

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
COMBINED MEETING
SEPTEMBER 6, 2006**

Mayor O'Neil called the meeting to order at 7:34 P.M.

Mrs. Flannery made the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Combined Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Courier, The Asbury Park Press and The Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

Late Arrival: Mrs. Little arrived at during Executive Session

Absent: None

Also Present: Nina Light Flannery, Borough Clerk
Dominick Manco, Esq., Borough Attorney
David Gilson, Borough Administrator
Stephen Pfeffer, CFO

Executive Session Resolution:

Mrs. Flannery read the following Resolution for approval:

Mayor O'Neil offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

1. **Personnel: Memo from M. Tangolics to Change hours**
2. **Employees Still to Receive Increases:**
 - Judge Locasio
 - Prosecutor – James Butler
 - Public Defender – Thomas Smith
 - Paul Murphy
 - Al Hopping
 - Ed Wheeler
 - Dave Parker
3. **Real Estate: 35 Miller Street and Gravelly Pt Easement**
4. **Sewer Emergency**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

5. Deals with purchase, lease or acquisition of real property with public funds.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.

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9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.

Seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: Mrs. Little
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Combined Meeting back to order at 8:48 P.M.

Mayor O'Neil asked all to stand for the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

Absent: None

Also Present: Nina Light Flannery, Borough Clerk
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, CFO
David Gilson, Borough Administrator

SALE OF BOROUGH PROPERTY BLOCK 47 LOT 10

Mr. Manco explained that previously the Governing Body by Resolution authorized an auction for block 47 lot 10 and the auction is to be held tonight, it starts with a minimum bid of the assessed value of \$35,900. The Borough has received written confirmation from the person who requested this property that they would pay the minimum bid. He then explained the bidding process to the public. He also stated that at the conclusion of the bid a deposit of 10% must be posted this evening. He also stated that the borough is not guaranteeing that this property could be built upon or used for any purpose that is the responsibility of any bidder to examine the property.

The bid was then opened by Mr. Manco and resulted in the following:

High Bid = \$89,000.00 Anthony DeMarco

Mr. DeMarco then posted a \$9,000 deposit via Treasurer's Checks.

The Governing Body then called for a brief recess.

Mayor O'Neil called the meeting back to order at 9:08 P.M.

CONSENT AGENDA RESOLUTION:

Mrs. Flannery read the titles of the following Resolutions for approval:

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Mr. Nolan offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-145

RESOLUTION – APPROPRIATION RESERVE TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (four affirmative votes) that transfers between SFY 2006 Budget Appropriations Reserves be made as follows:

CURRENT FUND	FROM	TO
Street Department:		
Salaries & Wages	\$ 18,000	
Assessment of Taxes:		
Salaries & Wages		\$ 1,000
Police Department:		
Other Expenses		2,000
Code Enforcement:		
Other Expenses		1,000
Dog Control:		
Other Expenses		2,000
Sanitation:		
Salaries & Wages		7,000
Condo Services Act:		
Other Expenses		5,000
	\$ 18,000	\$18,000

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O’Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mr. Nolan offered the following Resolution and moved its adoption:

R-06-146

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
BASIN 8 SANITARY SEWER REHABILITATION DESIGN
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Basin 8 Sanitary Sewer Rehabilitation Design as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**BOROUGH OF HIGHLANDS
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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 \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$34,500 plus reimbursable expenses per T & M Associates proposal dated January 25, 2006 for Professional Engineering Services for the Basin 8 Sanitary Sewer Rehabilitation Design provided to the Borough of Highlands for the period of one year; 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 (reportable contributions made prior to January 1, 2006 are not considered for the purposes of determining whether a contractor is prohibited from being awarded a contract), 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 as follows:

I hereby certify funds are available from Bond Ordinance 06-06.

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. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$34,500 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 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 Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

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Mr. Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-06-147
TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Highlands desires to constitute the SFY 2007 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

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

Section 1. The SFY 2007 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget Borough of Highlands County of Monmouth, New Jersey					
Projects Scheduled for SFY 2007					
Costs	Fund	Estimated Authorized	Improvement Other	Debt	Project
				-----	-----
Various Road Improvements					
	Project # R-07-01	\$600,000	\$ 22,500	\$ 427,500	\$150,000

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the SFY 2007 Temporary Capital Budget, to be included in the SFY 2007 Permanent Capital Budget as adopted.

