

BOROUGH OF HIGHLANDS
Mayor & Council
Special Meeting
July 23, 2015

Meeting Location: Highlands Fire House, 17-1 Shore Drive, Highlands, NJ 07732

Mayor Nolan called the meeting to order at 7:06 a.m.

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

Ms. Dailey 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: Mr. Card, Mr. Redmond, Ms. Ryan, Mrs. Kane-Wells, Mayor Nolan

Absent: None

Also Present: Debby Dailey, Deputy Clerk
Tim Hill, Borough Administrator
Pat DeBlasio, Borough CFO
Bruce Padula, Borough Attorney

Other Resolutions Agenda:

R-15-159 – Resolution Awarding Contract for the Bay Ave & Shore Drive Streetscape Improvement Project:

Ms. Dailey read the title of R-15-159.

Mayor Nolan asked if anyone had comments.

Ms. Ryan spoke of communications regarding JADS Construction Co. that they are objecting to this resolution and does this affect this resolution.

Mr. Hill said that Defino objected. After review of the documents, Defino was the lowest not JADS.

Mayor Nolan added that since they turned out to be the lowest bidder, they probably won't object.

Mrs. Kane-Wells said they will probably withdraw their letter.

Ms. Ryan just wanted all to be aware of this.

Mrs. Kane-Wells spoke of past practice issues with Defino. She spoke to Mr. Leubner and he will stay on top of them.

Mr. Card added that their construction part of it is top shelf. Their paperwork needs to be checked.

Mayor Nolan said we will all stay on top of this.

R-15-159
RESOLUTION
AWARDING CONTRACT FOR THE BAY AVE & SHORE DRIVE
STREETSCAPE IMPROVEMENT PROJECT

WHEREAS, the Borough of Highlands has advertised for bids for the Bay Avenue & Shore Drive Streetscape Improvement Project in accordance with the Local Public Contracts Law; and

WHEREAS, the following three (3) bids were received and reviewed by the Borough Engineer and Borough Attorney:

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<u>Name</u>	<u>Bid Amount</u>
DeFino Contracting Company	\$1,273,000.00
Jads Construction Company, Inc.	\$1,275,882.50
Brennan Brothers Contracting	\$1,568,937.75

; and

WHEREAS, the DeFino Contracting Company, appears to be the lowest responsible bid
; and

WHEREAS, certification of funds is hereby made by the Chief Financial Officer that funds are available in the municipal bond ordinance adopted for said purpose:

Patrick DeBlasio, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the Bay Avenue & Shore Drive Streetscape Improvement Project is hereby awarded to DeFino Contracting Company, in the sum of \$1,273,000.00.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD		x	x			
KANE			x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

R-15-160 – Resolution Approving Agreement with Ronald Osadecz:

Ms. Dailey read the title of R-15-160.

Mr. Padula stated that needs to be tabled. He has not heard back from the Police Academy Attorney or Ronald Osadecz’s attorney.

Mayor Nolan offered a motion to carry to the August 5th meeting, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Mrs. Kane-Wells, Mr. Redmond, Ms. Ryan, Mayor Nolan

NAY: None

ABSENT: None

ABSTAIN: None

Mr. Padula recommended carrying this to the August 19th meeting.

Mayor Nolan added that the August 5th meeting is just for the budget.

Mrs. Kane-Wells offered a motion to carry Resolution R-15-160 to the August 19th meeting, seconded by Mayor Nolan and all were in favor on the following roll call vote:

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ROLL CALL:

AYE: Mr. Card, Mrs. Kane-Wells, Mr. Redmond, Ms. Ryan, Mayor Nolan
NAY: None
ABSENT: None
ABSTAIN: None

R-15-161 – Resolution Approving Agreement with Wayne O’Neil:

Ms. Dailey read the title of R-15-161.

Mr. Padula stated that the resolution authorizes him to draft a resolution consisted with the Borough’s policies, the law and collective bargaining unit. His concerns are with the amount of time he has accrued and if it’s consistent with your contract. He will work with Mr. Hill.

Mr. Hill added that once this resolution is done, he will advise Mr. O’Neil not to take anytime off in September.

Council briefly discussed.

**R-15-161
 BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING A SIDEBAR AGREEMENT BETWEEN THE
 BOROUGH, CWA LOCAL 1032 AND WAYNE O’NEIL FOR THE PAYMENT OF
 VACATION TIME**

WHEREAS, the Borough and CWA Local 1032 (Union) are parties to a collective negotiations agreement which provides for vacation time and, in certain cases, carryover of vacation time; and

WHEREAS, long-time Borough employee Wayne O’Neil has requested payment for certain unused vacation time, in lieu of taking such time, prior to his retirement, which is expected in October 2015; and

WHEREAS, the Borough has determined Mr. O’Neil working, rather than using vacation time will better serve the interests of the Borough and its ongoing efforts, among other things, with recovery and rebuilding from Superstorm Sandy; and

WHEREAS, the Borough wishes to enter into a sidebar agreement with Mr. O’Neil and the Union, provided same is consistent with the applicable collective negotiations agreement, Borough policy and law and provided the Union agrees that such an agreement is non-precedent setting.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands it authorizes the Borough Attorney to draft a sidebar agreement between the Borough, the Union and Mr. O’Neil, consistent with the provisions of this Resolution and applicable contract, policies and law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
WELLS		x	x			
REDMOND			x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

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R-15-162 – Resolution Authorizing the Service of T&M Associates in Connection with the Recovery Efforts Resulting from Damage Caused by Hurricane Sandy involving Project Worksheet Management:

Ms. Dailey read the title of R-15-162.

Mayor Nolan asked if there were any questions or concerns from the table.

Mrs. Kane-Wells stated that this was discussed in the executive meeting and we are now bringing it forward to have a project worksheet set up for each.

Mr. Card said he, Mr. Redmond and Mr. Hill will be meeting with T&M after the meeting regarding the electric repairs at Veteran's Park.

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COUNTY OF MONMOUTH**

R-15-162

RESOLUTION AUTHORIZING THE SERVICE OF T&M ASSOCIATES IN CONNECTION WITH THE RECOVERY EFFORTS RESULTING FROM DAMAGE CAUSED BY HURRICANE SANDY INVOLVING PROJECT WORKSHEET MANAGEMENT

WHEREAS, the Borough of Highlands has a need for professional Engineering services for the recovery efforts resulting from damage caused by Hurricane Sandy involving Project Worksheets Management 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 \$55,000.00; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$55,000.00 plus reimbursable expenses for Professional Engineering Services as stated on the T & M Associates proposal dated July 22, 2015 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

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

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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 is hereby retained to provide professional engineering as described above for an amount not to exceed \$55,000 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 hereby authorized to sign said 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.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND			x			
RYAN		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

Public Portion:

Mayor Nolan asked if there were any questions.

There were no questions.

Mrs. Kane-Wells offered a motion to adjourn, seconded by Mayor Nolan and all were in favor.

The Meeting adjourned at 7:13 a.m.

 Debby Dailey, Deputy Clerk