

**Highlands Borough Mayor & Council Meeting Agenda**  
**Community Center**  
**22 Snug Harbor Avenue, Highlands**  
**Wednesday, August 16, 2017**  
**7:00 p.m.**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council 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. Formal Action will be taken.

Call to Order  
Meeting Statement  
Roll Call  
Executive Session Resolution

**EXECUTIVE SESSION: 7:00PM**

**Contract Negotiations:** Township of Middletown Sewerage Authority (TOMSA)  
B 37, L 12.01 & 13  
Business District Modifications Planner  
**Litigation:** Valley Street Repairs  
**Attorney-Client Privilege:** B 105.107, L 1.1. & B 84, L 2.01  
Sidewalk Cafes  
**Personnel:** Recreation Staffing

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Public Comment on Resolutions:**

**Consent Agenda**

R-17-147 2016-2017 Liquor License Renewal  
R-17-148 Authorize Disposal of Surplus Equipment on GovDeals  
R-17-149 Dedicating New Date for Planting Day for Pocket Meadow Initiative  
R-17-150 Authorize Purchase from State Contract: Stavola Construction Material  
R-17-151 Authorize Release of Performance Guarantee B 40, L 18.19 & 20  
R-17-152 Authorize Issuance of the Health Care Waiver Stipend for 2016

**Resolutions**

R-17-153 Awarding Contract for Licensed Planner for Business District Modifications  
R-17-154 Authorize Payment of the Bills

**Ordinances: Introduction**

O-17-15 Providing a Stipend for Health Care Benefits Waiver to Employees

**Other Business:**

Disposal of Bridge Pylons  
Administrator's Update

**Public Comments:**

**Adjourn**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-147

### RENEWAL OF LIQUOR LICENSE FOR FOR THE 2016-2017 TERM

**WHEREAS**, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

**WHEREAS**, renewal application has been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

**WHEREAS**, the submitted, renewal application has been accepted via POSSE ABC, the Municipal fee has been paid and a Tax Clearance Certificate has been received for the following licensee; and,

**WHEREAS**, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License for the 2016-2017 term from July 1<sup>st</sup> 2016 to June 30<sup>th</sup> 2017, is hereby authorized:

File Number	License Number	Licensee	Establishment
<b>- Plenary Retail Consumption Licenses Who Received a Special 12:39 Ruling by the ABC -</b>			
162849	1317-33-019-012	Atlantic Street Innkeepers LLC	NA



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-148

### Resolution Authorizing Disposal of Surplus Property Of Highlands Borough

**WHEREAS**, the Highlands Borough is the owner of certain surplus property which it no longer needs for public use: and

**WHEREAS**, the Highlands Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

**NOW THEREFORE BE IT RESOLVED** by the Highlands Borough as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Highlands Borough.
- (2) The sale will be conducted online and the address of the auction site is [www.govdeals.com](http://www.govdeals.com)
- (3) A list of the surplus property to be sold is as follows:
  - a. Peterbilt 2002 Garbage Truck (Vin# 1NPZLTOX72D7)
  - b. 10" Butterfly Valve
  - c. Kenmore Chest Freezer Model No. 253 (SN WB91614718)
  - d. Brother MFC 4600 Fax Machine (SN U56518E1U583646)
  - e. Lot of Portable Radios (SN 174FWU4307, 188TULA937, 188TULA938, 188TULA939, 188TULA948, 188TULA949, & 404tyl62402) & Universal Charger GP300 (SN 7-713001)
  - f. Polaris ATV
- (4) The surplus property shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (5) The Highlands Borough reserves the right to accept or reject any bid submitted.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-149**

### **RESOLUTION DEDICATING NEW DATE FOR PLANTING DAY FOR THE POCKET MEADOW INITIATIVE**

**WHEREAS**, by way of Resolution 17-062, the Borough accepted the Pocket Meadow Initiative Project offered to community partners, by and through the Bowman's Hill Wildlife Preserve, through a grant program and donations at no cost to the Borough; and

**WHEREAS**, by way of Resolution 17-090, the Mayor and Council of the Borough of Highlands resolved that September 16, 2017 be dedicated as "Planting Day" for the Pocket Meadow Initiative; and

**WHEREAS**, the Pocket Meadow Initiative will bring the plants and seedlings to the site and the Borough will be providing the planters; and

**WHEREAS**, due to a scheduling conflict that has arisen on September 16, 2017, "Planting Day" has been rescheduled for May 19, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that May 19, 2018 be and is hereby dedicated as "Planting Day" for the Pocket Meadow Initiative, wherein the aforesaid planting will occur at the lot situated next to the Valley National Bank, located at 301 Shore Drive.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-150

### **AUTHORIZING THE PURCHASING FROM STATE CONTRACTS BY THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough of Highlands purchased item from authorized vendors under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

**WHEREAS**, the purchase of goods and services by a local contracting unit is authorized by the Local Public Contracts Law, NJSA 40A:11-12; and