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-06-148
RESOLUTION AMENDING RESOLUTIONS R-05-54 AND R-06-112
EXTENDING PROFESSIONAL ENGINEERING SERVICES FOR CONSTRUCTION
MANAGEMENT OF THE FIREHOUSE**

WHEREAS, there exists the need for Professional Engineering Services to be provided for the Construction Management of the Fire House; and

WHEREAS, such Professional Engineering Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

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WHEREAS, a contract was awarded on March 16, 2005 for an amount not to exceed \$88,915.00 for the Professional Construction Management Services for the construction of new Fire House; and

WHEREAS, Resolution 06-112 adopted June 28, 2006 extended the term of the contract for an additional year until March 16, 2006; and

WHEREAS, the term of the contract has expired and the Governing Body desires to extend term of the contract for an additional year until March 16, 2007; 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 (Reportable contributions made prior to January 1, 2006 are not considered for the purposes of determining whether a contractor is prohibited from being awarded a contract.) , and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the determination of value has been placed on file with this resolution with the Borough Clerk; and

WHEREAS, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

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 Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional construction management is hereby extended for an additional year until March 16, 2007 with no change in the amount not to exceed of \$88,915.00.
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 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 Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

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

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R-06-149

**RESOLUTION APPROVING GRANT AGREEMENT BETWEEN THE MONMOUTH
COUNTY PARK SYSTEM AND THE BOROUGH OF HIGHLANDS AND
AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT**

WHEREAS, the Borough of Highlands is eligible for a grant in the amount of \$58,000.00 from the Monmouth County Park System Municipal Open Space Grant Program – Community Center Park & Playground; and

WHEREAS, the agreement has been submitted to the Borough for execution;

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

1. That the Governing Body of the Borough of Highlands accepts the terms and conditions of the agreement
2. That the Mayor and Municipal Clerk are authorized to execute the agreement with the Monmouth County Park System in connection with the Grant Application # 05-05 – Community Center Park & Playground.

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O’Neil

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-06-150

**RESOLUTION AUTHORIZING PERSON-TO-PERSON and PLACE-TO-PLACE
TRANSFER OF LIQUOR LICENSE 1317-33-30-005 FROM TAKIAN, RANDOLPH &
KRIKORIAN, MORGOT TO
NEIL’S ORIGINAL OYSTER, INC.**

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place transfer of Liquor License 1317-33-030-005, hereto issued to Randolph Takian and Morgot Krikorian for premises at 326 Bay Avenue, Highlands, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with license business;

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NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve, effective September 6, 2006, the Person-to-Person and Place-to-Place transfer of the aforesaid Liquor License #1317-33-030-005 to Neil's Original Oyster, Inc. t/a Neil's Original Oyster at 1 Willow Street, Highlands, NJ.; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to endorse the license certificate to the new ownership and location.

Mr. Nolan offered the following Resolution and moved its adoption:

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-151

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

WHEREAS, the Borough of Highlands has a need for professional engineering 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 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 \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$60,000 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period July 1, 2006 through December 31, 2006; 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 (reportable contributions made prior to January 1, 2006 are not considered for the purposes of determining whether a contractor is prohibited from being awarded a contract), 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 as follows :

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body the SFY 2007 Municipal Budget:

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Current Fund: General Engineering and Special Emergency Ordinance 0-04-15
Sewer Utility Fund: Other Expenses

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. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$60,000 plus reimbursable expenses.
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.
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.

