500 for total paid for acting as Borough Engineer, Zoning Board Engineer and Planning Board Engineer; 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

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WHEREAS, this contract is to be awarded for an amount not to exceed \$2,200.00 for Professional Engineering Services provided to the Borough of Highlands Planning Board for the period of July 1, 2012 through December 31, 2012; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting a transitional budget for the period of July 1, 2012 through December 31, 2012.

Planning Board Budget

Account #1141-3757 = \$2,200.00

July 1, 2012 – December 31, 2012

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, NJSA40A:11-1 et. Seq. requires that notice with respect to contract 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. That both Robert Keady, P.E. of T & M Associates is hereby retained to provide Professional Engineering Services as described above for an amount not to exceed \$2,200 for the period of July 1, 2012 through December 31, 2012.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) 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 Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Schoellner, Ms. Peterson, Mr. Hill, Mr. Gallagher, Mr. Colby,
Mr. Stockton

NAYES: None

ABSTAIN: None

**PB#2012-2 Huhn, John
Block 14 Lot 2.014 – 22 Grand Tour
Application Review & Set Public Hearing Date**

Present: John Huhn

Conflict: Mr. Stockton stepped down.

Mr. Schoellner then chaired the rest of the meeting.

Mr. Serpico informed the Board that the applicant served public notice for a hearing this evening but failed to notice four required notices. He suggested that the Board carry this to the next meeting and have the applicant notice the four missing names.

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There was a discussion about the public notice missing items.

Mr. Serpico explained the application is to waive a condition of a previous subdivision. The condition related to requiring the surface of the driveway to consist of stone or decorative pavers and the applicant is asking to have a concrete surface.

Catherine Flor, P.E., requested that the applicant provide a soil analysis after the meeting.

Mr. Serpico informed the Board that he will not be present at the August Meeting and that the Borough Attorney will be filling in for him.

Mr. Serpico noted for the record that there is no public present.

Mr. Gallagher offered a motion to carry this public hearing to the August 9th meeting subject to the applicant serving notice to the four missing people, seconded by Ms. Peterson and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Schoellner, Ms. Peterson, Mr. Hill, Mr. Gallagher, Mr. Colby,

NAYES: None

ABSTAIN: None

Mr. Serpico made an announcement that this matter has been adjourned to August 9th at 7:30 P.M. and that no further public notice will be served.

Communications:

Zoning Ordinances O-12-9 & O-12-10

Mrs. Cummins stated that the Governing Body recently adopted both Zoning Ordinances O-12-9 and O-12-10. Copies were provided to the Board Members and no action is required by the board.

Draft Monmouth County Road Plan

Mrs. Cummins stated that the County sent a Draft Monmouth County Road Plan to the board.

NJDEP Application for Block 1 Lot 11.002, Block 3 Lots 8 Giarmita, P.

The Planning Board received notice of a NJDEP Application and no action is required.

Freehold Soil Conservation Letter dated 5/22/10 RE: Block 28 Lot 15.05

The Board received a letter from Freehold Soil and no action is required.

Approval of Minutes:

Mr. Gallagher offered a motion to approve the May 10th Planning Board Minutes, seconded by Ms. Peterson and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Schoellner, Ms. Peterson, Mr. Hill, Mr. Gallagher, Mr. Colby

NAYES: None

ABSTAIN: None

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Mr. Gallagher offered a motion to adjourn the meeting, seconded by Ms. Peterson and all were in favor.

The meeting adjourned at 8:02 P.M.

CAROLYN CUMMINS, BOARD SECRETARAY