**WHEREAS**, the vendor Stavola Construction Materials Inc. was awarded a New Jersey State Contractor Number; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the below listed vendor has been approved for the purchase of goods and services:

VENDOR

Stavola Asphalt Construction Materials

T-Number

T-0155

Contract Number

86426



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-151

### RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR HOME AND LAND DEVELOPMENT INC. FOR PROPERTY LOCATED ON MILLER STREET (BLOCK 40, LOTS 18.19 & 20)

**WHEREAS**, the Borough Engineer has made an inspection of the status of improvements at the above referenced site and found the improvements are complete; and

**WHEREAS**, the Borough Engineer has in a letter dated July 17, 2017, recommended that the following performance guarantees be released, subject to the posting of a two (2) year maintenance guarantee:

Bond Amount: \$187,690.23.

Cash Amount: \$20,854.70.

Total Performance Guarantee: \$208,544.70.

**WHEREAS**, the recommended release of the above performance guarantee is subject to the posting of a cash maintenance guarantee or a Maintenance Bond for a duration of two (2) years in the amount of \$26,068.00.

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

1. It has reviewed, agrees with and hereby adopts all recommendations by the Borough Engineer as set forth in their letter dated July 17, 2017.
2. It hereby authorizes the release of the performance guarantees set forth above, subject to the conditions set forth in their letter dated July 17, 2017, including but not limited to, the posting of a cash maintenance guarantee or Maintenance Bond as set forth above.
3. In the event sufficient and satisfactory maintenance guarantees as required hereby are not posted within ninety (90) days from adoption of this Resolution, the provisions of this Resolution shall be null and void and the performance guarantees shall remain in full force and effect.

**BE IT FURTHER RESOLVED** that a copy of this Resolution, certified by the Borough Clerk to be a true copy be forwarded to each of the following:

- (a) Borough Engineer
- (b) Borough Chief Financial Officer
- (c) Developer
- (d) Borough Construction Official
- (e) Borough Attorney
- (f) Borough Land Use Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-152

### RESOLUTION AUTHORIZING ISSUANCE OF THE HEALTH CARE WAIVER STIPEND FOR THE YEAR 2016 TO THE CODE ENFORCEMENT OFFICER DAVE MERCADO

**WHEREAS**, in accordance with N.J.S.A. 40A:10-17.1, a municipality which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.A. 40A:10-16 et. seq., may allow any employee who is eligible for other health care coverage to waive coverage under the municipality's plan to which the employee is entitled by virtue of his/her employment with the municipality; and

**WHEREAS**, in accordance with N.J.S.A. 40A:10-17.1, in consideration of filing such a waiver, a municipality may pay to the employee annually an amount, to be established in the sole discretion of the municipality, which shall not exceed 25%, or \$5,000.00, whichever is less, of the amount saved by the municipality because of the employee's waiver of coverage; and

**WHEREAS**, due to a bookkeeping error, Dave Mercado, the Code Enforcement Officer, was not issued the healthcare waiver stipend set forth above for the year 2016; and

**WHEREAS**, a grievance was filed in connection with the Borough's failure to issue the aforesaid healthcare waiver stipend; and

**WHEREAS**, in connection with the resolution of the aforesaid grievance, the Mayor and Council believe it to be in the best interest of the Borough to issue Dave Mercado, the Code Enforcement Officer, the \$5,000.00 stipend for waiving his entitlement to healthcare coverage for the year 2016.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Dave Mercado, the Code Enforcement Officer, be issued a \$5,000.00 Stipend for the healthcare waiver incentive for the year 2016.

**BE IT FURTHER RESOLVED** that a copy of this Resolution, certified by the Borough Clerk to be a true copy be forwarded to each of the following:

- (a) The Borough Administrator;
- (b) The Chief Financial Officer;
- (c) The Code Enforcement Officer.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-153

### RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR A LICENSED PLANNER FOR BUSINESS DISTRICT MODIFICATIONS

**WHEREAS**, the Borough has a need for Professional Planning Services which can only be provided by a licensed Professional; and

**WHEREAS**, the Borough of Highlands advertised, by way of requests for proposals, to serve as the Planner to provide technical advice, prepare reports, presentations, research matters and provide recommendations for certain items identified in the 2016 Master Plan Re-Examination Report, including but not limited to, the following:

- Creation of a New Central Business District;
- Potential Implementation a Form Based Code throughout the downtown district;
- Removal of the B-1 and B-2 overlay zones; and

**WHEREAS**, the following three (3) Proposals were received:

- T&M Associates;
- Heyer, Gruel & Associates;
- CME Associates.