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-152

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LABOR RELATIONS COUNSEL
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands has a need for professional Labor relations 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 the firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$30,000 plus reimbursable expenses for professional labor relations counsel services provided to the Borough of Highlands for the period July 1, 2006 through June 30, 2007, and

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WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Apruzzese, McDermott, Mastro & Murphy has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year (reportable contributions made prior to January 1, 2006 are not considered for the purposes of determining whether a contractor is prohibited from being awarded a contract), and that the contract will prohibit the firm of Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract, and

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy 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 as follows :

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body the SFY 2007 Municipal Budget:

Current Fund: Legal

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:

9. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel services as described above for an amount not to exceed \$30,000 plus reimbursable expenses.
10. 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.
11. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
12. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mr. Nolan offered the following Resolution and moved its adoption:

**R-06-153
RESOLUTION – CHANGE ORDERS #1-#3
AB DESIGN CONTRACTING GROUP
INCREASE OF \$5,388.35
RENOVATION OF COMMUNITY CENTER**

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WHEREAS, a contract was awarded for AB Design Contracting Group as follows:

R-06-99 June 7, 2006 \$573,300.00

WHEREAS, change orders # 1-#3 dated August 23, 2006 prepared by Tomaino, Tomaino, Iamello & Associates, professional architectures, sets forth reasons for said change orders ,

Change Order #1 Increase of \$ 944.35
Change Order #2 Increase of \$1,089.00
Change Order #3 Increase of \$3,355.00

Total of \$5,388.35

I herby certify that funds are available from Bond Ordinance 05-20.

Stephen Pfeffer, CFO

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change orders #1-3# increasing the original contract amount by \$5,388.35 is hereby authorized for the renovation of the Community Center. The contract is hereby amended to \$578,688.35.

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

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Nolan offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
09/06/06**

CURRENT:	\$	30,890.13
Payroll (8/30/06)	\$	465,041.97
Manual Checks	\$	87,562.19
Voided Checks	\$	
SEWER ACCOUNT:	\$	403.96
Payroll (8/30/06)	\$	26,281.93
Manual Checks	\$	2,007.13
Voided Checks	\$	
CAPITAL/GENERAL	\$	19,617.68
CAPITAL-MANUAL CHECKS	\$	
Voided Checks	\$	

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TRUST FUND		\$	1,901.25	
Payroll	(8/30/06)	\$	1,080.00	
Manual Checks		\$		
Voided Checks		\$		
UNEMPLOYMENT ACCT-MANUALS		\$		
DOG FUND		\$		
GRANT FUND		\$	181.00	
Payroll	(8/30/06)	\$	1,035.27	Manual
Checks		\$		
Voided Checks		\$	-5,101.25	
DEVELOPER'S TRUST		\$	1,325.25	
	Manual Checks			\$
Voided Checks		\$		

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

BOROUGH OF HIGHLANDS

Supplemental Bill List for September 6, 2006

Apruzzese, McDermott, Mastro & Murphy	Labor Matters	\$	3,225.21
Kelleher, Petzold & Co.	Payroll Services	\$	2,400.00
T & M Associates	Stormwater Management	\$	728.75
T & M Associates	General Services	\$	747.80
Total Supplemental Bill List			\$ <u>7,101.76</u>

Seconded by Mr. Caizza and approved for payment on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

ORDINANCE: Introduce, Set Public Hearing Date

O-06-13 Bond Ordinance

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date and stated that a Supplemental Debt Statement has been submitted to the Clerks Office:

Mayor O'Neil offered the following Bond Ordinance be introduced and that a public hearing date be set for September 20, 2006 at 8:00 P.M.:

**BOROUGH OF HIGHLANDS
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O-06-13

**BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$600,000 FOR VARIOUS ROAD IMPROVEMENTS
FOR AND BY THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND,
AUTHORIZING THE ISSUANCE OF \$427,500 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING
PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$600,000, such sum includes the sum of (a) \$150,000 expected to be received from the New Jersey Department of Transportation and (b) \$22,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$427,500 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$427,500 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

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Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Reconstruction of Washington Street from Marine Place to Cheerful Place, Recreation Place from Washington Avenue to Sea Drift Avenue, and Miller Street from Shore Drive to State Highway Route 36, which include drainage, installation of curbs, sidewalks and handicap accessible ramps including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$600,000	\$427,500	20 Year

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$427,500.

(c) The estimated cost of the Improvements is \$600,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the grant expected to be received and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The

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Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$427,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$427,500.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Seconded by Mr. Nolan and introduced on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

WORKSHOP MEETING/COMMITTEE REPORTS:

Finance

Mr. Pfeffer stated the following:

1. The budget is in process and the number one item that we are waiting for at this time is the final rates to the health benefits. The plan is to have the budget introduced at the next meeting.

Public Safety

Chief Blewett stated the following:

1. The Clam Festival went well and there was only one arrest which was not related to the Clam Fest. He then thanked certain borough officials for their assistance with setting up barriers.
2. A Representative from the Domestic Violence Response Team provided the borough with some information and applications for volunteers.
3. The first Police Explorers function was the Clam Fest which he further explained in detail.
4. The School Season is starting up again and Police Officers will again be at both schools during the arrival and departure times.
5. We recently co-hosted a Bayshore Task Force DWI patrol which resulted in numerous arrests.
6. Due to the recent heightened number of juvenile incidents, we have tightened the enforcement of juvenile offenses in general which he further explained.
7. The total number of calls for service in August was 710 and they arrested 47 adults and 15 juveniles.
8. The PBA Charity Luau will be held on September 29th.

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DPW:

Mr. Urbanski stated the following:

1. For the clean up for after the storm, if anyone has any brush please put out and the DPW will be picking it up at the end of the week through early next week.
2. They are going to be looking to dig out the ditch behind the VFW.

Bldg & Housing:

There was no report on this department.

Parks & Recreation:

Mrs. Little stated the following:

1. She stated that she is very excited about the improvements to the Community Center and the Snug Harbor Park.
2. She then thanked Mr. Hill, Recreation Director for all of his hard work with the Summer Program.

Highlands Business Partnership:

Carla Cefalo-Braswell of the HBP stated the following:

1. We have the Twin Lights Bike Ride coming up on September 30th at Huddy Park and registration is at 7:00 AM. They are predicting 1500 riders at this time and they have a good parking plan underway.
2. The October Fest will be held on October 7, 2006 from 2PM to 7PM at Veterans Park. The rain date for this event is October 8, 2006.
3. The Highlands Breast Cancer Walk – they will be registering people and the event will be held on October 22nd at 1PM at Sandy Hook. Registration for this event is \$25.00 which includes the T-Shirt and lunch.
4. The Committee is working on a plan for the Water Taxi for 2007.
5. The Fall Planting Program will soon be underway.
6. She thanked Councilman Urbanski and the DPW for the long awaited nautical piling to put the banners on.

Mr. Caizza advised Ms. Braswell that the bike ride event must go through on Shore Drive.

County Open Space Grant

Mr. Pfeffer – in relation to the County Open Space Grant, when all of the numbers are finalized we need to do a bond ordinance because we have to provide a 50% match to that grant. He then asked the Governing Body for permission once the numbers are finalized that he can go ahead and have the ordinance drafted.

OTHER BUSINESS:

Request from Chief Blewett RE: Dumpster Placement

The Governing Body had a discussion with Chief Blewett with regard to dumpster, PODS and or/any other storage containers taking up multiple parking spaces.

Chief Blewett suggested that permits be issued to control the situation.

Mayor O'Neil – lets get an ordinance that requires a permit to be issued for dumpsters on the streets.

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Mr. Manco stated that he needs to pull some other sample ordinances on this subject and create an ordinance including tonight's comments.

Request from Chief Blewett RE: Curfew

The Governing Body had a discussion with Chief Blewett with regard to adopting an ordinance for an 8:00 Halloween and Mischief night curfew and a curfew in general for children was also discussed.

The Governing Body directed Mr. Manco to prepare an ordinance for a curfew for Halloween and Mischief Night.

Request for a Social Affairs Permit – HBP

Mr. Nolan offered a motion to approve the Social Affairs Permit for the HBP for the October Fest, seconded by Mayor O'Neil and all were in favor.

Municipal Services Agreements with Condo Associations

Mrs. Flannery stated that Municipal Services Agreements are being worked on by Mr. Gilson.