**WHEREAS**, the Borough has reviewed all proposals received and it was determined that \_\_\_\_\_, satisfies the requisites contained in the request for proposals to be considered for professional services; and

**WHEREAS**, the governing body of the Borough of Highlands has made the determination that it is in the best interest of the Borough to award the contract for the Planner to perform the necessary work as outlined in the scope of work in the request for proposals that was advertised; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$\_\_\_\_\_ for Professional Planning Services as stated on the proposal submitted by \_\_\_\_\_ dated \_\_\_\_\_; and

**WHEREAS**, \_\_\_\_\_ has completed and submitted a Business Entity Disclosure Certification which certifies that \_\_\_\_\_ 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 \_\_\_\_\_ from making any reportable contributions through the term of the contract; and



**WHEREAS,** \_\_\_\_\_ has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify funds are available as follows:

\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

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

1. \_\_\_\_\_ is hereby awarded the contract to serve as Planner for the Business District Modifications in the amount of \$\_\_\_\_\_.
2. This contract is awarded through a Fair and Open Process as Professional Services, in accordance with N.J.S.A. 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 as well as the contract/proposal 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  
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## RESOLUTION 17-154

### AUTHORIZING BILLS LIST

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated August 11, 2017, which totals as follows:

Current Fund	\$761,449.67
Sewer Account	\$ 93,170.60
Capital Fund	\$ 64,132.64
Trust-Other	\$ 40,301.81
Federal/State Grants	\$ 176.63
Total	<b>\$959,231.35</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$959,231.35** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at [www.highlandsborough.org](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

## **ORDINANCE 0-17-15**

### **AN ORDINANCE PROVIDING A STIPEND FOR HEALTH CARE BENEFITS WAIVER TO EMPLOYEES**

**WHEREAS**, in accordance with N.J.S.A. 40A:10-17.1, a municipality which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.A. 40A:10-16 et. seq., may allow any employee who is eligible for other health care coverage to waive coverage under the municipality's plan to which the employee is entitled by virtue of his/her employment with the municipality; and

**WHEREAS**, in accordance with N.J.S.A. 40A:10-17.1, in consideration of filing such a waiver, a municipality may pay to the employee annually an amount, to be established in the sole discretion of the municipality, which shall not exceed 25%, or \$5,000.00, whichever is less, of the amount saved by the municipality because of the employee's waiver of coverage; and

**WHEREAS**, the governing body finds that it is in the best interest of the Borough to continue its past practice of allowing for such a healthcare waiver stipend as permitted by law and to codify the same.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands County of Monmouth, State of New Jersey, as follows:

**SECTION I.** The provisions of Chapter 2, are hereby modified and amended by the addition of a new section. Said Section, Chapter 2, Section 46 entitled "Health care benefits buyout", shall read as follows:

A. Pursuant to N.J.S.A. 40A:10-16 et seq., the Borough shall provide health care benefits to its full time "employees" as that term is defined in N.J.S.A. 40A:10-16b; however, that term shall not include elected officials. The different plans to be made available and the coverage levels shall be determined, from time to time, by the Borough. The Borough may redirect enrollment in and make available different plans and coverage in its discretion.

B. Those employees receiving health care benefits shall contribute to the cost of such benefits as required by P.L. 2011 c.78.

C. If an employee is eligible for health care benefit coverage, and meets the eligibility requirements set forth in Subsection C (1) below, such employee may annually

elect to receive the monetary payments provided for in Subsection C (2) below ("buyout payment").

(1) Eligibility. All of the following eligibility requirements must be satisfied.

(a) The employee must have health care benefits coverage from another source.

(b) The alternate source of coverage must be from a source other than the Borough. For example, if the employee's spouse is employed by the Borough and both the employee and his/her spouse are eligible for health care benefits coverage through the Borough, a spouse declining coverage under this subsection, would not be eligible for the buyout payment.

(c) Employees must execute an appropriate application form as prepared and provided by the office of the Borough Administrator no later than November 30, prior to each calendar year for which the employee will seek the buyout payments.

the (2) Buyout payment. For eligible employees, the following buyout payments will be paid in two equal installments, the first installment on June 1 and second installment on December 1.

(a) If medical coverage, including prescription plan, is declined, the buyout payment will be the lesser of \$5,000 annually or the percentage, as set forth in N.J.S.A. 40A:10-17.1, of the Borough's cost for the health care coverage declined.

(b) The payments provided for hereunder would be subject to income tax, but not considered pensionable income.

on (3) Annual election. The election provided for in this section must be made particular an annual basis. If an employee elects the buyout payment for a in this calendar year, he/she may decline to apply for the option provided prescribed section for a subsequent calendar year and may enroll, during the Borough to enrollment periods, for health care benefit coverage through resume for such subsequent calendar year.

(4) An employee who waives coverage because he/she was covered by a spouse's benefits shall be permitted to resume coverage under the same terms and conditions as though he/she had not waived coverage if the employee ceases to be covered through the employee's spouse for any reason.

(5) An employee who wishes to resume coverage shall file a declaration with the Borough, in such form as the Borough shall prescribe, that the waiver is revoked.

(6) An employee who resumes coverage shall repay, on a pro rata basis, any amount which represents an advance payment for a period of time during which

coverage is resumed.

**SECTION II. 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 III. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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