Highlands Bridge Project

Mrs. Little stated that she attended the Bridge Meeting today and we are getting indications that there are still some discussions with regard to the Historical Committee who have not signed off on the design yet. However, there is parallel movement with regard to the construction phase of this project. She is having an increased concern for the input that is necessary to be coming from the Borough of Highlands. This would require the organization of a small committee. Someone from the Police Department, Mr. Gilson, Mr. Hill and someone from the HBP and any other organization from Highlands that feels that they will feel an impact. Her biggest concern is during the construction phase that traffic be properly routed so that there is a sustainable impact to residents but also there is enough traffic so that businesses are not harmed. What she needs at this time are names for a committee.

A discussion on input on the Bridge Design followed Mrs. Little's Comments.

Mrs. Little suggested that we put together a small group of people to form a committee and then have the committee meet with her to review all of the bridge documentation that she has and come up with comments.

MINUTES:

Mayor O'Neil offered a motion to approve the May 3, 2006 and the May 17, 2006 meeting minutes, seconded by Mr. Nolan and all were in favor, except Mrs. Little who abstained on the approval of the May 17, 2006 minutes.

PUBLIC PORTION:

Roberta McEntee of Fifth Street questioned how traffic would be directed with regard to the Bridge Project.

Mayor O'Neil stated that she will have to attend a Bridge Meeting.

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Chris Francy of 36 Fifth Street questioned the plans for the municipal building once the fire house is completed.

Mr. Urbanski stated that he is thinking of a new borough hall somewhere out of the flood zone.

Mayor O'Neil stated that the borough has been in contact with OLPH for their building but it hasn't come back to the borough in an acceptable way.

Chris Francy stated that there should be some planning and sharing with the public before any action plan on a new borough hall is done.

Mr. Urbanski – we should incorporate a plan into the Master Plan.

Chris Francy again requested that the Governing Body share their thinking on this subject.

Mr. Manco stated that the Borough has a counter pitch for the purchase of OLPH and the borough is still waiting for a response on this.

Chris Francy – has any developer approached the borough about the current municipal building property.

Mayor O'Neil – no.

Chris Francy suggested that the Governing Body instruct the Planning Board to come up with some plans for a municipal building location.

Bernadine Harford of 168 Highland Avenue questioned why the borough was interested in the school building verses the convent building property.

The Governing Body had a discussion with Harford about her comment.

Nancy Thomas questioned the possibility of the sewer or water company properties.

Mayor O'Neil explained that they had spoken about this possibility at one time but the consideration of capping the well and complying with all regulations was too ominous.

Maureen Kraemmer of Portland Road thanked everyone for their efforts in getting Portland Road paved and having a guardrail put in. With regard to the bridge project and stated that she is very concerned that we have not been proactive at this point and she is very concerned about her taxes, which she further explained. She described her traffic concerns to the Governing Body with regard to the bridge project and stated that one person needs to be put in charge of this.

Mrs. Little explained that she has been involved in the Steering Committee with regard to the Bridge Project which she further explained. She also stated that she has already stated that she believes a committee should be formed about the design of the bridge and the traffic impact.

Maureen Kraemmer also stated that she is also concerned that if she needs an ambulance, how will they get to her. She feels that this is going to be a nightmare.

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Roberta McEntee of Fifth Street explained that at the Meeting in Sea Bright a promise was made that that was just a first showing of a plan and from that date forward they were going to schedule meetings and in these two years she does not believe that there have been meetings.

Mrs. Little – there is going to be another public information center this year but there have been small task force meetings which she further explained. We need to focus on what we want to happen during the construction phase.

Carla Cefalo-Braswell, HBP – as far as the HBP is concerned we were attending meetings and nothing was happening. There were no definite plans at any of those meetings so she herself stopped going to the meetings. She was waiting for the right time to attend meetings and she believes that the time is now.

Art Gallagher of Linden Avenue – if the State only has \$35 million and estimates are for \$140 million, what happens if they spend \$35 million and there not done.

Mrs. Little – that's the way it usually happens, you will never get 100% which she further explained.

Rob Little of 97 Navesink Avenue – commented on the project cost for the bridge.

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

The meeting adjourned at 10:30 P.M.

CAROLYN CUMMINS, DEPUTY CLERK